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Volume 1: regulations 1.001–42.1105
Volume 2: regulations 45.005–92.205
Volume 3: regulations 99.005–135.465
Volume 4: regulations 137.005–175.500
Volume 5: regulations 200.005–202.900
Dictionary and Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 11 April 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

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1.001 Name of Regulations

These Regulations are the *Civil Aviation Safety Regulations 1998*.

1.003 Harmonisation with FARs

- (1) These Regulations contain provisions based on the FARs.
- (2) An object of these Regulations is to harmonise certain parts of Australia's aviation safety law with the FARs.
- (3) The words '*Source* FARs' below a regulation indicate that the regulation is based on the section of the FARs, as in force on 1 January 1997, stated after the words and, if the section number is followed by the word 'modified', the word indicates that the FARs section has been modified for the regulation.

Example:

21.013 Eligibility

Any person is eligible to apply to CASA for a type certificate or type acceptance certificate.

Source FARs section 21.13 modified.

The words set out below the regulation in this example indicate that the regulation is based on section 21.13 of the FARs as in force on 1 January 1997 and that the FARs section has been modified for the regulation.

- (4) If a word or expression is used in both a regulation and the FARs section on which the regulation is based, the meaning of the word or expression in the FARs section may be taken into account in interpreting the word or expression in the regulation, unless the contrary intention appears.

1.004 Dictionary

- (1) The Dictionary at the end of these Regulations consists of 2 parts.
 - (2) Part 1 contains:
 - (a) definitions of certain expressions; and
 - (b) signpost references to expressions that are explained in Part 2 or elsewhere in these Regulations.
-

Regulation 1.006

Note: A signpost reference to a definition or an explanation of an expression that is elsewhere than in the Dictionary (for example, '*ATSO authorisation*—see paragraph 21.601(2)(b)') is not included in the Dictionary unless the definition or explanation of the expression applies outside the regulation in which it occurs. Many expressions are defined for the purposes of a particular Part, Subpart or Division, and signpost references to such definitions are generally not included in the Dictionary.

- (3) Part 2 consists of numbered clauses that explain certain other expressions otherwise than by means of definitions.
- (4) Unless the contrary intention appears, the definition or explanation of an expression in these Regulations applies to each use of the expression in these Regulations.
- (5) The Dictionary is part of these Regulations.

1.006 Status of tables of contents

Tables of contents do not form part of these Regulations.

1.008 Manuals of Standards

- (1) In this regulation:

MOS has the same meaning as in Subpart 11.J.
- (2) If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency.
- (3) To avoid doubt, a MOS may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in these Regulations;
 - (e) directly amend the text of these Regulations.

Note: A MOS (Manual of Standards) is a document that supports CASR by providing detailed technical material, such as technical specifications or standards. See generally 'Incorporated Manuals' (paragraphs 52 and 53) in the Guide.

Part 11—Regulatory administrative procedures

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Regulation 11.005

Subpart 11.A—Preliminary

11.005 Purpose of Part

This Part sets out administrative provisions for the regulation of civil aviation, including in relation to:

- (a) authorisations; and
- (b) exemptions from provisions of these Regulations and the Civil Aviation Orders; and
- (c) directions; and
- (d) delegation of CASA's powers; and
- (e) the issuing of Manuals of Standards.

11.010 What is in this Part

- (1) Subpart 11.A contains preliminary matters and definitions.
- (2) Subpart 11.B contains rules that apply to CASA in administering applications for certain authorisations granted under these Regulations.
- (3) In particular, Subpart 11.B sets out what CASA can or must do in the course of processing an application for such an authorisation, including what documents and matters CASA can or must take into account in making its decision.
- (3A) Subpart 11.BA contains rules about granting authorisations, including the duration of, and the imposition of conditions on, authorisations.
- (4) Subpart 11.C provides for the form of authorisation documents and other matters related to such documents.
- (5) Subpart 11.D is about variation, suspension or cancellation of an authorisation at the holder's request.
- (6) Subpart 11.E is about renewal of a time-limited authorisation.
- (7) Subpart 11.F is about exemptions from the provisions of these Regulations.
- (8) Subpart 11.G provides for the issue, by CASA, of temporary directions in relation to matters affecting the safety of air navigation.
- (9) Subpart 11.H deals with delegation of CASA's powers under these Regulations.
- (10) Subpart 11.J sets out the procedure for issuing or amending Manuals of Standards.

11.015 Definitions for Part

In this Part:

authorisation means:

- (a) a civil aviation authorisation other than:
 - (i) an AOC; or
 - (ii) a delegation; or
 - (iii) the appointment of an authorised person; or
 - (iv) an authorisation issued by an ASAO; or
- (b) an approval or qualification of a document or thing under these Regulations, other than a material, part, process or appliance to which regulation 21.305A applies; or
- (c) a certificate capable of being granted to a person under these Regulations.

Note: For the definition of *civil aviation authorisation*, see section 3 of the Act.

corporation means a legal person that is not an individual.

medical includes psychological and psychiatric.

officer, of a corporation, means:

- (a) in the case of a corporation that is a company (within the meaning of the *Corporations Act 2001*), a director, secretary, executive officer or employee of the corporation; or
- (b) in the case of a corporation of any other kind:
 - (i) a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a company (within the meaning of the *Corporations Act 2001*); or
 - (ii) an employee or staff member of the corporation; or
- (c) a receiver and manager, appointed under a power contained in an instrument, of property of the corporation.

time-limited authorisation means:

- (a) an authorisation that, under another provision of these Regulations, ceases after a particular period; or
- (b) an authorisation granted by CASA for a specified period.

11.018 Approval of forms

- (1) If another provision of these Regulations provides for a document, other than an application for an authorisation, to be in an approved form, CASA may, in writing, approve a form for that document.
- (2) If, under subregulation (1), CASA has approved a form for a document, the document is not taken to have been completed unless it:
 - (a) is in the approved form; and
 - (b) includes all of the information required by the form.

Note: For the form of an application for an authorisation, see regulation 11.030.

Regulation 11.020

Subpart 11.B—Applications for authorisations

11.020 Effect of this Subpart

The requirements of this Subpart in relation to an application for a particular kind of authorisation are in addition to any requirements of the Part or Subpart that deals with the kind of authorisation.

11.025 Application of Part 11 to authorised persons

If these Regulations allow an application for an authorisation to be made to an authorised person, a reference in this Part to CASA includes, in relation to such an application, a reference to the authorised person to whom the application is made.

11.026 Application of Part 11 to approved design organisations

- (1) If these Regulations allow an application for an authorisation to be made to an approved design organisation, a reference in this Part to CASA includes a reference to the approved design organisation to which the application is made:
 - (a) in relation to such an application; and
 - (b) if the organisation grants the authorisation—in relation to the following:
 - (i) imposing conditions on, and varying conditions of, the authorisation under regulation 11.067;
 - (ii) the conditions mentioned in regulations 11.070 to 11.074;
 - (iii) imposing a requirement under regulation 11.074 or 11.075;
 - (iv) an application for variation of the authorisation under Subpart 11.D.
- (2) Subregulation (3) applies to an approved design organisation that conducts a certification activity.
- (3) The following regulations apply to the approved design organisation as if each reference in them to CASA considering the application were a reference to the organisation satisfying itself about the matter to which the certification activity relates:
 - (a) regulation 11.040 (Other things CASA can ask applicant to do—provide more information);
 - (b) regulation 11.047 (Other things CASA can ask applicant to do—statutory declarations to verify applications).
- (4) In this regulation:
certification activity: see regulation 21.233.

11.027 Application of Part 11 to relevant approved organisations

If these Regulations allow an application for an authorisation to be made to a limited category organisation:

- (a) a reference in this Subpart to CASA includes, in relation to the application, a reference to the limited category organisation to which the application is made; and
- (b) a reference in Subpart 11.BA (granting authorisations etc), other than regulation 11.068 (conditions imposed on class of authorisations), to CASA includes a reference to the limited category organisation; and
- (c) a reference in Subpart 11.D (variation, suspension and cancellation of authorisations at holder's request) to CASA includes a reference to the limited category organisation.

11.028 Application of Part 11 to examiners, instructors and approval holders

If these Regulations allow an application for an authorisation to be made to an examiner or instructor, or the holder of an approval under regulation 61.040, 141.035 or 142.040, a reference in this Part to CASA includes, in relation to such an application, a reference to the examiner, instructor or approval holder to whom the application is made.

11.030 When application taken to be complete

- (1) An application for an authorisation is not taken to have been made unless:
 - (a) it is made in the manner approved by CASA for that purpose; and
 - (aa) if CASA has approved a form for the application—it is in the approved form and includes all of the information required by the form; and
 - (ab) if the application is for an authorisation covered by subregulation 11.033(2), and is made by a person (the *agent*) on behalf of the applicant for the authorisation—it is accompanied by a declaration by the agent under subregulation 11.033(1); and
 - (b) it includes all the information required by these Regulations; and
 - (c) it is accompanied by every document required by these Regulations; and
 - (d) if a fee is payable for the application—that fee has been paid; and
 - (e) if unmanned aircraft levy is payable for the application—that levy has been paid.
- Note: It is an offence to make a false statement in, or supply a false or misleading document with, an application—see the *Criminal Code*, sections 137.1 and 137.2.
- (2) If another provision of these Regulations requires a holder of an authorisation to have an approved manual, an application for such an authorisation is not taken to have been made until the applicant gives to CASA a copy of a draft of an appropriate manual.
- (3) For paragraph (1)(aa), CASA may, in writing, approve a form for an application for an authorisation.

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11.032 Application for authorisation after previous authorisation cancelled

- (1) Subject to subregulation (2), if:
- (a) a person who applies for an authorisation at a particular time (the **current time**) has previously held an authorisation of the same kind (the **earlier authorisation**); and
 - (b) the earlier authorisation was cancelled, other than at the request of the holder;

the applicant must include with the application any available evidence to show that the applicant could properly undertake the activity authorised by the authorisation at the current time.

- (2) For an authorisation mentioned in an item in the following table, subregulation (1) applies only if the authorisation was cancelled for a reason mentioned in the item.

Item	Authorisation	Reason for cancellation
1	ATC licence or flight service licence	A reason mentioned in subregulation 65.265(1)
2	Approval as an ARFFS provider	A reason mentioned in subregulation 139.1020(1)
3	Approval as an ATS training provider	A reason mentioned in regulation 143.225
4	Approval as an ATS provider	A reason mentioned in regulation 172.315

11.033 Applications by agents

- (1) If a person (the **agent**) applies on behalf of an applicant for an authorisation covered by subregulation (2), the application must include a declaration from the agent stating that:
- (a) the agent has received from the applicant the signed declaration required by paragraph 11.034(1)(b); and
 - (b) the application has been prepared in accordance with the information provided by the applicant.

Note: Sections 136.1, 137.1 and 137.2 of the *Criminal Code* create offences for making false or misleading statements in applications and providing false or misleading information or documents.

- (2) For the purposes of subregulation (1), this subregulation covers the following authorisations:
- (a) a remote pilot licence under Division 101.F.3 authorising the holder to operate an RPA;
 - (b) an authorisation of a kind determined under subregulation (3) for the purposes of this paragraph.
- (3) For the purposes of subsection 98(5A) of the Act and paragraph (2)(b) of this regulation, CASA may, by instrument, determine kinds of authorisations.

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Note: For the application of the *Legislation Act 2003* to an instrument under this subregulation, see subsections 98(5AA) to (5D) of the *Civil Aviation Act 1988*.

- (4) A person (the **agent**) commits an offence of strict liability if:
- (a) the agent is subject to a requirement to include a declaration in an application in accordance with subregulation (1); and
 - (b) the agent fails to comply with the requirement.

Penalty: 30 penalty units.

11.034 Requirements for applications made by agents

Requirements for the applicant

- (1) If a person (the **applicant**) authorises another person (the **agent**) to make an application on the applicant's behalf for an authorisation covered by subregulation 11.033(2), the applicant must give the agent:
- (a) any information and documents required by the agent to make the application; and
 - (b) a signed declaration stating that:
 - (i) the applicant has authorised the agent to make the application on the applicant's behalf; and
 - (ii) the information provided by the applicant to the agent for the making of the application (including information in any documents so provided) is true and correct.

Note: Sections 136.1, 137.1 and 137.2 of the *Criminal Code* create offences for making false or misleading statements in applications and providing false or misleading information or documents.

- (2) A person (the **applicant**) commits an offence of strict liability if:
- (a) the applicant is subject to a requirement to give a signed declaration to an agent in accordance with subregulation (1); and
 - (b) the applicant fails to comply with the requirement.

Penalty: 30 penalty units.

Requirement to keep declarations (or copy)—agents and applicants

- (3) A person, other than CASA, who makes, or receives, a declaration under regulation 11.033 or this regulation must keep the declaration, or a copy of the declaration, at least for the following period, beginning on the day the declaration is made:
- (a) if CASA has determined a period under subregulation (4) for the purposes of this paragraph that applies to the declaration—that period; or
 - (b) otherwise—5 years.
- (4) For the purposes of subsection 98(5A) of the Act and paragraph (3)(a) of this regulation, CASA may, by instrument, determine periods of not more than 5 years:
- (a) in relation to classes of declarations; or

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(b) in relation to particular declarations.

Note: For the application of the *Legislation Act 2003* to an instrument under this subregulation, see subsections 98(5AA) to (5D) of the *Civil Aviation Act 1988*.

- (5) A person commits an offence of strict liability if:
- (a) the person is subject to a requirement under subregulation (3); and
 - (b) the person fails to comply with the requirement.

Penalty: 30 penalty units.

Requirement to produce declarations (or copy)—agents and applicants

- (6) A person (the **agent or applicant**), other than CASA, who makes, or receives, a declaration under regulation 11.033 or this regulation must produce the declaration, or a copy of the declaration, for inspection on a demand made, within the period that applies to the declaration under subregulation (3), by a person covered by subregulation (7).
- (7) For the purposes of subregulation (6), this subregulation covers the following persons:
- (a) an authorised person;
 - (b) a member or special member of the Australian Federal Police;
 - (c) a member of a police force or a police service of a State or Territory.
- (8) An agent or applicant commits an offence of strict liability if:
- (a) the agent or applicant makes, or receives, a declaration under regulation 11.033 or this regulation; and
 - (b) a person makes a demand of the agent or applicant under subregulation (6); and
 - (c) the agent or applicant fails to comply with the demand.

Penalty: 5 penalty units.

11.035 Other things CASA can ask applicant to do—test or interview

- (1) In this regulation:
- test** includes a written, oral or on-line examination and a practical assessment.
- (2) If CASA reasonably needs to interview or test an applicant who is an individual (including a member of a partnership) for the purpose of satisfying itself about a matter mentioned in subregulation 11.055(1A), CASA may by written notice ask the applicant to:
- (a) undertake a test of knowledge, skill or competence relevant to the application; or
 - (b) come to a specified CASA office at a specified time to be interviewed.
- (3) If CASA reasonably needs to interview or test an officer of an applicant that is a corporation for the purpose of satisfying itself about a matter mentioned in

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subregulation 11.055(1A), CASA may, by written notice, ask the applicant to have the officer:

- (a) undertake a test of knowledge, skill or competence relevant to the application; or
 - (b) come to a specified CASA office at a specified time to be interviewed.
- (4) The time of interview and the CASA office specified in a notice under paragraph (2)(b) or (3)(b) must be reasonable in the circumstances.
 - (5) CASA must give to the applicant a copy of the record of any test (including the testing officer's assessment of the competence of the person tested), or the record of any interview, conducted under subregulation (2) or (3).
 - (6) However, subregulation (5) does not require CASA to return marked examination papers or give copies of marked examination papers.

11.040 Other things CASA can ask applicant to do—provide more information

- (1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may by written notice ask the applicant to give to it information, or a copy of a document, specified in the request.

Example: The person or body to whom an application for a certificate of airworthiness for an aircraft is made may ask the applicant for any other information reasonably needed by it to enable it to impose any conditions on the certificate or operational limitations on the operation of the aircraft that are necessary in the interests of the safety of other airspace users or persons on the ground or water.

- (2) CASA may ask an applicant to provide evidence as to the applicant's financial standing and financial capacity if there would be likely to be an adverse effect on the safety of air navigation if the applicant were granted the authorisation applied for and either did not have the resources to carry out the functions of the authorisation or were afterwards unable to continue trading.
- (3) If CASA asks an applicant:
 - (a) to provide information or a copy of a document under subregulation (1); or
 - (b) to provide evidence under subregulation (2);CASA need not begin to consider, or may stop considering, the application until CASA receives the information, document or evidence.

11.045 Other things CASA can ask applicant to do—demonstrate a service or facility

- (1) If another provision of these Regulations says that this regulation applies in relation to a particular kind of authorisation, CASA may by written notice ask an applicant for an authorisation of that kind:
 - (a) to give a practical demonstration of its ability to provide the relevant service; or
 - (b) to demonstrate the operation of a facility or item of equipment to be used in the course of providing the service; or

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- (c) to allow CASA to inspect any relevant facility or equipment (whether or not it is operating).
- (2) If CASA asks an applicant to give a demonstration or allow an inspection under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives the demonstration or allows the inspection.

11.047 Other things CASA can ask applicant to do—statutory declarations to verify applications

- (1) CASA may ask an applicant to verify, by statutory declaration, any statement made by the applicant in an application.
- (2) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until CASA receives the statutory declaration.

11.050 Material that CASA may or must take into account

- (1) In making a decision on an application, CASA may take into account:
 - (a) anything in the application or in any other document submitted, or information provided, by the applicant; and
 - (b) the record or results of any test or interview under regulation 11.035; and
 - (c) anything else in its records about the applicant; and
 - (d) the results of any demonstration or inspection under regulation 11.045.
- (2) However, if CASA proposes to take into account anything adverse to an applicant in its records, CASA must, before making a decision adverse to the applicant (including a decision to grant the application sought but to do so subject to a condition not sought by the applicant):
 - (a) tell the applicant in writing that it intends to take the material into account, and the substance of what it intends to take into account; and
 - (b) invite the applicant in writing to make, within a specified reasonable time, a written submission about the matter.
- (3) Subject to subregulation (3B), if the applicant makes such a submission within the specified time, CASA must take the submission into account.
- (3A) CASA may ask the applicant to verify, by statutory declaration, any statement made by the applicant in a submission.
- (3B) If CASA asks an applicant to verify a statement under subregulation (3A), CASA need not begin to consider, or may stop considering, the application until CASA receives the statutory declaration.
- (4) When deciding whether to grant a new authorisation to an applicant who or that held, or was otherwise connected with, an authorisation (or a right, licence or permission similar to an authorisation granted under the law of another country)

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that was cancelled otherwise than at the request of the holder, CASA must take into account:

- (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation, as given by the cancelling authority at the time of the cancellation; and
 - (c) any evidence that the applicant submits about the applicant's capacity to exercise the powers or privileges or carry out the functions that would be conferred by the authorisation applied for, if it were granted.
- (5) For subregulation (4), an applicant was connected with an authorisation (including a right, licence or permission similar to an authorisation granted under the law of another country) if:
- (a) where the applicant is an individual (including a member of a partnership)—the applicant was a member or officer of the holder of the authorisation; or
 - (b) where the applicant is a corporation—an officer of the applicant was a member or officer of the holder of the authorisation.
- (6) When considering an application referred to in subregulation (4), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

Subpart 11.BA—Granting authorisations etc

11.055 Grant of authorisation

- (1) This regulation applies despite any other provision of these Regulations that provides for the grant or issue of an authorisation, but subject to section 30A and paragraphs 30DY(2)(b), 30DZ(2)(b) and 30EC(2)(b) of the Act.

Note 1: Under section 30A of the Act, the Court may make an order excluding a person from a particular aviation activity for a specified period (the *exclusion period*). Under subsection 30A(4), during the exclusion period any authorisation granted to the person for the activity is of no effect and a new authorisation to undertake the activity is not to be granted to the person.

Note 2: Under section 30DY of the Act, CASA must give the holder of an authorisation a demerit suspension notice if the holder has incurred at least 12 demerit points in relation to authorisations of the same class in a 3 year period. Under paragraph 30DY(2)(b), the holder is not entitled to be granted a new authorisation of that class during the period of the suspension.

Note 3: Under section 30DZ of the Act, CASA must give the holder of an authorisation a demerit suspension notice if the holder has incurred at least 6 demerit points in relation to authorisations of the same class in a 3 year period and has previously been given a demerit suspension notice in relation to that class of authorisations. Under paragraph 30DZ(2)(b), the holder is not entitled to be granted a new authorisation of that class during the period of the suspension.

Note 4: Under section 30EC of the Act, CASA must give the holder of an authorisation a demerit cancellation notice if the holder has incurred at least 6 demerit points in relation to authorisations of the same class in a 3 year period and has twice previously been given a demerit suspension notice in relation to that class of authorisations. Under paragraph 30EC(2)(b), the holder is not entitled to be granted a new authorisation of that class for 3 years from the date of the notice.

- (1A) Subject to subregulations (1B) and (1C), if a person has applied for an authorisation in accordance with these Regulations, CASA may grant the authorisation only if:
- (a) the person meets the criteria specified in these Regulations for the grant of the authorisation; and
 - (b) any other requirements in relation to the person that are specified in these Regulations for the grant of the authorisation are met; and
 - (c) any other requirements in relation to the thing in respect of which the application is made that are specified in these Regulations for the grant of the authorisation are met; and
 - (d) these Regulations do not forbid CASA granting the authorisation in the particular case; and
 - (e) granting the authorisation would not be likely to have an adverse effect on the safety of air navigation.
- (1B) If another provision of these Regulations provides that this subregulation applies to the granting of the authorisation, CASA may grant the authorisation only if:
- (a) the requirements of paragraphs (1A)(a) to (d) are satisfied; and

- (b) granting the authorisation will preserve a level of aviation safety that is at least acceptable.
- (1C) If the authorisation is an experimental certificate, CASA may grant the authorisation only if:
- (a) the requirements of paragraphs (1A)(a) to (d) are satisfied; and
 - (b) granting the authorisation would not be likely to have an adverse effect on the safety of other airspace users or persons on the ground or water.
- (2) In paragraph (1A)(a), a reference to meeting the criteria for the grant of an authorisation includes (in the case of an applicant who is an individual):
- (a) having any qualifications required by or under these Regulations for the grant of the authorisation; and
 - (b) having any experience required by or under these Regulations for that grant; and
 - (c) having successfully completed any training required by or under these Regulations for that grant; and
 - (d) if there is a requirement as to recency or currency of the applicant's training or experience—meeting that requirement; and
 - (e) if a standard of medical fitness is required by or under these Regulations for that grant:
 - (i) having attained that standard; and
 - (ii) having been granted any medical certificate required; and
 - (f) if particular attributes of character are required by or under these Regulations for that grant—having those attributes; and
 - (g) if a standard of proficiency in an activity is required by or under these Regulations for that grant—meeting that standard of proficiency.
- (3) If these Regulations limit in any way the number of authorisations of the relevant kind that may be granted, CASA may refuse to grant the authorisation if the limit will be exceeded if the authorisation is granted.
- (4) For paragraphs (1A)(e) and (1B)(b), CASA may take into account:
- (a) the applicant's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (b) the applicant's demonstrated attitude towards compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (c) the applicant's experience (if any) in aviation; and
 - (d) the applicant's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
 - (e) the applicant's history, if any, of serious behavioural problems; and
 - (f) any conviction (other than a spent conviction, within the meaning of Part VIIC of the *Crimes Act 1914*) of the applicant (in Australia or elsewhere) for a transport safety offence; and
 - (g) any evidence held by CASA that the applicant has contravened:

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- (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety; and
- (h) in the case of an authorisation referred to in subregulation 11.040(2), the applicant's financial standing and financial stability; and
- (i) any other matter relating to the fitness of the applicant to hold the authorisation.
- (5) For the application of paragraphs (4)(a) to (i) in relation to an applicant that is a corporation, references to the applicant include each of the officers (other than employees) of the applicant.
- (6) For the application of paragraphs (4)(a) to (i) in relation to an applicant that is a member of a partnership, references to the applicant include each of the other members of the partnership.
- (7) CASA may grant the authorisation in respect of only some of the matters sought in the application.

11.056 Authorisation may be granted subject to conditions

- (1) CASA may grant an authorisation subject to any condition that CASA is satisfied is necessary:
- (a) for an authorisation, other than an authorisation to which subregulation 11.055(1B) applies or an experimental certificate—in the interests of the safety of air navigation; or
 - (ab) for an authorisation to which subregulation 11.055(1B) applies—in the interests of preserving a level of aviation safety that is at least acceptable; or
 - (ac) for an authorisation that is an experimental certificate—in the interests of the safety of other airspace users or persons on the ground or water; or
 - (b) to ensure that, as far as practicable, the environment is protected from:
 - (i) the effects of the operation and use of aircraft; and
 - (ii) the effects associated with the operation and use of aircraft.
- Note: Other conditions applicable to authorisations are set out in these Regulations—see in particular regulations 11.070 to 11.075.
- (2) A condition imposed under this regulation must be set out in, or attached to, the authorisation.

11.060 Notice of decision

- (1) After making a decision on an application, CASA must give the applicant written notice of the decision, including:
- (a) if the decision was to grant the authorisation applied for:

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- (i) if these Regulations provide for a certificate or other document to be issued to the applicant as evidence that he or she holds the authorisation—that document; and
 - (ii) if the decision included a decision to impose a condition that was not sought by the applicant—the reasons for the decision; or
- (b) if the decision was to refuse to grant the authorisation—the reasons for the decision.

Note: Most decisions in relation to authorisations are reviewable by the Administrative Appeals Tribunal—see section 31 of the Act, regulation 201.004 and regulation 297A of CAR. Section 27A of the *Administrative Appeals Tribunal Act 1975* requires that a person affected by a reviewable decision be given notice of the existence of the right of review.

- (2) A notice or document mentioned in subregulation (1) may state the date on which the authorisation comes into effect.
- (3) The date must not be before the date of the notice or document.
- (4) A failure by CASA to comply with subparagraph (1)(a)(ii) or paragraph (1)(b) in relation to a decision does not invalidate the decision.

11.065 When authorisation comes into effect

An authorisation comes into effect:

- (a) on a day stated for that purpose in a document that is evidence of the holding of the authorisation, or in any relevant notice under subregulation 11.060(1); or
- (b) if no day is so stated—on the date of the document or notice.

Note: Some kinds of authorisation continue indefinitely unless cancelled. Others cease (unless sooner cancelled) at a time set by another provision of these Regulations. Yet others cease (unless sooner cancelled) at a time set by CASA, subject to a maximum duration.

11.067 Imposing and varying conditions after grant of authorisation

- (1) After the grant of an authorisation, CASA may, in accordance with this regulation, impose a condition on the authorisation or vary a condition of the authorisation.
- (1A) CASA may impose or vary a condition only if CASA considers that it is necessary:
 - (a) for an authorisation, other than an authorisation to which subregulation 11.055(1B) applies or an experimental certificate—in the interests of the safety of air navigation; or
 - (b) for an authorisation to which subregulation 11.055(1B) applies—in the interests of preserving a level of aviation safety that is at least acceptable; or
 - (c) for an authorisation that is an experimental certificate—in the interests of the safety of other airspace users or persons on the ground or water.

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- (2) If CASA proposes, under subregulation (1), to impose a condition on an authorisation or vary a condition of an authorisation, CASA must give written notice of the proposed condition or variation to the holder of the authorisation.
- (3) The notice must specify a reasonable period within which the holder may make a submission in relation to the proposed condition or variation.
- (4) If the holder makes a submission under subregulation (3) within the period specified in the notice, CASA must take the submission into account in determining whether it is necessary to impose or vary the condition:
 - (a) for an authorisation, other than an authorisation to which subregulation 11.055(1B) applies or an experimental certificate—in the interests of the safety of air navigation; or
 - (b) for an authorisation to which subregulation 11.055(1B) applies—in the interests of preserving a level of aviation safety that is at least acceptable; or
 - (c) for an authorisation that is an experimental certificate—in the interests of the safety of other airspace users or persons on the ground or water.
- (5) If:
 - (a) after the end of the period specified under subregulation (3); and
 - (b) having taken account of any submission made by the holder within that period;CASA is satisfied that it is necessary, for the reason mentioned in paragraph (4)(a), (b) or (c), CASA may impose or vary the condition.
- (6) CASA must give the holder of the authorisation written notice of its decision.
- (7) A condition imposed, or a variation of a condition, under this regulation takes effect on the date of the notice under subregulation (6) or at a later time specified in the notice.
- (8) This regulation does not apply to the imposition of a condition on a class of authorisations under regulation 11.068.

11.068 Conditions imposed on class of authorisations

- (1) For subsection 98(5A) of the Act, CASA may issue a legislative instrument that imposes a condition relating to a matter mentioned in that subsection on a specified class of authorisations.
- (2) The class of authorisations may include authorisations granted before the imposition of the condition.
- (3) A condition imposed by a legislative instrument issued under subregulation (1) is taken to be a condition of every authorisation of the class mentioned in the instrument.
- (4) A condition imposed by a legislative instrument issued under subregulation (1) takes effect:

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- (a) for an authorisation that takes effect before the day on which the instrument comes into force:
 - (i) when the instrument comes into force; or
 - (ii) if a later time is stated in the instrument—at that time; and
- (b) for an authorisation granted on or after the day on which the instrument comes into force:
 - (i) when the authorisation comes into effect; or
 - (ii) if a later time is stated in the instrument—at that time.

11.070 Conditions of authorisations—change of name or address

- (1) It is a condition of an authorisation that its holder must, within the period mentioned in subregulation (3), tell CASA, in writing, of a change of either of the following kinds:
 - (a) the holder changes his, her or its name;
 - (b) the holder changes any of the following addresses:
 - (i) if the holder is an individual—his or her residential address;
 - (ii) if the holder is a corporation—the address of its registered office;
 - (iii) if the holder has given CASA an address to which notices may be sent—that address;
 - (iv) any other address that was required to be stated in the application for the authorisation.
- (2) A person commits an offence if:
 - (a) the person is the holder of an authorisation; and
 - (b) a change mentioned in paragraph (1)(a) or (b) happens in relation to the person; and
 - (c) the person does not tell CASA, in writing, of the change within the period mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) The period is:
 - (a) within 14 days after the change happens; or
 - (b) if another provision of these Regulations allows, in relation to that kind of authorisation, a different period within which the person must tell CASA of the change—within that period.
- (4) An offence against subregulation (2) is an offence of strict liability.

11.071 Conditions of authorisations—change of nationality

- (1) It is a condition of an authorisation upon which is noted the nationality of its holder that the holder must, within the period mentioned in subregulation (3), tell CASA, in writing, of a change of his or her nationality.

Note: The holder's nationality is noted on a flight crew licence and aircraft maintenance engineer licence. This requirement is imposed by ICAO.

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- (2) A person commits an offence if the person:
- (a) is the holder of an authorisation on which is noted his or her nationality;
and
 - (b) changes his or her nationality; and
 - (c) does not tell CASA, in writing, of the change within the period mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) The period is:
- (a) within 14 days after the change happens; or
 - (b) if another provision of these Regulations allows, in relation to that kind of authorisation, a different period within which the person must tell CASA of the change—within that period.
- (4) An offence against subregulation (2) is an offence of strict liability.

11.072 Conditions of authorisations—change of business status

- (1) It is a condition of an authorisation used in connection with an aviation-related activity of a business that its holder must tell CASA, in writing, of a change of any of the following kinds within the period mentioned in subregulation (3):
- (a) if the holder carries on the business under a name that is registered as a trading or business name under the law of a State or Territory—the holder changes that name, ceases to use that name, or begins to use another name;
 - (b) the person changes the place at which he or she carries on the business;
 - (c) the holder ceases to be entitled to occupy the premises from which he or she carries on the business;
 - (d) the holder ceases temporarily or permanently to carry on the business;
 - (e) if the holder is an individual—the holder:
 - (i) is declared bankrupt; or
 - (ii) enters into an arrangement with his or her creditors under Part X of the *Bankruptcy Act 1966*; or
 - (iii) applies to take the benefit of any other law for the protection of debtors; or
 - (iv) becomes aware that he or she has an illness likely to render him or her unable to carry on the business for a period that is likely to exceed 3 months;
 - (f) if the holder is a member of a partnership—an event mentioned in paragraph (e) happens to any of the members;
 - (g) if the holder is a corporation:
 - (i) the holder:
 - (A) becomes a Chapter 5 body corporate (within the meaning given by section 9 of the *Corporations Act 2001*); or
 - (B) applies to take the benefit of any other law for the protection of insolvent corporations; or

- (ii) an event mentioned in paragraph (e) happens to any of the holder's key personnel.
- (2) A person commits an offence if:
- (a) the person is the holder of an authorisation; and
 - (b) the person uses the authorisation in connection with an aviation-related activity of a business; and
 - (c) a change mentioned in subregulation (1) happens in relation to the person; and
 - (d) the person does not tell CASA, in writing, of the change within the period mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) The period is:
- (a) within 14 days after the change happens; or
 - (b) if another provision of these Regulations allows, in relation to that kind of authorisation, a different period within which the person must tell CASA of the change—within that period.
- (4) An offence against subregulation (2) in relation to a change mentioned in paragraph (1)(a), (b), (c) or (d), subparagraph (1)(e)(i), (ii) or (iii) or subparagraph (1)(g)(i) is an offence of strict liability.

- (5) In this regulation:

key personnel, in relation to a corporation that holds an authorisation, means the people holding, or carrying out the duties of, any positions that the holder is required by these Regulations to have in its organisation.

11.073 Conditions of authorisations—notice of death, dissolution etc

- (1) It is a condition of an authorisation held by a member of a partnership that, if any of the members dies, another of the members must tell CASA in writing within a reasonable period after the member's death.
- (2) It is a condition of an authorisation held by a member of a partnership that, if the partnership is dissolved, a former member must tell CASA in writing within 14 days after the partnership is dissolved.
- (3) It is a condition of an authorisation held by a corporation that, if the corporation is placed in liquidation, the liquidator must tell CASA in writing within 14 days after the corporation is placed in liquidation.
- (4) A person commits an offence if:
- (a) he or she is the liquidator of a corporation that holds an authorisation; and
 - (b) he or she does not, within 14 days after the corporation is placed in liquidation, tell CASA, in writing, that the corporation has been placed in liquidation.

Penalty: 50 penalty units.

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- (5) It is a condition of an authorisation held by a corporation that, if the corporation is placed in administration, the administrator must tell CASA in writing within 14 days after the corporation is placed in administration.
- (6) A person commits an offence if:
 - (a) he or she is the administrator of a corporation that holds an authorisation; and
 - (b) he or she does not, within 14 days after the corporation is placed in administration, tell CASA, in writing, that the corporation has been placed in administration.

Penalty: 50 penalty units.

- (7) An offence against subregulation (4) or (6) is an offence of strict liability.

11.074 Conditions of authorisations—notice required by CASA

- (1) Subject to subregulation (2), CASA may, by written notice given to the holder of an authorisation, require the holder to notify CASA of the happening of an event specified in the notice within a specified period.
- (2) An event specified in the notice must be an event that CASA is satisfied might adversely affect the carrying out of the activity authorised by the authorisation.
- (3) It is a condition of the authorisation that the holder must comply with the notice.
- (4) A person commits an offence if:
 - (a) the person is the holder of an authorisation; and
 - (b) under subregulation (1), CASA requires the person to notify CASA of the happening of an event within a specified period; and
 - (c) the event happens; and
 - (d) the person does not tell CASA, in writing, of the event within the specified period.

Penalty: 50 penalty units.

- (5) Strict liability applies to paragraph (4)(d).

11.075 Conditions of authorisations—provision of information

- (1) CASA may, by written notice, require the holder of an authorisation to give CASA specified information, or a specified document, that relates to the activity, document or thing to which the authorisation relates.
- (2) It is a condition of an authorisation that its holder must comply with a notice given under subregulation (1):
 - (a) within 14 days after receiving the notice; or
 - (b) if a different period is specified in the notice—within that period.
- (3) A person commits an offence if:
 - (a) the person is the holder of an authorisation; and

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- (b) CASA requires the person, under subregulation (1), to give CASA information or a document; and
- (c) the person does not give CASA the information or document:
 - (i) within 14 days after receiving the notice; or
 - (ii) if a different period is specified in the notice—within that period.

Penalty: 50 penalty units.

- (4) Strict liability applies to paragraph (3)(c).

11.077 Breach of conditions—offence

- (1) A person commits an offence if:
 - (a) the person holds an authorisation that is subject to a condition imposed under regulation 11.056, 11.067 or 11.068; and
 - (b) the person contravenes the condition.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

11.080 Authorisations not transferable

An authorisation is not transferable, unless a provision in these Regulations provides otherwise.

- Note: For authorisations that are transferable, see the following provisions:
- (a) regulation 21.047 (type certificates);
 - (b) regulation 21.179 (certificates of airworthiness);
 - (c) regulation 21.219 (Class II provisional certificates of airworthiness);
 - (d) regulation 21.450 (modification/repair design approvals and approvals mentioned in regulation 21.475).

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Subpart 11.C—Authorisation documents, certificates and related matters

11.090 Authorisation document—authorisations to which Chicago Convention, Annex 1 applies

- (1) This regulation applies to an authorisation to which Annex 1, *Personnel Licensing*, to the Chicago Convention applies.
- (2) The authorisation must comply with Chapter 5 of that Annex.

11.095 Authorisation document—maintenance operation authorisations

- (1) This regulation applies to a maintenance operation authorisation (within the meaning given by Annex 6, *Operation of Aircraft*, to the Chicago Convention).
- (2) The authorisation must comply with paragraph 8.7.1.2 of that Annex.

11.100 Registration certificate (Chicago Convention, Annex 7)

- (1) This regulation applies to a certificate of registration for an aircraft.
- (2) The certificate must be in a form that complies with section 7.1 of Annex 7, *Aircraft Nationality and Registration Marks*, to the Chicago Convention.

11.105 Certificate of Airworthiness (Chicago Convention, Annex 8)

- (1) This regulation applies to a certificate of airworthiness for an aircraft.
- (2) The certificate must be in a form that complies with section 7 of Annex 8, *Airworthiness of Aircraft*, to the Chicago Convention.

11.110 Authorisation document—other authorisations

- (1) This regulation applies to an authorisation to which none of regulations 11.090 to 11.105 apply.
- (2) The authorisation must set out:
 - (a) what the authorisation is; and
 - (b) any conditions applicable to it; and
 - (c) when it came into effect, and, if it will cease (either under a provision of these Regulations or on a day set by CASA) if not sooner cancelled—the day when it will cease; and
 - (d) any other information CASA thinks should be included.

11.115 Replacement documents

CASA may issue a replacement authorisation document in place of one:

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- (a) that contains anything that is not, or is no longer, correct; or
- (b) from which anything has been omitted; or
- (c) that has been lost or destroyed.

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Subpart 11.D—Applications for variation, suspension and cancellation of authorisations

11.120 What Subpart 11.D is about

This Subpart provides for applications that may be made by the holder of an authorisation for:

- (a) the variation of the authorisation, including imposing, removing or varying a condition of the authorisation; or
- (b) the suspension or cancellation of the authorisation.

Note: See Part 13 in regard to suspension, variation or cancellation of an authorisation for other reasons.

11.125 Application of Subparts 11.B and 11.BA to variation of authorisation

- (1A) The holder of an authorisation may apply, in writing, for a variation of the authorisation.
- (1B) The application may be made to a person to whom the application for the authorisation could have been made.
 - (1) Subpart 11.B applies in relation to an application, to which this Subpart applies, to vary an authorisation as if each reference in Subpart 11.B to an application for an authorisation were a reference to an application to vary the authorisation.
 - (2) However, if the applicant has previously given to CASA information or a document relevant to the application, the applicant need not do so again unless the information or document has changed.
 - (3) Regulations 11.055, 11.056, 11.060 and 11.065 apply to a variation of an authorisation as if each reference in those regulations to an authorisation were a reference to a variation of an authorisation.

11.130 Suspension or cancellation of authorisation

- (1) The holder of an authorisation may apply to CASA, in writing, for the authorisation to be suspended or cancelled.

Note: In relation to the cancellation of the registration of an aircraft, see also regulation 47.131B.

- (1A) CASA must, by written notice to the holder, suspend or cancel the authorisation.
- (2) Suspension or cancellation under this Subpart has effect:
 - (a) at the time the holder specifies in the application as the time for the suspension or cancellation to have effect; or
 - (b) if the holder does not specify such a time—when the holder is given written notice by CASA of the suspension or cancellation.

- (3) Suspension of an authorisation under this Subpart ceases to have effect:
- (a) at the time, if any, that the holder specifies in the application as the time that the suspension is to cease to have effect; or
 - (b) if the holder does not specify a time for that purpose—at the time CASA directs, by written notice to the holder.

11.132 Effect of suspension

- (1) If a person's authorisation is suspended under this Subpart:
- (a) the person is taken, for the purpose of any provision of these Regulations under which the holding of the authorisation is a requirement for the grant of another authorisation, not to be the holder of the authorisation during the period of suspension; and
 - (b) the authorisation is not in force during the period of suspension.
- (2) If a time-limited authorisation is suspended under this Subpart, the period for which the authorisation was granted continues to run.

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Subpart 11.E—Time-limited authorisations

11.135 Purpose of Subpart

This Subpart sets out provisions relating to time-limited authorisations.

11.140 Continuation of authorisation until application decided

- (1) This regulation applies in relation to a time-limited authorisation (the *old authorisation*) if:
 - (a) at least:
 - (i) in the case of an authorisation held by a corporation, 90 days; or
 - (ii) in any other case, 21 days;before the time when the old authorisation would otherwise cease, its holder applies to CASA for the issue of a new time-limited authorisation that confers the same privileges, or authorises the holder to carry out the same functions or duties, as the old authorisation; and
 - (b) at the time when the old authorisation would otherwise cease, CASA has not made a decision on the application.
- (2) For subregulation (1), an applicant has applied for the new authorisation only if:
 - (a) the applicant has given to CASA the necessary application, in the form required by these Regulations; and
 - (b) the application is taken to be complete, in accordance with regulation 11.030; and
 - (c) the applicant has given to CASA any other documents required by these Regulations to be given to CASA with the application.

Note: The applicant does not need to give to CASA information or a document that CASA already has—see regulation 11.145.
- (3) In spite of any other provision of these Regulations, but subject to subregulation (4), the old authorisation continues in force until:
 - (a) CASA makes a decision on the application; and
 - (b) if the decision is to grant the new authorisation—the new authorisation comes into force.
- (4) If CASA asks for further information or a document or invites the applicant to make a submission, under a provision of Subpart 11.B as applied by regulation 11.145, and the applicant does not do so within the period specified by CASA under that provision, then, despite subregulation (3), the old authorisation is taken to cease at the end of that period.

11.145 Application of Subparts 11.B and 11.BA

- (1) Subparts 11.B and 11.BA apply to an application referred to in paragraph 11.140(1)(a).

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- (2) However, if the applicant has previously given to CASA information or a document relevant to the application, the applicant need not do so again unless the information or document has changed.
- (3) If these Regulations allow an application for an authorisation to be made to an authorised person, a reference in Subpart 11.B or 11.BA or this Subpart to CASA includes, in relation to an application mentioned in paragraph 11.140(1)(a), an authorised person to whom such an application is made.

11.150 Conditions on new authorisation

Unless another provision of these Regulations says otherwise, if CASA grants the new authorisation, CASA is not obliged:

- (a) to impose the same conditions, restrictions or limitations on the new authorisation as applied to the old one; or
- (b) to grant the new authorisation for the same duration as for the old one.

Subpart 11.F—Exemptions from provisions of these Regulations and Civil Aviation Orders

Division 11.F.1—Grant of standard exemptions

11.155 Purpose of Division

This Division provides for the granting of exemptions from particular provisions of these Regulations or the Civil Aviation Orders.

Note: Division 11.F.2 provides separately for exemptions in exceptional circumstances, such as a natural disaster.

11.160 What exemptions can be granted under this Division

- (1) For subsection 98(5A) of the Act, CASA may, by instrument, grant an exemption under this Division from compliance with:
 - (a) a provision of these Regulations; or
 - (b) a provision of a Civil Aviation Order;in relation to a matter mentioned in that subsection.
- (2) CASA may grant an exemption under this Division to a person, or to a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic.
- (3) CASA may grant an exemption under this Division either on application or on its own initiative.

Note 1: For the application of the *Legislation Act 2003* to an instrument granting an exemption under this Division, see subsections 98(5AA), (5AB), (5B) and (5BA) of the Act.

Note 2: For review of a decision refusing to grant an exemption under this Division, see regulation 201.004.

11.165 Applications for exemptions

- (1) A person may apply to CASA, in accordance with this regulation, for an exemption under this Division.
- (2) The application must be in writing.
- (3) The application must set out:
 - (a) the applicant's name and address; and
 - (b) details of any relevant authorisation; and
 - (c) references to the relevant provisions of these Regulations; and
 - (d) details of any aircraft or aeronautical product, or type of aircraft or aeronautical product, or material or kind of material, or service or kind of service, to be affected by the exemption; and

- (e) if the exemption will affect a particular kind of operation, the kind of operation; and
 - (f) the reasons why the exemption is necessary; and
 - (g) details of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption; and
 - (h) the date on which the applicant requires the exemption to commence; and
 - (i) how long the applicant requires the exemption to remain in effect.
- (4) Unless CASA agrees otherwise, the applicant must give the application to CASA at least 3 months before the day on which the applicant requires the exemption to commence.

11.170 Consideration of applications

- (1) Regulations 11.035 to 11.050 apply in relation to an application under this Division.
- (2) For that application, a reference to an authorisation is taken to be a reference to an exemption.
- (3) In making its decision, CASA must regard the preservation of a level of aviation safety that is at least acceptable as paramount.

11.175 Renewal of exemptions under this Division

- (1) CASA must not grant an exemption under this Division to a person in the same or similar terms as an exemption previously granted under this Division to the person unless the person:
 - (a) applies, in accordance with regulation 11.165, for the new exemption; and
 - (b) includes with the application a statement of the additional reasons why the exemption is necessary, or the reasons why the continuation of the exemption is necessary.
- (2) Regulations 11.035 to 11.050 apply in relation to the consideration of an application mentioned in subregulation (1).
- (3) For that application, a reference to an authorisation is taken to be a reference to an exemption.
- (4) In making its decision, CASA must:
 - (a) take into account the reasons given by the applicant for the new exemption, or the continuation of the exemption, and the fact that the applicant has previously been granted a similar exemption; and
 - (b) regard the preservation of a level of aviation safety that is at least acceptable as paramount.

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Division 11.F.2—Grant of exemptions in exceptional circumstances

11.180 Purpose of Division

This Division provides for the granting of exemptions in exceptional circumstances.

11.185 Exemptions in exceptional circumstances

- (1) For subsection 98(5A) of the Act, in exceptional circumstances CASA may, by instrument, grant an exemption under this Division from compliance with:
 - (a) a provision of these Regulations; or
 - (b) a provision of a Civil Aviation Order;in relation to a matter mentioned in that subsection.

- (2) In subregulation (1):

exceptional circumstances means the circumstances of a major natural disaster, some other large-scale emergency, or an emergency to which a national emergency declaration (within the meaning of the *National Emergency Declaration Act 2020*) relates, that requires the use of air transport, or some other aviation activity, in a way that is not reasonably possible in compliance with these Regulations.

Example: Following the destruction of Darwin by Cyclone Tracy, airliners were permitted to operate when severely overloaded to allow evacuation of the city as rapidly as possible.

- (3) To avoid doubt, it is not necessary for subregulation (1) that a state of emergency or natural disaster need have been declared.
- (4) CASA may grant an exemption under this Division to a person, or to a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic.
- (5) CASA may grant an exemption under this Division either on application or on its own initiative.

Note 1: For the application of the *Legislation Act 2003* to an instrument granting an exemption under this Division, see subsections 98(5AA), (5AB), (5B) and (5BA) of the Act.

Note 2: For review of a decision refusing to grant an exemption under this Division, see regulation 201.004.

11.190 Application

An application for an exemption under this Division may be made in any way that is reasonable in the circumstances.

11.195 Consideration by CASA

In considering whether to grant an exemption under this Division, CASA must regard as paramount the preservation of the highest level of aviation safety that is practicable in the circumstances.

Regulation 11.200

Division 11.F.3—Exemptions generally

11.200 Purpose of Division

This Division sets out general provisions applying to exemptions under this Subpart.

11.205 Conditions

- (1) CASA may impose, on an exemption under this Subpart, any condition necessary in the interests of the safety of air navigation.
- (2) The condition must be set out in the instrument of exemption.

11.210 Offence: failure to comply with condition

- (1) If a condition of an exemption under this Subpart imposes an obligation on a person, the person must comply with the obligation.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

11.220 Notice of grant of exemption

- (1) In the case of an exemption that was applied for, CASA must give written notice to the applicant of:
 - (a) its decision; and
 - (b) if the decision was to refuse to grant the exemption, or to impose a condition not sought by the applicant—the reasons for the decision.
- (2) In the case of an exemption that was applied for, if CASA grants the exemption applied for and sends to the applicant the instrument of exemption, subregulation (1) does not require CASA to send to the applicant a separate notice of its decision.

11.225 Publication of exemption

CASA must, as soon as practicable, publish on the Internet details (including any condition) of an exemption under this Subpart.

Note: The Internet address for CASA's website is <http://www.casa.gov.au>.

11.230 When exemptions cease

- (1) An exemption under Division 11.F.1 ceases:
 - (a) at the end of the day (no longer than 3 years after the day on which it commences) specified in the instrument of exemption as the day on which it ceases; or

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- (b) if no day is specified for that purpose in the instrument—3 years after it commences.
- (2) An exemption under Division 11.F.2 ceases:
 - (a) at the end of the day (no longer than 12 months after the day on which it commences) specified in the instrument of exemption as the day on which it ceases; or
 - (b) if no day is specified for that purpose in the instrument—12 months after it commences.
- (3) If an exemption is granted in relation to a particular aircraft, and, before the time at which the exemption would cease under subregulation (1) or (2), the aircraft ceases to be owned by the person who owned it at the time the exemption was granted, the exemption ceases at the time when the aircraft ceases to be owned by that person.

11.235 Exemptions not transferable

An exemption under this Subpart is not transferable.

Regulation 11.240

Subpart 11.G—Directions

11.240 Purpose of Subpart

This Subpart provides for the issue by CASA of directions in relation to matters affecting the safety of air navigation.

11.245 CASA may issue directions

- (1) For subsection 98(5A) of the Act, CASA may, by instrument, issue a direction about any matter affecting:
- (a) the safe navigation and operation of aircraft; or
 - (b) the maintenance of aircraft; or
 - (c) the airworthiness of, or design standards for, aircraft.

Note 1: For the application of the *Legislation Act 2003* to an instrument containing a direction under this regulation, see subsections 98(5AA), (5AB), (5B) and (5BA) of the Act.

Note 2: See also Part 39 in relation to CASA's powers to issue airworthiness directives.

- (2) However, CASA may issue such a direction:
- (a) only if CASA is satisfied that it is necessary to do so in the interests of the safety of air navigation; and
 - (b) only if the direction is not inconsistent with the Act; and
 - (c) only for the purposes of CASA's functions.

Note: CASA's functions are set out in section 9 of the Act.

11.250 Period of effect of direction

A direction under regulation 11.245 ceases to be in force:

- (a) if it specifies a day on which it ceases to be in force—on the specified day; or
- (b) if it does not specify a day for that purpose—1 year after the day it commences.

11.255 Contravention of direction

- (1) A person must not contravene a direction under regulation 11.245 that is applicable to the person.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 11.H—Delegation of CASA's powers

11.260 Delegation

- (1) The Director may, by written instrument, delegate to an officer a power of CASA under these Regulations.
- (1A) The Director may, by written instrument, delegate to a person a power of CASA under these Regulations for, or in connection with, the performance of a function conferred on CASA under subsection 9(1) of the Act.
- (2) However, the following powers of CASA must be exercised by the Director personally:
 - (b) the power to issue a type acceptance certificate subject to a condition under subregulation 21.029B(2);
 - (c) the power to refuse to issue a type acceptance certificate under subregulation 21.029C(1);
 - (d) the power to suspend or cancel a type acceptance certificate under subregulation 21.051(4).
- (3) A delegation may be subject to conditions stated in the instrument of delegation.
- (4) A delegate is subject to any written direction of the Director in the exercise of a power, or the performance of a function, delegated under this regulation.

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Subpart 11.J—Manuals of Standards—procedures

11.265 Purpose of Subpart

This Subpart sets out the procedures for consultation before CASA issues a Manual of Standards.

Note: Manuals of Standards are documents which support these Regulations by providing detailed technical material, such as technical specifications or standards. Manuals of Standards are legislative instruments and are subject to registration and disallowance under the *Legislation Act 2003*.

11.267 Application of Subpart to amendment or revocation of Manual of Standards

The procedures in this Subpart apply to the amendment or revocation of a MOS in the same way as the procedures apply to the issue of a MOS.

11.270 Definition—*MOS*

In this Subpart:

MOS means Manual of Standards.

11.275 Notice of intention to issue Manuals of Standards not required in certain circumstances

- (1) CASA must comply with the procedures set out in this Subpart before issuing a MOS unless the Director determines, in writing, that:
 - (a) it is necessary to issue the MOS as soon as practicable in the interests of aviation safety; or
 - (b) the MOS is required to give effect to a specific undertaking given by the Minister; or
 - (c) the MOS is required to give effect to an obligation under an international treaty or an intergovernmental agreement; or
 - (d) the MOS is of a minor or machinery nature that does not substantially alter existing arrangements; or
 - (e) following the procedures would endanger aviation security or be otherwise contrary to the public interest.
- (2) If the Director makes such a determination, CASA must publish it, and a statement of the reasons for it, on the Internet within 28 days after the determination is made.

Note: The URL for CASA's web site is <http://www.casa.gov.au>.

- (3) If CASA issues a MOS on the basis of a determination under paragraph (1)(a) (an *urgent MOS*), CASA must, within 28 days after the determination is made,

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publish on the Internet a notice about the MOS giving the information set out in paragraphs 11.280(2)(a) to (d).

Note: Certain provisions of these Regulations require copies of such a notice to be given to all providers of certain services.

- (4) Regulations 11.285 and 11.290 apply in relation to an urgent MOS as if it were a draft MOS.

11.280 Notice of intention to issue Manuals of Standards

- (1) If CASA intends to issue a MOS, CASA must publish a notice of its intention to do so on the Internet.

Note 1: The URL for CASA's web site is <http://www.casa.gov.au>.

Note 2: Certain provisions of these Regulations require copies of such a notice to be given to all providers of certain services.

- (2) A notice must include the following information about the draft MOS:
 - (a) its title and a description of its contents;
 - (b) how to obtain a copy of it;
 - (c) the period during which comments on it may be lodged;
 - (d) how comments are to be made and lodged.
- (3) Subject to subregulation (4), for paragraph (2)(c), the period must be reasonable in the circumstances but not less than 28 days.
- (4) For paragraph (2)(c), the period during which comments on an amendment of a MOS that is of a minor or machinery nature may be lodged must be reasonable in the circumstances but not less than 14 days.

11.285 Comments on draft Manuals of Standards

A person may comment on a draft MOS in the way set out in the notice published under regulation 11.280 in relation to the MOS.

11.290 CASA to consider comments on draft Manuals of Standards

Before issuing a MOS, CASA:

- (a) must consider any comments it has received on the draft MOS; and
- (b) may consult with any person on issues arising out of the comments.

11.295 Failure to comply with procedures not to affect validity of Manuals of Standards

- (1) A failure to comply with the procedures in this Subpart in relation to a MOS does not affect the validity of the MOS.
- (2) However, if CASA issues a MOS (other than on the basis of a determination under paragraph 11.275(1)(a)) without complying with those procedures, CASA must, within 28 days after issuing the MOS, publish a notice of consultation in

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relation to the MOS as if it were a notice of intention published under regulation 11.280.

- (3) Regulations 11.285 and 11.290 apply in relation to such a MOS as if it were a draft MOS.

Part 13—Enforcement procedures

Note: Subparts 13.A to 13.J are reserved for future use.

Subpart 13.K—Voluntary reporting and demerit points schemes

Division 13.K.1—Aviation Self Reporting Scheme

13.320 Definitions

In this Division:

Aviation Self Reporting Scheme or *ASRS* means the voluntary reporting scheme established under subregulation 13.335(1) for reporting reportable contraventions.

Executive Director means the person for the time being holding, occupying or performing the duties of the position of Executive Director of Transport Safety Investigation referred to in section 12 of the *Transport Safety Investigation Act 2003*.

13.325 Contraventions that are not reportable

For the purposes of paragraph (d) of the definition of *reportable contravention* in section 30DL of the Act, contraventions of the following provisions of CAR are prescribed:

- (a) regulation 282;
- (b) subregulation 288(2);
- (c) regulation 298A;
- (d) regulation 298B;
- (e) regulation 298C;
- (f) regulation 301;
- (g) regulation 302;
- (h) subregulation 305(1A).

13.330 Prescribed person (Act s 30DM)

For the purposes of Division 3C (Protection from administrative action for voluntary reporting) of Part III of the Act, the Executive Director is prescribed.

13.335 Establishment and purposes of scheme (Act s 30DN)

- (1) There is established a scheme (to be known as the *Aviation Self Reporting Scheme*) for the voluntary reporting of reportable contraventions.
- (2) The scheme is to be administered by the Executive Director.

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- (3) The purposes of the scheme are:
- (a) to enable holders of civil aviation authorisations to voluntarily report reportable contraventions without administrative action being taken against them; and
 - (b) to strengthen the foundation of aviation human factors safety research; and
 - (c) to identify deficiencies and problems in the Australian aviation safety system; and
 - (d) to provide data for planning and improvements to the Australian aviation safety system.

13.340 Powers and functions of Executive Director

Without limiting the generality of the powers and functions of the Executive Director as administrator of ASRS, the Executive Director has the following powers and functions:

- (a) to process and accept reports;
- (b) to give receipts for reports;
- (c) to review information contained in reports in order to identify potential safety deficiencies and lessen the likelihood of accidents and serious incidents;
- (d) to issue information briefs or alert bulletins that the Executive Director considers are necessary in the interests of aviation safety;
- (e) to publish details of reviews made under paragraph (c).

Note: Regulation 13.360 affects the powers and functions of the Executive Director relating to information contained in reports.

13.345 Manner in which reports to be made (Act s 30DN(2)(b))

- (1) A holder of a civil aviation authorisation who has committed a reportable contravention may make a written report of the reportable contravention under ASRS.
- (2) The report must be made to the Executive Director, in a form approved by the Executive Director, not later than 10 days after the reportable contravention.
- (3) The report must include the following information:
 - (a) the name, postal address and daytime telephone number of the authorisation holder making the report;
 - (b) if applicable—the Aviation Reference Number of the authorisation holder;
 - (c) the class or classes of civil aviation authorisation held by the authorisation holder;
 - (d) the time, date, place and nature of the contravention;
 - (e) a description of the circumstances of the contravention;
 - (f) so far as is practicable, the regulations contravened by the authorisation holder.

Note 1: A copy of the approved form is available from ATSB's website (<http://www.atsb.gov.au>) or by contacting 1-800-020-505.

- Note 2: A report made by an authorisation holder under this regulation does not satisfy the reporting obligations under:
- (a) the *Transport Safety Investigation Act 2003*; or
 - (b) any other provision of these Regulations relating to the reporting of defects or service difficulties on aircraft or aeronautical products.

13.350 Processing of reports

- (1) A report purportedly made in accordance with regulation 13.345 must be accepted by the Executive Director, unless it appears on the face of the report that the contravention for which the report is made is not a reportable contravention.

Note: Under section 30DL of the Act, the following contraventions are not reportable contraventions:

 - (a) a contravention of these Regulations that is deliberate;
 - (b) a contravention of these Regulations that is fraudulent;
 - (c) a contravention of these Regulations that causes or contributes to an accident or to a serious incident (whether before or after the contravention is reported);
 - (d) a contravention of a regulation prescribed under regulation 13.325.
- (2) If the Executive Director accepts a report, the Executive Director must:
 - (a) ensure that the report is given a unique receipt number and stamped, on the front page, with the receipt number and the date when the report was made; and
 - (b) give to the holder of a civil aviation authorisation who made the report a receipt that sets out:
 - (i) the authorisation holder's name; and
 - (ii) the date the report was made; and
 - (iii) the date and nature of the contravention; and
 - (c) having regard to subregulation 13.360(2), determine what information contained in the report is to be included in the files or databases primarily kept for the purposes of ASRS; and
 - (d) return the report to the authorisation holder who made the report.
- (3) If the Executive Director does not accept a report, he or she must, subject to regulation 13.355, return the report to the authorisation holder.

13.355 Reports relating to unlawful interference

If a report relates to an act of unlawful interference (within the meaning of ICAO Document 9713, '*International Civil Aviation Vocabulary*', as in force from time to time), the Executive Director must send it to the Aviation Security Duty Officer in the Department.

13.360 Use of information contained in reports (Act s 30DN(2)(c))

- (1) The Executive Director must not keep a copy of a report made under ASRS.
 - (2) The Executive Director must ensure that, to the extent practicable, information that identifies the authorisation holder who made the report (or any person
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referred to in the report) is not included in any file or database primarily kept for the purposes of ASRS.

- (3) Information contained in a report of a reportable contravention (other than information that is personal information within the meaning of the *Privacy Act 1988*) may be disclosed by the Executive Director without the consent of the authorisation holder who made the report but only if the information is to be used for a purpose mentioned in subregulation 13.335(3).

13.365 Delegation by Executive Director

- (1) The Executive Director may, in writing, delegate to a person engaged to perform duties in the Department (whether as an APS employee, SES employee or under any other arrangement) a power (except this power of delegation), function or duty of the Executive Director under this Division.
- (2) In exercising powers, functions and duties under a delegation, the delegate must comply with any directions of the Executive Director.

Division 13.K.2—Demerit points scheme

13.370 Offences to which demerit points scheme applies (Act s 30DT)

- (1) All offences under CAR and CASR that are specified as strict liability offences are prescribed as offences to which Division 3D (Demerit points scheme) of Part III of the Act applies.
- (2) The number of points that are incurred in relation to an offence to which that Division applies are as follows:
 - (a) if the maximum penalty for the offence is 10 penalty units or less—1 demerit point;
 - (b) if the maximum penalty for the offence is more than 10 penalty units but less than 26 penalty units—2 demerit points;
 - (c) if the maximum penalty for the offence is 26 penalty units or more—3 demerit points.

13.375 Classes of civil aviation authorisations

For the purposes of section 30DU of the Act, a civil aviation authorisation mentioned in column 2 of an item in table 13.375 belongs to the class of civil aviation authorisation mentioned in column 3 of the item.

Table 13.375 Classes of civil aviation authorisations

Column 1 Item	Column 2 Particular civil aviation authorisations	Column 3 Class of civil aviation authorisation
1	a certificate issued under section 27 of the Act	Air operator certificate
2	a certificate issued under Part 47 of CASR	Certificate of registration
3	a certificate issued under regulation 30 of CAR	Certificate of approval
4	an aircraft engineer licence	Authorisation to perform maintenance certification and issue certificate of release to service
4A	an authority mentioned in regulation 33B or 33C of CAR	Maintenance authority
5	a licence referred to in paragraph 5.08(b) of CAR	Flight radiotelephone licence
6	a licence referred to in paragraph 5.08(a) of CAR or a pilot licence	Pilot licence
7	a flight engineer licence	Flight engineer licence
8	a certificate issued under Part 6 of CAR or Part 67 of CASR	Medical certificate

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Column 1 Item	Column 2 Particular civil aviation authorisations	Column 3 Class of civil aviation authorisation
9	a licence or authorisation issued under Part 65 of CASR	ATC licence
10	a certificate issued under Subpart 101.F of CASR	RPA certificate
11	a certificate issued under Subpart 139.B of CASR	Aerodrome certificate
12	an approval granted under Subpart 139.H of CASR	ARFFS approval
12A	an approval granted under regulation 141.035 or 142.040	Flying training authorisation
12B	a certificate issued under regulation 141.060 or 142.110	Flying training authorisation
13	an approval granted under Part 143 or 172 of CASR	ATS approval
14	an approval granted under Part 171 of CASR	Aeronautical telecommunication and radionavigation provider approval
15	a certificate or authorisation issued under Part 173 of CASR	Instrument flight procedure approval

13.380 Effect of subsequent suspension or cancellation in certain situations (Acts 30DV)

If:

- (a) a civil aviation authorisation is cancelled (the *earlier cancellation*); and
- (b) if there had been no earlier cancellation, a subsequent suspension or cancellation under Division 3D of Part III of the Act would have had effect in relation to the authorisation; and
- (c) the earlier cancellation is later set aside by the Administrative Appeals Tribunal;

the subsequent suspension or cancellation has effect, in relation to the civil aviation authorisation, on the day immediately following the day when the Administrative Appeals Tribunal set aside the earlier cancellation.

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Subpart 21.A—General

21.001 Applicability

- (1) This Part deals with certification and airworthiness requirements, and includes:
 - (a) rules dealing with type certificates, provisional type certificates, supplemental type certificates, type acceptance certificates, production certificates, certificates of airworthiness, export airworthiness approvals and modification/repair design approvals; and
 - (b) rules governing the holders of certificates or approvals mentioned in paragraph (a); and
 - (ba) matters relating to approved design organisations; and
 - (c) rules dealing with the approval of aircraft engines, propellers and certain materials, parts, processes, and appliances.

Source FARs section 21.1 modified.

- (2) This Part does not apply to hang gliders or paragliders.

Note: The Part 103 Manual of Standards may make provision in relation to airworthiness requirements for hang gliders and paragliders (see regulation 103.030).

21.001A Definition for Subpart

In this Subpart:

instrument means an approval, authorisation, certificate or permit issued under this Part.

21.002C Suspension or cancellation of an instrument

- (1) CASA may suspend or cancel an instrument, by written notice given to its holder, if:
 - (a) CASA is reasonably satisfied that the holder has made or caused to be made:
 - (i) a fraudulent or intentionally false statement on the application for the instrument; or
 - (ii) an intentionally false entry in a record or report that is required to be kept, made, or used to show compliance with any requirement for the issue or the exercise of the privileges of the instrument; or
 - (iii) a reproduction for a fraudulent purpose of any instrument; or
 - (iv) an alteration for a fraudulent purpose of any instrument; and
 - (b) CASA has given the holder a show cause notice under regulation 21.002D in relation to the instrument; and
 - (c) CASA has taken into account any representations made by or on behalf of the holder within the period stated in the notice.
- (2) A notice must set out:

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- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.
- (3) An instrument that is suspended under this regulation has no force while it is suspended, but, if it was issued for a fixed term, the suspension period counts as part of the term.
- (4) If CASA suspends an instrument under this regulation, the holder cannot use it to meet the requirements for the issue of any other instrument during the period of suspension.

Source FARs section 21.2 modified.

21.002D Show cause notices

- (1) CASA may give the holder of an instrument a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the instrument under regulation 21.002C.
- (2) A show cause notice must be in writing and must:
- (a) inform the holder of the facts or circumstances that, in CASA's opinion, would justify the suspension or cancellation of the instrument; and
 - (b) invite the holder to show cause, within the period stated in the notice, why the instrument should not be suspended or cancelled.
- (3) The period stated in the notice must be reasonable, having regard to all the circumstances of the case.

21.002E Cancellation of certain certificates

- (2) If CASA cancels a type certificate, provisional type certificate, type acceptance certificate or supplemental type certificate under regulation 11.130, CASA must publish a notice in the *Gazette* stating:
- (a) that the certificate is cancelled; and
 - (b) when the cancellation takes effect.
- (3) The cancellation of a certificate mentioned in subregulation (2) takes effect on the day after the notice is published in the *Gazette*, or if a later day is stated in the request for cancellation, on the later day.

21.003 Reporting failures, malfunctions, and defects

- (1) The holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any failure, malfunction, or defect in any of the following that has resulted in any of the occurrences listed in subregulation (4):
- (a) an aircraft, aircraft engine or propeller, or any other part or article manufactured by it;
 - (b) a manufacturing process specified by it.

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Penalty: 25 penalty units.

- (2) The holder of a type certificate, a supplemental type certificate, an APMA, or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any defect in any aircraft, aircraft engine or propeller, or in any part, or article manufactured by it that has left its control and that could result in any of the occurrences listed in subregulation (4).

Penalty: 25 penalty units.

- (2A) The holder of an approval mentioned in subregulation (2B) must report to CASA any failure, malfunction or defect related to a modification or repair to which the approval relates that has resulted, or could result, in an occurrence mentioned in subregulation (4).

Penalty: 25 penalty units.

- (2B) For subregulation (2A), the approval is:
- (a) a modification/repair design approval; or
 - (b) an approval mentioned in regulation 21.475.
- (3) It is a defence to a prosecution under subregulation (1), (2) or (2A) that the defendant has reasonable grounds for believing that the relevant failure, malfunction or defect:
- (a) was caused by improper maintenance or use; or
 - (b) was reported to CASA under another provision of these Regulations.

Note: A defendant bears an evidential burden in relation to the matters mentioned in subregulation (3) (see subsection 13.3(3) of the *Criminal Code*).

- (4) The following occurrences must be reported as provided in subregulations (1), (2) and (2A):
- (a) fires caused by a system or equipment failure, malfunction, or defect;
 - (b) an engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components;
 - (c) the accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin;
 - (d) a malfunction, failure, or defect of a propeller control system;
 - (e) a propeller or rotorcraft hub or blade structural failure;
 - (f) flammable fluid leakage in areas where an ignition source normally exists;
 - (g) a brake system failure caused by structural or material failure during operation;
 - (h) a significant aircraft primary structural defect or failure caused by any self-generating condition (for example, fatigue or corrosion);
 - (i) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure;
 - (j) an engine failure;

- (k) any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft or which derogates from the flying qualities;
 - (l) a complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft;
 - (m) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.
- (6) For subregulations (1), (2) and (2A), a report must:
- (a) be given to CASA, in writing, within 3 working days after the person required to make the report becomes aware, or could reasonably be expected to have become aware, that the failure, malfunction, or defect required to be reported has occurred; and
 - (b) include as much of the following information as is available and applicable:
 - (i) the aircraft's serial number;
 - (ii) the aircraft's registration mark;
 - (iii) when the failure, malfunction, or defect is associated with an article approved under an ATSO authorisation—the article serial number and model designation, as appropriate;
 - (iv) when the failure, malfunction, or defect is associated with an aircraft engine or propeller—the aircraft engine or propeller serial number, as appropriate;
 - (v) identification of the product model;
 - (vi) identification of the part, component, or system involved (including the part number);
 - (vii) the nature of the failure, malfunction, or defect.
- (7) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under an ATSO authorisation is unsafe because of a manufacturing or design defect, the manufacturer must, upon request of CASA, investigate the defect and report to CASA the results of its investigation and any action taken or proposed by the manufacturer to correct that defect.

Penalty: 25 penalty units.

- (8) If action is required to correct the defect in an article manufactured under an ATSO authorisation, the manufacturer must submit to CASA the data necessary for the issue of an appropriate airworthiness directive.

Penalty: 10 penalty units.

- (9) An offence against subregulation (7) or (8) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.3 modified.

Regulation 21.005

21.005 Manufacturers etc to provide aircraft flight manuals for certain aircraft

- (1) This regulation applies to an aircraft only if:
- (a) the type certification basis for the aircraft did not require the provision of an aircraft flight manual; and
 - (b) the aircraft was not flown before 1 March 1979.

- (1A) If the owner of the aircraft takes delivery of the aircraft from the holder of the type certificate for the aircraft, the holder must give the owner, when the owner takes delivery, an aircraft flight manual that:
- (a) contains the information mentioned in subregulations (2) and (3); and
 - (b) complies with subregulation (3A).

Penalty: 25 penalty units.

- (1B) If the owner of the aircraft takes delivery of the aircraft from the manufacturer of the aircraft, the manufacturer must give the owner, when the owner takes delivery, an aircraft flight manual that:
- (a) contains the information mentioned in subregulations (2) and (3); and
 - (b) complies with subregulation (3A).

Penalty: 25 penalty units.

- (2) The aircraft flight manual must contain the operating limitations and information required to be furnished in an aircraft flight manual or in manual material, markings, and placards, by the applicable regulations under which the aircraft was type certificated.
- (3) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the flight manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature on engine cooling operating limitations in the flight manual.

- (3A) For paragraphs (1A)(b) and (1B)(b):
- (a) the manual must have been approved for the aircraft:
 - (i) by CASA, an authorised person or an approved design organisation under regulation 21.006; or
 - (ii) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of aircraft flight manuals—by the national aviation authority or a person authorised to do so by the national aviation authority; or
 - (iii) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of aircraft flight manuals—by the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority; and
 - (b) any changes to the manual made to the manual since it was approved for the aircraft must have been approved:

- (i) by CASA, an authorised person or an approved design organisation under regulation 21.006A; or
- (ii) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—by the national aviation authority or a person authorised to do so by the national aviation authority; or
- (iii) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—by the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority.

(4) An offence against subregulation (1A) or (1B) is an offence of strict liability.

Source FARs section 21.5 modified.

21.006 Approval of aircraft flight manuals

(1) The holder of a type certificate for, or the manufacturer of, an aircraft to which regulation 21.005 applies may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a flight manual for the aircraft.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

(2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the manual if CASA or the authorised person or approved design organisation is satisfied that it complies with the airworthiness standards that applied to the issue of the aircraft's type certificate, type acceptance certificate or foreign type certificate.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

21.006A Approval of changes to aircraft flight manuals

(1) Any of the following persons may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a change to a flight manual for an aircraft:

- (a) the registered operator of the aircraft;
- (aa) if the aircraft is a Part 103 aircraft—the owner of the aircraft;
- (b) an applicant for any of the following:
 - (i) approval of a change in the type design for the aircraft;
 - (ii) a supplemental type certificate for the aircraft;
 - (iii) a modification/repair design approval for the aircraft;

Regulation 21.007

(iv) an approval mentioned in regulation 21.475.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

(2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the change if CASA or the authorised person or approved design organisation is satisfied that the manual as changed would comply with:

- (a) if the applicant is not an applicant for an instrument mentioned in paragraph (1)(b)—the airworthiness standards that applied to the issue of the aircraft's type certificate, type acceptance certificate or foreign type certificate; or
- (b) if the applicant is an applicant for an instrument mentioned in paragraph (1)(b)—the applicable airworthiness standards for the instrument; or
- (c) if the aircraft is a non-type certificated aircraft—the airworthiness standards that applied to the issue of the aircraft's certificate of airworthiness or permit under this Part.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

(3) In this regulation, a reference to a change to a flight manual includes a reference to a supplement to the flight manual.

21.007 Permissible unserviceabilities

(1) A person may apply to CASA, an authorised person or a relevant approved design organisation for approval of a defect in an Australian aircraft as a permissible unserviceability for the aircraft.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: See Part 11 for other matters relating to applications and decisions.

(2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must, for the purpose of these Regulations, approve the defect as a permissible unserviceability for the aircraft if satisfied that the aircraft, with the defect, meets the applicable airworthiness standards mentioned in subregulation (3).

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

(3) For subregulation (2), the applicable airworthiness standards are:

Regulation 21.007A

- (a) for an aircraft for which there is a type certificate:
 - (i) the airworthiness standards mentioned in the type certificate and any special conditions to which the type certificate is subject under regulation 21.016; or
 - (ii) if the application states that the applicant elects to comply with a later version of those standards—that version of the standards and any special conditions to which the type certificate is subject under regulation 21.016; and
 - (b) for an aircraft for which there is a type acceptance certificate:
 - (i) the airworthiness standards mentioned in the type acceptance certificate and any conditions to which the type acceptance certificate is subject under regulation 21.029B; or
 - (ii) if the application states that the applicant elects to comply with a later version of those standards—that version of the standards and any special conditions to which the type acceptance certificate is subject under regulation 21.029B; and
 - (c) for a non-type-certificated aircraft:
 - (i) the airworthiness standards that applied to the original certification (however described) of the aircraft; or
 - (ii) if the application states that the applicant elects to comply with a later version of those standards—that version of the standards.
- (4) An approval ceases to have effect at the earliest of the following times:
- (a) if a cessation day (not later than 1 year after the day the approval is given) is stated in the approval—the end of that day;
 - (b) if a maximum amount of flight time is stated in the approval—when the aircraft has been flown for that amount of flight time;
 - (c) if a maximum number of flights is stated in the approval—when the aircraft has been flown for that number of flights;
 - (d) the end of 1 year after the approval is given.

21.007A Advice about major damage

- (1) A person may ask CASA, an authorised person or a relevant approved design organisation, in writing, to assess damage to an aircraft and advise whether the damage is major damage.
- (2) CASA or the authorised person or approved design organisation must advise the person, in writing, whether, in the opinion of CASA or the authorised person or approved design organisation, the damage is major damage.

Note: Under regulation 47 of CAR, damage to an aircraft is taken not to be major damage if, under this regulation, CASA or an authorised person or approved design organisation advises a person that the damage is not major damage.

21.008 Meaning of *technical data*

In this Part:

Regulation 21.009

technical data, for the design of an aircraft, aircraft engine, propeller or appliance, or for the design of a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance, means:

- (a) data that describes the design, including:
 - (i) the drawings and specifications necessary to define the configuration and design features of the aircraft, aircraft engine, propeller or appliance, or of the modification or repair, and a list of those drawings and specifications; and
 - (ii) information on dimensions, materials and processes necessary for making the aircraft, aircraft engine, propeller or appliance, or the modification or repair; and
 - (iii) the airworthiness limitations section of the instructions for the continued airworthiness of the aircraft, aircraft engine, propeller or appliance; and
 - (iv) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine, propeller or appliance; and
 - (v) any other data necessary to determine the airworthiness of the aircraft, aircraft engine, propeller or appliance; and
- (b) engineering reports, including test plans and reports, used to show that the design complies with the applicable airworthiness standards for an instrument for the design.

21.009 Approval of technical data

- (1) This regulation applies if technical data for a design is submitted to CASA, an authorised person or a relevant approved design organisation in connection with an application for:
 - (a) a type certificate; or
 - (b) approval of a change in type design; or
 - (c) a supplemental type certificate; or
 - (ca) a variation of a supplemental type certificate; or
 - (cb) approval of the product design of a Class II or Class III product; or
 - (d) a letter of ATSO design approval; or
 - (e) an ATSO authorisation; or
 - (f) a modification/repair design approval; or
 - (g) an APMA.
- (2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the technical data if CASA or the authorised person or approved design organisation is satisfied that the technical data demonstrates that the design complies with the applicable airworthiness standards for the instrument.
- (3) In this regulation:

Class II product: see regulation 21.132.

Note: For the meaning of **Class III product**, see the Dictionary.

21.010 References to modifications and repairs in Part

- (1) In this Part, a reference to a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance includes a reference to a modification of, or repair to, an aeronautical product for the aircraft, aircraft engine, propeller or appliance.
- (2) Subregulation (1) applies regardless of whether, at the time of the modification or repair, the aeronautical product was fitted to the aircraft, aircraft engine, propeller or appliance.

21.010A References to the national aviation authority of a recognised country

- (1) In this Part, a reference to the national aviation authority of a recognised country includes a reference to EASA, whether or not EASA is performing a function on behalf of a recognised country.
- (2) To avoid doubt:
 - (a) a foreign type certificate issued by EASA before 1 May 2014 is, and is taken to have been from the time it was issued, a foreign type certificate issued by the NAA of a recognised country; and
 - (b) a certificate issued by EASA before 1 May 2014 that is equivalent to a supplemental type certificate that could have been issued by CASA is, and is taken to have been from the time it was issued, a foreign supplemental type certificate issued by the NAA of a recognised country; and
 - (c) a design for a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance that was approved by EASA before 1 May 2014 is, and is taken to have been from the time it was approved, a design approved by the NAA of a recognised country; and
 - (d) a manufacturing approval (however described) for an aircraft engine, propeller, material, part or appliance issued by EASA before 1 May 2014 is, and is taken to have been from the time it was issued, a manufacturing approval issued by the NAA of a recognised country.
- (3) Also to avoid doubt, a foreign supplemental type certificate cancelled by EASA before 1 May 2014 is taken to have been cancelled by the NAA of a recognised country.

21.010B Definition of *recognised country*

- (1) In this Part:

recognised country means any of the following:

- (a) Canada;
- (b) France;
- (c) Germany;
- (d) Netherlands;
- (e) New Zealand;
- (f) United Kingdom;
- (g) United States of America.

Regulation 21.010C

- (2) For Subpart 21.B, a Contracting State, other than a country mentioned in subregulation (1), is a **recognised country** if there is an agreement (however described) between:
 - (a) Australia and the Contracting State; or
 - (b) CASA and the national aviation authority of the Contracting State; for CASA to issue type acceptance certificates in relation to foreign type certificates or equivalent documents issued by the national aviation authority of the Contracting State.
- (3) For Subpart 21.E, a Contracting State, other than a country mentioned in subregulation (1), is a **recognised country** if there is an agreement (however described) between:
 - (a) Australia and the Contracting State; or
 - (b) CASA and the national aviation authority of the Contracting State; for the acceptance of certificates (however described) that are equivalent to supplemental type certificates.
- (4) For Subpart 21.M, a Contracting State, other than a country mentioned in subregulation (1), is a **recognised country** if there is an agreement (however described) between:
 - (a) Australia and the Contracting State; or
 - (b) CASA and the national aviation authority of the Contracting State; for the acceptance of approvals of designs of modifications of, or repairs to, aircraft, aircraft engines, propellers or appliances.

21.010C References to countries with which Australia has agreements

- (1) In this Part, a reference to a country with which Australia has an agreement for the acceptance of aircraft includes a reference to a country with the national aviation authority of which CASA has an agreement for the acceptance of aircraft.
- (2) In this Part, a reference to a country with which Australia has an agreement for the acceptance of aircraft engines, propellers, materials, parts or appliances includes a reference to a country with the national aviation authority of which CASA has an agreement for the acceptance of aircraft engines, propellers, materials, parts or appliances.

21.010D Issue of Manual of Standards for Part 21

For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 21 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 21.B—Type certificates and type acceptance certificates

Note: A type certificate or a type acceptance certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the *Air Navigation (Aircraft Engine Emissions) Regulations* or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.011 Applicability

This Subpart prescribes:

- (a) requirements for the issue of:
 - (i) type certificates for aircraft, aircraft engines and propellers; and
 - (ii) type acceptance certificates for aircraft; and
- (b) rules governing the holders of those certificates; and
- (c) rules dealing with the national aviation authorities of foreign countries.

Source FARs section 21.11 modified.

21.013 Eligibility

Any person is eligible to apply to CASA for a type certificate or a type acceptance certificate.

Source FARs section 21.13 modified.

21.013A Issue of type certificate

- (1) Subject to regulation 11.055, CASA must issue a type certificate (except a type certificate mentioned in regulation 21.029) to an applicant for the certificate if the applicant:
 - (a) is eligible, under regulation 21.013, to apply for the certificate; and
 - (b) applies for the certificate in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the certificate; and
 - (d) otherwise complies with this Part.
- (2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to certify that the applicant meets a criterion for entitlement to a type certificate under this Subpart.
- (3) If the approved design organisation is satisfied that the applicant meets the criterion, the organisation may give CASA a certificate to that effect.
- (4) For paragraph (1)(c), if an approved design organisation gives CASA a certificate under subregulation (3) in relation to a criterion, CASA need consider only that certificate in deciding whether the applicant meets the criterion.

Regulation 21.014

- (5) For subregulation (3), regulations 21.021, 21.024, 21.025 and 21.026 apply to consideration by an approved design organisation of an application for a type certificate as if each reference to CASA in those regulations were a reference to the approved design organisation.

21.014 Recognition of foreign certification

Despite regulation 21.013A, CASA must not issue a type certificate mentioned in regulation 21.021, 21.024, or 21.025, for an aircraft manufactured in another country, if:

- (a) a type acceptance certificate may be issued for the aircraft under regulation 21.029A; or
- (b) a type certificate may be issued for the aircraft under regulation 21.029.

21.015 Application for type certificate

- (2) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.
- (3) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations.

Source FARs section 21.15 modified.

21.016 Special standards and other conditions on type certificates

- (1) If CASA considers that some of the airworthiness standards mentioned in these Regulations that are applicable to a particular type of aircraft, aircraft engine or propeller do not provide an adequate or appropriate safety standard for the aircraft, aircraft engine or propeller, CASA may issue a type certificate for it on condition that it complies with any special conditions that are necessary to establish a level of safety equivalent to that established under these Regulations for comparable aircraft, aircraft engines or propellers.
- (2) CASA may issue a type certificate for an aircraft, aircraft engine or propeller subject to any other conditions that are necessary in the interests of aviation safety.
- (3) A condition imposed under subregulation (2) may include operational limitations.
- (4) A special condition or other condition must be in writing, and set out in, or attached to, the type certificate.
- (5) A person must not engage in conduct that results in a breach of a special condition or other condition of a type certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.16 modified.

21.017 Designation of applicable airworthiness standards

- (1) An applicant for a type certificate for an aircraft mentioned in regulation 21.021 or 21.025, or an aircraft engine or propeller, must show that the aircraft, aircraft engine or propeller meets:
 - (a) the applicable requirements of this Part, and of the airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, and of the airworthiness standards prescribed by the Part 21 Manual of Standards, that are effective on the date of application for that certificate unless:
 - (i) otherwise specified by CASA; or
 - (ii) compliance with later effective amendments is elected or required under this regulation; and
 - (b) any special conditions imposed under regulation 21.016.
- (2) For special classes of aircraft (airships and other non-conventional aircraft), including the engines and propellers installed thereon, for which airworthiness standards have not been prescribed in these Regulations, the airworthiness standards are the portions of those airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, and of the airworthiness standards prescribed by the Part 21 Manual of Standards, that CASA considers to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as CASA may consider provide an equivalent level of safety to those airworthiness standards.
- (3) An application for type certification of a transport category aircraft is effective for 5 years, and an application for any other type certificate is effective for 3 years, unless an applicant shows, before the application lapses, that the aircraft requires a longer period of time for design, development, and testing, and CASA approves a longer period.
- (4) If an application ceases to be effective, the applicant may:
 - (a) file a new application for a type certificate and comply with all the provisions of subregulation (1) applicable to an original application; or
 - (b) file for an extension of the original application and comply with the applicable airworthiness requirements of these Regulations that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under subregulation (3) for the original application.
- (5) If an applicant elects to comply with an amendment to these Regulations or the Part 21 Manual of Standards, or to any matter incorporated by reference in these Regulations, that is effective after the filing of the application for a type certificate, the applicant must also comply with any other amendment or incorporated matter that CASA considers is directly related to the application.

Regulation 21.019

- (6) For primary category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.
- (7) For intermediate category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.
- (8) If an airworthiness standard has been agreed by CASA or one of its predecessors after 30 September 1993 as a response to a design advice mentioned in section 100.3 or 100.6 of the Civil Aviation Orders, the standard continues to apply until 5 years after the date of approval of the design advice, unless the applicant elects to comply with a later standard.

Source FARs section 21.17 modified.

21.019 Changes requiring a new type certificate

- (1) A type certificate for an aircraft, aircraft engine or propeller ceases to apply to an aircraft, aircraft engine or propeller of that type if:
 - (a) a change is made in the design configuration, power, power limitations (engines), speed limitations (engines), or weight of the aircraft, aircraft engine or propeller that is so extensive that a substantially complete investigation of compliance with the requirements applicable under regulation 21.017 is necessary in the interests of aviation safety; or
 - (b) in the case of a normal, utility, acrobatic, commuter or transport category aircraft, a change is made:
 - (i) in the number of its engines or rotors; or
 - (ii) to engines or rotors using different principles of propulsion or to rotors using different principles of operation; or
 - (c) in the case of an aircraft engine—a change is made in the principle of operation; or
 - (d) in the case of propellers—a change is made in the number of blades or principle of pitch change operation.
- (2) A person who proposes to make a change mentioned in subregulation (1) may apply to CASA for a new type certificate for the aircraft, aircraft engine or propeller.

Source FARs section 21.19 modified.

21.021 Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers

An applicant is entitled to a type certificate for an aircraft (except an aircraft mentioned in regulation 21.027) in the normal, utility, acrobatic, commuter, or transport category, or for a manned free balloon, or for a special class of aircraft or an aircraft engine or propeller, if:

- (a) the applicant submits the type design, test reports, and computations necessary to show that the aircraft, aircraft engine or propeller to be certificated meets the applicable requirements of this Part, the airworthiness standards mentioned in these Regulations and any conditions subject to which the type certificate is to be issued; and
- (b) CASA is satisfied that the type design and the aircraft, engine or propeller meet the applicable requirements of this Part and the airworthiness standards mentioned in these Regulations, and any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and
- (c) for an aircraft—CASA is satisfied the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

Source FARs section 21.21 modified.

21.024 Type certificate: primary category aircraft

- (1) The applicant is entitled to a type certificate for an aircraft in the primary category if:
 - (a) the aircraft:
 - (i) is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; or is a rotorcraft powered by a single, naturally aspirated engine with a 29.3 kgm⁻² main rotor disc loading limitation, under sea level standard day conditions; and
 - (ii) has a maximum take-off weight of not more than 1225 kg or, if the aircraft is a seaplane, a maximum take-off weight of not more than 1530 kg; and
 - (iii) has a maximum seating capacity of not more than 4 persons, including the pilot; and
 - (iv) has an unpressurised cabin; and
 - (b) the applicant has submitted to CASA:
 - (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design

Regulation 21.025

- complies with the airworthiness standards established for the aircraft under subregulation 21.017(6); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
- (ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.050(2); and
 - (iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and
- (c) CASA is satisfied that:
- (i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017(6); and
 - (ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.
- (2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner of the aircraft, as part of the aircraft's type design or supplemental type design.
- (3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1)(b)(i) must be made by the national aviation authority of the exporting country.

Source FARs section 21.24 modified.

21.025 Issue of type certificate: restricted category aircraft

- (1) An applicant is entitled to a type certificate for an aircraft in the restricted category for one or more of the special purpose operations mentioned in subregulation (2) if:
- (a) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
 - (b) the aircraft:
 - (i) meets the airworthiness requirements of the normal, utility, acrobatic, commuter or transport category, except those requirements that CASA considers are inappropriate for the special purpose for which the aircraft is to be used; or
 - (ii) is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the Defence Force, or an

armed force of Canada, the United Kingdom or the United States of America, and has been later modified for the special purpose operation or operations.

- (2) For subregulation (1), the special purpose operations are:
- (a) agricultural operations (for example, spraying, dusting, and seeding, and livestock and feral animal control); and
 - (b) forest and wildlife conservation; and
 - (c) firefighting; and
 - (d) aerial surveying or scientific research (for example, photography, mapping, and oil and mineral exploration); and
 - (e) patrolling (for example, pipelines, power lines, and canals); and
 - (f) weather control and atmospheric research (for example, cloud seeding); and
 - (g) aerial advertising (for example, skywriting, banner towing, airborne signs and public address systems); and
 - (h) glider towing; and
 - (i) target towing; and
 - (j) target designation; and
 - (k) any other operation similar to any of these operations.

Source FARs section 21.25 modified.

21.026 Type certificate: intermediate category aircraft

- (1) The applicant is entitled to a type certificate for an aircraft in the intermediate category if:
- (a) the aircraft:
 - (i) is an aeroplane with a 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; or is a rotorcraft with a 29.3 kgm⁻² main rotor disc loading limitation, under sea level standard day conditions; and
 - (ii) has a maximum take-off weight of not more than 1750 kg; and
 - (iii) has a maximum seating capacity of 4 persons, including the pilot; and
 - (iv) has an unpressurised cabin; and
 - (b) the applicant has submitted to CASA:
 - (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.017(7); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and

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- (ii) the flight manual required by regulation 21.005, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.050(2); and
 - (iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under regulation 21.049 to substantiate compliance with the applicable airworthiness standards; and
- (c) CASA is satisfied that:
- (i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.017(7); and
 - (ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.
- (2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner of the aircraft, as part of the aircraft's type design or supplemental type design.
- (3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1)(b)(i) must be made by the national aviation authority of the exporting country.

Source FARs section 21.24 modified.

21.027 Type certificate: surplus aircraft of the Armed Forces

- (1) Except as provided in subregulation (2), an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in Australian territory and was accepted for operational use, and declared surplus by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America (in this regulation called a *surplus defence aircraft*), and that is shown to comply with the applicable certification requirements in subregulation (6).
- (2) An applicant is entitled to a type certificate for a surplus defence aircraft that is a counterpart of a previously type certificated civil aircraft, if the applicant shows compliance with the regulations governing the original civil aircraft type certificate.
- (3) Aircraft engines, propellers, and their related accessories installed in surplus defence aircraft, for which a type certificate is sought under this regulation will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the engines

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or propellers provide substantially the same level of airworthiness as would be provided if the engines or propellers met the airworthiness standards:

- (a) mentioned in Part 33 or 35; or
 - (b) prescribed by the Part 21 Manual of Standards.
- (4) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in subregulation (6), if CASA is satisfied that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with the requirements would impose a severe burden on the applicant. CASA may use experience that was satisfactory to the relevant armed force in making such a determination.
- (5) CASA may require an applicant to comply with later requirements than those in subregulations (3) and (6) if CASA is satisfied that compliance with the requirements in those subregulations would not ensure an adequate level of airworthiness for the aircraft.
- (6) Except as provided in subregulations (2), (3), (4) and (5), an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in Table 21.027.

Table 21.027 Regulations that must be complied with for particular kinds of aircraft

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply 1
Small reciprocating-engine powered aeroplanes	Before May 16, 1956	Civil Air Regulations Part 3, as effective May 15 1956
	After May 15, 1956	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23
Small turbine-engine powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 3, as effective Oct. 1 1959
	After Oct. 1, 1959	Civil Air Regulations Part 3, or FARs Part 23, or CASR Part 23
Commuter category aeroplanes	After Feb. 17, 1987	FARs Part 23, as effective Feb 17, 1987, or CASR Part 23
Large reciprocating-engine powered aeroplanes	Before Aug. 26, 1955	Civil Air Regulations Part 4b, as effective Aug. 25, 1955
	After Aug. 25, 1955	Civil Air Regulations Part 4b, or FARs Part 25, or CASR Part 25
Large turbine engine-powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 4b, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 4b, or FARs Part 25, or CASR 25
Rotorcraft with a maximum certificated take-off weight of:		
2,722 kg or less	Before Oct. 2, 1959	Civil Air Regulations Part 6, as effective Oct. 1, 1959

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Table 21.027 Regulations that must be complied with for particular kinds of aircraft

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply 1
Over 2,722 kg	After Oct. 1, 1959	Civil Air Regulations Part 6, or FARs Part 27, or CASR Part 27
	Before Oct. 2, 1959	Civil Air Regulations Part 7, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 7, or FARs Part 29, or CASR Part 29.

¹ Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the relevant armed force.

Source FARs section 21.27 modified.

21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by national aviation authority of recognised country

- (1) Subject to regulation 11.055, CASA must issue a type certificate for an aircraft, aircraft engine or propeller manufactured in a foreign country and for which a foreign type certificate issued by the national aviation authority of a recognised country is not in force, if the aircraft, aircraft engine or propeller:
 - (a) meets the applicable airworthiness requirements mentioned in regulation 21.017; or
 - (b) meets the airworthiness requirements of a Contracting State and any other requirements imposed by CASA that are necessary to provide a level of safety equivalent to that provided under these Regulations for comparable aircraft, aircraft engines or propellers.
- (2) CASA may accept a certificate given by the national aviation authority of a Contracting State to the effect that an aircraft, aircraft engine or propeller meets the State's airworthiness requirements as evidence of that fact.
- (3) An application for a type certificate under this regulation must be accompanied by:
 - (a) any relevant certificate issued by the national aviation authority of a Contracting State; and
 - (b) the relevant technical data.
- (4) CASA may inspect the aircraft, aircraft engine or propeller and carry out, or require the applicant to carry out, any tests and inspections necessary to enable CASA to decide whether or not to issue the type certificate.

Source FARs section 21.29 modified.

21.029A Type acceptance certificate for imported aircraft certificated by national aviation authority of recognised country

Subject to regulations 11.055, 21.029B and 21.029C, CASA must issue a type acceptance certificate for an aircraft manufactured in a foreign country, without making the type acceptance certificate subject to any conditions, if:

- (a) a foreign type certificate or equivalent document issued by the national aviation authority of a recognised country is in force for aircraft of that type; and
- (b) the applicant has given CASA:
 - (i) evidence that the type design has been approved by the national aviation authority of the recognised country by issue of a type certificate or equivalent document; and
 - (ii) details of any equivalent safety determinations or waivers (however described) that were made in the course of the type certification; and
 - (iii) a copy of the applicable type certificate data sheet; and
 - (iv) a copy of the flight manual that contains all the available options applicable to the type, and that was approved by the national aviation authority that issued the foreign type certificate; and
 - (v) a copy of the manufacturer's instructions for continued airworthiness of the aircraft; and
 - (vi) a copy of the parts catalogue for the aircraft; and
 - (vii) a list of all current field service documents applicable to the aircraft; and
 - (viii) an undertaking from the holder of the foreign type certificate to continue to supply to CASA service bulletins and instructions for the continuing airworthiness of aircraft of that type and any amendments of the documents mentioned in subparagraphs (iv), (v), (vi) and (vii).

21.029B Issue of type acceptance certificates subject to conditions

- (1) CASA may issue a type acceptance certificate under regulation 21.029A subject to a condition that is substantially the same as a condition imposed by the national aviation authority of a recognised country on the corresponding foreign type certificate.
- (2) Also, CASA may issue a type acceptance certificate subject to other conditions if:
 - (a) there are reasonable grounds for believing that issuing the certificate without imposing conditions or taking other measures would constitute a significant threat to aviation safety; and
 - (b) CASA has consulted the applicant, the manufacturer of the aircraft and the national aviation authority that issued the foreign type certificate about the safety issues involved; and
 - (c) CASA has considered the views of the applicant, the manufacturer and the national aviation authority before deciding whether or not to issue the type acceptance certificate subject to conditions; and

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- (d) there are reasonable grounds for believing that imposing the conditions would substantially reduce the threat to aviation safety; and
- (e) there are no other practicable means of substantially reducing the threat to aviation safety.

- (3) A condition may include operational limitations.
- (4) A condition must be in writing, and set out in, or attached to, the type acceptance certificate.
- (5) A person must not engage in conduct that results in a breach of a condition of a type acceptance certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note: The power of CASA to issue a type acceptance certificate subject to a condition under subregulation (2) must be exercised by the Director personally: see paragraph 11.260(2)(b).

21.029C Refusal to issue type acceptance certificate

- (1) CASA may refuse to issue a type acceptance certificate for an aircraft manufactured in a foreign country if:
 - (a) there are reasonable grounds for believing that issuing the certificate would constitute a significant threat to aviation safety; and
 - (b) CASA has consulted the applicant, the manufacturer of the aircraft and the national aviation authority that issued the foreign type certificate about the safety issues involved; and
 - (c) CASA has considered the views of the applicant, the manufacturer and the national aviation authority before deciding whether to issue the type acceptance certificate; and
 - (d) there are reasonable grounds for believing that issuing the certificate subject to conditions is not a practicable means of substantially reducing the threat to aviation safety and there are no other practicable means of substantially reducing the threat.
- (2) If CASA refuses to issue a type acceptance certificate, CASA must deal with the application for the type acceptance certificate as if it were an application for a type certificate under regulation 21.029.

Note: The power of CASA to refuse to issue a type acceptance certificate must be exercised by the Director personally: see paragraph 11.260(2)(c).

21.031 Type design—meaning

- (1) The type design of an aircraft, aircraft engine or propeller (except an aircraft, aircraft engine or propeller type certificated under regulation 21.029 or 21.029A) consists of the following:

- (a) the drawings and specifications contained in technical data approved under regulation 21.009 for the aircraft, aircraft engine or propeller, and a list of those drawings and specifications;
 - (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;
 - (c) the airworthiness limitations section of the instructions for continued airworthiness:
 - (i) as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or as otherwise required by CASA; or
 - (ii) for special classes of aircraft mentioned in subregulation 21.017(2)—as specified in the applicable airworthiness criteria;
 - (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, and the airworthiness standards prescribed by the Part 21 Manual of Standards, and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017(2);
 - (e) for primary and intermediate category aircraft, if maintenance on the aircraft is to be carried out by the pilot-owner of the aircraft—a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
 - (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.
- (2) The type design for an aircraft, aircraft engine or propeller type certificated under regulation 21.029 consists of the following:
- (a) the drawings and specifications contained in technical data approved under regulation 21.009 for the aircraft, aircraft engine or propeller, and a list of those drawings and specifications;
 - (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;
 - (c) the airworthiness limitations section of the instructions for continued airworthiness:
 - (i) as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and the airworthiness standards prescribed by the Part 21 Manual of Standards, or as otherwise required by CASA; or
 - (ii) for special classes of aircraft mentioned in subregulation 21.017(2)—as specified in the applicable airworthiness criteria;
 - (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35, and the airworthiness standards prescribed by the Part 21

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- Manual of Standards, and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017(2);
- (e) for primary category aircraft, if maintenance on the aircraft is to be carried out by the pilot-owner of the aircraft—a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
 - (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.
- (3) The type design for an aircraft type certificated under regulation 21.029A consists of the type design that was accepted by the national aviation authority of the recognised country that issued the foreign type certificate for the aircraft.

Source FARs section 21.31 modified.

21.033 Inspection and tests

- (1) CASA is not required to issue, under regulation 21.013A, a type certificate for an aircraft, aircraft engine or propeller unless the applicant allows CASA to make any inspection and any flight and ground test necessary to determine that the aircraft, aircraft engine or propeller complies with the applicable requirements of these Regulations. However:
- (a) no aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (2)(b), (c) and (d) has been shown for that aircraft, aircraft engine, propeller, or part thereof; and
 - (b) no change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (2)(b), (c) and (d) is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA for test.
- (2) Each applicant must make all inspections and tests necessary to determine:
- (a) compliance with the applicable airworthiness requirements; and
 - (b) that the aircraft, aircraft engine or propeller and its materials conform to the specifications in the type design; and
 - (c) that parts of the aircraft, aircraft engine or propeller conform to the drawings in the type design; and
 - (d) that the manufacturing processes, construction and assembly conform to those specified in the type design.
- (3) For an aircraft with not more than 2 seats, a maximum take-off weight not exceeding 750 kg and a 45 knots or less V_{S0} stall speed as defined in FARs section 23.49 that is to be type certificated in the primary category or intermediate category, an authorised person may make any determination, inspection, flight test or ground test necessary to establish whether the aircraft complies with the applicable requirements of these Regulations.

Source FARs section 21.33 modified.

21.035 Flight tests

- (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must make the tests listed in subregulation (2). Before making the tests the applicant must show CASA:
 - (a) compliance with the applicable structural requirements of these Regulations; and
 - (b) completion of necessary ground inspections and tests; and
 - (c) that the aircraft conforms with the type design; and
 - (d) that CASA received a flight test report from the applicant (signed, in the case of an application for a type certificate for an aircraft in the transport category, by the applicant's test pilot) containing the results of the tests.
- (2) Upon showing compliance with subregulation (1), the applicant must make all flight tests that CASA considers are necessary:
 - (a) to determine compliance with the applicable requirements of these Regulations; and
 - (b) for aircraft to be type certificated under these Regulations, except gliders and except aeroplanes of 2720 kg or less maximum certificated weight in the normal, utility, acrobatic, or commuter category—to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly.
- (3) Each applicant must, if practicable, make the tests prescribed in paragraph (2)(b) upon the aircraft that was used to show compliance with:
 - (a) paragraph (2)(a); and
 - (b) for rotorcraft—the rotor drive endurance tests prescribed in the applicable airworthiness standards mentioned in Parts 27 and 29 or prescribed by the Part 21 Manual of Standards.
- (4) Each applicant must show CASA for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.
- (5) Except in a manned free balloon, an applicant must discontinue flight tests under this regulation until the applicant shows CASA that corrective action has been taken, whenever:
 - (a) the applicant's test pilot is unable or unwilling to make any of the required flight tests; or
 - (b) items of non-compliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous.
- (6) The flight tests prescribed in paragraph (2)(b) must include:
 - (a) for aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft—at least 300 hours of operation with a full complement of engines that conform to a type certificate; and
 - (b) for all other aircraft—at least 150 hours of operation.

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Source FARs section 21.35 modified.

21.037 Flight test pilot

Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must provide a person holding an appropriate:

- (a) class rating; or
- (b) type rating; or
- (c) balloon class endorsement within the meaning of subregulation 5.01(1) of CAR; or
- (d) authorisation under regulation 61.140; or
- (e) authorisation under regulation 5.50 of CAR;

to make the flight tests required by this Part.

Source FARs section 21.37 modified.

21.039 Flight test instrument calibration and correction report

- (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must submit a report to CASA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions.
- (2) Each applicant must allow CASA to conduct any flight tests that CASA is satisfied is necessary to check the accuracy of the report submitted under subregulation (1).

Source FARs section 21.39 modified.

21.041 Type certificate—meaning

- (1) In these Regulations, unless the contrary intention appears:

foreign type certificate, for an aircraft, aircraft engine or propeller:

- (a) means a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the national aviation authority of a foreign country and is equivalent to a type certificate; but
- (b) does not include a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the national aviation authority of a foreign country solely on the basis of a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the national aviation authority of another country and is equivalent to a type certificate.

type certificate, for an aircraft, aircraft engine or propeller, means a type certificate issued by CASA under regulation 21.013A or 21.029 certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.

- (2) In these Regulations, except in this Subpart, a reference to a **type certificate**, or **foreign type certificate**, for an aircraft, aircraft engine or propeller, includes a reference to the type design, the operating limitations, the type certificate data sheet, the applicable airworthiness standards with which the certificate records compliance, and any other conditions or limitations prescribed for the aircraft, aircraft engine or propeller under these Regulations.

Source FARs section 21.41 modified.

21.043 Location of manufacturing facilities

Despite regulation 21.013A, CASA is not required to consider an application for a type certificate for an aircraft, aircraft engine or propeller (except an application under regulation 21.029) if the manufacturing facilities for the aircraft, aircraft engine or propeller are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering applicable airworthiness requirements.

Source FARs section 21.43 modified.

21.047 Transfer of type certificates

- (1) The holder of a type certificate (the **transferor**) may transfer the certificate to another person (the **transferee**) by giving to the transferee:
- (a) the certificate; and
 - (b) a copy of each document that the transferor is required to keep under these Regulations in relation to the certificate.
- (2) However, the certificate may be transferred only with the written consent of the transferee.
- (3) The transferor commits an offence if the transferor does not, within 30 days after transferring the certificate, give CASA a written notice stating:
- (a) the date of the transfer; and
 - (b) the name and address of the transferee.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

Source FARs section 21.047 modified.

21.048 Licensing of type certificates

- (1) The holder of a type certificate (the **licensor**) may confer the benefits of the certificate on another person (the **licensee**) by making a licensing agreement with the licensee.
- (2) The licensor commits an offence if the licensor does not, within 30 days after making the licensing agreement, give CASA a written notice stating:
- (a) the date of the licensing agreement; and
 - (b) the name and address of the licensee; and

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(c) the benefits conferred on the licensee.

Penalty: 50 penalty units.

- (3) The licensor commits an offence if:
- (a) the licensing agreement is terminated; and
 - (b) the licensor does not, within 30 days after the termination, give CASA a written notice stating the date of the termination.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

Source FARs section 21.047 modified.

21.049 Availability

- (1) The holder of a type certificate must make the certificate, and the type design of the aircraft, aircraft engine or propeller described or identified in the certificate, available for examination by CASA upon the request of CASA.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.49 modified.

21.050 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections

- (1) The holder of a type certificate for an aircraft for which an aircraft Maintenance Manual containing an "Airworthiness Limitations" section has been approved as part of the type design and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual must make particulars of the changes available upon request to any operator of the same type of aircraft.

Penalty: 5 penalty units.

- (2) The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller must furnish at least one set of complete Instructions for Continued Airworthiness, prepared in accordance with the applicable airworthiness standards mentioned in Parts 22, 23, 25, 27, 26, 29, 31, 32, 33 and 35, and the airworthiness standards prescribed by the Part 21 Manual of Standards, or as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.017(2), as applicable, to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery, or upon issue of the first standard certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter, on request by a person required by these Regulations to comply with any of the terms of the instructions, give them to the person. In addition, changes

to the Instructions for Continued Airworthiness shall be made available to any person who requests the changes and who is required by these Regulations to comply with any of those instructions.

Penalty: 5 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.50 modified.

21.051 Type certificates and type acceptance certificates—duration and suspension or cancellation

- (1) Subject to regulation 21.019, a type certificate or type acceptance certificate remains in force until it is cancelled.
- (2) Despite subregulation (1), a type certificate or type acceptance certificate is not in force during any period of suspension.
- (3) CASA may suspend or cancel a type certificate if there are reasonable grounds for believing that the type certificate no longer provides a reliable guide that the aircraft can reasonably be expected to be safe for its intended use when operated under any conditions limiting its intended use.
- (4) CASA may suspend or cancel a type acceptance certificate if:
- (a) there are reasonable grounds for believing that not doing so would constitute a significant threat to aviation safety; and
 - (b) CASA has consulted the operator of the aircraft, the manufacturer of the aircraft and the national aviation authority that issued the foreign type certificate about the safety issues involved; and
 - (c) CASA has considered the views of the operator, the manufacturer and the national aviation authority before deciding whether to suspend or cancel the type acceptance certificate.
- (5) If CASA suspends or cancels a type certificate it must:
- (a) notify the certificate holder in writing of the suspension or cancellation; and
 - (b) publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*.
- (6) If CASA suspends or cancels a type acceptance certificate CASA must publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*.
- (7) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (8) A notice of suspension or cancellation under paragraph (5)(b) or subregulation (6) must set out:
- (a) the grounds for the suspension or cancellation; and

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- (b) when the suspension or cancellation takes effect; and
- (c) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.51 modified.

Note 1: The power of CASA to suspend or cancel a type acceptance certificate under subregulation (4) must be exercised by the Director personally: see paragraph 11.260(2)(d).

Note 2: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of type acceptance certificates.

21.053 Statement of conformity

- (1) Each applicant must submit to CASA a statement of conformity in a manner and form acceptable to CASA for each aircraft engine and propeller presented to CASA for type certification. This statement of conformity must include a statement that the aircraft engine or propeller conforms to the type design therefor.
- (2) Each applicant must submit to CASA a statement of conformity for each aircraft or part thereof presented to CASA for tests. This statement of conformity must include a statement to the effect that the applicant has complied with subregulation 21.033(1).

Source FARs section 21.53 modified.

Subpart 21.C—Provisional type certificates

Note: A provisional type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the *Air Navigation (Aircraft Engine Emissions) Regulations* or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.071 Applicability

This Subpart prescribes:

- (a) requirements for the issue of provisional type certificates, approvals of amendments to provisional type certificates, and approvals of provisional amendments to type certificates; and
- (b) rules governing the holders of those certificates.

Source FARs section 21.71 modified.

21.073 Eligibility

- (1) A manufacturer of aircraft manufactured in Australian territory is eligible to apply for a Class I or Class II provisional type certificate for the aircraft, for approval of an amendment to a Class I or Class II provisional type certificate held by the manufacturer, and for approval of a provisional amendment to a type certificate held by the manufacturer.
- (2) Any manufacturer of aircraft manufactured in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is eligible to apply for a Class II provisional type certificate, for approval of amendments to Class II provisional type certificates held by the manufacturer, and for approval of provisional amendments to type certificates held by the manufacturer.
- (3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by the manufacturer in Australian territory is eligible to apply for a Class I provisional type certificate for the aircraft, and for approval of amendments to Class I provisional type certificates held by the manufacturer, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate, restricted or transport category.

Source FARs section 21.73 modified.

21.075 Application

Applications for provisional type certificates, for approval of amendments thereto, and for approval of provisional amendments to type certificates must be submitted in writing to CASA, and must be accompanied by the pertinent information specified in this Subpart.

Regulation 21.076

Source FARs section 21.75 modified.

21.076 Issue of provisional type certificate

Subject to regulation 11.055, CASA must issue a provisional type certificate, or an approval of amendments to a provisional type certificate, or an approval of provisional amendments to a type certificate, to an applicant for the certificate or approval if the applicant:

- (a) is eligible, under regulation 21.073, to apply for the certificate or approval; and
- (b) applies for the certificate or approval in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate or approval; and
- (d) otherwise complies with this Part.

21.077 Duration

- (1) Unless sooner superseded or cancelled, provisional type certificates and amendments thereto are effective for the periods specified in this regulation.
- (2) A Class I provisional type certificate is effective for 24 months after the date of issue.
- (3) A Class II provisional type certificate is effective for 12 months after the date of issue.
- (4) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.
- (5) A provisional amendment to a type certificate is effective for 6 months after its approval or until the amendment of the type certificate is approved, whichever is first.

Source FARs section 21.77 modified.

21.078 Suspension and cancellation

- (1) CASA may suspend or cancel a provisional type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.
- (2) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.
- (3) Despite regulation 21.077, a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation 21.077(2) or (3).

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional type certificates.

21.081 Requirements for issue and amendment of Class I provisional type certificates

- (1) An applicant for a type certificate or a supplemental type certificate is entitled to the issue of a Class I provisional type certificate, or an approval of an amendment of a Class I provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the relevant aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the requirements and limitations:
 - (a) established by the applicant under subregulation (4); and
 - (b) under Division 91.T.3.
- (2) The applicant must certify that:
 - (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate applied for; and
 - (b) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate applied for; and
 - (c) the aircraft can be operated safely under the appropriate operating limitations specified in subregulation (1).
- (3) The applicant must submit a report to CASA showing that the aircraft had been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in these Regulations.
- (4) The applicant must establish all limitations required for the issue of the type certificate or supplemental type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.
- (5) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
- (6) The applicant must show CASA that a prototype aircraft has been flown for at least 50 hours under an experimental certificate or under the auspices of the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America. However, in the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source FARs section 21.81 modified.

Regulation 21.083

21.083 Requirements for issue and amendment of Class II provisional type certificates

- (1) An applicant who manufactures an aircraft within Australian territory, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the requirements and limitations:
 - (a) set out in the provisional aircraft flight manual (if any) required by subregulation (7); and
 - (b) under Division 91.T.3.
- (2) An applicant who manufactures an aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the national aviation authority of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements of subregulation (5) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:
 - (a) in the provisional aircraft flight manual (if any) required by subregulation (7); and
 - (b) in regulation 262AO of CAR.
- (3) The applicant must hold a type certificate for at least one other aircraft in the same transport category as the subject aircraft.
- (4) The flight test program to be carried out for the purposes of the type certificate or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.
- (5) The applicant or, in the case of a foreign manufactured aircraft, the national aviation authority of the country in which the aircraft was manufactured, must certify that:
 - (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for; and
 - (b) the aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and
 - (c) the aircraft can be operated safely under the appropriate operating limitations in these Regulations.
- (6) The applicant must submit a report to CASA showing that the aircraft has been flown in all manoeuvres necessary to show compliance with the flight

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requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in these Regulations.

- (7) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.
- (8) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
- (9) The applicant must show CASA that a prototype aircraft has been flown for at least 100 hours. In the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source FARs section 21.83 modified.

21.085 Provisional amendments to type certificates

- (1) An applicant who manufactures an aircraft within Australian territory, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these Regulations.
- (2) An applicant who manufactures an aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the national aviation authority of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements mentioned in subregulation (4) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these Regulations.
- (3) The flight test program approved by CASA, or conducted under the agreement by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.
- (4) The applicant or, in the case of foreign manufactured aircraft, the national aviation authority of the country in which the aircraft was manufactured, must certify that:
 - (a) the modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; and
 - (b) the aircraft incorporating the modification substantially complies with the applicable flight characteristic requirements for the type certificate; and

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- (c) the aircraft can be operated safely under the appropriate operating limitations in these Regulations.
- (5) The applicant must submit a report to CASA showing that the aircraft incorporating the modifications involved has been flown in all manoeuvres necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the requirements and limitations under Division 91.T.3.
- (6) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight manoeuvres, loading, and operation of controls and equipment, unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.
- (7) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.
- (8) The applicant must operate a prototype aircraft, modified in accordance with the corresponding amendment to the type certificate, for the number of hours found necessary by CASA in the particular case.

Source FARs section 21.85 modified.

Subpart 21.D—Changes to type certificates

21.091 Applicability

This Subpart deals with the approval of changes to type certificates.

Source FARs section 21.91 modified.

21.093 Classification of changes in type design

Changes in type design are classified as minor or major. A **minor change** is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of an aircraft, aircraft engine or propeller. All other changes are **major changes**.

Source FARs section 21.93 modified.

21.095 Approval of minor changes in type design

- (1) The holder of a type certificate for an aircraft, aircraft engine or propeller may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a minor change in the type design of the aircraft, aircraft engine or propeller.
- (2) Subregulation (3) applies if the application is made to CASA or an authorised person.
- (3) Subject to regulation 11.055, CASA or the authorised person must grant the approval if the type design, as modified by the minor change, would meet the requirements of this Part for the type design.
- (4) Subregulation (5) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design would meet a requirement.
- (5) If the approved design organisation is satisfied that the design would meet the requirement, the organisation may give CASA a certificate to that effect.
- (6) For subregulation (3), if an approved design organisation gives CASA a certificate under subregulation (5), CASA need consider only that certificate in deciding whether the design would meet the requirement.
- (7) Subregulation (8) applies if the application is made to an approved design organisation.
- (8) Subject to regulation 11.055, the approved design organisation must grant the approval if the type design, as modified by the minor change, would meet:
 - (a) the requirements of this Part for the type design; and
 - (b) any requirements mentioned in the organisation's exposition.

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21.097 Eligibility for approval of major changes in type design

- (1) The holder of a type certificate for an aircraft, aircraft engine or propeller is eligible to apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of a major change in the type design of the aircraft, aircraft engine or propeller.
- (2) An applicant is entitled to the approval if the applicant:
 - (a) submits with the application substantiating data and necessary descriptive data for inclusion in the type design; and
 - (b) complies with regulation 21.101.
- (3) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

Source FARs section 21.97 modified.

21.098 Issue of approval of major change in type design

- (1) Subject to regulation 11.055, CASA, an authorised person or an approved design organisation must approve a major change in the type design of an aircraft, aircraft engine or propeller if the applicant for the approval:
 - (a) is eligible, under subregulation 21.097(1), to apply for the approval; and
 - (b) applies for the approval in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the approval; and
 - (d) otherwise complies with this Part.
- (2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the applicant meets a requirement mentioned in subregulation (1).
- (3) If the approved design organisation is satisfied that the applicant meets the requirement, the organisation may give CASA a certificate to that effect.
- (4) For subregulation (1), if an approved design organisation gives CASA a certificate under subregulation (3), CASA need consider only that certificate in deciding whether the applicant meets the requirement.

21.099 Required design changes

- (1) If an airworthiness directive is issued for an aircraft, aircraft engine or propeller, and CASA considers that design changes are necessary to correct the unsafe condition of the aircraft, aircraft engine or propeller, the holder of the type certificate for the aircraft, aircraft engine or propeller must, on CASA's request, submit appropriate design changes for approval.

Penalty: 50 penalty units.

- (1A) If approval is granted for design changes mentioned in subregulation (1), the holder of the type certificate for the aircraft, aircraft engine or propeller must, on request by the operator of an affected aircraft, aircraft engine or propeller previously certificated under the type certificate, give to that operator the descriptive data covering the design changes.

Penalty: 50 penalty units.

- (2) In a case where there are no current unsafe conditions, but CASA or the holder of the type certificate is satisfied through service experience that changes in type design will contribute to the safety of the aircraft, aircraft engine or propeller, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, and on request by an operator of the same type of aircraft, aircraft engine or propeller, the manufacturer must give information on the design changes to the operator.

Penalty: 5 penalty units.

- (3) An offence against subregulation (1), (1A) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.99 modified.

21.101 Designation of applicable regulations

- (1) An applicant for approval of a change in the type design described or identified in a type certificate must comply with either:
- (a) the airworthiness standards mentioned in the type certificate; or
 - (b) the applicable airworthiness standards in effect on the date of the application, plus any other amendments that CASA is satisfied are directly related.
- (2) If CASA is satisfied that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the airworthiness standards mentioned in the type certificate for the aircraft, aircraft engine or propeller do not provide adequate standards with respect to the proposed change, the applicant must comply with:
- (a) the applicable provisions of these Regulations, in effect on the date of the application for the change, that CASA is satisfied are necessary to provide a level of safety equivalent to that established by the airworthiness standards mentioned in the type certificate; and
 - (b) any special conditions, and amendments to those special conditions, prescribed by CASA to provide a level of safety equal to that established by the airworthiness standards mentioned in the type certificate.
- (3) Unless otherwise required by subregulation 21.019(1), an applicant for a change to a type certificate for a transport category aeroplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the provisions of Part 25 of the FARs for the aeroplane as type certificated with reciprocating engines, and with the following:

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- (a) the certification performance requirements prescribed in sections 25.101 to 25.125 (inclusive) and 25.149, 25.1533, 25.1583, and 25.1587 of Part 25 of the FARs;
 - (b) the powerplant requirements of Part 25 of the FARs that apply to turbopropeller engine-powered aeroplanes;
 - (c) the requirements of Part 25 of the FARs for the standardisation of cockpit controls and instruments, unless CASA is satisfied that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardisation;
 - (d) any other requirement of Part 25 of the FARs that applies to turbopropeller engine-powered aeroplanes that CASA is satisfied relates to the changes in engines and that is necessary to ensure a level of safety equal to that of the aeroplane certificated with reciprocating engines.
- (4) For subregulation (3), for each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the aeroplane with reciprocating engines, the applicant must show compliance with the requirements of Part 25 of the FARs applicable to the limitations being changed.

Source FARs section 21.101 modified.

Subpart 21.E—Supplemental type certificates

Note: A supplemental type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the *Air Navigation (Aircraft Engine Emissions) Regulations* or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.111 Applicability

This Subpart prescribes requirements for the issue of supplemental type certificates.

Source FARs section 21.111 modified.

21.113 Eligibility for supplemental type certificate

- (1) Any person is eligible to apply to CASA for a supplemental type certificate for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller, if the change is not great enough to require an application for a new type certificate under regulation 21.019.
- (2) The holder of the type certificate for the aircraft, aircraft engine or propeller may apply for amendment of the type certificate instead of applying for a supplemental type certificate.

Source FARs section 21.113 modified.

21.113A Issue of supplemental type certificate

Subject to regulation 11.055, CASA must issue a supplemental type certificate to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.113, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

21.114 Foreign supplemental type certificates

A certificate (however described) for an aircraft, aircraft engine or propeller that is issued by or for the national aviation authority of a recognised country and is equivalent to a supplemental type certificate that could have been issued by CASA (a *foreign supplemental type certificate*) is taken to have been issued by CASA for these Regulations.

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21.115 Entitlement to supplemental type certificate—meeting applicable airworthiness requirements

- (1) An applicant is entitled to a supplemental type certificate if CASA is satisfied that:
 - (a) either:
 - (i) the altered aircraft, aircraft engine or propeller complies with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2); or
 - (ii) the altered aircraft, aircraft engine or propeller does not comply with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2), but the non-compliance is compensated for by factors that provide an equivalent level of safety; and
 - (b) no feature or characteristic of the change in type design makes the altered aircraft, aircraft engine or propeller unsafe for its intended use.
- (2) Subregulation (3) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the altered aircraft, aircraft engine or propeller meets:
 - (a) an applicable airworthiness requirement mentioned in subparagraph (1)(a)(i); or
 - (b) the requirement mentioned in paragraph (1)(b).
- (3) If the approved design organisation is satisfied that the altered aircraft, aircraft engine or propeller meets the requirement, the organisation may give CASA a certificate to that effect.
- (4) For subregulation (1), if an approved design organisation gives CASA a certificate under subregulation (3), CASA need consider only that certificate in deciding whether the altered aircraft, aircraft engine or propeller meets the requirement.
- (5) Regulations 21.033 (Inspection and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change in the type design, as if it were an application for a type certificate under Subpart 21.B.

Source FARs section 21.115 modified.

21.117 What supplemental type certificates are taken to consist of

A supplemental type certificate is taken to consist of:

- (a) the type certificate or type acceptance certificate previously issued for the aircraft, aircraft engine or propeller; and
- (b) each change in the type design of the aircraft, aircraft engine or propeller described or identified in the supplemental type certificate.

Source FARs section 21.117 modified.

21.118 Duration, suspension and cancellation of supplemental type certificates

- (1) A supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled or the type certificate previously issued for the aircraft, aircraft engine or propeller is cancelled, whichever happens first.
- (2) Despite subregulation (1), a supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.
- (3) CASA may suspend or cancel a supplemental type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) If CASA suspends or cancels a supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*.
- (5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (6) A notice under subregulation (3) or (4) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension—when the suspension stops having effect.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of supplemental type certificates.

21.119 Duration, suspension and cancellation of foreign supplemental type certificates

- (1) A foreign supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled by CASA or the national aviation authority of the relevant recognised country.
- (2) Despite subregulation (1), a foreign supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.
- (3) CASA may suspend or cancel a foreign supplemental type certificate if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) If CASA suspends or cancels a foreign supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*.
- (5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (6) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and

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- (b) when the suspension or cancellation takes effect; and
- (c) in the case of a suspension—when the suspension stops having effect.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of foreign supplemental type certificates.

21.120 Transfer of supplemental type certificates

- (1) The holder of a supplemental type certificate (the *transferor*) may transfer the certificate to another person (the *transferee*) by giving to the transferee:
 - (a) the certificate; and
 - (b) a copy of each document that the transferor is required to keep under these Regulations in relation to the certificate.
- (2) However, the certificate may be transferred only with the written consent of the transferee.
- (3) The transferor commits an offence if the transferor does not, within 30 days after transferring the certificate, give CASA a written notice stating:
 - (a) the date of the transfer; and
 - (b) the name and address of the transferee.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

21.120A Licensing of supplemental type certificates

- (1) The holder of a supplemental type certificate (the *licensor*) may confer the benefits of the certificate on another person (the *licensee*) by making a licensing agreement with the licensee.
- (2) The licensor commits an offence if the licensor does not, within 30 days after making the licensing agreement, give CASA a written notice stating:
 - (a) the date of the licensing agreement; and
 - (b) the name and address of the licensee; and
 - (c) the benefits conferred on the licensee.

Penalty: 50 penalty units.

- (3) The licensor commits an offence if:
 - (a) the licensing agreement is terminated; and
 - (b) the licensor does not, within 30 days after the termination, give CASA a written notice stating the date of the termination.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

21.120B Variations of supplemental type certificates

- (1) The holder of a supplemental type certificate for an aircraft, aircraft engine or propeller may apply, in writing, for a variation of the certificate for the approval of the design of a change to the aircraft, aircraft engine or propeller.
 - (2) The application may be made to:
 - (a) CASA; or
 - (b) an authorised person; or
 - (c) a relevant approved design organisation.
 - (3) Subject to regulation 11.055, if the application is made to CASA, CASA must vary the certificate if satisfied that:
 - (a) either:
 - (i) the altered aircraft, aircraft engine or propeller complies with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2); or
 - (ii) the altered aircraft, aircraft engine or propeller does not comply with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2), but the non-compliance is compensated for by factors that provide an equivalent level of safety; and
 - (b) no feature or characteristic of the change makes the altered aircraft, aircraft engine or propeller unsafe for its intended use.
 - (4) Subject to regulation 11.055, if the application is made to an authorised person or approved design organisation, the authorised person or approved design organisation must vary the certificate if satisfied that:
 - (a) the altered aircraft, aircraft engine or propeller complies with the applicable airworthiness requirements mentioned in subregulations 21.101(1) and (2); and
 - (b) no feature or characteristic of the change makes the altered aircraft, aircraft engine or propeller unsafe for its intended use.
 - (5) Subregulation (6) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether an altered aircraft, aircraft engine or propeller meets:
 - (a) an applicable airworthiness requirement mentioned in subparagraph (3)(a)(i); or
 - (b) the requirement mentioned in paragraph (3)(b).
 - (6) If the approved design organisation is satisfied that the altered aircraft, aircraft engine or propeller meets the requirement, the organisation may give CASA a certificate to that effect.
 - (7) For subregulation (3), if an approved design organisation gives CASA a certificate under subregulation (6), CASA need consider only that certificate in deciding whether the altered aircraft, aircraft engine or propeller meets the requirement.
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- (8) Regulations 21.033 (Inspection and tests) and 21.053 (Statement of conformity) apply in relation to the application, with respect to each change, as if:
- (a) the application were an application for a type certificate under Subpart 21.B; and
 - (b) each reference to CASA in those regulations were a reference to the person or organisation to whom the application was made.

Subpart 21.F—Production under type certificate only

21.121 Applicability

- (1) This Subpart prescribes rules for the production of an aircraft, aircraft engine or propeller under a type certificate only.
- (2) For this Subpart, a person manufactures an aircraft, aircraft engine or propeller under a type certificate only if the person is the holder, or licensee, of a type certificate, but not a production certificate, for the aircraft, aircraft engine or propeller.

Source FARs section 21.121 modified.

Note: Subpart 21.G deals with production certificates.

21.123 Production under type certificate

- (1) Each manufacturer of an aircraft, aircraft engine or propeller being manufactured under a type certificate only must:
 - (a) make each aircraft, aircraft engine or propeller available for inspection by CASA; and
 - (b) maintain at the place of manufacture the technical data and drawings necessary for CASA to determine whether the aircraft, aircraft engine or propeller and its parts conform to the type design; and
 - (c) establish and maintain an approved production inspection system that:
 - (i) meets the requirements of subregulation 21.125(2); and
 - (ii) ensures that each aircraft, aircraft engine or propeller manufactured under the type certificate more than 6 months after it was issued conforms to the type design and is in a condition for safe operation; and
 - (d) upon the establishment of the approved production inspection system—submit to CASA a manual that describes the system and the means for meeting the requirements of subregulation 21.125(2).

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Each manufacturer may apply to CASA for an extension of the period of 6 months mentioned in subparagraph (1)(c)(ii).
- (3) CASA may extend the period in a particular case if unusual or extenuating circumstances prevent the manufacturer from establishing an approved production inspection system within 6 months after the issue of the type certificate.

Source FARs section 21.123 modified.

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21.125 Production inspection system: Materials Review Board

- (1) Each manufacturer required to establish a production inspection system under paragraph 21.123(1)(c) must:
 - (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and
 - (b) maintain complete records of Materials Review Board action for at least two years after the action was taken.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) The production inspection system must provide for the following:
 - (a) ensuring that incoming materials, and bought or subcontracted parts, used in the finished aircraft, aircraft engine or propeller comply with the technical data for the type design, or are suitable equivalents;
 - (b) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;
 - (c) suitable storage and adequate protection of materials subject to damage and deterioration;
 - (d) carrying out processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller in accordance with acceptable industry or Australian specifications;
 - (e) inspecting parts and components during production for conformity with the technical data for the type design at points in the process where accurate determinations can be made;
 - (f) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;
 - (g) ensuring that design changes, including material substitutions, are controlled before being incorporated in a finished aircraft, aircraft engine or propeller;
 - (h) segregating, identifying, marking and disposing of rejected materials and parts in a manner that precludes installation in the finished aircraft, aircraft engine or propeller;
 - (i) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from the technical data for the type design, and that are to be considered for installation in a finished aircraft, aircraft engine or propeller;
 - (j) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;
 - (k) maintaining inspection records, identified with the finished aircraft, aircraft engine or propeller where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

21.127 Tests: aircraft

- (1) Each person manufacturing aircraft under a type certificate only must establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Each production flight test procedure must include the following:
 - (a) an operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft;
 - (b) an operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range;
 - (c) a determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test;
 - (d) a check of the operational characteristics of the aircraft on the ground;
 - (e) a check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

Source FARs section 21.127 modified.

21.128 Tests: aircraft engines

- (1) Each person manufacturing aircraft engines that are not rocket engines under a type certificate only must subject each engine to an acceptable test run that includes the following:
 - (a) break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at rated maximum continuous power or thrust and, if applicable, at rated take-off power or thrust;
 - (b) at least five hours of operation at rated maximum continuous power or thrust, including, for engines having a rated take-off power or thrust higher than rated maximum continuous power or thrust, 30 minutes at rated take-off power or thrust.

Penalty: 25 penalty units.

- (2) The test runs required by subregulation (1) may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.
- (3) A person manufacturing rocket engines under a type certificate only must establish a sampling technique for testing the engines.

Penalty: 25 penalty units.

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- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.128 modified.

21.129 Tests: variable pitch propellers

- (1) Each person manufacturing variable pitch propellers under a type certificate only must give each propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.129 modified.

21.130 Statement of conformity

- (1) Each holder or licensee of a type certificate for a type of aircraft, aircraft engine or propeller must give CASA a statement of conformity, in a form acceptable to CASA, for each aircraft, aircraft engine or propeller manufactured under the type certificate only:

- (a) when the holder or licensee applies for the original issue of an aircraft certificate of airworthiness or an aircraft engine or propeller authorised release certificate for the aircraft, aircraft engine or propeller; or
- (b) if the holder or licensee transfers the ownership of the aircraft, aircraft engine or propeller without applying for an authorised release certificate for it—when the ownership of the aircraft, aircraft engine or propeller is transferred.

- (2) The statement of conformity must be signed by a person who holds a responsible position in the manufacturing organisation and has been authorised by the manufacturer to sign the statement, and must include:

- (a) for each aircraft, aircraft engine or propeller, a statement that it conforms to its type certificate and is in a condition for safe operation; and
- (b) for each aircraft, a statement that the aircraft has been flight checked; and
- (c) for each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check.

- (3) However, in the case of an aircraft, aircraft engine or propeller manufactured for the Defence Force, or for an armed force of Canada, the United Kingdom or the United States of America, a statement of conformity is not required if the aircraft, aircraft engine or propeller has been accepted by the relevant force.

Source FARs section 21.130 modified.

21.130A Records to be kept by manufacturer

- (1) A person who manufactures an aircraft, aircraft engine or propeller under a type certificate only must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:
 - (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;
 - (b) the information required to prepare the statement of conformity mentioned in regulation 21.130;
 - (c) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;
 - (d) a record of service difficulties reported to the manufacturer.

Penalty: 50 penalty units.

- (2) The records mentioned in paragraphs (1)(a) and (b) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the type certificate.

Penalty: 50 penalty units.

- (3) The records mentioned in paragraphs (1)(c) and (d) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.

Penalty: 50 penalty units.

- (4) On CASA's request, the records must be made available for examination by CASA.

Penalty: 50 penalty units.

- (5) If the manufacturer stops manufacturing aircraft, aircraft engines or propellers under the type certificate, and does not continue manufacturing under a production certificate, the manufacturer must send the records to CASA within 30 days.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.293 modified.

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Subpart 21.G—Production certificates

21.131 Applicability

This Subpart prescribes requirements for the issue of production certificates and rules governing production of Class I, Class II, Class III and unapproved Class I products by the holders of those certificates.

Source FARs section 21.131 modified.

21.132 Definitions for Subpart 21.G

For this Subpart:

Class I product includes a complete aircraft, aircraft engine or propeller for which a foreign type certificate has been issued.

Class II product includes a major component of:

- (a) a Class I product; or
- (b) an unapproved Class I product.

product design means:

- (a) for an unapproved Class I product—the design that was submitted with the application for a foreign type certificate; and
- (b) for a Class II or Class III product—the design for the product that is:
 - (i) approved under regulation 21.132A; or
 - (ii) if the product is manufactured under an agreement with a foreign manufacturer for supply to that manufacturer—approved by the national aviation authority of the relevant foreign country; or
 - (iii) approved in a supplemental type certificate or a foreign supplemental type certificate; or
 - (iv) approved in a modification/repair design approval or in an approval mentioned in regulation 21.475; or
 - (v) taken to be approved under regulation 21.465 or 21.470; or
 - (vi) covered by an approval that continues in force under regulation 202.054, 202.055 or 202.056.

unapproved Class I product means a complete aircraft, aircraft engine or propeller:

- (a) designed by or for a manufacturer that is in a foreign country; and
- (b) for which an application for a foreign type certificate has been made; and
- (c) for which no foreign type certificate has been issued.

Note: See also the definitions of ***Class I product***, ***Class II product*** and ***Class III product*** in regulation 21.321.

**21.132A Approval of product design for Class II and Class III products by
CASA, authorised person or relevant approved design organisation**

- (1) A person may apply, in writing, to CASA or an authorised person or relevant approved design organisation for approval of the design of a Class II or Class III product.
- (2) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must approve the design of the product if satisfied that the design:
 - (a) consists of drawings, specifications and other information that fully describe the product; and
 - (b) includes all the information necessary to manufacture the product, including:
 - (i) information that shows the dimensions and appearance of the product; and
 - (ii) the materials used in the manufacture of the product; and
 - (iii) information about the process or processes used to manufacture the product; and
 - (iv) any methods used to test or measure the product; and
 - (v) information that shows the structural strength of the product; and
 - (c) meets the applicable airworthiness standards for the product.
- (3) For paragraph (2)(c), if the application is made to CASA, CASA may satisfy itself that the design meets the applicable airworthiness standards for the product on the basis of:
 - (a) an examination of the design; or
 - (b) the technical data for the design approved under regulation 21.009; or
 - (c) a certificate from an approved design organisation under subregulation (6).
- (4) For paragraph (2)(c), if the application is made to an authorised person or approved design organisation, the authorised person or approved design organisation may satisfy itself that the design meets the applicable airworthiness standards for the product on the basis of:
 - (a) an examination of the design; or
 - (b) the technical data for the design approved under regulation 21.009.
- (5) Subregulation (6) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design meets the applicable airworthiness standards for the product.
- (6) If the approved design organisation is satisfied that the design meets the airworthiness standards, the organisation may give CASA a certificate to that effect.

21.133 Eligibility

- (1) A person is eligible to apply for a production certificate for a Class I product if the person:
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- (a) holds a current type certificate or foreign type certificate for the product; or
 - (b) holds the right, under a licensing agreement, to the benefits of the type certificate or foreign type certificate for the product; or
 - (c) holds a supplemental type certificate or foreign supplemental type certificate for the product; or
 - (d) holds the right, under a licensing agreement, to the benefits of the supplemental type certificate or foreign supplemental type certificate for the product.
- (2) A person is also eligible to apply for a production certificate if:
- (a) the person has an agreement with a foreign manufacturer to:
 - (i) manufacture a Class I, Class II, Class III or unapproved Class I product; and
 - (ii) supply the product to the foreign manufacturer; and
 - (b) the terms of the agreement require that the person be approved to manufacture the product.
- (2A) A person is also eligible to apply for a production certificate for a Class II or Class III product if:
- (a) the product is an aircraft component of a type in respect of which a certificate of type approval is in force; and
 - (b) the person is lawfully manufacturing the component or is proposing to manufacture the component and is entitled to do so.
- (2B) A person is also eligible to apply for a production certificate to manufacture a Class II or Class III product on a one-off basis for supply to:
- (a) the holder of a certificate of approval engaged in the maintenance of an aircraft for installation in or on the aircraft; or
 - (b) the operator of an aircraft or the owner of an aircraft, aircraft engine or propeller for installation in or on the aircraft, aircraft engine or propeller.

Source FARs section 21.133 modified.

21.134 Issue of production certificate

Subject to regulation 11.055, CASA must issue a production certificate to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.133, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

21.135 Requirements for entitlement

- (1) An applicant is entitled to a production certificate if CASA is satisfied that the applicant has complied with regulations 21.139 and 21.143 in relation to the Class I, Class II, Class III or unapproved class I product to be manufactured under the certificate.

- (2) CASA may inspect the applicant's organisation and manufacturing facilities to determine whether the applicant has complied with regulations 21.139 and 21.143.

Source FARs section 21.135 modified.

21.137 Location of manufacturing facilities

Despite regulation 21.134, CASA is not required to issue a production certificate if the manufacturing facilities concerned are located outside Australian territory, unless there is no undue burden on CASA in administering the applicable requirements of these Regulations.

Source FARs section 21.137 modified.

21.139 Quality system

An applicant for a production certificate must show that the applicant has established, and can maintain, a quality system so that:

- (a) each Class I product to be manufactured under the certificate will conform to the type design for the product; and
- (b) each Class II, Class III or unapproved Class I product to be manufactured under the certificate will conform to the product design for the product.

Source FARs section 21.139 modified.

21.143 Quality system data requirements: prime manufacturer

- (1) An applicant for a production certificate must submit to CASA, for approval, a manual describing the inspection and test procedures necessary to ensure that each product manufactured under the production certificate is in a condition for safe operation and conforms to:
- (a) for a Class I product—the type design; and
 - (b) for a Class II, Class III or unapproved Class I product—the product design.
- (1A) The manual mentioned in subregulation (1) must include any of the following that apply to the product:
- (a) a statement describing how responsibilities are assigned and authority is delegated in the quality system organisation, together with a chart indicating:
 - (i) the functional relationship of the quality system organisation to management and to other organisational components; and
 - (ii) the chain of authority and responsibility within the quality system organisation;
 - (b) a description of:
 - (i) the inspection procedures for raw materials, purchased items and parts and assemblies produced by manufacturers' suppliers; and
 - (ii) the methods used to ensure that parts and assemblies that cannot be completely inspected when delivered to the production certificate holder's plant are acceptable;
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- (c) a description of:
 - (i) the production inspection system for individual parts and complete assemblies; and
 - (ii) the methods used for the identification of any special manufacturing processes involved; and
 - (iii) the means used to control the processes; and
 - (iv) the final test procedure for the product; and
 - (v) in the case of a Class I product that is a completed aircraft, a copy of the manufacturer's production flight test procedures and check-off list;
- (d) for a product other than a Class II or Class III product referred to in subregulation 21.133(2B), an outline of the materials review system, the procedure for recording decisions of the Materials Review Board and for disposing of rejected parts;
- (e) an outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality system procedures;
- (f) a list or chart showing the location and type of inspection stations.

Note: A Materials Review Board must be established by the holder of a production certificate: see regulation 21.145.

- (1B) CASA must approve a manual that is prepared for, and meets the requirements of, this regulation.
- (2) The holder of a production certificate must, on the request of CASA, make available to CASA information regarding all delegation of authority to suppliers to make major inspections of parts or assemblies for which the holder is responsible.

Penalty: 25 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.143 modified.

21.144 Production inspection system

The production inspection system mentioned in paragraph 21.143(1A)(c) must provide for the following:

- (a) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;
- (b) suitable storage and adequate protection of materials subject to damage and deterioration;
- (c) carrying out processes affecting the quality and safety of the finished Class I, Class II, Class III or unapproved Class I product in accordance with acceptable industry or Australian specifications;
- (d) inspecting parts and components, at points during the production process at which accurate determinations can be made, to determine whether:

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- (i) parts and components for a Class I product conform to the type design data for the product; or
- (ii) parts and components for a Class II, Class III or unapproved Class I product conform to the product design data for the product;
- (e) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;
- (f) ensuring that design changes, including material substitutions, are controlled before being incorporated in:
 - (i) a finished Class I product; or
 - (ii) a Class II, Class III or unapproved Class I product;
- (g) segregating and identifying rejected materials and parts in a manner that precludes installation in the finished Class I, Class II, Class III or unapproved Class I product;
- (h) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished Class I, Class II, Class III or unapproved Class I product;
- (i) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;
- (j) maintaining inspection records, identified with the finished Class I, Class II, Class III or unapproved Class I product where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

21.145 Materials Review Board

- (1) The holder of a production certificate (other than a production certificate referred to in subregulation 21.133(2B)) must:
 - (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and
 - (b) maintain complete records of Materials Review Board action for at least 2 years after the action was taken.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.125 modified.

21.147 Changes in quality system

- (1) After the issue of a production certificate, each change to the quality system is subject to review by CASA.

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- (2) The holder of a production certificate must immediately notify CASA, in writing, of any change to the quality system that may affect:
- (a) the inspection of a Class I product being manufactured under the certificate, or the conformity of such a product to its type design data, or the airworthiness of such a product; or
 - (b) the inspection of an unapproved Class I product being manufactured under the certificate, or the conformity of such a product to its product design data, or the airworthiness of such a product; or
 - (c) the inspection of a Class II or Class III product being manufactured under the certificate, or the conformity of such a product to its product design data.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

21.149 Multiple products

CASA may authorise more than 1 Class I, Class II, Class III or unapproved Class I product to be manufactured under 1 production certificate if the products have similar production characteristics.

Source FARs section 21.149 modified.

21.151 Production limitation record

A production certificate must include, or have attached to it, a production limitation record that sets out:

- (a) for a Class I product—the type certificate or foreign type certificate of each product authorised to be manufactured under the production certificate; and
- (b) for a Class II or Class III product (other than a Class II or Class III product referred to in subregulation 21.133(2B)) or an unapproved Class I product—the product design of each product authorised to be manufactured under the production certificate; and
- (c) for a Class II or Class III product referred to in subregulation 21.133(2B)—a description of each product authorised to be manufactured under the production certificate.

Source FARs section 21.151 modified.

21.153 Amendment of production certificate

- (1) The holder of a production certificate may apply to CASA to amend the certificate to add 1 or more of the following:
- (a) a Class I product type certificate or foreign type certificate;
 - (b) a model to a Class I product type certificate or foreign type certificate;
 - (c) an unapproved Class I product design;
 - (d) a Class II product design;

(e) a Class III product design.

- (2) CASA may amend the certificate if the applicant complies with the applicable requirements of regulations 21.139, 21.143 and 21.147.

Source FARs section 21.153 modified.

21.157 Inspections and tests

- (1) If CASA requires the holder of a production certificate to allow CASA to make any inspections and tests necessary to determine compliance with the applicable requirements of these Regulations, the holder must allow CASA to make those inspections and tests.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.157 modified.

21.159 Duration

- (1) A production certificate ceases to be in force:
- (a) if the location of the manufacturing facility is changed; or
 - (b) if it is cancelled; or
 - (c) if a termination date is specified in the certificate—at midnight on that date.
- (2) A production certificate is not in force during any period of suspension.
- (3) CASA may suspend or cancel a production certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) A notice must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.159 modified.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of production certificates.

21.161 Display

- (1) The holder of a production certificate must take reasonable steps to ensure that it is displayed prominently in the main office of the manufacturing facility in which the aircraft, aircraft engine or propeller to which the certificate relates is manufactured.

Penalty: 5 penalty units.

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- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.161 modified.

21.163 Privileges for holders of production certificates—conduct of training in particular maintenance

Primary category aircraft

- (1) Subregulation (2) applies to:
- (a) a person who:
 - (i) holds a production certificate for a primary category aircraft of a particular type and model; and
 - (ii) is entitled to a special certificate of airworthiness for the aircraft in the primary category under subregulation 21.184(1); and
 - (b) a person who:
 - (i) holds a production certificate for a normal, utility or acrobatic category aircraft of a particular type and model; and
 - (ii) is entitled to a special certificate of airworthiness for the aircraft in the primary category under subregulation 21.184(3).
- (2) Subject to subregulation (5), the person may:
- (a) conduct training for a person in the performance of a special inspection and preventive maintenance program included as part of the aircraft's type design under subregulation 21.024(2); and
 - (b) if the person successfully completes the training—issue a certificate of competency for that type and model of aircraft to the person.

Intermediate category aircraft

- (3) Subregulation (4) applies to a person who:
- (a) holds a production certificate for an intermediate category aircraft of a particular type and model; and
 - (b) is entitled to a special certificate of airworthiness for the aircraft in the intermediate category under subregulation 21.184A(1).
- (4) Subject to subregulation (5), a person who is eligible may:
- (a) conduct training for a person in the performance of a special inspection and preventive maintenance program included as part of the aircraft's type design under subregulation 21.026(2); and
 - (b) if the person successfully completes the training—issue a certificate of competency for that type and model of aircraft to the person.

Training to be given by licensed aircraft maintenance engineer

- (5) For subregulations (2) and (4), the training must be given by a licensed aircraft maintenance engineer:

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- (a) who holds a category B1 licence, within the meaning given by Part 3 of the Dictionary; and
- (b) if the aircraft is of a type rated aircraft type, within the meaning given by Part 3 of the Dictionary—whose licence is endorsed with the rating for that aircraft type.

Source FARs section 21.163 modified.

21.165 Responsibility of holder of production certificate

- (1) The holder of a production certificate must maintain the quality system in conformity with the manual approved under regulation 21.143 in relation to the production certificate.

Penalty: 50 penalty units.

- (2) The holder of a production certificate for a Class I product must ensure that each finished product that is:
 - (a) manufactured under the authority of the certificate; and
 - (b) submitted for airworthiness certification or approval;conforms to the type design for the product and is in a condition for safe operation.

Penalty: 50 penalty units.

- (3) The holder of a production certificate for a Class II, Class III or unapproved Class I product must ensure that each product that is:
 - (a) manufactured under the authority of the certificate; and
 - (b) submitted for approval;conforms to the product design and is in a condition for safe operation.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.165 modified.

21.166 Records to be kept by holder of production certificate

- (1) A person who manufactures a Class I, Class II, Class III or unapproved Class I product under a production certificate must keep, at the place of manufacture, the following records for each product:
 - (a) for a Class I product, a technical data file that includes:
 - (i) the current type design drawings; and
 - (ii) the current specifications; and
 - (iii) the reports on the results of any tests required by or under this Part; and
 - (iv) the original type inspection report; and
 - (v) any amendments to that report;

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- (b) for a Class II, Class III or unapproved Class I product, the current product design and the reports on the results of any tests required by or under this Part;
- (c) any data (including any amendments) required to be submitted with the original application for the production certificate;
- (d) a record of any rebuilding or alteration performed by the person;
- (e) an inspection record;
- (f) any serial number;
- (g) any data about the processes and tests to which materials and parts used in the product are subjected;
- (h) a record of any service difficulties reported to the person.

Penalty: 50 penalty units.

- (2) The records mentioned in paragraphs (1)(a), (b), (c) and (d) must be retained for the period during which the product is manufactured by the person under the production certificate.

Penalty: 50 penalty units.

- (3) The records mentioned in paragraphs (1)(e), (f), (g) and (h) must be retained for 2 years after the manufacture of the product to which the records relate.

Penalty: 50 penalty units.

- (4) The person must allow CASA to examine the records at any reasonable time after reasonable notice is given to the person.

Penalty: 50 penalty units.

- (5) If the person stops manufacturing a product under the production certificate, and does not continue manufacturing the product at another place under another production certificate, the person must send the records retained for subregulation (3) to CASA within 30 days after manufacturing stops.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.293 modified.

Subpart 21.H—Certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits

Note: A certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the *Air Navigation (Aircraft Engine Emissions) Regulations* or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.171 Applicability

This Subpart prescribes requirements for the issue of certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits.

Source FARs section 21.171 modified.

Note: Under Part 200 (Aircraft to which CASR do not apply), certain Australian aircraft are authorised to fly without a certificate of airworthiness.

21.172 Definitions for Subpart

In this Subpart:

LSA standards means:

- (a) the standards for the design, performance or continuing airworthiness of light sport aircraft issued by the American Society for Testing and Materials, as in force from time to time; or
- (b) the standards prescribed by the Part 21 Manual of Standards for the design, performance or continuing airworthiness of light sport aircraft.

Note: The standards issued by the American Society for Testing and Materials could in 2015 be viewed on the society's website (<http://www.astm.com>).

qualified manufacturer of a light sport aircraft means:

- (a) a manufacturer who, at the time the light sport aircraft was manufactured, held a current production certificate for an aircraft; or
- (b) a manufacturer who has made a written declaration that, at the time the light sport aircraft was manufactured, it had:
 - (i) contracted engineering personnel with experience in ultralight or light aircraft design to ensure compliance with LSA standards referred to in paragraph 21.186(2)(b); and
 - (ii) facilities and tools suitable for the production of the aircraft in accordance with the applicable LSA standards; and
 - (iii) competent personnel, with appropriate training, skills and experience, to perform work that affects product quality.

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21.173 Eligibility

- (1) In this regulation:
certificate of airworthiness does not include:
 - (a) an experimental certificate; or
 - (b) a provisional certificate of airworthiness.
- (2) The registered operator of an aircraft, or the owner of an aircraft that is listed with a Part 103 ASAO, is eligible to apply for a certificate of airworthiness for the aircraft.
- (3) The application must be made to:
 - (a) for an application for a limited category certificate—CASA or a limited category organisation; or
 - (b) for any other application—CASA or an authorised person.

21.174 Applications for limited category certificates made to CASA—giving to limited category organisation

- (1) This regulation applies if an application for a limited category certificate for an aircraft is made to CASA.
- (2) CASA may give the application to a limited category organisation for the purposes of the organisation deciding the application.
- (3) If there is more than one limited category organisation that may deal with the application, CASA must ask the applicant to nominate a limited category organisation for the application.
- (4) If CASA gives the application to a limited category organisation under this regulation, CASA must give the organisation anything in its records about the applicant that is relevant to the organisation making a decision on the application.
- (5) If CASA gives the application to a limited category organisation under this regulation:
 - (a) for these Regulations, the application is taken to have been made to the organisation; and
 - (b) the organisation must decide the application; and
 - (c) CASA must give the applicant written notice that the application has been given to the organisation for the purposes of the organisation deciding it.
- (6) Without limiting subregulation (5), and for the avoidance of doubt:
 - (a) CASA is taken not to have refused the application; and
 - (b) nothing in this Part authorises the limited category organisation to return the application to CASA for the purposes of CASA deciding it, but the organisation may consult with, or seek information from, CASA for the purposes of deciding the application.

21.175 Certificates of airworthiness: classification

In these Regulations:

special certificate of airworthiness means:

- (a) a certificate of airworthiness issued for:
 - (i) an aircraft type certificated in the primary, intermediate or restricted category; or
 - (ii) an aircraft in the limited category; or
 - (iii) an amateur-built aircraft accepted under an ABAA; or
 - (iv) a light sport aircraft covered by regulation 21.186; or
- (b) a provisional certificate of airworthiness; or
- (c) an experimental certificate.

standard certificate of airworthiness means a certificate of airworthiness issued for:

- (a) an aircraft type certificated in the normal, utility, acrobatic, commuter, or transport category; or
- (b) a manned free balloon; or
- (c) an aircraft in a special class of aircraft.

Source FARs section 21.175 modified.

21.176 Issue of certain certificates of airworthiness

- (1) Subject to regulation 11.055, CASA, a limited category organisation or an authorised person must issue a certificate of airworthiness to an applicant for the certificate if the applicant:
 - (a) is eligible, under regulation 21.173, to apply for the certificate; and
 - (b) applies for the certificate in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the certificate; and
 - (d) otherwise complies with this Part.
- (3) A condition imposed on a certificate of airworthiness under regulation 11.056 may include operational limitations.
- (4) Any conditions imposed on a certificate of airworthiness under regulation 11.056, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing, and set out in, or attached to, the certificate of airworthiness.

Limited category certificates—assignment of permit index numbers

- (5) If CASA or a limited category organisation decides to issue a limited category certificate for an aircraft, CASA or the organisation must assign a permit index number to the aircraft in accordance with regulation 132.195.

Note: See also regulation 132.230 (Notice to CASA—certain proposed actions by limited category organisation).

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Regulation 21.179

Limited category certificates—information to be included

- (5A) The following information must be included in a limited category certificate for an aircraft, or in an attachment to the certificate:
- (a) each special purpose operation for which the aircraft is to be operated;
 - (b) the aircraft's permit index number.
- (6) In this regulation:
- certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate.

21.179 Transferability

Subject to regulation 21.219, a certificate of airworthiness is transferred with the aircraft.

Source FARs section 21.179 modified.

Note: Regulation 21.219 relates to the transferability of provisional certificates of airworthiness.

21.181 Duration of certain certificates of airworthiness

- (1) In this regulation:
- certificate of airworthiness* does not include a provisional certificate of airworthiness or an experimental certificate.
- (2) A certificate of airworthiness continues in force:
- (a) if a period is specified in the certificate—until the end of the period or until it is cancelled, whichever occurs first; or
 - (b) in any other case—until it is cancelled.
- (3) The holder of a certificate of airworthiness must, on request by CASA or an authorised person, make it available for inspection by CASA or the authorised person.
- Penalty: 5 penalty units.
- (4) A certificate of airworthiness is taken to not be in force for any period during which:
- (a) the aircraft is either not registered in Australia or not listed with a Part 103 ASAO; or
 - (b) any type certificate or type acceptance certificate for the type of aircraft concerned is not in force; or
 - (c) in the case of a certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186, the aircraft is modified and the modification:
 - (i) is not authorised by the manufacturer; or
 - (ii) if the manufacturer was no longer existing at the time of the modification or could not have authorised the modification at that

Regulation 21.181

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- time—is not authorised by an authorised person to perform the functions of the manufacturer in relation to the continuing airworthiness of the light sport aircraft; or
- (iii) does not comply with the LSA standards.
- (4A) For the purposes of subregulation (4), if the certificate of airworthiness was issued for a specified period, the period during which the certificate is taken to not be in force counts as part of the period for which the certificate was issued.
- (5) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an aircraft that is being used in scheduled air transport operations, by written notice given to its holder, if:
- (a) for an aircraft to which Part 42 applies—any maintenance carried out on the aircraft is not carried out in accordance with Part 42; or
 - (aa) for an aircraft to which Part 42 does not apply—any maintenance carried out on the aircraft is not carried out in accordance with Part 4A of CAR; or
 - (b) the aircraft type ceases to be supported by the type certificate holder, the national aviation authority of the country in which the aircraft's original type certificate was issued or the national aviation authority of a Contracting State, with respect to:
 - (i) collecting and investigating information on defects; or
 - (ii) reporting defects to the national aviation authority of the country of original type certification; or
 - (iii) keeping type records; or
 - (iv) producing and maintaining manuals; or
 - (v) issuing instructions for continuing airworthiness; or
 - (c) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.
- (6) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an Australian aircraft not covered by subregulation (5), by written notice given to its holder, if:
- (a) for an aircraft to which Part 42 applies—any maintenance carried out on the aircraft is not carried out in accordance with Part 42; or
 - (aa) for an aircraft to which Part 42 does not apply—any maintenance carried out on the aircraft is not carried out in accordance with Part 4A of CAR; or
 - (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.
- (7) A notice under subregulation (5) or (6) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.
- (8) Despite anything else in this regulation, a certificate of airworthiness is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.

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- (9) The holder of a certificate of airworthiness that is taken to not be in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

Penalty: 5 penalty units.

- (10) An offence against subregulation (3) or (9) is an offence of strict liability.

Note 1: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.181 modified.

Note 2: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of certificates of airworthiness.

21.182 Aircraft manufacturer's data plate

- (1) Except as set out in subregulation (2), an applicant for a certificate of airworthiness for an aircraft must show that the aircraft is identified:
- (a) as required by Subpart 21.Q; or
 - (b) in the case of an imported aircraft:
 - (i) as required by the national aviation authority of the Contracting State in which it was certificated; or
 - (ii) in another way acceptable to CASA.
- (2) Subregulation (1) does not apply to an applicant:
- (a) if the applicant is applying for an experimental certificate for an aircraft that is not an amateur-built aircraft, a kit-built aircraft or a light sport aircraft; or
 - (b) if:
 - (i) a different certificate of airworthiness is in force for the aircraft; and
 - (ii) the applicant for the issue of that certificate complied with subregulation (1).

Source FARs section 21.182 modified.

21.183 Standard certificates of airworthiness

New aircraft manufactured under a production certificate

- (1) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
- (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with a supplemental type certificate or an approved modification/repair design; or
 - (c) is not in a condition for safe operation.

New aircraft manufactured under type certificate only

- (2) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a type certificate only is entitled to the certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity required by regulation 21.130, if CASA finds after inspection that the aircraft:
- (a) conforms to the type design; and
 - (b) has had any modifications or repairs carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) is in a condition for safe operation; and
 - (d) was manufactured by the holder of the type certificate for the aircraft or the licensee of that type certificate.

Imported aircraft

- (3) An applicant for a standard certificate of airworthiness for an aircraft for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person is satisfied that:
- (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) the aircraft is in a condition for safe operation.

Other aircraft

- (4) An applicant for a standard certificate of airworthiness for aircraft not covered by subregulation (1), (2) or (3) is entitled to the certificate if:
- (a) the aircraft:
 - (i) has a type design approved under a type certificate or a supplemental type certificate; or
 - (ii) if there is no type certificate or supplemental type certificate for the aircraft—is of a type or model that has previously been issued a certificate of airworthiness in the category applied for; and
 - (b) the aircraft complies with any applicable airworthiness directives; and
 - (c) the aircraft meets the requirements mentioned in subregulation (4A); and
 - (d) CASA or an authorised person is satisfied that:
 - (i) the aircraft conforms to the type design (if any); and
 - (ii) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (iii) the aircraft is in a condition for safe operation.

(4A) For paragraph (4)(c), the requirements are that:

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- (a) the aircraft is not an experimental aircraft for which a different certificate of airworthiness has previously been issued under this regulation; and
- (b) if Part 42 applies to the aircraft—an airworthiness review certificate is in force for the aircraft; and
- (c) if Part 42 does not apply to the aircraft, and the aircraft is of a particular type and model—a person who holds a certificate of approval that covers maintenance for that type and model of aircraft has certified, in the aircraft maintenance record for the aircraft, that the aircraft meets the requirements mentioned in subregulation 21.184(4).

Inspection

- (5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1), (3) or (4) to determine whether:
 - (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) it is in a condition for safe operation.

Source FARs section 21.183 modified.

21.184 Special certificates of airworthiness for primary category aircraft

New primary category aircraft manufactured under a production certificate

- (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the primary category that meets the criteria of paragraph 21.024(1)(a), manufactured under a production certificate, including aircraft assembled by another person from a kit provided by the holder of the production certificate and under the supervision and quality control of that holder, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
 - (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with a supplemental type certificate or an approved modification/repair design; or
 - (c) is not in a condition for safe operation.

Imported aircraft

- (2) An applicant for a special certificate of airworthiness for an aircraft in the primary category for which a type certificate was issued under regulation 21.029, or a type acceptance certificate was issued under regulation 21.029A, is entitled to the certificate if CASA or an authorised person finds, after inspection, that:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) the aircraft is in a condition for safe operation.

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Aircraft having a current standard certificate of airworthiness

- (3) An applicant for a special certificate of airworthiness for an aircraft in the primary category is entitled to the certificate if CASA or an authorised person is satisfied that:
- (a) the aircraft has a standard certificate of airworthiness; and
 - (b) the aircraft meets the criteria mentioned in paragraph 21.024(1)(a); and
 - (c) the applicant has applied, under regulation 21.113, for a supplemental type certificate for the approval of the design of a major change to the aircraft; and
 - (d) the applicant meets the requirements mentioned in regulation 21.113A; and
 - (e) if Part 42 applies to the aircraft and maintenance has been carried out on the aircraft since it was last operated for a flight—one of the following documents has been issued for the aircraft in relation to the maintenance:
 - (i) a certificate of release to service;
 - (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301; and
 - (f) if Part 42 does not apply to the aircraft—a maintenance release is in force for the aircraft.

Other aircraft

- (4) An applicant for a special certificate of airworthiness for an aircraft in the primary category that meets the criteria of paragraph 21.024(1)(a), and is not covered by subregulation (1), (2), or (3), is entitled to the certificate if CASA or an authorised person is satisfied that:
- (a) the aircraft:
 - (i) conforms to an approved primary, normal, utility, acrobatic or manned free balloon type design; or
 - (ii) complies with the requirements prescribed by the Part 21 Manual of Standards; and
 - (b) the aircraft complies with all applicable airworthiness directives; and
 - (c) if Part 42 applies to the aircraft—an airworthiness review certificate is in force for the aircraft; and
 - (ca) if Part 42 does not apply to the aircraft—the aircraft maintenance record for the aircraft records the result of a maintenance release inspection (within the meaning given by subregulation 47(6) of CAR) for the aircraft; and
 - (d) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (e) the aircraft is in a condition for safe operation.

Inspection

- (5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (3) or (4) to determine whether:

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- (a) it conforms to the type design; and
- (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
- (c) it is in a condition for safe operation.

Multiple-category certification

- (6) A multiple-category certificate of airworthiness in the primary category and any other category must not be issued; a primary category aircraft may hold only one certificate of airworthiness.

Source FARs section 21.184 modified.

21.184A Special certificates of airworthiness for intermediate category aircraft

New intermediate category aircraft manufactured under a production certificate

- (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the intermediate category that meets the criteria of paragraph 21.026(1)(a) and was manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
 - (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with a supplemental type certificate or an approved modification/repair design; or
 - (c) is not in a condition for safe operation.

Other aircraft

- (2) An applicant for a special certificate of airworthiness for an aircraft in the intermediate category that meets the criteria of paragraph 21.026(1)(a) and is not covered by subregulation (1) is entitled to the certificate if CASA or an authorised person is satisfied that:
 - (a) the aircraft:
 - (i) conforms to an approved intermediate, normal, utility, or acrobatic type design; or
 - (ii) complies with the requirements prescribed by the Part 21 Manual of Standards; and
 - (b) the aircraft complies with all applicable airworthiness directives; and
 - (c) if Part 42 applies to the aircraft—an airworthiness review certificate is in force for the aircraft; and
 - (ca) if Part 42 does not apply to the aircraft—the aircraft maintenance record for the aircraft records the result of a maintenance release inspection (within the meaning given by subregulation 47(6) of CAR) for the aircraft; and
 - (d) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and

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- (e) the aircraft is in a condition for safe operation.

Inspection

- (3) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (2) to determine whether:
- (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) it is in a condition for safe operation.

Multiple-category certification

- (4) A multiple-category certificate of airworthiness in the intermediate category and any other category must not be issued; an intermediate category aircraft may hold only one certificate of airworthiness.

Source FARs section 21.184 modified.

21.185 Certificates of airworthiness for restricted category aircraft

Aircraft manufactured under a production certificate or type certificate only

- (1) An applicant for the original issue of a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, is entitled to the certificate if the applicant complies with the appropriate provisions of regulation 21.183.

Imported aircraft

- (2) An applicant for the original issue of a restricted category certificate of airworthiness for an imported aircraft type certificated only in the restricted category under regulation 21.029 or 21.029A is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that:
- (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) the aircraft is in a condition for safe operation.

Other aircraft

- (3) An applicant for a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was a surplus aircraft of the Defence Force, or of an armed force of Canada, the United Kingdom or the United States of America, or was previously certificated in another category, is entitled to the certificate if CASA or an authorised person is satisfied, after inspection, that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.

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- (3A) Subregulation (3B) applies to an aircraft:
- (a) that is type certificated in the normal, utility, acrobatic, commuter or transport category; and
 - (b) that has been modified for 1 or more of the special purpose operations mentioned in regulation 21.025; and
 - (c) the modifications to which have been carried out in accordance with:
 - (i) an approved modification/repair design; or
 - (ii) a supplemental type certificate.
- (3B) An applicant for a special certificate of airworthiness for an aircraft to which this subregulation applies is entitled to the certificate as if the aircraft were type certificated in the restricted category if CASA or an authorised person finds, after inspection, that:
- (a) the aircraft meets the requirements of the normal utility, acrobatic, commuter or transport category except the requirements that CASA or the authorised person considers are inappropriate for the special purpose for which the aircraft is to be used; and
 - (b) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

Inspection

- (4) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (3) to determine whether:
- (a) it conforms to the type design; and
 - (b) any modifications or repairs to it have been carried out in accordance with a supplemental type certificate or an approved modification/repair design; and
 - (c) it is in a condition for safe operation.

Source FARs section 21.185 modified.

21.186 Special certificates of airworthiness for light sport aircraft

- (1) An applicant is entitled to a special certificate of airworthiness for a light sport aircraft if:
- (a) the aircraft was manufactured by a qualified manufacturer; and
 - (b) the applicant gives CASA, or the authorised person referred to in regulation 21.176, the following:
 - (i) a statement of compliance by the manufacturer that complies with subregulation (2);
 - (ii) copies of the aircraft operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer;
 - (iii) in the case of a light sport aircraft manufactured outside Australia—written information showing that:
 - (A) the aircraft was manufactured in a Contracting State; and

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- (B) the aircraft is eligible for a certificate of airworthiness, or another document of similar effect, in the country of manufacture; and
 - (c) CASA or an authorised person finds, after inspection, that the aircraft is in a condition for safe operation.
- (2) A statement of compliance must be signed by the manufacturer and include at least the following:
- (a) a statement setting out the aircraft's make and model, serial number and date of manufacture;
 - (b) a statement specifying which of the LSA standards apply to the design of the aircraft, including a statement to the effect that the design of the aircraft complies with the specified standards;
 - (c) a statement specifying that:
 - (i) the manufacturer has a quality system that complies with the LSA standards; and
 - (ii) based on that system, the aircraft conforms to the manufacturer's technical data for the design of the aircraft;
 - (d) a statement to the effect that the manufacturer will make the statements, documents and information referred to in paragraph (1)(b) available to any person who asks the manufacturer for them;
 - (e) a statement to the effect that the manufacturer will monitor the continuing airworthiness of the aircraft and will issue directions or requirements that comply with the LSA standards to correct any unsafe condition;
 - (f) a statement to the effect that, in accordance with a production acceptance test procedure that complies with the LSA standards:
 - (i) the manufacturer has ground-tested and flight-tested the aircraft; and
 - (ii) the manufacturer found the aircraft's performance during ground and flight testing acceptable; and
 - (iii) the aircraft is in a condition for safe operation.

21.187 Multiple-category airworthiness certification

- (1) An applicant for a certificate of airworthiness for an aircraft in the restricted category, and in one or more other categories (except the primary or intermediate category), is entitled to the certificate, if the aircraft:
- (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and
 - (b) can be converted from one category to another by removing or adding equipment by simple mechanical means.
- (2) The operator of an aircraft certificated in the restricted category and in one or more other categories must have the aircraft inspected to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers.

Penalty: 50 penalty units.

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(2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The inspection must be carried out by:
- (a) CASA or an authorised person; or
 - (b) a person who, under regulation 42ZE or 42ZN of CAR, can certify that the maintenance carried out on the aircraft for the purposes of its conversion was completed.
- (4) CASA or an authorised person may inspect the aircraft, and may require the applicant to make any tests reasonably necessary, to determine whether the aircraft:
- (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and
 - (b) can be converted from one category to another by removing or adding equipment by simple mechanical means.

Source FARs section 21.187 modified.

21.189 Special certificate of airworthiness for limited category aircraft

- (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the limited category for one or more special purpose operations mentioned in subregulation (3) if:
- (a) either:
 - (i) CASA or the limited category organisation deciding the application is satisfied that the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness (except any requirements that are inappropriate for the special purpose for which the aircraft is to be used); or
 - (ii) the aircraft is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force, and for which the applicant can demonstrate to CASA or the limited category organisation deciding the application a satisfactory history of operation; and
 - (b) as far as can be reasonably determined, CASA or the limited category organisation is satisfied that the aircraft is in a good state of preservation and repair and is in a condition for safe operation; and
 - (c) as far as can be reasonably determined, CASA or the limited category organisation is satisfied that the aircraft can reasonably be expected to be safe when it is operated under the conditions limiting its intended use; and
 - (d) the applicant meets the requirements of subregulation (2).
- (2) The applicant must give CASA or the limited category organisation the following:
- (a) a statement, in a form and manner acceptable to CASA or the limited category organisation, setting out the purpose or purposes for which the aircraft is to be used;

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- (b) data (for example photographs) to identify the aircraft;
 - (c) any other information reasonably needed by CASA or the limited category organisation to enable it to impose any conditions necessary in the interests of the safety of other airspace users and persons on the ground or water.
- (3) The special purpose operations are the following:
- (a) operating historic or ex-military aircraft;
 - (aa) conducting adventure flights in historic or ex-military aircraft;
 - (ab) if the aircraft does not have a major modification—air racing;
 - (ac) glider towing;
 - (b) aerobatic flights;
 - (c) aerobatic training;
 - (d) exhibition flights;
 - (e) mock combat;
 - (f) operating replica aircraft;
 - (g) operating aircraft to carry people for parachute descents;
 - (h) any other operation in which the only use of the aircraft is to carry people taking part in a recreational activity that is intrinsically hazardous.
- (4) CASA or the limited category organisation may:
- (a) inspect the aircraft to determine whether it is in a good state of preservation and repair and is in a condition for safe operation; and
 - (b) require the applicant to carry out a flight check to enable CASA or the limited category organisation to make the determination.

Source FARs section 21.189 modified.

21.190 Special certificates of airworthiness—amateur-built category aircraft accepted under an ABAA

- (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the amateur-built aircraft category if:
- (a) CASA or an authorised person has given an ABAA for the aircraft; and
 - (b) the aircraft complies with subsections 3 and 4 of section 101.28 of the Civil Aviation Orders; and
 - (c) approval for the manufacture of the aircraft was given by CASA or an authorised person and the aircraft was manufactured in accordance with the approval; and
 - (d) CASA or an authorised person finds, after inspection, that:
 - (i) the aircraft conforms with the data on the basis of which the ABAA was given; and
 - (ii) any modifications or repairs to the aircraft have been carried out in accordance with an approved modification/repair design; and
 - (iii) the aircraft is in a condition for safe operation.
- (1A) In the case of an aircraft that is a rotorcraft, for the application of section 101.28 of the Civil Aviation Orders:

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- (a) a reference in that section to an aeroplane is taken to be a reference to an aircraft; and
 - (b) CASA may direct that a requirement of that section does not apply in a particular case.
- (2) CASA or an authorised person must not give an ABAA for an aircraft, except an aircraft with:
- (a) a maximum take-off weight not greater than 1500 kilograms; and
 - (b) not more than 4 seats; and
 - (c) if the aircraft is an aeroplane that is fitted with one or more type certificated engines:
 - (i) a stalling speed V_{S0} at maximum weight not exceeding 61 knots; or
 - (ii) if accurate data about the stalling speed is not available—a maximum wing loading not exceeding:
 - (A) 65 kg/m² with a flap area of less than 6 percent gross wing area; or
 - (B) 80 kg/m² with a flap area of at least 6 percent gross wing area; and
 - (d) if the aircraft is an aeroplane that is fitted with one or more non-type certificated engines:
 - (i) a stalling speed V_{S0} at maximum weight not exceeding 55 knots; or
 - (ii) if accurate data about the stalling speed is not available—a maximum wing loading not exceeding:
 - (A) 55 kg/m² with a flap area of less than 6 percent gross wing area; or
 - (B) 65 kg/m² with a flap area of at least 6 percent gross wing area.
- (3) CASA or an authorised person must not give an ABAA for an aircraft if the ABAA is applied for after 30 September 2000.

21.191 Experimental certificates

An experimental certificate may be issued for one or more of the following purposes:

- (a) research and development: for example testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft;
- (b) showing compliance with regulations: for example conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issue of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations;
- (c) training the applicant's flight crew;
- (d) exhibition: for example exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition

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- flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions;
- (e) air racing: for example participating in air races, including (for participants) practising for air races and flying to and from racing events;
 - (f) market surveys: for example use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in regulation 21.195;
 - (g) operating an amateur-built aircraft: that is an aircraft the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation;
 - (h) operating a kit-built aircraft: that is an aircraft in the primary category that meets the criteria of paragraph 21.024(1)(a) and that was assembled by a person from a kit manufactured by the holder of a production certificate for that kit, without the supervision and quality control of the production certificate holder under subregulation 21.184(1);
 - (i) private operations of prototype aircraft previously certificated under paragraph 21.191(a), (b) or (d);
 - (j) operating a light sport aircraft that:
 - (i) has been assembled from a kit in relation to which the applicant can give the information, statement and documents required by paragraph 21.193(e); and
 - (ii) has been assembled in accordance with the kit manufacturer's instructions for assembling the aircraft; and
 - (iii) is of the same make and model as a production aircraft covered by regulation 21.186 that has been issued with a special certificate of airworthiness;
 - (k) operating any other light sport aircraft covered by regulation 21.186 for which a special certificate of airworthiness for light sport aircraft, or another document of similar effect under a law of a Contracting State, has been issued.

Source FARs section 21.191 modified.

21.192 Experimental certificates: eligibility

An aircraft registration holder, or the owner of an aircraft that is listed with a Part 103 ASAO, is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191.

21.193 Experimental certificates: general

An applicant for an experimental certificate is entitled to the certificate if the applicant gives CASA, an authorised person or a relevant approved design organisation the following:

- (a) a statement, in a form and manner acceptable to CASA or the authorised person, setting forth the purpose for which the aircraft is to be used;
- (b) enough data (such as photographs) to identify the aircraft;

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- (c) upon inspection of the aircraft, any information reasonably needed by CASA or the authorised person or relevant approved design organisation to enable it to impose any conditions, including operational limitations, necessary in the interests of the safety of other airspace users and persons on the ground or water;
- (d) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191(a) (research and development) or paragraph 21.191(b) (showing compliance with the regulations):
 - (i) a description of the experimental purposes for which the certificate is sought; and
 - (ii) a statement setting out the estimated time or number of flights required for the purpose; and
 - (iii) a description of the areas over which the experiment will be conducted; and
 - (iv) except for aircraft converted from a previously certificated type without appreciable change in the external configuration—three-view drawings or three-view dimensioned photographs of the aircraft;
- (e) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191(j) (operating certain light sport aircraft):
 - (i) written information that shows that a special certificate of airworthiness for light sport aircraft covered by regulation 21.186, or another document of similar effect under a law of a Contracting State, has been issued for a production aircraft of the same make and model; and
 - (ii) a statement of compliance, issued by the manufacturer of the kit from which the aircraft was assembled, that includes the statements and information required by subregulation 21.186(2), in so far as the statements and information relate to the manufacture of such kits; and
 - (iii) copies of the aircraft assembly and operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer.

Source FARs section 21.193 modified.

21.195 Experimental certificates: aircraft to be used for market surveys, sales demonstrations, and customer crew training

- (1) A manufacturer of aircraft manufactured within Australian territory is eligible to apply for an experimental certificate for an aircraft that is to be used for a purpose mentioned in paragraph 21.191(f).
- (2) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by the manufacturer within Australian territory, is eligible to apply for an experimental certificate for a purpose mentioned in paragraph 21.191(f) if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, commuter, primary, intermediate or transport category.

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- (3) A person who has altered the design of a type certificated aircraft is eligible to apply for an experimental certificate for the altered aircraft to be used for a purpose mentioned in paragraph 21.191(f) if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, primary, intermediate or transport category.
 - (4) An applicant for an experimental certificate for a purpose mentioned in paragraph 21.191(f) is entitled to the certificate if, in addition to meeting the requirements of regulation 21.193:
 - (a) the applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft; and
 - (b) the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified.

Source FARs section 21.195 modified.

21.195A Issue of experimental certificates

- (1) Subject to regulation 11.055, CASA, an authorised person or a relevant approved design organisation must issue an experimental certificate to an applicant for the certificate if the applicant:
 - (a) is eligible, under regulation 21.192, to apply for the certificate; and
 - (b) applies for the certificate in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the certificate; and
 - (d) otherwise complies with this Part.
- (3) A condition imposed on an experimental certificate under regulation 11.056 may include operational limitations.
- (4) Any conditions imposed on an experimental certificate under regulation 11.056, must be in writing and set out in, or attached to, the experimental certificate.

21.195B Duration, production for inspection, suspension and cancellation of experimental certificates

- (1) An experimental certificate issued for the purpose of research and development, showing compliance with regulations, crew training or market surveys, continues in force:
 - (a) if a period of less than one year is specified in the certificate—until the end of the period, or until it is cancelled, whichever occurs first; or
 - (b) in any other case—until the end of the period of one year after the date on which it was issued, or until it is cancelled, whichever occurs first.
- (2) An experimental certificate issued for the purpose of exhibition, air racing, operating amateur-built, kit-built or light sport aircraft or private operations of prototype aircraft previously certificated under paragraph 21.191(a), (b) or (d), continues in force:
 - (a) if a period is specified in the certificate—until the end of the period, or until it is cancelled, whichever occurs first; or

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(b) in any other case—until it is cancelled.

- (3) The holder of an experimental certificate commits an offence if:
- (a) CASA, an authorised person or a relevant approved design organisation asks the holder to make the certificate available for inspection; and
 - (b) the holder does not make the certificate available for inspection in accordance with the request.

Penalty: 50 penalty units.

- (4) An experimental certificate for an aircraft is taken to not be in force for any period during which the aircraft is either not registered in Australia or not listed with a Part 103 ASAO.
- (4A) For the purposes of subregulation (4), the period during which the certificate is taken to not be in force counts as part of the period for which the certificate was issued.
- (5) CASA or an authorised person may suspend or cancel an experimental certificate for an aircraft, by written notice given to its holder, if:
- (a) any maintenance is not carried out in accordance with regulation 42CB of CAR; or
 - (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of the safety of other airspace users and persons on the ground or water.
- (6) A notice under subregulation (5) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.
- (7) Despite anything else in this regulation, an experimental certificate is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.
- (8) The holder of an experimental certificate commits an offence if:
- (a) the certificate is taken to not be in force under subregulation (4), expires or is suspended or cancelled; and
 - (b) CASA, an authorised person or a relevant approved design organisation asks the holder to surrender the certificate; and
 - (c) the holder does not surrender the certificate in accordance with the request.

Penalty: 50 penalty units.

- (9) An offence against subregulation (3) or (8) is an offence of strict liability.

Note 1: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.181 modified.

Note 2: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of experimental certificates.

21.195C Exercise of certain powers by authorised persons and relevant approved design organisations

An authorised person or a relevant approved design organisation may exercise the following powers in relation to an experimental certificate only if the person or organisation issued the certificate:

- (a) asking the holder to make the certificate available for inspection under subregulation 21.195B(3);
- (b) asking the holder to surrender the certificate under subregulation 21.195B(8).

21.196 Special flight permits: eligibility

Any person is eligible to apply for a special flight permit.

21.197 Special flight permits

- (1) A special flight permit may be issued for one or more of the following purposes for an aircraft that may not currently meet the applicable airworthiness requirements, but can reasonably be expected to be capable of safe flight for the intended purpose:
 - (a) flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage;
 - (b) delivering or exporting the aircraft;
 - (c) production flight testing new production aircraft;
 - (d) evacuating the aircraft from areas of impending danger;
 - (e) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests;
 - (f) assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion;
 - (g) assisting in dealing with a state of emergency.
- (2) A special flight permit may authorise the operation of an aircraft at a weight in excess of its maximum take-off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.
- (3) For subsection 20AA(1) of the Act, an aircraft with a special flight permit, except a special flight permit issued for a purpose mentioned in paragraph (1)(b), is not required to be registered.
- (4) For paragraph 20AA(3)(a) of the Act, an aircraft with a special flight permit is not required to have a certificate of airworthiness.
- (6) If CASA or an authorised person issues a special flight permit for an aircraft, CASA or the authorised person may direct that any of the following do not apply in relation to the aircraft while the permit is in force:

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- (a) paragraph 91.145(2)(c);
- (b) paragraph 91.145(2)(d);
- (c) Division 91.C.3.

Source FARs section 21.197 modified.

21.199 Applications for special flight permits

- (1) An applicant for a special flight permit must submit a statement to CASA or an authorised person, indicating the following:
 - (a) the purpose or purposes of the flight;
 - (b) the proposed itinerary;
 - (c) the crew required to operate the aircraft and its equipment, for example, pilot, co-pilot, navigator;
 - (d) the ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements;
 - (e) any restriction the applicant considers necessary for safe operation of the aircraft;
 - (f) any other information that CASA or the authorised person reasonably needs to be able to prescribe operating limitations or other conditions in the interests of aviation safety.
- (2) CASA or an authorised person may make, or require the applicant to make, appropriate inspections or tests necessary to determine whether the aircraft can reasonably be expected to be capable of safe flight for the intended purpose or purposes.

Source FARs section 21.199 modified.

21.200 Issue of special flight permits

- (1) Subject to subregulation (1A) and regulation 11.055, CASA or an authorised person must issue a special flight permit to an applicant for the permit if the applicant:
 - (a) is eligible, under regulation 21.196, to apply for the permit; and
 - (b) applies for the permit in accordance with this Subpart; and
 - (c) otherwise complies with this Part.
- (1A) CASA or an authorised person must not issue a special flight permit for an aircraft if:
 - (a) the aircraft is covered by an airworthiness directive (within the meaning of regulation 39.002); and
 - (b) the airworthiness directive includes a statement to the effect that a special flight permit must not be issued for an aircraft covered by the airworthiness directive.
- (3) A condition imposed on a special flight permit under regulation 11.056 may include operational limitations.

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- (4) Any conditions imposed on a special flight permit under regulation 11.056, and any conditions imposed under regulation 21.016 or 21.029B that limit the use of the aircraft, must be in writing and set out in, or attached to, the special flight permit.

21.201 Inspection, suspension and cancellation of special flight permits

- (2) The holder of a special flight permit must, on the request of CASA or an authorised person, make it available for inspection by CASA or an authorised person.

Penalty: 5 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) CASA or an authorised person may suspend or cancel a special flight permit, by written notice given to its holder, if CASA or the authorised person considers that it is necessary to do so in the interests of aviation safety.

- (4) A notice under subregulation (3) must set out:

- (a) the grounds for the suspension or cancellation; and
(b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.181 modified.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of special flight permits.

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Subpart 21.I—Provisional certificates of airworthiness

Note: A provisional certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the *Air Navigation (Aircraft Noise) Regulations 2018*, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those Regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

21.211 Applicability

This Subpart prescribes requirements for the issue of provisional certificates of airworthiness.

Source FARs section 21.211 modified.

21.213 Eligibility

- (1) A manufacturer is eligible to apply for a Class I or Class II provisional certificate of airworthiness for aircraft manufactured by the manufacturer in Australian territory.
- (2) The holder of an Australian air transport AOC that authorises scheduled air transport operations is eligible to apply for a Class II provisional certificate of airworthiness for transport category aircraft if:
 - (a) the aircraft has a current Class II provisional type certificate or a current amendment of a Class II provisional type certificate; or
 - (b) the aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate.
- (3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated engines, manufactured by the aircraft engine manufacturer in Australian territory, is eligible to apply for a Class I provisional certificate of airworthiness for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate or transport category.

Source FARs section 21.213 modified.

21.215 Application

Application for a provisional certificate of airworthiness may be submitted to CASA. The application must be accompanied by the pertinent information specified in these Regulations.

Source FARs section 21.215 modified.

21.216 Issue of provisional certificates of airworthiness

Subject to regulation 11.055, CASA must issue a provisional certificate of airworthiness to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.213, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

21.217 Duration

- (1) Unless sooner cancelled, provisional certificates of airworthiness are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.
- (2) Despite subregulation (1), a provisional certificate of airworthiness is not in force during any period of suspension.
- (3) CASA may suspend or cancel a provisional certificate of airworthiness, by written notice given to its holder, if CASA considers that it is necessary to do so in the interests of aviation safety.
- (4) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.217 modified.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of provisional certificates of airworthiness.

21.219 Transferability

A Class II provisional certificate of airworthiness may be transferred to an AOC holder eligible to apply for a certificate under subregulation 21.213(2).

Source: FARs section 21.219 modified.

21.221 Class I provisional certificates of airworthiness

- (1) Except as provided in regulation 21.225, an applicant who holds a Class I provisional type certificate for an aircraft is entitled to a Class I provisional certificate of airworthiness for the aircraft if:
 - (a) the applicant meets the eligibility requirements of regulation 21.213; and
 - (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the requirements and limitations under subregulation 21.081(4) and Division 91.T.3.
- (2) The manufacturer must hold a provisional type certificate for the aircraft.
- (3) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the provisional type certificate and has been found by the manufacturer to be in safe operating condition under all applicable limitations.

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- (4) The aircraft must be flown at least five hours by the manufacturer.
- (5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the requirements and limitations under subregulation 21.081(4) and Division 91.T.3.

Source FARs section 21.221 modified.

21.223 Class II provisional certificates of airworthiness

- (1) Except as provided in regulation 21.225, an applicant who holds a Class II provisional type certificate for an aircraft is entitled to a Class II provisional certificate of airworthiness for the aircraft if:
 - (a) the applicant meets the eligibility requirements of regulation 21.213; and
 - (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the requirements and limitations under subregulation 21.083(7) and Division 91.T.3.
- (2) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.
- (3) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.
- (4) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.
- (5) The aircraft must be flown at least five hours by the manufacturer.
- (6) The aircraft must be supplied with a provisional aircraft flight manual containing the requirements and limitations under subregulation 21.083(7) and Division 91.T.3.

Source FARs section 21.223 modified.

21.225 Provisional certificates of airworthiness corresponding with provisional amendments to type certificates

- (1) An applicant is entitled to a Class I or a Class II provisional certificate of airworthiness for an aircraft for which a provisional amendment to the type certificate has been issued, if:
 - (a) the applicant meets the eligibility requirements of regulation 21.213; and
 - (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable requirements and limitations under subregulation 21.085(6) and Division 91.T.3.

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- (2) The applicant must show that the modification was made under a quality system adequate to ensure that the modification conforms to the provisionally amended type certificate.
- (3) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.
- (4) The aircraft must be flown at least five hours by the manufacturer.
- (5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the requirements and limitations under subregulation 21.085(6) and Division 91.T.3.

Source FARs section 21.225 modified.

Subpart 21.J—Approved design organisations

Division 21.J.1—General

21.231 What Subpart 21.J is about

This Subpart sets out matters relating to approved design organisations including:

- (a) requirements for approval as an approved design organisation; and
- (b) the privileges and obligations of approved design organisations.

21.233 Definitions for Subpart 21.J

In this Subpart:

accountable manager, for an approved design organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition and design assurance system and these Regulations; and
- (b) ensuring that the organisation is able to finance the carrying out of the design activities stated in its approval certificate; and
- (c) ensuring that the organisation has adequate resources available to enable the organisation to carry out design activities in accordance with its exposition and design assurance system.

advice activity means giving advice under regulation 21.007A.

approval activity means any of the following:

- (aa) approving an aircraft flight manual under regulation 21.006;
- (a) approving a change to an aircraft flight manual under regulation 21.006A;
- (b) approving a defect in an Australian aircraft as a permissible unserviceability under regulation 21.007;
- (c) approving technical data under regulation 21.009;
- (d) approving a minor change in a type design under regulation 21.095;
- (e) approving a major change in a type design under regulation 21.098;
- (ea) varying a supplemental type certificate under regulation 21.120B;
- (f) approving the design of a Class II or Class III product under regulation 21.132A;
- (g) approving a material, part, process or appliance under regulation 21.305A;
- (h) granting a modification/repair design approval under regulation 21.437;
- (i) approving an imported aircraft engine or propeller under regulation 21.500A;
- (j) approving an imported material, part or appliance under regulation 21.502A;

- (k) under regulation 11.067, imposing a condition on, or varying a condition of, an approval mentioned in any of paragraphs (a) to (j);
- (l) under Subpart 11.D, varying an approval mentioned in any of paragraphs (a) to (j).

approval certificate, for an approved design organisation, means the certificate issued to the organisation under regulation 21.245.

carries out a design activity: an approved design organisation **carries out a design activity** if the activity is carried out on the organisation's behalf by:

- (a) an employee of the organisation; or
- (b) a subcontractor of the organisation.

certification activity means any of the following:

- (a) certifying to CASA under subregulation 21.013A(3) that an applicant for a type certificate meets a criterion for entitlement to the certificate, other than the requirement under paragraph 21.021(b) that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety;
- (b) certifying to CASA under subregulation 21.095(5) that a type design, as modified by a minor change, would meet a requirement of this Part;
- (c) certifying to CASA under subregulation 21.098(3) that an applicant meets a requirement mentioned in subregulation 21.098(1);
- (d) certifying to CASA under subregulation 21.115(3) that an altered aircraft, aircraft engine or propeller meets:
 - (i) an applicable airworthiness requirement mentioned in subparagraph 21.115(1)(a)(i); or
 - (ii) the requirement mentioned in paragraph 21.115(1)(b);
- (da) certifying to CASA under subregulation 21.120B(6) that an altered aircraft, aircraft engine or propeller meets:
 - (i) an applicable airworthiness requirement mentioned in subparagraph 21.120B(3)(a)(i); or
 - (ii) the requirement mentioned in paragraph 21.120B(3)(b);
- (e) certifying to CASA under subregulation 21.132A(6) that the design of a Class II or Class III product meets the applicable airworthiness standards for the product;
- (f) certifying to CASA under subregulation 21.303(4C) that a design for a part meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed;
- (g) certifying to CASA under subregulation 21.420(5) that a design complies with the applicable airworthiness requirements for the design;
- (h) certifying to CASA under subregulation 21.605(7) that a design for an article complies with the applicable ATSO, ETSO or TSO for the article, including any deviations approved under regulation 21.609;
- (i) conducting or observing any tests or inspections for the purpose of a certification mentioned in paragraphs (a) to (h).

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design activity means any of the following:

- (a) an advice activity;
- (b) an approval activity;
- (c) a certification activity;
- (d) an experimental certificate activity.

design assurance system, for an approved design organisation, means the system described in the organisation's design assurance system manual.

design assurance system manual, for an approved design organisation, means:

- (a) the manual approved by CASA under paragraph 21.243(7)(b) in relation to the organisation; and
- (b) if a change to the manual is approved under regulation 21.253 or 21.255—the manual as changed; and
- (c) if the manual is changed under regulation 21.256—the manual as changed.

design responsibility, for an approved design organisation, means responsibility to the accountable manager for ensuring that the organisation complies with its exposition and design assurance system manual and these Regulations in carrying out design activities.

experimental certificate activity means any of the following:

- (a) issuing an experimental certificate under regulation 21.195A;
- (b) under regulation 11.067, imposing a condition on, or varying a condition of, an experimental certificate;
- (c) under Subpart 11.D, varying an experimental certificate;
- (d) asking the holder of an experimental certificate, under subregulation 21.195B(3), to make the certificate available for inspection;
- (e) asking the holder of an experimental certificate, under subregulation 21.195B(8), to surrender the certificate.

exposition, for an approved design organisation, means:

- (a) the document approved by CASA under paragraph 21.243(7)(a) in relation to the organisation; and
- (b) if a change to the document is approved under regulation 21.253 or 21.255—the document as changed; and
- (c) if the document is changed under regulation 21.259 or 21.261—the document as changed.

head of design, for an approved design organisation, means the individual, appointed by the organisation, who has design responsibility for the organisation.

subcontractor, in relation to an approved design organisation, means a person who:

- (a) is a party to a written contract with the organisation to carry out a design activity, or part of a design activity, on behalf of the organisation; and
- (b) is not an employee of the organisation.

21.235 Privileges for approved design organisations

- (1) An approved design organisation may carry out a design activity, other than a certification activity, in relation to an aircraft or aeronautical product only if the organisation is approved under regulation 21.243 to carry out the activity in relation to aircraft or aeronautical products of that kind.
- (2) An approved design organisation may carry out a certification activity in relation to an aircraft or aeronautical product and an application mentioned in subregulation 21.251(1) only if:
 - (a) the organisation is approved under regulation 21.243 to carry out the activity in relation to aircraft or aeronautical products of that kind; and
 - (b) CASA authorises the organisation under regulation 21.251 to carry out the activity in relation to the application.

21.237 Prohibition of unauthorised carrying out of design activities

- (1) A person commits an offence if:
 - (a) the person carries out a design activity; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that the person is:
 - (a) an approved design organisation that is permitted to carry out the design activity under regulation 21.235; or
 - (b) if the provision under which the activity is carried out provides that an authorised person may carry out the activity—an authorised person for the provision; or
 - (c) if the provision under which the activity is carried out provides that CASA may carry out the activity—CASA.
- (3) Subregulation (1) does not apply to a person who carries out a design activity on behalf of an approved design organisation if:
 - (a) the person is:
 - (i) an employee of the organisation; or
 - (ii) a subcontractor of the organisation; and
 - (b) the organisation is permitted under regulation 21.235 to carry out the design activity; and
 - (c) the person is authorised, in writing, by the organisation to carry out the design activity on behalf of the organisation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

- (4) Subregulation (1) does not apply to a person who carries out a design activity on behalf of a subcontractor of an approved design organisation if:
 - (a) the person is an employee of the subcontractor; and

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- (b) the organisation is permitted under regulation 21.235 to carry out the design activity; and
- (c) the subcontractor is authorised, in writing, by the organisation to carry out the design activity on behalf of the organisation; and
- (d) the person is authorised, in writing, by the subcontractor to carry out the design activity on behalf of the subcontractor.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

- (5) An offence against this regulation is an offence of strict liability.

21.239 Applications may be made to approved design organisation—approval activities and experimental certificates

Despite anything else in this Part, if an approved design organisation is a relevant approved design organisation in relation to an approval activity or the issue of an experimental certificate under regulation 21.195A:

- (a) an application for the approval or experimental certificate may be made to the approved design organisation; and
- (b) a reference in this Part to CASA includes a reference to the approved design organisation in relation to:
 - (i) the application for the approval or experimental certificate; and
 - (ii) if the organisation grants the approval or experimental certificate—the approval or experimental certificate.

Division 21.J.2—Approval as approved design organisation

21.241 Applying for approval

- (1) A person may apply, in writing, to CASA for approval as an approved design organisation.
- (2) The application must include:
 - (a) an outline of:
 - (i) the design activities that the applicant proposes to carry out; and
 - (ii) the aircraft or aeronautical products in relation to which the applicant proposes to carry out those design activities; and
 - (iii) the applicant's procedures for carrying out those design activities; and
 - (iv) the applicant's organisational structure; and
 - (b) the names of the applicant's accountable manager and head of design; and
 - (c) if the applicant intends to subcontract a design activity, or part of a design activity, that it proposes to carry out—a statement explaining the arrangement under which the design activity, or that part of the design activity, will be carried out by a subcontractor.
- (3) The applicant must give CASA, with the application or subsequently:
 - (a) a copy of the applicant's proposed exposition; and
 - (b) a copy of the applicant's proposed design assurance system manual.

21.243 Granting approval

- (1) If the applicant gives CASA the documents mentioned in subregulation 21.241(3), CASA must make a decision on the application.
 - (2) Subject to regulation 11.055, CASA must approve the applicant as an approved design organisation if:
 - (a) subregulation (4) does not apply to the applicant; and
 - (b) CASA is satisfied that the applicant meets the requirements mentioned in subregulation (5).
 - (3) Subject to regulation 11.055, CASA must approve the applicant as an approved design organisation if:
 - (a) subregulation (4) applies to the applicant; and
 - (b) CASA is satisfied that:
 - (i) the applicant meets the requirements mentioned in subregulation (5); and
 - (ii) CASA would not be placed under an undue burden in administering the approval.
 - (4) This subregulation applies to an applicant that:
 - (a) is not an Australian resident or a corporation registered in Australia; or
 - (b) carries on business outside Australian territory.
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- (5) For paragraph (2)(b) and subparagraph (3)(b)(i), the requirements are the following:
- (a) the applicant's proposed exposition must:
 - (i) contain the information mentioned in regulation 21.263; and
 - (ii) be consistent with the applicant's proposed design assurance system manual;
 - (b) the design assurance system described in the applicant's proposed design assurance system manual must meet the requirements mentioned in regulations 21.269 and 21.270;
 - (c) the applicant must have established and be able to maintain the design assurance system;
 - (d) the applicant:
 - (i) must have sufficient appropriately qualified and experienced personnel to carry out each design activity mentioned in the applicant's proposed exposition; and
 - (ii) must have facilities that are appropriate for carrying out each design activity mentioned in the applicant's proposed exposition; and
 - (iii) must have, or have access to, the equipment, tools and up-to-date design reference data (in electronic form or otherwise) necessary for carrying out each design activity mentioned in the applicant's proposed exposition;
 - (e) the individual named in the application as the applicant's accountable manager must:
 - (i) have the authority to carry out the responsibilities of the position; and
 - (ii) understand the responsibilities of the position; and
 - (iii) have the knowledge, qualifications and experience required by the organisation's exposition for the position;
 - (f) the individual named in the application as the applicant's head of design must have:
 - (i) knowledge, qualifications and experience that are suitable for the position; and
 - (ii) the knowledge, qualifications and experience required by the organisation's exposition for the position.
- (6) If CASA decides to approve an applicant as an approved design organisation, CASA must determine:
- (a) the design activities that the applicant is approved to carry out; and
 - (b) the aircraft and aeronautical products in relation to which the applicant is approved to carry out those design activities; and
 - (c) if the applicant is approved to grant a modification/repair design approval under regulation 21.437—whether the applicant is approved to make an equivalent level of safety determination under regulation 21.436.
- (7) If CASA approves an applicant, CASA is taken to have also approved the applicant's proposed:
- (a) exposition; and

- (b) design assurance system manual.

21.245 Approval certificate

- (1) If CASA approves an applicant as an approved design organisation, CASA must issue a certificate of approval setting out:
 - (a) the name of the organisation; and
 - (b) the matters mentioned in subregulation 21.243(6).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) CASA must issue a new approval certificate to an approved design organisation if:
 - (a) CASA approves, under regulation 21.253, a change to the scope of the organisation's approval; or
 - (b) the organisation gives CASA written notice, under regulation 21.259, that it has changed its name.

21.247 Approval subject to conditions—general

- (1) It is a condition of approval of an approved design organisation that the organisation must:
 - (a) comply with this Subpart, its exposition and its design assurance system manual; and
 - (b) ensure that its employees and subcontractors, and the personnel holding the positions mentioned in paragraph 21.263(1)(c), comply with this Subpart and the organisation's exposition and design assurance system manual; and
 - (c) ensure that its exposition is consistent with its design assurance system manual; and
 - (d) ensure that no design activity that the organisation carries out introduces an unsafe feature or characteristic into the design of the aircraft or aeronautical product to which the design activity relates; and
 - (e) ensure that the organisation's design assurance system maintains satisfactory control and supervision of each design activity that the organisation carries out; and
 - (f) comply with each direction given to it under subregulation (2).
- (2) For paragraph (1)(f), CASA may issue a direction to an approved design organisation setting out:
 - (a) information that the approved design organisation must give to CASA; and
 - (b) the times when the organisation must give that information to CASA.

21.248 Approval subject to conditions—holders of other authorisations under Part 21 and licensees

- (1) If the organisation is also the holder of another authorisation (however described) under this Part, it is a condition of the organisation's approval that the
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organisation must comply with its obligations under this Part as the holder of the other authorisation.

Examples: The following are some other authorisations under this Part:

- (a) a type certificate;
 - (b) a supplemental type certificate;
 - (c) a production certificate;
 - (d) an APMA;
 - (e) a modification/repair design approval;
 - (f) an approval mentioned in regulation 21.475;
 - (g) an ATSO authorisation.
- (2) If the organisation is also the licensee of a type certificate or supplemental type certificate, it is a condition of the organisation's approval that the organisation must comply with its obligations under this Part as the licensee of the certificate.

21.249 Cancellation, suspension and variation of approval

- (1) CASA may cancel, suspend or vary an approval, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart.
- (2) A notice under subregulation (1) must state:
 - (a) the grounds for the suspension or cancellation; and
 - (b) for a suspension—when the suspension will cease to have effect; and
 - (c) for a variation—the terms of the variation.
- (3) A cancellation, suspension or variation under this regulation takes effect when the holder of the authorisation is given the notice.
- (4) If an approval is suspended under this regulation, the approval is not in force during the period of the suspension.

Division 21.J.3—Authorisation to carry out particular certification activity

21.251 Authorisation of approved design organisations to carry out certification activities

- (1) If CASA receives an application for any of the following, CASA may authorise an approved design organisation to carry out a certification activity in relation to the application:
 - (a) a type certificate;
 - (b) approval of a change to a type design;
 - (c) a supplemental type certificate;
 - (ca) a variation of a supplemental type certificate;
 - (d) approval of the design of a Class II or Class III product;
 - (e) an APMA;
 - (f) a modification/repair design approval;
 - (g) an ATSO authorisation.
- (2) However, CASA may authorise the approved design organisation to carry out the certification activity only if:
 - (a) the organisation is approved to carry out certification activities of that kind in relation to aircraft or aeronautical products of the kind to which the application relates; and
 - (b) the applicant nominates the approved design organisation to carry out the certification activity; and
 - (c) CASA is satisfied that the organisation is capable of determining accurately the matter to which the certification activity relates.
- (3) If CASA authorises the approved design organisation to carry out the certification activity, CASA must give written notice of the authorisation to the applicant and the organisation.

Division 21.J.4—Changes to approved design organisations

21.253 Application for approval of change to scope of approval

- (1) If an approved design organisation proposes to make a change to either of the following, the organisation must apply to CASA for approval of the change:
 - (a) the design activities that the organisation is approved to carry out;
 - (b) the aircraft and aeronautical products in relation to which the organisation is approved to carry out those design activities.
- (2) The application must:
 - (a) be in writing; and
 - (b) state the proposed change; and
 - (c) be accompanied by a copy of the part of the organisation's exposition and design assurance system manual affected by the proposed change, clearly identifying the proposed change.
- (3) Subject to regulation 11.055, CASA must approve the change if satisfied that the requirements mentioned in subregulation 21.243(5) will continue to be met.
- (4) If CASA approves the change, CASA is taken to have also approved the changes to the organisation's exposition and design assurance system manual covered by the application.

21.255 Application for approval of change to design assurance system

- (1) If an approved design organisation proposes to make a change to its design assurance system, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) state the proposed change; and
 - (ba) be accompanied by a copy of the part of the organisation's design assurance system manual affected by the proposed change, clearly identifying the proposed change; and
 - (c) if the proposed change requires a change to the organisation's exposition—be accompanied by a copy of the part of the exposition affected by the proposed change, clearly identifying the proposed change.
- (3) Subject to regulation 11.055, CASA must approve a change to a design assurance system if satisfied that the requirements mentioned in regulations 21.269 and 21.270 will continue to be met.
- (4) If CASA approves the change, CASA is taken to have also approved:
 - (a) the change to the organisation's design assurance system manual covered by the application; and
 - (b) the change to the organisation's exposition covered by the application.

21.256 Change to design assurance system manual at direction of CASA

- (1) CASA may, if satisfied that it is necessary in the interests of the safety of air navigation, direct an approved design organisation to make a specified change to its design assurance system manual within the time specified in the direction.
- (2) The organisation commits an offence if the organisation does not, within the specified time:
 - (a) comply with the direction; and
 - (b) if the change requires a change to the organisation's exposition:
 - (i) update its exposition; and
 - (ii) give CASA a copy of the updated part of the exposition.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

21.257 Application for approval of permanent appointment of new accountable manager or head of design

- (1) If an approved design organisation wishes to appoint an individual permanently as the organisation's accountable manager or head of design, the organisation must apply to CASA for approval of the appointment.
- (2) The application must:
 - (a) be in writing; and
 - (b) state the name of the proposed appointee and the position to which he or she is to be appointed; and
 - (c) be accompanied by a copy of the part of the exposition affected by the proposed appointment, clearly identifying the changes relating to the proposed appointment.
- (3) Subject to regulation 11.055, CASA must approve the appointment if satisfied that the appointee has:
 - (a) for an appointment of an accountable manager:
 - (i) authority to carry out the responsibilities of the position; and
 - (ii) an understanding of the responsibilities of the position; and
 - (iii) the knowledge, qualifications and experience required by the organisation's exposition for the position; or
 - (b) for an appointment of a head of design:
 - (i) knowledge, qualifications and experience that are suitable for the position; and
 - (ii) the knowledge, qualifications and experience required by the organisation's exposition for the position.
- (4) If CASA approves the change, CASA is taken to have also approved the change to the organisation's exposition covered by the application.

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21.258 Permanent appointment of other key personnel—requirement to tell CASA

- (1) An approved design organisation commits an offence if:
 - (a) the organisation permanently appoints an individual to a position mentioned in subparagraph 21.263(1)(c)(iii) or (iv); and
 - (b) the organisation does not, within 7 days after the change, give CASA written notice of the change.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

21.259 Change to exposition by organisation

- (1) An approved design organisation commits an offence if:
 - (a) the organisation undergoes a change that renders its exposition inaccurate; and
 - (b) the change is not a change mentioned in regulation 21.253, 21.255, 21.256 or 21.257; and
 - (c) the organisation does not, within 30 days after undergoing the change:
 - (i) update its exposition; and
 - (ii) give CASA written notice of the change and a copy of the updated part of the exposition.

Penalty: 50 penalty units.

- (2) An approved design organisation commits an offence if:
 - (a) the organisation makes a change to its exposition; and
 - (b) the change is not a change mentioned in regulation 21.253, 21.255, 21.256, 21.257 or 21.261 or subregulation (1); and
 - (c) the organisation does not, within 30 days after making the change, give CASA a copy of the changed part of the exposition.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

21.261 Change to exposition at direction of CASA

- (1) CASA may direct an approved design organisation to change its exposition within a time specified in the direction:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) However, CASA may issue a direction under this regulation only if satisfied that it is necessary to ensure that the exposition contains the information mentioned in regulation 21.263.

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- (3) The organisation commits an offence if the organisation does not comply with the direction.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

Division 21.J.5—Obligations of approved design organisations

21.263 Content of exposition

- (1) An exposition for an approved design organisation must contain the following:
 - (a) the name of the organisation;
 - (b) a detailed description of the matters mentioned in paragraph 21.241(2)(a);
 - (c) the responsibilities of the following positions in the organisation:
 - (i) accountable manager;
 - (ii) head of design;
 - (iii) each other managerial position;
 - (iv) each position held by a person who carries out a design activity;
 - (d) the qualifications, experience and knowledge required by the organisation for each position mentioned in paragraph (c);
 - (e) the name of each individual holding a position mentioned in paragraph (c);
 - (f) a description of how the organisation will manage the responsibilities of a position mentioned in paragraph (c) for any period during which the position is vacant or the occupant of the position is unable to carry out the responsibilities of the position;
 - (g) if the organisation subcontracts a design activity, or part of a design activity, that it carries out—a description of the procedures that the organisation uses to manage the activities of the subcontractor;
 - (h) if the organisation carries out a design activity, other than a certification activity, that relies on another design activity being carried out by another approved design organisation—a description of the procedures that the organisation uses to coordinate the design activities;
 - (i) a description of the way the organisation will dispose of the documents and records mentioned in subregulation 21.277(2) if the organisation ceases to be an approved design organisation;
 - (j) a description of the organisation's process for making changes to its exposition or design assurance system manual.
- (2) The qualifications, experience and knowledge mentioned in paragraph (1)(d) must meet the requirements prescribed by the Part 21 Manual of Standards.

21.265 Compliance with exposition

- (1) An approved design organisation commits an offence if the organisation contravenes a provision of its exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

21.267 Design assurance system

An approved design organisation must have a design assurance system that meets the requirements of regulations 21.269 and 21.270.

21.269 Requirements for design assurance system—general

- (1) The design assurance system must include policies and procedures for the conduct of design activities that the organisation is approved to carry out.
- (2) The design assurance system must enable the organisation to ensure that:
 - (a) each design activity that the organisation carries out is controlled and managed in a way that ensures that the aircraft or aeronautical product in relation to which the activity is carried out complies with the applicable airworthiness standards for the aircraft or aeronautical product; and
 - (b) no design activity that the organisation carries out introduces an unsafe feature or characteristic to an aircraft or aeronautical product to which the activity relates; and
 - (c) each design activity that the organisation is approved to carry out is carried out in accordance with:
 - (i) this Part; and
 - (ii) the conditions of the organisation's approval.
- (3) The design assurance system must include procedures for:
 - (a) independent monitoring of:
 - (i) the adequacy of the design assurance system to enable the organisation to ensure the matters mentioned in subregulation (2); and
 - (ii) compliance by the organisation and its subcontractors (if any) with the requirements of the design assurance system; and
 - (b) providing feedback to the organisation's head of design.
- (4) The design assurance system must also include procedures for independent checking of each design activity the organisation carries out to ensure that:
 - (a) each aircraft or aeronautical product to which the design activity relates complies with the applicable airworthiness requirements (if any) for the aircraft or aeronautical product; and
 - (b) for an approval activity—carrying out the activity would not be likely to have an adverse effect on the safety of air navigation; and
 - (c) for an experimental certificate activity—carrying out the activity would not be likely to have an adverse effect on the safety of other airspace users or persons on the ground or water.
- (5) For subregulation (4), independent checking of a design activity must:
 - (a) involve a comprehensive and systematic examination of the activity to evaluate the adequacy and accuracy of its assumptions, methodology, calculations and conclusions; and
 - (b) be carried out by an individual who has the knowledge, experience and qualifications:

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- (i) required by the organisation's exposition for individuals carrying out the design activity; or
 - (ii) prescribed by the Part 21 Manual of Standards; and
 - (c) be thoroughly documented.
- (5A) The individual mentioned in paragraph (5)(b) must not be the individual who carried out the design activity for the organisation.
- (6) Subregulation (4) does not apply to an activity mentioned in paragraph (d) or (e) of the definition of *experimental certificate activity* in regulation 21.233.
- (7) Subregulation (4) does not apply in relation to a kind of design activity prescribed by the Part 21 Manual of Standards.

21.270 Requirements for design assurance system—holders of other authorisations under Part 21 and licensees

- (1) If the organisation is also the holder of another authorisation (however described) under this Part, the design assurance system must include policies and procedures to enable the organisation to comply with its obligations under this Part as the holder of the other authorisation.

Examples: The following are some other authorisations under this Part:

- (a) a type certificate;
 - (b) a supplemental type certificate;
 - (c) a production certificate;
 - (d) an APMA;
 - (e) a modification/repair design approval;
 - (f) an approval mentioned in regulation 21.475;
 - (g) an ATSO authorisation.
- (2) If the organisation is also the licensee of a type certificate or supplemental type certificate, the design assurance system must include policies and procedures to enable the organisation to comply with its obligations under this Part as the licensee of the certificate.

21.271 Compliance with design assurance system manual

- (1) An approved design organisation commits an offence if the organisation contravenes a provision of its design assurance system manual.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

21.273 Audit of approved design organisation by CASA

- (1) CASA may audit an approved design organisation to determine its compliance with the conditions of its approval.
- (2) For the audit, CASA may, by written notice given to the organisation, direct the organisation to give CASA, within a time stated in the notice:

- (a) stated information and records demonstrating that the organisation has complied with the conditions of its approval; and
 - (b) any other information and records stated in the notice that are relevant to the audit.
- (3) For the audit, CASA may, by written notice given to the organisation, direct the organisation to give CASA, at stated periods, reports on the conduct of design activities by the organisation.
- (4) The organisation commits an offence if the organisation does not comply with a direction under subregulation (2) or (3).
- Penalty: 50 penalty units.
- (5) An offence against this regulation is an offence of strict liability.

21.275 Inspections and observations

- (1) To determine whether the organisation is complying with the conditions of its approval, CASA may, by written notice given to the organisation, direct an approved design organisation to allow CASA:
- (a) to inspect the following:
 - (i) facilities at which the organisation carries out design activities;
 - (ii) equipment and tools used by the organisation in carrying out design activities;
 - (iii) aircraft and aeronautical products in relation to which the organisation carries out design activities; or
 - (b) to observe the organisation carrying out a design activity.
- (2) The organisation commits an offence if the organisation does not comply with the direction.
- Penalty: 50 penalty units.
- (3) An offence against this regulation is an offence of strict liability.

21.277 Record keeping and production of records to CASA

- (1) An approved design organisation commits an offence if the organisation does not retain the documents and records mentioned in subregulation (2) until at least 12 months after the organisation's approval ceases to be in force.
- Penalty: 50 penalty units.
- (2) For subregulation (1), the documents and records are:
- (a) for each approval or certificate issued by the organisation—the technical data, documents and records relating to the issue of the approval or certificate; and

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- (b) for each occasion on which the organisation provided advice under regulation 21.007A—the technical data, documents and records relating to the provision of the advice; and
 - (c) a list identifying, by make, model and serial number, each aircraft or aeronautical product in relation to which the organisation has carried out a design activity; and
 - (d) for each aircraft or aeronautical product in relation to which the organisation has carried out a design activity—a description of the nature of the activity.
- (3) Despite regulations 11.132, 21.002C and 21.249, if an approval is suspended under these Regulations, then, for subregulation (1), the approval is taken to remain in force during the period of suspension.
- (4) CASA may, by written notice given to the organisation, direct an approved design organisation to make the documents and records, or copies or extracts of them, available for inspection by CASA at a time and place stated in the notice.
- (5) The organisation commits an offence if the organisation does not comply with the direction.
- Penalty: 50 penalty units.
- (6) An offence against this regulation is an offence of strict liability.

21.279 Directions to comply with specified procedures or instructions

- (1) CASA may, by written notice given to the organisation, direct an approved design organisation to comply with a stated procedure or instruction in carrying out a stated design activity.
- (2) The organisation commits an offence if the organisation does not comply with the direction.
- Penalty: 50 penalty units.
- (3) An offence against this regulation is an offence of strict liability.

21.281 Investigation of potentially unsafe condition

- (1) If CASA becomes aware of a potentially unsafe condition in an aircraft or aeronautical product in relation to which an approved design organisation issued an approval or certificate, CASA may, by written notice given to the organisation, direct the organisation to give CASA stated assistance in investigating the condition.
- (2) The organisation commits an offence if the organisation does not comply with the direction.
- Penalty: 50 penalty units.
- (3) An offence against this regulation is an offence of strict liability.
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21.283 Requirement to provide employees and subcontractors with exposition and design assurance system manual

- (1) An approved design organisation commits an offence if:
- (a) an employee or subcontractor of the organisation carries out a design activity on behalf of the organisation; and
 - (b) the organisation did not, before the employee or subcontractor began carrying out the design activity, make available to the employee or subcontractor the parts of:
 - (i) the organisation's exposition; and
 - (ii) the organisation's design assurance system manual;that relate to the carrying out of the design activity by the employee or subcontractor on behalf of the organisation.

Penalty: 50 penalty units.

- (2) An approved design organisation commits an offence if:
- (a) an employee or subcontractor of the organisation carries out a design activity on behalf of the organisation; and
 - (b) after the employee or subcontractor begins carrying out the design activity, the organisation updates, or makes a change to, a part of its exposition or design assurance system manual that relates to the carrying out of the design activity by the employee or subcontractor on behalf of the organisation; and
 - (c) the organisation does not, before the completion of the design activity, make the changed or updated part available to the employee or subcontractor.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Regulation 21.301

Subpart 21.K—Approval of materials, parts, processes and appliances

21.301 Applicability

This Subpart prescribes requirements for the approval of certain materials, parts, processes, and appliances.

Source FARs section 21.301 modified.

21.303 Replacement and modification parts

- (1) A person commits an offence if:
- (a) the person produces a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller; and
 - (b) the part is not produced in accordance with an APMA.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) This regulation does not apply to the following:
- (a) parts manufactured in the course of maintenance by a maintenance organisation having approval to manufacture the parts;
 - (b) parts produced under a type certificate or production certificate;
 - (c) parts manufactured by the owner or operator of an aircraft, aircraft engine or propeller manufactured by the owner or operator, for maintaining or altering the aircraft, aircraft engine or propeller;
 - (d) parts produced under an ATSO authorisation;
 - (e) standard parts.

- (2A) Any person is eligible to apply for an APMA.

- (3) An application for an APMA may be made to CASA and must include the following:
- (a) the identity of the aircraft, aircraft engine or propeller on which the part is to be installed;
 - (b) the name and address of the manufacturing facilities at which the part is to be manufactured;
 - (c) the design of the part, which consists of:
 - (i) drawings and specifications necessary to show the configuration of the part; and
 - (ii) information on dimensions, materials, and processes necessary to define the structural strength of the part;

- (d) test reports and computations necessary to show that the design of the part meets the airworthiness requirements of these Regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed, unless the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate. If the design of the part was obtained by a licensing agreement, evidence of that agreement must be furnished;
 - (e) subject to subregulation (3A), a copy of the system that the applicant proposes to use, if granted an APMA, to comply with the requirements of subregulation 21.303(11).
- (3A) An applicant is not required to include a copy of the system referred to in paragraph 21.303(3)(e) if the applicant has previously given CASA a copy of the same version of the system.
- (4) An applicant is entitled to an APMA for a replacement or modification part if CASA is satisfied that:
- (a) the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; and
 - (b) the applicant would, if the APMA were to be granted, be able to comply with the requirements of subregulation (11).
- (4A) For paragraph (4)(a), CASA may satisfy itself that the design meets the applicable airworthiness requirements on the basis of any of the following:
- (a) an examination of the design;
 - (b) the technical data for the design approved under regulation 21.009;
 - (c) a certificate from an approved design organisation under subregulation (4C).
- (4B) Subregulation (4C) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller on which the part is to be installed.
- (4C) If the approved design organisation is satisfied that the design meets the airworthiness requirements of these Regulations that are applicable to the aircraft, aircraft engine or propeller, the organisation may give CASA a certificate to that effect.
- (5) An applicant for an APMA must allow CASA or a relevant approved design organisation to make any inspection or test necessary to determine compliance with the applicable regulations.
- (6) CASA is not required to consider an application unless the applicant has complied with paragraphs (8)(b), (c) and (d).
- (7) The applicant must ensure that no change is made to a part between the time compliance with paragraphs (8)(b), (c) and (d) is shown for that part and the time

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the part is presented to CASA or a relevant approved design organisation for inspection or test.

- (8) An applicant for an APMA must make all inspections and tests necessary to determine the following:
- (a) compliance with the applicable airworthiness requirements;
 - (b) that materials conform to the specifications in the design;
 - (c) that the part conforms to the drawings in the design;
 - (d) that the fabrication processes, construction, and assembly conform to those specified in the design.
- (9) Subject to regulation 11.055, CASA must issue an APMA to an applicant for the APMA if the applicant:
- (a) is eligible, under this regulation, to apply for the APMA; and
 - (b) applies for the APMA in accordance with this Subpart; and
 - (c) is entitled, under this Subpart, to the APMA; and
 - (d) otherwise complies with this Part.
- (10) CASA is not required to issue an APMA if the manufacturing facilities for the part are located outside Australian territory, unless the location of the manufacturing facilities places no undue burden on CASA in administering the applicable airworthiness requirements.
- (11) The holder of an APMA must establish and maintain a fabrication inspection system that ensures that each completed part conforms to the technical data for its design and is safe for installation on applicable type certificated aircraft, aircraft engines or propellers. The system must be documented and include procedures to ensure that:
- (a) incoming materials used in the finished part are as specified in the technical data; and
 - (b) incoming materials are properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined; and
 - (c) materials subject to damage and deterioration are suitably stored and adequately protected; and
 - (d) processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller are accomplished in accordance with acceptable specifications; and
 - (e) parts in process are inspected for conformity with the technical data at points in production where their conformity can be accurately assessed; and
 - (ea) if, for paragraph (e), statistical quality control procedures are used in relation to a part—a satisfactory level of quality will be maintained for the part; and
 - (f) current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; and
 - (g) major changes to the basic design are adequately controlled and approved before being incorporated in the finished part; and

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- (h) rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part; and
 - (i) inspection records are maintained, identified with the completed part, where practicable, and retained in the holder's file for a period of at least 2 years after the part has been completed.
- (12) An APMA continues in force until cancelled.
 - (13) The holder of an APMA must notify CASA in writing within 10 days from the date the manufacturing facility at which the parts are manufactured is relocated or expanded to include additional facilities at other locations.
 - (13A) The holder of an APMA must, within 2 days after the day when any change is made to the holder's fabrication inspection system that may affect the inspection, conformation to technical data or airworthiness of a part to which the APMA relates, tell CASA in writing of the change.
 - (14) The holder of an APMA must determine whether each completed part conforms to the technical data for its design and is safe for installation on type certificated aircraft, aircraft engines or propellers.
 - (15) CASA may suspend or cancel an APMA, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart.
 - (16) Despite subregulation (12), an APMA is not in force during any period of suspension.
 - (17) A notice under subregulation (15) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.303 modified.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of APMAs.

21.304A Changes to an APMA

- (1) The holder of an APMA may apply in writing to CASA to approve a change to any of the particulars specified in the APMA, including a condition of the APMA.
- (2) CASA may, on receiving an application made under subregulation (1), approve the change.
- (3) In deciding whether to approve the change, CASA must take into account any relevant considerations relating to the interests of the safety of air navigation.

21.305 Approval of materials, parts, processes and appliances

Whenever a material, part, process, or appliance is required to be approved under this Part, it may be approved:

- (a) under an APMA; or
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- (b) under an ATSO authorisation or letter of ATSO design approval; or
- (c) in conjunction with type certification procedures for an aircraft, aircraft engine or propeller; or
- (d) under Subpart 21.N; or
- (da) in a manner prescribed by the Part 21 Manual of Standards; or
- (e) in any other manner approved by CASA.

Source FARs section 21.305 modified.

21.305A Approval of materials, parts, processes and appliances not covered by regulation 21.305

- (1) A person may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of any material, part, process or appliance that is not covered by regulation 21.305.
- (2) CASA, or the authorised person or relevant approved design organisation, must grant the approval if satisfied that:
 - (a) doing so would be unlikely to have an adverse effect on aviation safety; and
 - (b) the material, part, process or appliance meets the requirements prescribed by the Part 21 Manual of Standards.

21.306 Use of standard parts and materials

Standard parts

- (1) A standard part may be used in the manufacture of an aircraft, aircraft engine, propeller or appliance, or another part, if:
 - (a) the standard part is required by:
 - (i) the type design for the aircraft, aircraft engine or propeller; or
 - (ii) the approved design for the appliance or other part; and
 - (b) the standard part was supplied with a document that:
 - (i) was issued under the law of a Contracting State; and
 - (ii) contains a statement that identifies the standard part and the specification with which the standard part complies; and
 - (c) the standard part has zero time in service.
- Note:* For the definition of **standard part**, see Part 1 of the Dictionary.
- (2) For the purposes of determining whether a standard part complies with the specification identified in the document mentioned in paragraph (1)(b) for the standard part, CASA may:
 - (a) direct the person who is using, or proposing to use, the standard part to give CASA:
 - (i) any technical data for the type design for the aircraft, aircraft engine or propeller that relates to the standard part; or

- (ii) any technical data for the approved design for the appliance or other part that relates to the standard part; or
- (b) inspect the standard part to determine whether it complies with the specification.

Materials

- (3) A material may be used in the manufacture of an aircraft, aircraft engine, propeller, part or appliance if:
 - (a) the material is required by:
 - (i) the type design for the aircraft, aircraft engine or propeller; or
 - (ii) the approved design for the part or appliance; and
 - (b) the material complies with an established industry or Australian specification; and
 - (c) the material was supplied with a document that:
 - (i) was issued under the law of a Contracting State; and
 - (ii) contains a statement that identifies the material and the specification with which the material complies.
- (4) For the purposes of determining whether a material complies with the established industry or Australian specification identified in the document mentioned in paragraph (3)(c) for the material, CASA may:
 - (a) direct the person who is using, or proposing to use, the material to give CASA:
 - (i) any technical data for the type design for the aircraft, aircraft engine or propeller that relates to the material; or
 - (ii) any technical data for the approved design for the part or appliance that relates to the material; or
 - (b) inspect the material to determine whether it complies with the specification.

Directions

- (5) A direction under paragraph (2)(a) or (4)(a) must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (6) If CASA gives a direction to a person under paragraph (2)(a) or (4)(a), the person must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

- (7) In this regulation:

approved design, for a part or appliance, has the meaning given by subregulation 42.015(1).

- (8) An offence against subregulation (6) is an offence of strict liability.

Regulation 21.321

Subpart 21.L—Export airworthiness approvals

21.321 Applicability

- (1) This Subpart prescribes:
 - (a) requirements for the issue of export airworthiness approvals; and
 - (b) rules governing the holders of those approvals.
- (2) For these Regulations:
 - (a) a **Class I product** is a complete aircraft, aircraft engine, or propeller, that:
 - (i) has been type certificated in accordance with these Regulations and for which civil specifications or type certificate data sheets have been issued; or
 - (ii) is identical to a type certificated product specified in subparagraph (i) in all respects except as is otherwise acceptable to the national aviation authority of the importing state; and
 - (b) a **Class II product** is a major component of a Class I product (for example, wings, fuselages, empennage assemblies, landing gears, power transmissions and control surfaces), the failure of which would jeopardise the safety of a Class I product; or any part, material, or appliance, approved and manufactured under an ATSO in the “C” series; and
 - (c) a **Class III product** is any part or component which is not a Class I or Class II product and includes standard parts (for example, those designated as AN, NAS or SAE); and
 - (d) the word **overhauled** when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with these Regulations.

Source FARs section 21.321, modified.

21.323 Eligibility

Any person may obtain an export airworthiness approval for a Class I, Class II or Class III product.

Source FARs section 21.323, modified.

21.324 Issue of export airworthiness approvals

Subject to regulation 11.055, CASA, or an authorised person, must issue an export airworthiness approval for a Class I, Class II or Class III product to an applicant for the approval if the applicant:

- (a) is eligible, under regulation 21.323, to obtain the approval; and
- (b) applies for the approval in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the approval; and
- (d) otherwise complies with this Part.

21.325 Export airworthiness approvals

Kinds of approvals

- (1) Export airworthiness approval of Class I products is issued:
 - (a) for an aircraft—in the form of an export certificate of airworthiness; or
 - (b) for an aircraft engine or propeller—in the form of an authorised release certificate.
- (2) An export certificate of airworthiness does not authorise the operation of aircraft.
- (3) Export airworthiness approval of Class II and III products is issued in the form of an authorised release certificate.

Products which may be approved

- (4) Export airworthiness approvals may be issued for the following:
 - (a) new aircraft that are assembled and that have been flight-tested, except that export airworthiness approval may be issued for any of the following without assembly or flight-test:
 - (i) a small aeroplane type certificated by reference to Part 23 and manufactured under a production certificate;
 - (ii) a glider or manned free balloon for which a type certificate of the kind mentioned in regulation 21.021 or 21.024 is issued under this Part and that is manufactured under a production certificate;
 - (iii) a normal category rotorcraft type certificated by reference to Part 27 and manufactured under a production certificate;
 - (b) used aircraft possessing a valid certificate of airworthiness, or other used Class I or Class II products that have been maintained in accordance with the applicable provisions of CAR or CASR.
- (4A) Authorised release certificates may be issued for any of the following that are manufactured and located in Australia:
 - (a) Class I products other than aircraft;
 - (b) Class II and III products.
- (5) Despite regulation 21.324, CASA is not required to issue an export airworthiness approval for used aircraft or used Class I products mentioned in paragraph (4)(b) that are located outside Australian territory, unless there is no undue burden on CASA in administering this regulation.

Export airworthiness approval exceptions

- (6) If CASA or an authorised person issues an export airworthiness approval on the basis of a written statement by the importing state as provided for in paragraph 21.327(4)(d), CASA or the authorised person must list on the export airworthiness approval, as exceptions, the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product.

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Penalty: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.325, modified.

21.327 Application

- (1) A person may apply, in writing, to CASA or an authorised person for an export airworthiness approval for a Class I, Class II or Class III product.
- (2) A manufacturer holding a production certificate may apply orally to CASA or an authorised person for export airworthiness approval of a Class II product approved under the manufacturer's production certificate.
- (3) A separate application must be made for:
 - (a) each aircraft; and
 - (b) each engine or propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are to be exported to the same purchaser and country; and
 - (c) each type of Class II product, except that one application may be made for more than one type of Class II product when:
 - (i) they are separated in the application and the type and model of the related Class I product is identified; and
 - (ii) they are to be exported to the same purchaser and country.
- (4) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is:
 - (a) an aircraft manufactured outside Australian territory; or
 - (b) an unassembled aircraft which has not been flight-tested; or
 - (c) a product that does not meet the special requirement of the importing country; or
 - (d) a product that does not meet a requirement specified in regulation 21.329, 21.331, or 21.333, as applicable, for the issue of an export airworthiness approval; or
 - (e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6)(b).
- (5) The written statement must list any requirements mentioned in paragraph (4)(d) that are not met.
- (6) Each application for export airworthiness approval of a Class I product must include the following, as applicable:
 - (a) a statement of conformity mentioned in subregulation 21.130(2) for each new product that has not been manufactured under a production certificate;
 - (b) unless the importing country does not require it, a weight and balance report in accordance with subregulations (7), (8), (9) and (10), as

- applicable, with a loading schedule when applicable, for each aircraft in accordance with section 100.7 of the Civil Aviation Orders;
- (c) a maintenance manual for each new product when such a manual is required under these Regulations;
 - (d) evidence of compliance with the applicable airworthiness directives, or a suitable notation if any airworthiness directives are not complied with;
 - (e) when temporary installations are incorporated in an aircraft for the purpose of export delivery—a general description of the installations together with a statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight;
 - (f) historical records such as aircraft and engine log books, repair and alteration forms, for used aircraft and overhauled products;
 - (g) for products intended for overseas shipment—a description of the methods used, if any, for the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods;
 - (h) the aircraft's flight manual required by the applicable airworthiness regulations for the particular aircraft;
 - (i) a statement as to the date when title passed or is expected to pass to a foreign purchaser;
 - (j) the data required by the special requirements of the importing country.

Weight and balance reports

- (7) A weight and balance report for transport aircraft and commuter category aeroplanes must be based on an actual weighing of the aircraft within the period of 12 months preceding the application for the export airworthiness approval for the aircraft, but after any major repairs or alteration to the aircraft.
- (8) Any changes in equipment that are made after the actual weighing of the aircraft (except changes classes as major changes) may be accounted for on a "computed" basis and the report revised accordingly.
- (9) Manufacturers of new non-transport category aeroplanes, normal category rotorcraft or gliders may include computed weight and balance data in the report, instead of the results of an actual weighing of the aircraft, if fleet weight control procedures approved by CASA have been established for the aircraft. In this case, the following statement must be included in each report: "The weight and balance data shown in this report are computed on the basis of CASA's approved procedures for establishing fleet weight averages."
- (10) A weight and balance report must include an equipment list showing weights and moment arms of all required and optional items of equipment that are included in the certificated empty weight.

Source FARs section 21.327, modified.

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21.329 Issue of export airworthiness approvals for Class I products

- (1) An applicant is entitled to an export airworthiness approval for a Class I product if the applicant shows, at the time the application is made, that the product meets the requirements of subregulations (2) to (6) (inclusive), as applicable, except as provided in subregulation (7).
- (2) New and used aircraft must meet:
 - (a) the airworthiness requirements for a standard certificate of airworthiness under regulation 21.183; or
 - (b) the airworthiness certification requirements for a special certificate of airworthiness for an aircraft in the primary, intermediate or restricted category under regulation 21.184, 21.184A or 21.185 respectively.
- (3) For a used aircraft to which Part 42 applies, an airworthiness review certificate must be in force for the aircraft.
- (3A) For a used aircraft to which Part 42 does not apply, and that is of a particular type and model, the aircraft must have undergone a maintenance release inspection (within the meaning given by subregulation 47(6) of CAR):
 - (a) within 30 days before the date the application is made for an export airworthiness approval for the aircraft; and
 - (b) that was conducted by:
 - (i) a person who holds a certificate of approval that covers maintenance for that type and model of aircraft; or
 - (ii) an approved maintenance organisation, within the meaning given by Part 3 of the Dictionary.
- (4) New engines and propellers must conform to the type design and must be in a condition for safe operation.
- (5) Used engines and propellers which are not being exported as part of a certificated aircraft must have been overhauled.
- (6) CASA or an authorised person must be satisfied that the special requirements of the importing country have been met.
- (7) A product need not meet a requirement mentioned in subregulation (2), (3), (4), (5) or (6) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327(4)(d) and subregulation 21.327(5).

Source FARs sections 21.329 and 337, modified.

21.331 Issue of airworthiness approvals for Class II products

- (1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA or an authorised person is satisfied, that the product:
 - (a) is new or has been overhauled and conforms to the technical data for the design of the product; and

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- (b) is in a condition for safe operation; and
 - (c) is identified with at least the manufacturer's name, part number, model designation (if applicable), and serial number or equivalent; and
 - (d) meets any special requirements of the importing country.
- (2) However, a product need not meet a requirement mentioned in subregulation (1) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327(4)(d) and subregulation 21.327(5).

Source FARs section 21.331 modified.

21.333 Issue of export airworthiness approvals for Class III products

- (1) An applicant is entitled to an export airworthiness approval for a Class III product if the applicant shows, and CASA or an authorised person is satisfied, that the product:
- (a) conforms to the technical data for the design of the Class I or Class II product of which it is a part; and
 - (b) is in a condition for safe operation; and
 - (c) meets any special requirements of the importing country.
- (2) However, a product need not meet a requirement mentioned in subregulation (1) if it is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327(4)(d) and subregulation 21.327(5).

Source FARs section 21.333 modified.

21.339 Export airworthiness approval for aircraft

An applicant is entitled to an export certificate of airworthiness authorising the export of an aircraft to 2 or more foreign countries if:

- (a) the applicant gives CASA a statement to the effect that the aircraft is to be flown to each of these countries for the purpose of sale; and
- (b) a standard certificate of airworthiness or a special certificate of airworthiness is in force for the aircraft; and
- (c) the aircraft is inspected by CASA before leaving Australian territory and is found to comply with all the applicable requirements; and
- (d) a list of the foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application under regulation 21.327; and
- (e) for each country listed, the applicant:
 - (i) has met that country's special requirements, except those requiring documents, information, and materials to be furnished; and
 - (ii) has the documents, information, and materials necessary to meet the special requirements of that country; and
- (f) all other requirements for the issue of an export certificate of airworthiness for a Class I product are met.

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Subpart 21.L Export airworthiness approvals

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Source FARs section 21.33 modified.

Subpart 21.M—Designs of modifications of, and repairs to, aircraft, aircraft engines, propellers and appliances

Division 21.M.1—Preliminary

21.400 Purpose of Subpart

This Subpart:

- (a) sets out the requirements for the issue of modification/repair design approvals; and
- (b) sets out the rules governing the holders of such approvals; and
- (c) sets out circumstances in which certain designs are taken to be approved; and
- (d) provides for approvals of certain designs to be granted in accordance with the Part 21 Manual of Standards.

21.402 Definition of *proposed airworthiness standards* for Subpart 21.M

In this Subpart:

proposed airworthiness standards, for a design for which a person has applied for a modification/repair design approval, means the airworthiness standards that are stated in the application to be the proposed airworthiness standards for the design.

21.403 Definition of *applicable airworthiness standards* for Subpart 21.M

(1) In this Subpart:

applicable airworthiness standards, for the design of a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance, has the meaning given in this regulation.

- (2) If, under regulation 21.414, CASA, an authorised person or a relevant approved design organisation makes a determination for the design, the *applicable airworthiness standards* for the design are the proposed airworthiness standards for the design and the additional standards mentioned in the determination.
- (3) If, under regulation 21.416, CASA makes a determination for the design, the *applicable airworthiness standards* for the design are the proposed airworthiness standards for the design other than the standards determined not to apply to the design.
- (4) If, under regulation 21.418, an authorised person or approved design organisation makes, and CASA agrees with, a determination for the design, the *applicable airworthiness standards* for the design are the proposed airworthiness standards for the design other than the standards determined not to apply to the design.

Part 21 Certification and airworthiness requirements for aircraft and parts

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Division 21.M.1 Preliminary

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- (5) In any other case, the *applicable airworthiness standards* for the design are the proposed airworthiness standards for the design.

Division 21.M.2—Modification/repair design approvals

21.405 Applications for modification/repair design approvals

- (1) A person may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for a modification/repair design approval for the design of a modification of, or a repair to:
 - (a) an aircraft, aircraft engine, propeller or appliance; or
 - (b) 2 or more aircraft, aircraft engines, propellers or appliances of the same type.
 - (2) An application must include the following information:
 - (a) the applicant's name and contact details;
 - (b) the make, model and serial number of each aircraft, aircraft engine, propeller or appliance to which the design of the modification or repair relates;
 - (c) if the design relates to a modification of, or repair to, one or more aircraft, the registration mark of each aircraft;
 - (d) a description of the modification or repair;
 - (e) the proposed airworthiness standards for the design;
 - (f) an outline of the means for demonstrating compliance with the proposed airworthiness standards.
- Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.
- Note 2: Part 11 deals with applications and decision making.
- (3) For an application relating to the design of a modification of, or repair to, an aircraft, aircraft engine or propeller for which there is a type certificate, type acceptance certificate or foreign type certificate, the proposed airworthiness standards for the design must be:
 - (a) both:
 - (i) the airworthiness standards that applied to the issue of the certificate, or a specified later version of those standards; and
 - (ii) any other standards the applicant considers to be directly related to those standards; or
 - (b) the standards prescribed by the Part 21 Manual of Standards.
 - (4) For an application relating to the design of a modification of, or repair to, an aircraft, aircraft engine or propeller not mentioned in subregulation (3), or an appliance, the proposed airworthiness standards for the design must be:
 - (a) both:
 - (i) the airworthiness standards that applied to the original certification (however described) of the aircraft, aircraft engine, propeller or appliance, or a specified later version of those standards; and

Part 21 Certification and airworthiness requirements for aircraft and parts

Subpart 21.M Designs of modifications of, and repairs to, aircraft, aircraft engines, propellers and appliances

Division 21.M.2 Modification/repair design approvals

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- (ii) any other standards the applicant considers to be directly related to those standards; or
- (b) the standards prescribed by the Part 21 Manual of Standards.

21.410 Refusal to grant approval if design constitutes major change in type design

CASA or the authorised person or approved design organisation may refuse to grant a modification/repair design approval for the design without further consideration if CASA or the authorised person or approved design organisation is satisfied that the design would constitute a major change in a type design.

Note: A person may apply to CASA for a supplemental type certificate for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller—see Subpart 21.E.

21.414 Determination of additional airworthiness standards—special conditions

- (1) This regulation applies if CASA or the authorised person or approved design organisation is not satisfied that the proposed airworthiness standards for the design provide an adequate safety standard for the design in a particular respect.

Example: The modification or repair has a novel or unusual design feature.

- (2) CASA or the authorised person or approved design organisation may determine additional airworthiness standards for the design.

Note: An additional airworthiness standard imposed in respect of a design is often called a 'special condition'.

- (3) The additional airworthiness standards must be appropriate to provide a level of safety for the aircraft, aircraft engine, propeller or appliance equivalent to the level of safety required by these Regulations for a comparable aircraft, aircraft engine, propeller or appliance.
- (4) CASA or the authorised person or approved design organisation must notify the applicant, in writing, of the determination.

21.416 Determination of non-application of airworthiness standards—application to CASA

- (1) This regulation applies to the design if:
 - (a) the application is made to CASA; and
 - (b) the design is for a modification of, or repair to:
 - (i) an aircraft that is type certificated in the restricted category; or
 - (ii) an aircraft mentioned in subregulation 21.185(3A); and
 - (c) CASA is satisfied that a proposed airworthiness standard for the design is inappropriate for the purpose for which the aircraft is to be used.
- (2) CASA may determine that the airworthiness standard does not apply to the design.

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- (3) CASA must give the applicant written notice of the determination.

**21.418 Determination of non-application of airworthiness standards—
application to authorised person or approved design organisation**

- (1) This regulation applies to the design if:
- (a) the application is made to an authorised person or approved design organisation; and
 - (b) the design is for a modification of or repair to:
 - (i) an aircraft that is type certificated in the restricted category; or
 - (ii) an aircraft mentioned in subregulation 21.185(3A); and
 - (c) the authorised person or approved design organisation is satisfied that a proposed airworthiness standard for the design is inappropriate for the purpose for which the aircraft is to be used.
- (2) The authorised person or approved design organisation may determine that the airworthiness standard does not apply to the design.
- (3) The authorised person or approved design organisation must give CASA written notice of the determination.
- (4) CASA must:
- (a) decide whether or not CASA agrees with the determination; and
 - (b) give the authorised person or approved design organisation written notice of its decision.
- (5) If CASA agrees with the determination, the authorised person or approved design organisation must give the applicant written notice of the determination and of CASA's agreement with the determination.

21.420 Applicants must show compliance with applicable airworthiness standards, submit technical data and provide documents

- (1) The applicant must:
- (a) show CASA or the authorised person or approved design organisation that the design complies with the applicable airworthiness standards for the design; and
 - (b) give all of the technical data for the design to CASA or the authorised person or approved design organisation for approval under regulation 21.009; and
 - (c) give CASA or the authorised person or approved design organisation a copy of any instructions for continued airworthiness in respect of the design that are necessary to ensure that the modified aircraft, aircraft engine, propeller or appliance remains safe throughout its lifetime.
- (2) If the design is for a modification of, or repair to, an aircraft and relates to a matter that is dealt with in the flight manual for the aircraft, the applicant must also give CASA or the authorised person or approved design organisation a copy

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Regulation 21.425

of the operating instructions and limitations in respect of the design, in the form of:

- (a) an amendment to the flight manual; or
 - (b) a flight manual supplement.
- (3) For paragraph (1)(a), an applicant is taken to have shown CASA that a design complies with the applicable airworthiness requirements for the design if an approved design organisation gives CASA a certificate under subregulation (5).
- (4) Subregulation (5) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design complies with the applicable airworthiness requirements.
- (5) If the approved design organisation is satisfied that the design complies with the applicable airworthiness requirements, the organisation may give CASA a certificate to that effect.

21.425 Applicants to carry out necessary inspections and tests

- (1) For paragraph 21.420(1)(a), the applicant must carry out all inspections and tests necessary to show that the design complies with the applicable airworthiness standards for the design.
- (2) Before testing a prototype of a modification or repair, the applicant must:
- (a) establish the following for the prototype:
 - (i) that the materials and processes used to produce the prototype conform to the specifications for the design;
 - (ii) that all aeronautical products used in the prototype conform to the drawings in the design;
 - (iii) that the manufacturing processes, construction and assembly of the prototype conform to the manufacturing processes, construction and assembly specified in the design; and
 - (b) ensure that the accuracy of the equipment to be used for the test has been verified by a means that is traceable to:
 - (i) a standard recommended by the manufacturer of the equipment; or
 - (ii) a nationally or internationally recognised standard.

Example: For subparagraph (b)(ii), of a standard that is nationally recognised

A standard maintained by the National Measurement Institute—see <http://www.measurement.gov.au>.

21.430 CASA, authorised person or approved design organisation may carry out or observe certain tests

- (1) For the purposes of considering an application, CASA or the authorised person or approved design organisation may, by written notice given to the applicant, require the applicant to allow CASA or the authorised person or approved design organisation to:
- (a) carry out an inspection or test specified in the notice; or

- (b) observe a test specified in the notice that the applicant carries out under regulation 21.425.
- (2) The applicant must:
- (a) allow CASA or the authorised person or approved design organisation to:
 - (i) carry out an inspection or test specified in a notice under paragraph (1)(a); or
 - (ii) observe a test specified in a notice under paragraph (1)(b); and
 - (b) give CASA or the authorised person or approved design organisation written notice of when and where a test specified in a notice under paragraph (1)(b) will be carried out:
 - (i) at least 10 business days before the test; or
 - (ii) as agreed between the applicant and CASA or the authorised person or approved design organisation.
- (3) Before giving a notice under subregulation (2), the applicant must establish the matters required by subregulation 21.425(2).
- (4) The applicant must ensure that no change that would affect the validity of the test is made to the prototype of the modification or repair after the notice under subregulation (2) is given and before:
- (a) the test is carried out; or
 - (b) the aircraft, aircraft engine, propeller or appliance is tested or presented to CASA or the authorised person or approved design organisation for testing.

21.435 Grant of modification/repair design approvals—grant by CASA

- (1) This regulation applies if an application for a modification/repair design approval is made to CASA.
 - (2) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that:
 - (a) the requirements mentioned in subregulation (4) are met; and
 - (b) the design complies with the applicable airworthiness standards for the design.
 - (2A) For paragraph (2)(b), CASA is taken to be satisfied that a design complies with the applicable airworthiness requirements for the design if an approved design organisation has given CASA a certificate to that effect under subregulation 21.420(5).
 - (3) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that:
 - (a) the requirements mentioned in subregulation (4) are met; and
 - (b) the design does not comply with the applicable airworthiness standards for the design; but
 - (c) for each standard with which the design does not comply—the failure to comply with the standard is compensated for by factors that provide a level of safety that is equivalent to the level of safety provided by the standard.
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- (4) For paragraphs (2)(a) and (3)(a), the requirements are that:
- (a) the applicant has complied with regulations 21.420 and 21.425; and
 - (b) if CASA has given notice to the applicant under subregulation 21.430(1)—the applicant has complied with subregulations 21.430(2), (3) and (4); and
 - (c) the technical data submitted under regulation 21.420 for the design has been approved under regulation 21.009; and
 - (d) no feature or characteristic of the design makes the relevant aircraft, aircraft engine, propeller or appliance unsafe for its intended use.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

21.436 Application to authorised person or approved design organisation—non-compliance with applicable airworthiness standards: determination of equivalent level of safety

- (1) This regulation applies if:
- (a) an application for a modification/repair design approval is made to an authorised person or approved design organisation; and
 - (b) the authorised person or approved design organisation is not satisfied that the design complies with the applicable airworthiness standards.
- (2) If the authorised person or approved design organisation is approved to make an equivalent level of safety determination, the authorised person or approved design organisation must:
- (a) determine whether the non-compliance is compensated for by factors that provide an equivalent level of safety; or
 - (b) apply to CASA for a determination under subregulation (6) of whether the non-compliance is compensated for by factors that provide an equivalent level of safety.
- (3) If the authorised person or approved design organisation determines that the non-compliance is compensated for by factors that provide an equivalent level of safety, the authorised person or approved design organisation must give CASA written notice of the following:
- (a) that the design does not comply with the standard;
 - (b) that the non-compliance is compensated for by factors that provide an equivalent level of safety;
 - (c) how the non-compliance is compensated for.
- (4) If CASA receives a notice under subregulation (3), CASA must:
- (a) decide whether or not CASA agrees with the determination; and
 - (b) give the authorised person or approved design organisation written notice of its decision.
- (5) If the authorised person or approved design organisation is not approved to make an equivalent level of safety determination, the authorised person or approved
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design organisation must apply to CASA for a determination of whether the non-compliance is compensated for by factors that provide an equivalent level of safety.

- (6) If CASA receives an application under paragraph (2)(b) or subregulation (5), CASA must:
- (a) determine whether the non-compliance is compensated for by factors that provide an equivalent level of safety; and
 - (b) give the authorised person or approved design organisation written notice of CASA's determination.

21.437 Grant of modification/repair design approvals—grant by authorised person or approved design organisation

- (1) This regulation applies if an application for a modification/repair design approval is made to an authorised person or approved design organisation.
- (2) Subject to regulation 11.055, the authorised person or approved design organisation must grant the approval if the authorised person or approved design organisation is satisfied that:
- (a) the requirements mentioned in subregulation (4) are met; and
 - (b) the design complies with the applicable airworthiness standards for the design.
- (3) Subject to regulation 11.055, the authorised person or approved design organisation must grant the approval if:
- (a) the authorised person or approved design organisation is satisfied that the requirements mentioned in subregulation (4) are met; and
 - (b) the authorised person or approved design organisation is not satisfied that the design complies with the applicable airworthiness standards for the design; but
 - (c) for each standard with which the authorised person or approved design organisation is not satisfied that the design complies:
 - (i) the authorised person or approved design organisation has made, and CASA has agreed with, a determination under paragraph 21.436(2)(a) that the non-compliance is compensated for by factors that provide an equivalent level of safety; or
 - (ii) CASA has made a determination under subregulation 21.436(6) that the non-compliance is compensated for by factors that provide an equivalent level of safety.
- (4) For paragraphs (2)(a) and (3)(a), the requirements are that:
- (a) the applicant has complied with regulations 21.420 and 21.425; and
 - (b) if the authorised person or approved design organisation has given notice to the applicant under subregulation 21.430(1)—the applicant has complied with subregulations 21.430(2), (3) and (4); and
 - (c) the technical data submitted under regulation 21.420 for the design has been approved under regulation 21.009; and

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- (d) no feature or characteristic of the design makes the relevant aircraft, aircraft engine, propeller or appliance unsafe for its intended use.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
(b) a decision imposing a condition on an approval.

21.440 Form of modification/repair design approvals

If CASA or an authorised person or approved design organisation grants a modification/repair design approval, the document issued to the applicant under regulation 11.060 must:

- (a) set out:
- (i) what the approval is; and
 - (ii) the name of the person to whom it is granted; and
- (b) describe or otherwise identify the modification or repair; and
- (c) specify, by reference to manufacturer, model and serial number, each aircraft, aircraft engine, propeller or appliance to which the design of the modification or repair relates.

21.445 Variation of modification/repair design approvals

- (1) Regulations 21.405 to 21.440 apply to an application for a variation of a modification/repair design approval as if:
- (a) each reference in those regulations to an approval were a reference to a variation of an approval; and
 - (b) each reference in those regulations to a design were a reference to a variation of a design.
- (2) However, the applicant is not required to give CASA or an authorised person or approved design organisation the technical data for the design or any other information that CASA or the authorised person or approved design organisation already holds unless the data or information already given:
- (a) is no longer correct; or
 - (b) no longer describes the design.

**Division 21.M.3—Transfer of, and obligations for holders of,
modification/repair design approvals and approvals
granted in accordance with alternative method**

Note: For the definition of *holder*, see the Dictionary.

21.448 Approvals to which this Division applies

This Division applies to:

- (a) modification/repair design approvals; and
- (b) approvals mentioned in regulation 21.475.

**21.450 Transfer of modification/repair design approvals and approvals granted
in accordance with alternative method**

- (1) The holder of an approval may transfer the approval to another person.
- (2) However, an approval may be transferred only with the written agreement of the transferee.
- (3) If an approval is transferred, the transferor must:
 - (a) write the transferee's name on the document mentioned in regulation 21.440 (the *approval document*); and
 - (b) give the transferee:
 - (i) the approval document; and
 - (ii) a copy of each document or record that the holder of the approval is required to keep under regulation 21.455.

Penalty: 50 penalty units.

- (4) If an approval is transferred, the transferor must, within 1 month after the transfer, notify CASA, in accordance with subregulation (5), of the transfer.

Penalty: 50 penalty units.

- (5) A notice under subregulation (4) must:
 - (a) be in writing; and
 - (b) identify the approval being transferred; and
 - (c) state the name and address of the transferee; and
 - (d) state the date of the transfer.
- (6) An offence against subregulation (3) or (4) is an offence of strict liability.

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Division 21.M.3 Transfer of, and obligations for holders of, modification/repair design approvals and approvals granted in accordance with alternative method

Regulation 21.455

21.455 Record keeping and making records available to CASA

- (1) The holder of an approval must keep documents and records about the design covered by the approval, including all technical data and test and inspection records, until:

- (a) the end of 12 months after the approval ceases to be in force, otherwise than by being suspended under these Regulations; or
(b) the holder transfers the approval to another person;

whichever occurs first.

Penalty: 50 penalty units.

- (2) CASA may, by notice in writing, require the holder to make a document or record, or a copy or extract of a document or record, available for inspection by CASA within a time specified in the notice.

- (3) The holder must comply with the notice.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

21.460 Instructions for continued airworthiness and flight manual supplement to be made available

- (1) Subregulation (2) applies if the holder of an approval was required under paragraph 21.420(1)(c), or under the method in accordance with which it was granted, to provide instructions for continued airworthiness in respect of a design.

- (2) The holder must ensure that a copy of the current version of the instructions is available (electronically or otherwise) to any person who is required to comply with them.

Penalty: 50 penalty units.

- (3) Subregulation (4) applies if the holder of an approval to which this Division applies was required under subregulation 21.420(2), or under the method in accordance with which it was granted, to provide:

- (a) an amendment to the flight manual for an aircraft; or
(b) a flight manual supplement for an aircraft.

- (4) The holder must ensure that a copy of the current version of the amendment or supplement is available (electronically or otherwise) to:

- (a) for a registered aircraft—the registered operator of the aircraft; or
(b) for a Part 103 aircraft that is listed with a Part 103 ASAO—the owner of the aircraft.

- (5) An offence against subregulation (2) or (4) is an offence of strict liability.

Division 21.M.4—Other means of approval

21.465 Modifications and repairs directed by CASA

A design for a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance is taken to have been approved for the purpose of these Regulations if the design is contained in:

- (a) a direction issued in writing by CASA; or
- (b) an airworthiness directive.

21.470 Foreign modification/repair designs

A design for a modification of, or repair to, an aircraft, aircraft engine, propeller or appliance is taken to have been approved for the purpose of these Regulations if the design is:

- (a) approved by the national aviation authority of a recognised country; or
- (b) for a design of a modification or repair that relates to an aircraft, aircraft engine or propeller designed in a recognised country—published or issued by the foreign type certificate holder of the aircraft, aircraft engine or propeller under a system approved by the national aviation authority of that country; or
- (c) for a design of a modification or repair that relates to an appliance designed in a recognised country—published or issued by the manufacturer of the appliance under a system approved by the national aviation authority of that country; or
- (d) accepted by CASA under an agreement (however described) regarding approvals of designs for modifications and repairs between:
 - (i) CASA and the national aviation authority of a Contracting State; or
 - (ii) Australia and a Contracting State.

21.475 Part 21 Manual of Standards may prescribe alternative method of approval of modification and repair designs

An approval of a design for the modification of, or a repair to, an aircraft, aircraft engine, propeller or appliance may be granted in accordance with a method prescribed by the Part 21 Manual of Standards.

Regulation 21.500

Subpart 21.N—Approval of engines, propellers, materials, parts and appliances: imported

21.500 Approval of imported aircraft engines and propellers

- (1) Each holder or licensee of an Australian type certificate for an aircraft engine or propeller manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those products for export and import, must furnish with each such aircraft engine or propeller imported into Australian territory by the holder or licensee, an export airworthiness approval (however described) issued by the country of manufacture certifying that the individual aircraft engine or propeller:
 - (a) conforms to its type certificate; and
 - (b) is in a condition for safe operation; and
 - (c) has been subjected by the manufacturer to a final operational check.
- (2) If these Regulations require an imported aircraft engine or propeller to be type certificated, it is taken to be type certificated under these Regulations if:
 - (a) the aircraft engine or propeller:
 - (i) is manufactured:
 - (A) in a recognised country; or
 - (B) under a manufacturing approval (however described) issued by the national aviation authority of a recognised country; or
 - (C) in a foreign country with which Australia has an agreement for the acceptance of the aircraft engine or propeller for export and import; or
 - (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these Regulations, or a certificate of type approval is in force under CAR; and
 - (b) the aircraft engine or propeller conforms to a valid type certificate, is in a condition for safe operation and has been subjected to a final operational check by the manufacturer; and
 - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).
- (3) CASA may inspect an aircraft engine or propeller to which this regulation applies to determine whether it complies with this regulation.

Source FARs section 21.500 modified.

21.500A Approval of other imported aircraft engines and propellers

- (1) A person may apply to CASA or a relevant approved design organisation, in writing, for approval of an imported aircraft engine, or propeller, that is not covered by regulation 21.500.

- (2) An applicant must, on request by CASA or the approved design organisation, give CASA or the approved design organisation any technical data for the design of the aircraft engine or propeller.
- (3) Subject to regulation 11.055, CASA or the approved design organisation must grant the approval.

21.502 Approval of imported materials, parts and appliances

- (1) If these Regulations, or the Civil Aviation Orders, require an imported material, part or appliance to be approved, it is taken to be approved if:
 - (a) the material, part or appliance:
 - (i) is manufactured:
 - (A) in a recognised country; or
 - (B) under a manufacturing approval (however described) issued by the national aviation authority of a recognised country; or
 - (C) in a foreign country with which Australia has an agreement for the acceptance of the material, part or appliance for export and import; or
 - (ii) forms part of a type design for which a type certificate or a type acceptance certificate is in force under these Regulations, or a certificate of type approval is in force under CAR; and
 - (b) the material, part or appliance conforms to an aeronautical specification appropriate to the proposed use, meets the requirements prescribed by the Part 21 Manual of Standards and is in a condition for safe operation; and
 - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).
- (2) CASA may inspect any material part or appliance to determine whether it complies with this regulation.

Source FARs section 21.502 modified.

21.502A Approval of other imported materials, parts and appliances

- (1) A person may apply to CASA, an authorised person or a relevant approved design organisation, in writing, for approval of an imported material, part or appliance that is not covered by regulation 21.502.
- (2) An applicant must, on request by CASA or the authorised person or approved design organisation, give CASA or the authorised person or approved design organisation any technical data for the design of the material, part or appliance.
- (3) Subject to regulation 11.055, CASA or the authorised person or approved design organisation must grant the approval if satisfied that the material, part or appliance meets the requirements prescribed by the Part 21 Manual of Standards.

Regulation 21.601

Subpart 21.O—Australian Technical Standard Order Authorisations

21.601 Applicability

- (1) This Subpart prescribes:
 - (a) requirements for the issue of Australian Technical Standard Order (ATSO) authorisations; and
 - (b) rules governing the holders of ATSO authorisations; and
 - (c) requirements for the issue of a letter of ATSO design approval.
- (2) For the purpose of these Regulations:
 - (a) an **ATSO** (short for Australian Technical Standard Order) is a minimum performance standard prescribed by the Part 21 Manual of Standards for specified articles used on civil aircraft; and
 - (aa) an **ETSO** is a European Technical Standard Order issued by EASA; and
 - (ab) a **TSO** is a Technical Standard Order issued by the FAA; and
 - (b) an **ATSO authorisation** is:
 - (i) a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO, ETSO or TSO; or
 - (ii) a CASA production approval issued to the manufacturer of an article manufactured in accordance with an FAA letter of TSO design approval; and
 - (c) a **letter of ATSO design approval** is a CASA design approval for a foreign-manufactured article which has been found to meet a specific ATSO in accordance with the procedures of regulation 21.617; and
 - (ca) an **FAA letter of TSO design approval** is an FAA design approval for an article manufactured outside the United States that has been found to meet a specific TSO in accordance with the procedures of FARs section 21.617; and
 - (d) an article manufactured under an ATSO authorisation or an appliance manufactured under a letter of ATSO design approval described in regulation 21.617 is an approved article or appliance for the purpose of meeting the provisions of these Regulations that require the article to be approved; and
 - (e) an **article manufacturer** is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.
- (3) For the purpose of this Subpart, **articles** means materials, parts, processes, or appliances.

- (4) Despite subregulation 21.605(4), CASA is not required to issue an ATSO authorisation for an article if the manufacturing facilities for the article are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering the applicable airworthiness requirements.

Source FARs section 21.601 modified.

21.603 ATSO marking and privileges

- (1) Except as provided in subregulation 21.617(3), a person may identify an article with an ATSO marking only if:
- (a) the person holds an ATSO authorisation; and
 - (b) the article meets applicable ATSO, ETSO or TSO performance standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.603 modified.

21.605 Application and issue

- (1) An article manufacturer may apply to CASA for an ATSO authorisation for the article.
- (2) An application must be accompanied by the following documents:
- (a) a statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable ATSO, ETSO or TSO that is effective on the date of application for that article;
 - (b) one copy of the technical data required in the applicable ATSO, ETSO or TSO;
 - (c) a description of the applicant's quality system in the detail specified in regulations 21.143 and 21.144. In complying with this regulation, the applicant may refer to current quality system data filed with CASA as part of a previous ATSO authorisation application.
- (3) When a series of minor changes in accordance with regulation 21.611 is anticipated, the applicant must set forth in the application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.
- (4) Subject to regulation 11.055, CASA must issue an ATSO authorisation for the article if CASA is satisfied that:
- (a) the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609; and
 - (b) the applicant has established, and can maintain, a quality system to ensure that each article manufactured under the authorisation will comply with the

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applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609.

- (5) For paragraph (4)(a), CASA may satisfy itself that the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609, on the basis of any of the following:
 - (a) an examination of the design;
 - (b) the technical data for the design approved under regulation 21.009;
 - (c) a certificate from an approved design organisation under subregulation (7).
- (6) Subregulation (7) applies if, under regulation 21.251, CASA authorises a relevant approved design organisation to determine whether the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609.
- (7) If the approved design organisation is satisfied that the design of the article complies with the applicable ATSO, ETSO or TSO, including any deviations approved under regulation 21.609, the organisation may give CASA a certificate to that effect.

Source FARs section 21.605 modified.

21.607 General rules governing holders of ATSO authorisations

- (1) An article manufacturer to whom an ATSO authorisation for the article has been issued must ensure that:
 - (a) the article is manufactured in accordance with this Part and the applicable ATSO, ETSO or TSO (including any deviations approved under subregulation 21.609(3)); and
 - (b) all tests and inspections required under these Regulations, or the applicable ATSO, ETSO or TSO, are conducted, and a quality system is established and maintained that:
 - (i) is adequate to ensure that the article meets the requirements of paragraph (a) and is in a condition for safe operation; and
 - (ii) meets the requirements prescribed by the Part 21 Manual of Standards; and
 - (c) the article is permanently and legibly marked with the following information:
 - (i) the name and address of the manufacturer;
 - (ii) the name, type, part number, or model designation of the article;
 - (iii) the serial number or the date of manufacture of the article or both;
 - (iv) unless subparagraph (v) applies, the applicable ATSO, ETSO or TSO number with the prefix 'ATSO';
 - (v) if the article was manufactured in accordance with an FAA letter of TSO design approval, the applicable TSO number with the prefix 'TSO'.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.607 modified.

21.609 Approval for deviation

- (1) An article manufacturer who requests approval to deviate from any performance standard of an ATSO, ETSO or TSO must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.
- (2) The request for approval to deviate, together with all pertinent data, must be submitted to CASA. If the article is manufactured in another country, the request for approval to deviate, together with all pertinent data, must be submitted to CASA through the national aviation authority of that country.
- (3) Subject to regulation 11.055, CASA must grant the approval.

Source FARs section 21.609 modified.

21.611 Design changes

Minor changes by the manufacturer holding an ATSO authorisation

- (1) An article manufacturer manufacturing an article under an ATSO authorisation may make minor design changes (any change other than a major change) without further approval by CASA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes).
- (2) The manufacturer must forward to CASA any revised data that are necessary for compliance with subregulation 21.605(3).

Penalty: 25 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Major changes by manufacturer holding an ATSO authorisation

- (3) Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with an ATSO, ETSO or TSO is a **major change**. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an ATSO authorisation under regulation 21.605.

Who may apply for approval of change

- (4) A person may apply for approval for a change to the design of an article under this Subpart only if the person:
- (a) is the manufacturer that submitted the statement of conformance for the article; or

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(b) has applied for an ATSO authorisation for the article.

Note: A person may apply to CASA, an authorised person or an approved design organisation, in writing, for a modification/repair design approval for the design of a modification of, or a repair to, an appliance: see Subpart 21.M.

Source FARs section 21.611 modified.

21.613 Record keeping requirements

Keeping the records

- (1) An article manufacturer holding an ATSO authorisation must, for each article manufactured under that authorisation, keep the following records at its factory:
 - (a) a complete and current technical data file for each type or model article, including design drawings and specifications;
 - (b) complete and current inspection records showing that all inspections and tests required to ensure compliance with this part have been properly completed and documented.

Retention of records

- (2) The manufacturer must retain the records mentioned in paragraph (1)(a) until it no longer manufactures the article.

Penalty: 50 penalty units.

- (3) If the manufacturer stops manufacturing the article, the manufacturer must send copies of the records mentioned in paragraph (1)(a) to CASA within 30 days after ceasing that manufacture.

Penalty: 50 penalty units.

- (4) The manufacturer must retain the records mentioned in paragraph (1)(b) for at least 2 years.

Penalty: 50 penalty units.

- (5) An offence against subregulation (2), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.613 modified.

21.615 CASA inspection

- (1) Upon the request of CASA, an article manufacturer manufacturing an article under an ATSO authorisation must allow CASA to:
 - (a) inspect any article manufactured under that authorisation; and
 - (b) inspect the manufacturer's quality system; and
 - (c) witness any tests; and
 - (d) inspect the manufacturing facilities; and
 - (e) inspect the technical data files on that article.

- (2) If the manufacturer does not comply with a request under subregulation (1), the ATSO authorisation is suspended until the request is complied with.

Source FARs section 21.615 modified.

21.617 Issue of letters of ATSO design approval: import appliances

- (1) A letter of ATSO design approval may be issued for an appliance that is manufactured in a foreign country with which Australia has an agreement for the acceptance of these appliances for export and import and that is to be imported into Australian territory, if:
- (a) the national aviation authority of the country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305(b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards CASA prescribes to provide a level of safety equivalent to that provided by the ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305(b); and
 - (b) the article manufacturer has submitted to CASA one copy of the technical data required in the applicable performance standard through the national aviation authority of the country in which the appliance was manufactured.
- (2) The letter of ATSO design approval will be issued by CASA and must list any deviation granted to the manufacturer under regulation 21.609.
- (3) After CASA has issued a letter of ATSO design approval and an airworthiness approval mentioned in paragraph 21.502(1)(c) has been issued, the manufacturer is authorised to identify the appliance with the ATSO marking requirements described in paragraph 21.607(c) and in the applicable ATSO. Each appliance must be accompanied by an airworthiness approval mentioned in paragraph 21.502(1)(c).

Source FARs section 21.617 modified.

21.619 Non-compliance

CASA may suspend or cancel the ATSO authorisation or letter of ATSO design approval of any article manufacturer who identifies with an ATSO marking an article not meeting the performance standards of the applicable ATSO, ETSO or TSO (including any deviations approved under subregulation 21.609(3)).

Source FARs section 21.619 modified.

Note: See also regulations 21.002C and 21.002E in relation to suspension and cancellation of ATSO authorisations or letters of ATSO design approval.

21.621 Duration

- (1) An ATSO authorisation or letter of ATSO design approval continues in force until surrendered or cancelled.

Regulation 21.621

- (2) However, an ATSO authorisation or a letter of ATSO design approval is not in force during any period of suspension.

Source FARs section 21.621 modified.

Subpart 21.Q—Identification of aircraft and aeronautical products

Division 21.Q.1—Preliminary

21.805 Applicability of this Subpart

This Subpart applies to an aircraft, aircraft engine, aircraft propeller, critical part or other aircraft part manufactured after this Subpart commences.

21.810 Meaning of *fireproof*

- (1) A reference in this Subpart to a fireproof manufacturer's data plate is a reference to a data plate that:
 - (a) is made of material that withstands the heat of a fire at least as well as a steel plate of the same size and thickness; and
 - (b) on which the details that it is required to bear are legibly marked by a fireproof method.
- (2) In this Subpart:

fireproof method of marking means marking by:

 - (a) etching, stamping or engraving; or
 - (b) another similar method of marking approved for a particular purpose.

Division 21.Q.2—Aircraft, aircraft engines and aircraft propellers

21.815 Applicability of this Division

This Division applies to an aircraft (or an aircraft engine or aircraft propeller) manufactured after this Subpart commences.

21.820 Manufacturer's data plate must be attached to aircraft

- (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft to which this Division applies.
- (2) The manufacturer of an aircraft to which this Division applies must attach to it, as set out in subregulations (3) and (4), a fireproof manufacturer's data plate bearing the following information:
 - (a) the name of the manufacturer;
 - (b) the identification number of the aircraft's type certificate (if any);
 - (c) the identification number of the production certificate (if any) under which the aircraft is manufactured;
 - (d) the aircraft's model designation;
 - (e) the aircraft's serial number.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The data plate must be attached in a way that ensures that it is not likely to be defaced or removed during normal service, nor lost or destroyed in an accident.
- (4) The data plate must be attached:
 - (a) to a manned free balloon—to the lower section of the balloon's envelope in a place where the operator can read it when the balloon is inflated; or
 - (b) to a glider—in a visible place inside the cockpit; or
 - (c) to any other aircraft—in a place where it is clearly legible:
 - (i) on the frame of the aircraft's rearmost entrance; or
 - (ii) near, but aft of, the aircraft's rearmost entrance; or
 - (iii) on the aircraft's fuselage near its tail.

Note: For the definition of *aircraft* see section 3 of the Act. For the definitions of *identification number*, *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.

21.825 Manufacturer's data plate must be attached to basket of manned free balloon

- (1) This regulation sets out an additional requirement for attaching a manufacturer's data plate to the basket of a manned free balloon to which this Division applies.

- (2) This regulation applies to the holder of the type certificate or production certificate under which such a balloon is manufactured.
- (3) The holder of the type certificate must attach to the basket of the balloon, as set out in subregulation (4), a heat-resistant metal plate on which the following information is legibly marked by a fireproof method:
 - (a) the name of the manufacturer;
 - (d) the basket's part number;
 - (e) the basket's serial number.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The manufacturer's data plate must be attached to the basket in a way that ensures that the plate is not likely to be defaced or removed during normal service, nor to be lost or destroyed in an accident.

Note: For the definitions of *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.

21.830 Heater assembly of manned free balloon must carry identification mark

- (1) This regulation applies to a manned free balloon to which this Division applies that has a heater assembly.
- (2) The holder of the type certificate or production certificate under which the balloon is manufactured must, as set out in subregulation (3), also mark on the heater assembly, by a fireproof method, the information mentioned in subregulation (4).

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.
- (4) The information is:
 - (a) the name of the heater's manufacturer; and
 - (b) its part number; and
 - (c) its serial number.

Note: For the definitions of *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.

21.835 Manufacturer's data plate must be attached to aircraft engine

- (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft engine to which this Division applies.
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Part 21 Certification and airworthiness requirements for aircraft and parts

Subpart 21.Q Identification of aircraft and aeronautical products

Division 21.Q.2 Aircraft, aircraft engines and aircraft propellers

Regulation 21.840

- (2) This regulation applies to the holder of the type certificate or production certificate under which such an aircraft engine is manufactured.
- (3) The holder of the type certificate or production certificate must attach to the engine, as set out in subregulation (4), a fireproof manufacturer's data plate bearing the following information:
 - (a) the manufacturer's name;
 - (b) the identification number of the engine's type certificate (if any);
 - (c) the identification number of the production certificate (if any) under which the engine is manufactured;
 - (d) the engine's model designation;
 - (e) its serial number;
 - (f) if its rating is stated in its type certificate, that rating.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The data plate must be attached to the engine:
 - (a) in a place where somebody carrying out maintenance on the engine can read it; and
 - (b) in a way that ensures that the plate is not likely to be defaced or become detached from the engine during normal service, nor to be lost or destroyed in an accident.

Note: For the definitions of *identification number*, *production certificate* and *type certificate* see the Dictionary.

21.840 Aircraft propellers, blades and hubs must carry identification marks

- (1) This regulation sets out the requirements to mark information on, or attach a manufacturer's data plate to, an aircraft propeller, propeller blade or propeller hub to which this Division applies.
- (2) The holder of the type certificate or production certificate under which such a propeller, blade or hub is manufactured must:
 - (a) legibly mark on it by a fireproof method, as set out in subregulation (3), the information mentioned in subregulation (5); or
 - (b) attach to it, as set out in subregulation (4), a manufacturer's data plate on which that information is legibly marked by a fireproof method.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) If information is marked on a propeller, blade or hub, it must be marked in a way that ensures that it is not likely to be defaced.

- (4) If a manufacturer's data plate is attached to a propeller, blade or hub, the plate must be attached to a non-critical surface in a way that ensures that the plate is not likely to be defaced or become detached during normal service, nor lost in an accident.
- (5) The information is:
- (a) the manufacturer's name; and
 - (b) the identification number of the type certificate (if any) of the propeller;
and
 - (c) the identification number of the production certificate (if any) under which the propeller is manufactured; and
 - (d) the model designation of the propeller, blade or hub; and
 - (e) its serial number.

Note: For the definitions of *identification number*, *production certificate* and *type certificate* see the Dictionary.

Division 21.Q.3—Critical parts

21.845 Applicability of this Division

This Division applies to a critical part manufactured on or after 1 October 2000.

21.850 Identification of critical parts

- (1) This regulation applies to a person who manufactures, in Australia, a critical part to which this Division applies.
- (2) The person must legibly and permanently mark on the part, as set out in subregulation (3), the following information:
 - (a) the part's part number;
 - (b) its serial number.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.855 Removal or alteration of identification on critical parts

- (1) Except with CASA's written approval, a person must not engage in conduct that results in the removal or alteration of any of the information marked, in accordance with this Division, on a critical part to which this Division applies.

Penalty: 20 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) CASA must not grant an approval under subregulation (1) if the granting of the approval would adversely affect the safety of air navigation.

Division 21.Q.4—Aircraft parts

21.860 Applicability of this Division

This Division applies to:

- (a) an aircraft part produced under an APMA, on or after 1 October 2000; and
- (b) a modification or replacement part referred to in paragraph 21.303(2)(a) or (c) and produced after 30 November 2003; and
- (c) a Class II or Class III product produced under a production certificate that is referred to in regulation 21.133(2A) or (2B).

Note: For the definition of *APMA* see the Dictionary.

21.865 Identification of parts produced under an APMA

- (1) Subregulation (2) applies to the holder of the APMA under which a part to which this Division applies is manufactured.
- (2) Subject to regulation 21.870, the holder of the APMA must legibly and permanently mark on the part, as set out in subregulation (3), the information required by subregulation (4).

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.
- (4) The information is:
 - (a) the capital letters *APMA*; and
 - (b) the trade mark, name or symbol of the holder; and
 - (c) the part's part number; and
 - (d) the part's serial number (if any); and
 - (e) the name and model designation of each type certificated product to which the part may be fitted.

21.870 Identification of parts produced under an APMA if marking is impracticable

- (1) Subregulation (2) applies to a part to which this Division applies if CASA and the holder of the APMA under which the part is manufactured agree that it is impracticable to mark on it the information required by subregulation 21.865(4).
- (2) If this subregulation applies to a part, the holder of the APMA need not comply with regulation 21.865.

Part 21 Certification and airworthiness requirements for aircraft and parts

Subpart 21.Q Identification of aircraft and aeronautical products

Division 21.Q.4 Aircraft parts

Regulation 21.875

- (3) The holder of the APMA must include the information in the authorised release certificate supplied with the part or with each container of the parts.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) If CASA and the holder agree that it is impracticable to provide the information mentioned in paragraph 21.865(4)(e) in the authorised release certificate that is supplied with the part, or with each container of the parts, the holder is not guilty of an offence under subregulation (3) if:

- (a) the information is included in a document that is published by the holder and available to any person who fits the part to an aircraft; and
- (b) the authorised release certificate identifies the document.

Note: For the definition of *authorised release certificate*, see the Dictionary.

21.875 Identification of other aircraft parts

- (1) Subject to regulation 21.880, the manufacturer of a part or product mentioned in paragraphs 21.860(b) or (c) must legibly and permanently mark on each of those parts or products produced, as set out in subregulation (3), the following information:

- (a) the trade mark of or name of the manufacturer;
- (b) the part number of the part or product.

Penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.880 Identification of other aircraft parts—other than by marking

- (1) Subregulation (2) applies to a part or product to which regulation 21.875 applies if, because of the shape, size or nature of the part or product, it is impracticable to mark on the part or product the information required by regulation 21.875.
- (2) If this subregulation applies to a part or product, the manufacturer of the part or product need not comply with regulation 21.875.
- (3) The manufacturer of a Class II or Class III product referred to in paragraph 21.860(c) must include the information required by paragraphs 21.875(1)(a) and (b) in the authorised release certificate supplied with the product or the container of the product.

Part 22—Airworthiness standards for sailplanes and powered sailplanes

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22.002	Incidental provisions
22.003	Changes to EASA CS-22
22.004	Approvals under EASA CS-22

22.001 Airworthiness standards

For these Regulations, the airworthiness standards for a sailplane or powered sailplane are the airworthiness standards set out in EASA CS-22, as in force from time to time, with the changes provided under this Part.

22.002 Incidental provisions

For these Regulations, the incidental provisions of EASA CS-22, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

22.003 Changes to EASA CS-22

For this Part, a reference in EASA CS-22 to the Agency is taken to be a reference to CASA.

22.004 Approvals under EASA CS-22

For the application of EASA CS-22 under this Part:

- (a) an approval (however described) mentioned in EASA CS-22 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-22 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-22, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note: Regulation 202.060 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Part 23—Airworthiness standards for aeroplanes in the normal, utility, acrobatic or commuter category

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23.003	Changes to Part 23 of the FARs
23.004	Changes to EASA CS-VLA
23.005	Changes to EASA CS-23
23.006	Approvals under Part 23 of the FARs
23.007	Approvals under EASA CS-VLA
23.008	Approvals under EASA CS-23

23.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aeroplane in the normal category, utility category, acrobatic category or commuter category are as follows:
 - (a) the airworthiness standards set out in Part 23 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-VLA, as in force from time to time, with the changes provided under this Part;
 - (c) the airworthiness standards set out in EASA CS-23, as in force from time to time, with the changes provided under this Part.
- (2) An aeroplane in the normal category, utility category, acrobatic category or commuter category meets the airworthiness standards for these Regulations if the aeroplane meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b); or
 - (c) the standards mentioned in paragraph (1)(c).

23.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 23 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-VLA, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part; and
- (c) the incidental provisions of EASA CS-23, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

23.003 Changes to Part 23 of the FARs

- (1) For this Part, a reference in Part 23 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 23 of the FARs to the FAA or to the Administrator is a reference to CASA.

23.004 Changes to EASA CS-VLA

For this Part, a reference in EASA CS-VLA to the Agency is taken to be a reference to CASA.

23.005 Changes to EASA CS-23

For this Part, a reference in EASA CS-23 to the Agency is taken to be a reference to CASA.

23.006 Approvals under Part 23 of the FARs

For the application of Part 23 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 23 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

23.007 Approvals under EASA CS-VLA

For the application of EASA CS-VLA under this Part:

- (a) an approval (however described) mentioned in EASA CS-VLA may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-VLA is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-VLA, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Regulation 23.008

23.008 Approvals under EASA CS-23

For the application of EASA CS-23 under this Part:

- (a) an approval (however described) mentioned in EASA CS-23 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-23 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-23, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note: Regulation 202.070 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Part 25—Airworthiness standards for aeroplanes in the transport category

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- 25.003 Changes to Part 25 of the FARs
- 25.004 Changes to EASA CS-25
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Subpart 25.C—Airworthiness standards directed by ICAO

- 25.011 What this Subpart does
- 25.013 Least-risk bomb location

Regulation 25.001

Subpart 25.A—General

25.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aeroplane in the transport category are as follows:
 - (a) the airworthiness standards set out in Part 25 of the FARs, as in force from time to time, with the changes provided under Subpart 25.B, together with the standards set out in Subpart 25.C;
 - (b) the airworthiness standards set out in EASA CS-25, as in force from time to time, with the changes provided under Subpart 25.B, together with the standards set out in Subpart 25.C.
- (2) An aeroplane in the transport category meets the airworthiness standards for these Regulations if the aeroplane meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b).

25.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 25 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-25, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Subpart 25.B—Changes to FARs and EASA CS-25

25.003 Changes to Part 25 of the FARs

- (1) For this Part, a reference in Part 25 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 25 of the FARs to the FAA or to the Administrator is a reference to CASA.

25.004 Changes to EASA CS-25

For this Part, a reference in EASA CS-25 to the Agency is taken to be a reference to CASA.

25.005 Approvals under Part 25 of the FARs

For the application of Part 25 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 25 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these Regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

25.006 Approvals under EASA CS-25

For the application of EASA CS-25 under this Part:

- (a) an approval (however described) mentioned in EASA CS-25 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-25 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-25, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note: Regulation 202.090 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Regulation 25.011

Subpart 25.C—Airworthiness standards directed by ICAO

25.011 What this Subpart does

This Subpart sets out airworthiness standards giving effect to the International Civil Aviation Organization’s policy of protection of an aeroplane and its occupants.

25.013 Least-risk bomb location

- (1) For this regulation, a ***least-risk bomb location*** is a location on an aeroplane where an explosive device can be placed to minimise the effects on the aeroplane if the device detonates.
- (2) A least-risk bomb location on an aeroplane must be specified in the flight manual.

Part 26—Airworthiness standards for aircraft in the primary category or intermediate category

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26.001	Airworthiness standards
26.002	Incidental provisions

26.001 Airworthiness standards

The airworthiness standards for an aircraft in the primary category or intermediate category are so much of the airworthiness standards set out in Parts 22, 23, 27, 32, 33 and 35 as apply to an aircraft of that type.

26.002 Incidental provisions

For these Regulations, the incidental provisions of an instrument mentioned in Part 22, 23, 27, 32, 33 or 35 apply to the operation of the airworthiness standards in that instrument.

Part 27—Airworthiness standards for rotorcraft in the normal category

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27.001	Airworthiness standards
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27.003	Changes to Part 27 of the FARs
27.003A	Changes to EASA CS-27
27.004	Approvals under Part 27 of the FARs
27.005	Approvals under EASA CS-27

27.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for a rotorcraft in the normal category are as follows:
 - (a) the airworthiness standards set out in Part 27 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-27, as in force from time to time, with the changes provided under this Part.
- (2) A rotorcraft in the normal category meets the airworthiness standards for these Regulations if the aircraft meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b).

27.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 27 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-27, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

27.003 Changes to Part 27 of the FARs

- (1) For this Part, a reference in Part 27 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 27 of the FARs to the FAA or to the Administrator is a reference to CASA.

27.003A Changes to EASA CS-27

For this Part, a reference in EASA CS-27 to the Agency is taken to be a reference to CASA.

27.004 Approvals under Part 27 of the FARs

For the application of Part 27 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 27 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these Regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

27.005 Approvals under EASA CS-27

For the application of EASA CS-27 under this Part:

- (a) an approval (however described) mentioned in EASA CS-27 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-27 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-27, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Part 29—Airworthiness standards for rotorcraft in the transport category

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29.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for a rotorcraft in the transport category are as follows:
 - (a) the airworthiness standards set out in Part 29 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-29, as in force from time to time, with the changes provided under this Part.
- (2) A rotorcraft in the transport category meets the airworthiness standards for these Regulations if the aircraft meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b).

29.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 29 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-29, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

29.003 Changes to Part 29 of the FARs

- (1) For this Part, a reference in Part 29 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 29 of the FARs to the FAA or to the Administrator is a reference to CASA.

29.003A Changes to EASA CS-29

For this Part, a reference in EASA CS-29 to the Agency is taken to be a reference to CASA.

29.004 Approvals under Part 29 of the FARs

For the application of Part 29 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 29 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these Regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

29.005 Approvals under EASA CS-29

For the application of EASA CS-29 under this Part:

- (a) an approval (however described) mentioned in EASA CS-29 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-29 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-29, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Part 31—Airworthiness standards for manned free balloons

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31.005	Changes to EASA CS-31GB
31.006	Approvals under Part 31 of the FARs
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31.008	Approvals under EASA CS-31GB

31.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for a manned free balloon are as follows:
 - (a) the airworthiness standards set out in Part 31 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-31HB, as in force from time to time, with the changes provided under this Part;
 - (c) the airworthiness standards set out in EASA CS-31GB, as in force from time to time, with the changes provided under this Part.
- (2) A manned free balloon meets the airworthiness standards for these Regulations if the balloon meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b); or
 - (c) the standards mentioned in paragraph (1)(c).

31.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 31 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-31HB, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part; and
- (c) the incidental provisions of EASA CS-31GB, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

31.003 Changes to Part 31 of the FARs

For this Part, a reference in Part 31 of the FARs to the FAA or to the Administrator is taken to be a reference to CASA.

31.004 Changes to EASA CS-31HB

For this Part, a reference in EASA CS-31HB to the Agency is taken to be a reference to CASA.

31.005 Changes to EASA CS-31GB

For this Part, a reference in EASA CS-31GB to the Agency is taken to be a reference to CASA.

31.006 Approvals under Part 31 of the FARs

For the application of Part 31 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 31 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for the FAA or the Administrator under Part 31 of the FARs is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under Part 31 of the FARs, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

31.007 Approvals under EASA CS-31HB

For the application of EASA CS-31HB under this Part:

- (a) an approval (however described) mentioned in EASA CS-31HB may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-31HB is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-31HB, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

31.008 Approvals under EASA CS-31GB

For the application of EASA CS-31GB under this Part:

- (a) an approval (however described) mentioned in EASA CS-31GB may be given by CASA; and

Regulation 31.008

- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-31GB is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-31GB, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Part 32—Airworthiness standards for engines for very light aeroplanes

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32.001	Airworthiness standards
32.002	Incidental provisions
32.003	Changes to EASA CS-22
32.004	Approvals under EASA CS-22

32.001 Airworthiness standards

For these Regulations, the airworthiness standards for an aircraft engine for use in a very light aeroplane are the airworthiness standards set out in EASA CS-22, as in force from time to time, with the changes provided under this Part.

32.002 Incidental provisions

For these Regulations, the incidental provisions of EASA CS-22, as in force from time to time, apply to the operation of the airworthiness standards in that Subpart, with the changes provided under this Part.

32.003 Changes to EASA CS-22

For this Part, a reference in EASA CS-22 to the Agency is taken to be a reference to CASA.

32.004 Approvals under EASA CS-22

For the application of EASA CS-22 under this Part:

- (a) an approval (however described) mentioned in EASA CS-22 may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-22 is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-22, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Note: Regulation 202.140 sets out transitional arrangements in relation to approvals given under this Part as in force before 1 July 2009.

Part 33—Airworthiness standards for aircraft engines

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33.001	Airworthiness standards
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33.003	Changes to Part 33 of the FARs
33.003A	Changes to EASA CS-E
33.004	Approvals under Part 33 of the FARs
33.005	Approvals under EASA CS-E

33.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aircraft engine, other than an aircraft engine for use in a very light aeroplane, are as follows:
 - (a) the airworthiness standards set out in Part 33 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-E, as in force from time to time, with the changes provided under this Part.
- (2) An aircraft engine, other than an aircraft engine for use in a very light aeroplane, meets the airworthiness standards for these Regulations if the engine meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b).

33.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 33 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-E, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

33.003 Changes to Part 33 of the FARs

- (1) For this Part, a reference in Part 33 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 33 of the FARs to the FAA or to the Administrator is a reference to CASA.

33.003A Changes to EASA CS-E

For this Part, a reference in EASA CS-E to the Agency is taken to be a reference to CASA.

33.004 Approvals under Part 33 of the FARs

For the application of Part 33 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 33 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these Regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

33.005 Approvals under EASA CS-E

For the application of EASA CS-E under this Part:

- (a) an approval (however described) mentioned in EASA CS-E may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-E is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-E, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Part 35—Airworthiness standards for aircraft propellers

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35.003	Changes to Part 35 of the FARs
35.003A	Changes to EASA CS-P
35.004	Approvals under Part 35 of the FARs
35.005	Approvals under EASA CS-P

35.001 Airworthiness standards

- (1) For these Regulations, subject to subregulation (2), the airworthiness standards for an aircraft propeller are as follows:
 - (a) the airworthiness standards set out in Part 35 of the FARs, as in force from time to time, with the changes provided under this Part;
 - (b) the airworthiness standards set out in EASA CS-P, as in force from time to time, with the changes provided under this Part.
- (2) An aircraft propeller meets the airworthiness standards for these Regulations if it meets:
 - (a) the standards mentioned in paragraph (1)(a); or
 - (b) the standards mentioned in paragraph (1)(b).

35.002 Incidental provisions

For these Regulations:

- (a) the incidental provisions of Part 35 of the FARs, as in force from time to time, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part; and
- (b) the incidental provisions of EASA CS-P, as in force from time to time, apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

35.003 Changes to Part 35 of the FARs

- (1) For this Part, a reference in Part 35 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.
- (2) For this Part, a reference in Part 35 of the FARs to the FAA or to the Administrator is a reference to CASA.

35.003A Changes to EASA CS-P

For this Part, a reference in EASA CS-P to the Agency is taken to be a reference to CASA.

35.004 Approvals under Part 35 of the FARs

For the application of Part 35 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 35 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these Regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

35.005 Approvals under EASA CS-P

For the application of EASA CS-P under this Part:

- (a) an approval (however described) mentioned in EASA CS-P may be given by CASA; and
- (b) CASA may suspend or cancel an approval given under paragraph (a) if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for EASA under EASA CS-P is taken to have been given by CASA under these Regulations; and
- (d) for these Regulations, CASA may suspend or cancel an approval given by or for EASA under EASA CS-P, as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Part 39—Airworthiness directives

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39.001A Definitions

In these Regulations:

airworthiness directive means:

- (a) an Australian airworthiness directive; or
- (b) for a type certificated aircraft—a foreign State of Design airworthiness directive issued on or after 1 October 2009; or
- (c) for a model of type certificated aircraft that is first registered in Australia on or after 1 October 2009—a foreign State of Design airworthiness directive issued before 1 October 2009 for that model or for an aeronautical product that is part of, or used in, that model.

Australian airworthiness directive means a document, as in force from time to time, issued by CASA under subregulation 39.001(1).

foreign State of Design airworthiness directive, for a kind of aircraft or aeronautical product for which Australia is not the State of Design, means a document, as in force from time to time, that:

- (a) is issued by the national aviation authority of the State of Design of the aircraft or aeronautical product; and
- (b) is of the same nature as an Australian airworthiness directive.

39.001 CASA may issue Australian airworthiness directives

- (1) For paragraph 98(5A)(b) of the Act, CASA may issue an Australian airworthiness directive for a kind of aircraft, or a kind of aeronautical product, if:
 - (a) an unsafe condition exists in an aircraft or aeronautical product of that kind; and
 - (b) the condition exists, or is likely to exist, or could develop, in other aircraft or aeronautical products of that kind.

- (2) The airworthiness directive must:
- (a) be in writing; and
 - (b) state the kind of aircraft or aeronautical product to which it relates; and
 - (c) require that the action set out in the instrument (being action that relates to aircraft or aeronautical products of the kind stated and is, in the opinion of CASA, necessary to correct the unsafe condition) be taken at the time, or in the circumstances, mentioned in the instrument.

39.002 Aircraft or aeronautical products covered by airworthiness directive

- (1) If an airworthiness directive has been issued for a kind of aircraft or a kind of aeronautical product, then, except for aircraft or aeronautical products excluded from the operation of the airworthiness directive under subregulation (2) or paragraph 39.004(2)(b) or (3)(b), all aircraft or aeronautical products of that kind are covered by the airworthiness directive until:
- (a) the airworthiness directive is revoked; or
 - (b) the requirements of the airworthiness directive have been complied with; or
 - (c) the requirements of a means of compliance with the airworthiness directive, approved by CASA under paragraph 39.004(2)(a) or (3)(a), have been complied with; or
 - (d) the requirements of a means of compliance with the airworthiness directive, approved by the national aviation authority that issued the airworthiness directive, have been complied with.
- (2) An aircraft, or an aeronautical product fitted to an aircraft, is excluded from the operation of an airworthiness directive mentioned in subregulation (3) if:
- (a) the aircraft is a type certificated aircraft; and
 - (b) a standard certificate of airworthiness is not in force for the aircraft; and
 - (c) the aircraft is not type certificated in the primary, intermediate or restricted category.
- (3) The airworthiness directives are:
- (a) unless the airworthiness directive is expressed to apply to the aircraft—an airworthiness directive mentioned in paragraph (a) of the definition of *airworthiness directive* in regulation 39.001A; and
 - (b) an airworthiness directive mentioned in paragraph (b) or (c) of the definition of *airworthiness directive* in regulation 39.001A.

39.002A Aircraft that become Australian aircraft—compliance with Australian airworthiness directives

- (1) This regulation applies to an aircraft of a particular model if:
- (a) on or after 1 October 2009, the aircraft becomes an Australian aircraft; and
 - (b) the aircraft is not the first aircraft of that model to become an Australian aircraft.
- (2) The requirements of an Australian airworthiness directive for the model of aircraft are taken to have been complied with in respect of the aircraft if:

Regulation 39.002B

- (a) the requirements of a foreign State of Design airworthiness directive for the model of aircraft have been complied with in respect of the aircraft; and
- (b) the requirements of the foreign State of Design airworthiness directive are equivalent to the requirements of the Australian airworthiness directive.

39.002B Compliance with foreign airworthiness directives

The requirements of an Australian airworthiness directive for an aircraft are taken to have been complied with in respect of the aircraft if:

- (a) the Australian airworthiness directive was issued before 1 October 2009; and
- (b) an equivalent foreign State of Design airworthiness directive has been issued; and
- (c) the requirements of a means of compliance with the equivalent foreign State of Design airworthiness directive, approved by the national aviation authority that issued the airworthiness directive, have been complied with in respect of the aircraft.

39.003 Australian aircraft covered by airworthiness directive not to be operated

- (1) A person must not operate an Australian aircraft, or a Part 103 aircraft, that is covered by an airworthiness directive (other than an aircraft to which subregulation (4) applies), or that is fitted with an aeronautical product covered by an airworthiness directive (other than an aircraft to which subregulation (5) applies):
 - (a) in breach of any requirement of the airworthiness directive that affects the operating limitations of the aircraft; or
 - (b) while any other requirement of the airworthiness directive has not been complied with.

Penalty: 50 penalty units.

- (2) The registered operator of an Australian aircraft that is covered by an airworthiness directive (other than an aircraft to which subregulation (4) applies), or that is fitted with an aeronautical product covered by an airworthiness directive (other than an aircraft to which subregulation (5) applies), must not permit a person to operate the aircraft:
 - (a) in breach of any requirement of the airworthiness directive that affects the operating limitations of the aircraft; or
 - (b) while any other requirement of the airworthiness directive has not been complied with.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) is an offence of strict liability.
- (4) This subregulation applies to an aircraft covered by an airworthiness directive if:

Regulation 39.004

- (a) the airworthiness directive does not contain a statement to the effect that a special flight permit must not be issued for an aircraft covered by the airworthiness directive; and
 - (b) the aircraft is authorised to operate under a special flight permit that is in force.
- (5) This subregulation applies to an aircraft that is fitted with an aeronautical product covered by an airworthiness directive if:
- (a) the airworthiness directive does not contain a statement to the effect that a special flight permit must not be issued for an aircraft fitted with an aeronautical product covered by the airworthiness directive; and
 - (b) the aircraft is authorised to operate under a special flight permit that is in force.

39.004 Approvals and exclusions in relation to airworthiness directives

- (1) A person may, in writing, ask CASA for:
- (a) an approval of a means of compliance other than that set out in an airworthiness directive; or
 - (b) an exclusion from an airworthiness directive.

Particular aircraft or aeronautical products

- (2) For paragraph 98(5A)(b) of the Act, CASA may, in writing, on its own initiative or on a written request by a person:
- (a) approve, for a particular aircraft or aeronautical product, a means of compliance with an airworthiness directive other than that set out in the airworthiness directive; or
 - (b) exclude a particular aircraft or aeronautical product from the operation of an airworthiness directive.

Kind of aircraft or aeronautical products

- (3) For paragraph 98(5A)(b) of the Act, CASA may, in writing, on its own initiative or on a written request by a person:
- (a) approve, for a particular kind of aircraft or aeronautical product, a means of compliance with an airworthiness directive other than that set out in the airworthiness directive; or
 - (b) exclude a particular kind of aircraft or aeronautical product from the operation of an airworthiness directive.

Decision making criteria

- (4) When making a decision under subregulation (2) or (3), CASA must:
- (a) regard the preservation of a level of aviation safety that is at least acceptable as paramount; and
 - (b) if a person makes a request under subregulation (1)—have regard to any reasons given in the request.

Regulation 39.005

Approval or exclusion may be subject to conditions

- (6) CASA may, in an instrument of approval or exclusion, provide that the approval or exclusion is subject to 1 or more specified conditions.

Operator must comply with conditions

- (7) An instrument of approval or exclusion applies to a particular aircraft or aeronautical product only if the operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, complies with each condition of the approval or exclusion.

39.005 Documents or things to be sent to CASA

If a foreign State of Design airworthiness directive specifies that a document or thing must be sent to an national aviation authority, a person must, to comply with the airworthiness directive, send the document or thing to CASA.

39.006 Request for review of operation of Australian airworthiness directive

A person may ask CASA in writing to review the operation of an Australian airworthiness directive on the ground that all aircraft or aeronautical products covered by the Australian airworthiness directive, or all aircraft or aeronautical products of a kind mentioned in the request (being aircraft or aeronautical products covered by the Australian airworthiness directive), need no longer be covered by the Australian airworthiness directive because:

- (a) the instructions issued by the manufacturer or manufacturers of those aircraft or aeronautical products for the carrying out of maintenance on those aircraft or aeronautical products have been amended; and
- (b) if maintenance is carried out on those aircraft or aeronautical products in accordance with those instructions as amended, the unsafe condition that the Australian airworthiness directive seeks to correct will no longer exist, or is not likely to exist, or cannot develop, in those aircraft or aeronautical products.

39.007 Action to be taken by CASA on receiving request under regulation 39.006

- (1) Within 28 days after receiving a request from a person (the *applicant*) under regulation 39.006, CASA must give to the applicant a notice setting out:
 - (a) the steps that CASA proposes to take to investigate whether the ground on which the request is made can be substantiated; and
 - (b) an estimate of the time likely to be taken by the investigation.
- (2) In carrying out the investigation, CASA must consider:
 - (a) all information provided by the applicant (whether on his or her own initiative or at the request of CASA); and
 - (b) any other information that CASA reasonably considers to be relevant to the investigation.

Regulation 39.007

- (3) If, after carrying out the investigation, CASA is satisfied that the ground for making the request has been substantiated, CASA must revoke or amend the Australian airworthiness directive (as the case requires) so that those aircraft or aeronautical products to which the request relates are not covered by the Australian airworthiness directive.
- (4) This regulation does not affect the power that, apart from this regulation, CASA has to revoke or amend an Australian airworthiness directive.

Part 42—Continuing airworthiness requirements for aircraft and aeronautical products

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- 42.985 Circumstances in which continuing airworthiness management organisations may approve proposed variations
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- 42.1005 How approval is given
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Division 42.J.5—Approval of variations of approved maintenance programs by CASA

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- 42.1030 Purpose of Subpart
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Subpart 42.L—Approval of reliability programs and variations of approved reliability programs

Division 42.L.1—Preliminary

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Division 42.L.3—Approval of variations of approved reliability programs

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- 42.1080 Purpose of Subpart
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- 42.1100 Purpose of Subpart
- 42.1105 Authorisation of persons for paragraph 32AP(3A)(a) of Act

Subpart 42.A—Preliminary

42.005 Purpose of Part

This Part:

- (a) sets out continuing airworthiness requirements, including requirements for carrying out maintenance, for aircraft and aeronautical products to which this Part applies; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note: See Part 21 in relation to initial airworthiness requirements for aircraft and aeronautical products, and the issue of certificates of airworthiness for aircraft.

42.010 Applicability of Part

Subject to Subpart 202.BA, this Part applies to:

- (a) a registered aircraft; and
- (b) an aeronautical product for a registered aircraft.

Note 1: For the definition of *registered*, see Part 1 of the Dictionary.

Note 2: Subpart 202.BA contains application and transitional provisions for this Part. Under regulations 202.180 and 202.181, this Part applies to the following:

- (a) a registered aircraft that is used to conduct a Part 121 operation that is a scheduled air transport operation;
- (aa) a registered aircraft that is used to conduct a Part 135 operation that is a scheduled air transport operation;
- (b) a registered aircraft for which an election under regulation 202.181 is in force;
- (c) an aeronautical product for an aircraft mentioned in paragraph (a) or (b);
- (d) a Part 145 organisation that is providing maintenance services for an aircraft or aeronautical product mentioned in paragraph (a), (b) or (c);
- (e) an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on an aircraft mentioned in paragraph (a) or (b).

42.015 Definitions for Part

(1) In this Part:

accountable manager:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.500(1); and
- (b) for a continuing airworthiness management organisation—has the meaning given by subregulation 42.575(1).

aircraft control system, for an aircraft, means the system of the aircraft by which the flight path, attitude or propulsive force of the aircraft is changed.

airworthiness review means a review carried out under Division 42.I.3.

airworthiness review certificate means a document that complies with regulation 42.860.

Regulation 42.015

airworthiness review employee means an individual who is authorised by a continuing airworthiness management organisation in accordance with the Part 42 Manual of Standards to do the following on behalf of the organisation:

- (a) carry out an airworthiness review for an aircraft;
- (b) issue an airworthiness review certificate.

airworthy has the meaning given by subregulation (2).

approval certificate:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.500(1); and
- (b) for a continuing airworthiness management organisation—has the meaning given by subregulation 42.575(1).

approval certificate reference number means:

- (a) for a Subpart 42.F organisation—the number determined by CASA under subregulation 42.520(2); and
- (b) for a continuing airworthiness management organisation—the number determined by CASA under subregulation 42.595(2); and
- (c) for a Part 145 organisation—the number determined by CASA under subregulation 145.035(2).

approval rating means a rating for a kind of aircraft, aeronautical product or specialist maintenance specified in the Part 42 Manual of Standards.

approved design means:

- (a) for an aircraft, aircraft engine or propeller:
 - (i) the type design for the aircraft, engine or propeller; and
 - (ii) any changes to the type design made in accordance with a Part 21 approval; and
- (b) for an aeronautical product, other than an aircraft engine or propeller, that is approved in a manner mentioned in regulation 21.305 or 21.305A:
 - (i) the design specifications for the product; and
 - (ii) any changes to the design specifications made in accordance with a Part 21 approval.

approved maintenance program, for an aircraft, means a maintenance program for the aircraft that has been approved in accordance with Subpart 42.J, including any variations to the program that have been approved in accordance with Subpart 42.J.

approved reliability program, for an aircraft, means a reliability program for the aircraft that has been approved in accordance with Subpart 42.L, including any variations to the program that have been approved in accordance with Subpart 42.L.

certification authorisation number means:

- (a) for a certification authorisation issued by a Subpart 42.F organisation—the authorisation reference number allocated to the authorisation by the organisation in accordance with the Part 42 Manual of Standards; and
- (b) for a certification authorisation issued by a Part 145 organisation—the authorisation reference number allocated to the authorisation by the organisation in accordance with the Part 145 Manual of Standards.

competent, to carry out maintenance on an aircraft or aeronautical product, has the meaning given by subregulation 42.315(1).

configuration deviation list, for an aircraft, means a document that:

- (a) is prepared by the aircraft's type certificate holder or foreign type certificate holder; and
- (b) is approved by the State of Design for the aircraft; and
- (c) lists each external part of the aircraft that is permitted to be missing from the aircraft, under conditions specified in the document, at the commencement of a flight by the aircraft.

continuing airworthiness management service has the meaning given by subregulation 42.575(1).

continuing airworthiness manager, for a continuing airworthiness management organisation, has the meaning given by subregulation 42.575(1).

continuing airworthiness record, for an aircraft, has the meaning given by subregulation (3).

continuing airworthiness records system, for an aircraft, means the system required by regulation 42.170 for the aircraft.

continuing airworthiness responsibility, for a continuing airworthiness management organisation, has the meaning given by subregulation 42.575(1).

creation date has the meaning given by subregulation 42.260(2).

critical control system maintenance, for an aircraft:

- (a) means maintenance carried out on the aircraft control system for the aircraft that, if not carried out correctly, may result in a failure, malfunction or defect of the system that will endanger the safe operation of the aircraft; and
- (b) does not include optional dual flight control maintenance.

eligible to be fitted, for a part, has the meaning given by subregulation (4).

eligible to be used, for a material, has the meaning given by subregulation (5).

exposition:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.500(1); and
- (b) for a continuing airworthiness management organisation—has the meaning given by subregulation 42.575(1); and

Regulation 42.015

- (c) for a Part 145 organisation—has the meaning given by subregulation 145.010(1).

independent individual, for critical control system maintenance for an aircraft, has the meaning given by regulation 42.335.

independent maintainer means an individual mentioned in item 1, 3, 4 or 5 of table 42.300.

life limit, for an aeronautical product that is fitted, or is to be fitted, to an aircraft or another aeronautical product (the **second aeronautical product**), means:

- (a) if an airworthiness directive specifies an amount of use, or an age, after which the product must not be used—that amount of use, or age; or
- (b) if paragraph (a) does not apply, and the approved design for the aircraft specifies an amount of use, or an age, after which the product must not be used—that amount of use, or age; or
- (c) if paragraphs (a) and (b) do not apply, and the approved design for the second aeronautical product specifies an amount of use, or an age, after which the product must not be used—that amount of use, or age; or
- (d) if none of paragraphs (a), (b) and (c) apply—the amount of use, or age, specified in the approved design for the product as the amount of use, or age, after which the product must not be used.

Note: Life limit may be expressed in a number of ways, including the amount of operating time, the number of operating cycles or a calendar period.

main location, for a Part 145 organisation, has the meaning given by the Part 145 Manual of Standards.

maintenance program, for an aircraft that is authorised to operate under an AOC or a large aircraft, means the approved maintenance program for the aircraft.

maintenance program approval employee, for a continuing airworthiness management organisation, means an individual who is authorised by the organisation in accordance with the Part 42 Manual of Standards:

- (a) to approve a maintenance program for an aircraft; or
- (b) to approve a variation to a maintenance program for an aircraft.

maintenance record means:

- (a) for maintenance carried out on an aircraft—a record that contains:
 - (i) the information required under regulation 42.395; and
 - (ii) the maintenance certification for the maintenance; and
- (b) for maintenance carried out on an aeronautical product—a record required to be made under regulation 42.400.

optional dual flight control maintenance means maintenance:

- (a) that involves only the connection or disconnection of optional dual flight controls without using tools; and
- (b) that does not involve the assembly, adjustment, repair, modification or replacement of any other part of the aircraft control system.

Part 21 approval means:

- (a) for a change to the type design of an aircraft, aircraft engine or propeller:
 - (i) an approval under regulation 21.095 or 21.098; or
 - (ii) an approval in a supplemental type certificate or a foreign supplemental type certificate; or
 - (iii) a modification/repair design approval; or
 - (iv) an approval taken to have been given under regulation 21.465 or 21.470; or
 - (v) an approval mentioned in regulation 21.475; or
 - (vi) an approval that continues in force under regulation 202.054, 202.055 or 202.056; and
- (b) for a change to the design of an aeronautical product other than an aircraft engine or propeller:
 - (i) a modification/repair design approval; or
 - (ii) an approval taken to have been given under regulation 21.465 or 21.470; or
 - (iii) an approval mentioned in regulation 21.475; or
 - (iv) an approval that continues in force under regulation 202.054, 202.055 or 202.056.

Note: For the definition of *modification/repair design approval*, see Part 1 of the Dictionary.

Part 90 Manual of Standards means the Manual of Standards issued by CASA under regulation 90.020.

person responsible for continuing airworthiness, for an aircraft, has the meaning given by regulation 42.105.

qualified individual, for a defect in an aircraft, has the meaning given by regulation 42.350.

quality manager, for a continuing airworthiness management organisation, has the meaning given by subregulation 42.575(1).

responsibility start date, for a person and an aircraft, means the day on which the person becomes the person responsible for continuing airworthiness for the aircraft.

responsible manager:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.500(1); and
- (b) for a continuing airworthiness management organisation—has the meaning given by subregulation 42.575(1).

serviceable, in relation to an aeronautical product, has the meaning given by subregulation (6).

significant change:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.500(1); and

Regulation 42.015

(b) for a continuing airworthiness management organisation—has the meaning given by subregulation 42.575(1).

unapproved, in relation to a part, has the meaning given by regulation 42.470.

unsalvageable, in relation to an aeronautical product, has the meaning given by subregulation (7).

Note: See the Dictionary for definitions of other terms used in this Part.

- (2) An aircraft is **airworthy** if it is in a state that conforms with its approved design and is in a condition for safe operation.
- (3) Each of the following is a **continuing airworthiness record** for an aircraft:
- (a) a record made under paragraph 42.130(3)(b) for the aircraft;
 - (b) a record made under Subdivision 42.C.3.2 for the aircraft;
 - (c) a document kept under regulation 42.215 for the aircraft;
 - (d) a record made under this Part in the flight technical log for the aircraft;
 - (e) a record made by a means, other than a flight technical log, approved by CASA under regulation 42.250;
 - (f) a record made under regulation 42.345 for the aircraft;
 - (g) a record made under regulation 42.370 for the aircraft;
 - (h) a maintenance record for maintenance carried out on the aircraft;
 - (i) a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft;
 - (j) a copy of the design of a modification or repair that is unique to the aircraft;
 - (k) if an aircraft maintenance record was kept for the aircraft in accordance with Division 10 of Part 4A of CAR—that aircraft maintenance record;
 - (l) a document for the aircraft:
 - (i) that is equivalent to a document mentioned in paragraphs (a) to (k); and
 - (ii) that was issued or kept under a law of a foreign country;
 - (m) a record of information for the aircraft:
 - (i) that is equivalent to a record mentioned in paragraphs (a) to (k); and
 - (ii) that was made or kept under a law of a foreign country.

Note: For paragraph (d), see the notes to regulation 42.220.

- (4) A part is **eligible to be fitted** to an aircraft or another aeronautical product if the fitting is permitted:
- (a) by the approved design for the aircraft or the other aeronautical product that the aeronautical product will be fitted to; or
 - (b) by an Australian Parts Manufacturer Approval; or
 - (c) by a Parts Manufacturer Approval issued by the FAA; or
 - (d) by a parts manufacturer approval issued by a national aviation authority to which subregulation (4A) applies.

- (4A) For paragraph (4)(d), this subregulation applies to the national aviation authority of a Contracting State if:
- (a) Australia has an agreement (however described) with the Contracting State for the acceptance of parts manufacturer approvals; or
 - (b) CASA has an agreement (however described) with the national aviation authority for the acceptance of parts manufacturer approvals.
- (5) A material is **eligible to be used** in or on an aircraft or an aeronautical product if the use is permitted:
- (a) by the approved design for the aircraft or the aeronautical product; or
 - (b) by maintenance data for maintenance to be carried out on the aircraft or aeronautical product.
- (6) An aeronautical product is **serviceable** if the product:
- (a) conforms with its approved design; and
 - (b) is fit for its intended use.
- (7) An aeronautical product is **unsalvageable** if the product:
- (a) is unserviceable; and
 - (b) cannot be made serviceable.

42.020 Part 42 Manual of Standards

Power to issue Manual of Standards

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part that specifies matters affecting the maintenance or airworthiness of aircraft.

Matters—general

- (2) In particular, a Manual of Standards may specify the following matters:
- (a) for paragraph (b) of the definition of **authorised release certificate** in subclause 18(2) of Part 2 of the Dictionary, that a specified kind of document issued under a law of a specified foreign country is equivalent to a document mentioned in paragraph (a) of that definition;
 - (b) for paragraph (d) of the definition of **authorised release certificate** in subclause 18(2) of Part 2 of the Dictionary, that a specified kind of document issued under a law of a specified foreign country is equivalent to a document mentioned in paragraph (c) of that definition;
 - (c) for subparagraph (b)(ii) of the definition of **large aircraft** in clause 1 of Part 3 of the Dictionary, that a particular type and model of aeroplane is a large aircraft;
 - (d) for subparagraph (d)(ii) of the definition of **large aircraft** in clause 1 of Part 3 of the Dictionary, that a particular type and model of helicopter is a large aircraft;

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- (e) for subparagraph (b)(ii) of the definition of *small aircraft* in clause 1 of Part 3 of the Dictionary, that a particular type and model of aeroplane is a small aircraft;
- (f) for subparagraph (d)(ii) of the definition of *small aircraft* in clause 1 of Part 3 of the Dictionary, that a particular type and model of helicopter is a small aircraft;
- (g) maintenance for items 1 and 2 of table 42.300;
- (h) maintenance for item 3 of table 42.300;
- (i) maintenance for items 4 and 5 of table 42.300;
- (ia) countries for regulations 42.301 and 42.306;
- (j) requirements for a maintenance program;
- (k) requirements for a reliability program;
- (l) that a document is an aviation industry standard;
- (m) the matters mentioned in subregulation (3) for Subpart 42.F;
- (n) the matters mentioned in subregulation (4) for Subpart 42.G.

Matters for Subpart 42.F

- (3) For paragraph (2)(m), the matters are the following:
 - (a) maintenance that is specialist maintenance for a Subpart 42.F organisation;
 - (b) ratings for kinds of aircraft, aeronautical products and specialist maintenance;
 - (c) the privileges that apply to an approval rating;
 - (d) requirements for a Subpart 42.F organisation's exposition;
 - (e) requirements for a Subpart 42.F organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) managers;
 - (iii) employees;
 - (iv) employee qualifications;
 - (v) the grant of certification authorisations;
 - (vi) equipment, tools and materials;
 - (vii) maintenance data;
 - (viii) the fabrication of parts in the course of carrying out maintenance;
 - (ix) records;
 - (x) an annual review of the organisation's compliance with this Part, the Part 42 Manual of Standards and the organisation's exposition;
 - (xi) a procedure for making changes to the organisation that are not significant changes.

Matters for Subpart 42.G

- (4) For paragraph (2)(n), the matters are the following:
 - (a) requirements for a continuing airworthiness management organisation's exposition;

- (b) requirements for a continuing airworthiness management organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) managers;
 - (iii) employees;
 - (iv) employee qualifications;
 - (v) equipment;
 - (vi) a quality management system, including auditing;
 - (vii) writing procedures for carrying out maintenance;
 - (viii) instructions for continuing airworthiness;
 - (ix) records;
 - (x) a procedure for making changes to the organisation that are not significant changes.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.B Requirements for registered operators

Division 42.B.1 Preliminary

Regulation 42.025

Subpart 42.B—Requirements for registered operators

Division 42.B.1—Preliminary

42.025 Purpose of Subpart

This Subpart sets out:

- (a) requirements relating to the continuing airworthiness of an aircraft that apply to the registered operator of the aircraft; and
- (b) record-keeping requirements for the registered operator of an aircraft in relation to authorisations under regulation 42.630.

Division 42.B.2—Continuing airworthiness requirements

42.030 Continuing airworthiness requirements—all aircraft

- (1) The registered operator of an aircraft commits an offence if:
 - (a) the registered operator operates the aircraft for a flight, or permits it to be operated for a flight; and
 - (b) a requirement mentioned in subregulation (2) is not met for the aircraft before the flight commences.

Penalty: 50 penalty units.

- (2) The requirements are that:
 - (a) the registered operator has ensured that the requirements mentioned in Division 42.C.2 are met for the aircraft; and
 - (b) if maintenance has been carried out on the aircraft since it was last operated for a flight—one of the following documents has been issued for the aircraft in relation to the maintenance:
 - (i) a certificate of release to service;
 - (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301; and
 - (c) if the aircraft is a large aircraft or an aircraft operating under an AOC:
 - (i) the requirements of regulation 42.040 for the aircraft are met; and
 - (ii) an airworthiness review certificate is in force for the aircraft; and
 - (d) each item of operational or emergency equipment that is not required by the certification basis for the aircraft, but is required by or under these Regulations for the flight, is fitted to the aircraft; and
 - (e) if there is a defect in the aircraft:
 - (i) operation of the aircraft for the flight with the defect is permitted by:
 - (A) the minimum equipment list for the aircraft; or
 - (B) the configuration deviation list for the aircraft; or
 - (C) a special flight permit for the flight; or
 - (ii) the rectification of the defect is deferred in accordance with Subdivision 42.D.6.1; or
 - (iii) the defect is in an item of operational or emergency equipment that:
 - (A) is fitted to the aircraft; and
 - (B) is not required by the certification basis for the aircraft; and
 - (C) is not required by or under these Regulations for the operation of the aircraft for the flight; and
 - (f) the flight technical log for the aircraft records the details of any defect in the aircraft mentioned in subparagraph (e)(i) or (iii).

Note 1: For paragraph (b), under subregulation 42.760(2), a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft must be included in the flight technical log for the aircraft.

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Note 2: For subparagraph (c)(ii), for how long an airworthiness review certificate remains in force, see regulation 42.870.

- (3) An offence against subregulation (1) is an offence of strict liability.

42.035 Condition of AOC—aircraft authorised to operate under AOCs

For paragraph 28BA(1)(b) of the Act, it is a condition of an AOC that the requirements of regulation 42.040 are met for each aircraft that is authorised to operate under the AOC.

42.040 Aircraft authorised to operate under AOCs and large aircraft must have continuing airworthiness management organisations

Aircraft authorised to operate under Australian air transport AOC

- (1) The registered operator of an aircraft that is authorised to operate under an Australian air transport AOC must be approved by CASA under Subpart 42.G as a continuing airworthiness management organisation for the type and model of aircraft.

Aircraft authorised to operate under AOC other than Australian air transport AOC

- (2) The registered operator of an aircraft that is authorised to operate under an AOC, other than an Australian air transport AOC, must:
- be approved by CASA under Subpart 42.G as a continuing airworthiness management organisation for the type and model of aircraft; or
 - have a contract with a single continuing airworthiness management organisation for that organisation to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

Large aircraft not authorised to operate under AOC

- (3) The registered operator of a large aircraft that is not authorised to operate under an AOC must:
- be approved by CASA under Subpart 42.G as a continuing airworthiness management organisation for the type and model of aircraft; or
 - have a contract with a single continuing airworthiness management organisation for that organisation to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

42.045 Small aircraft not authorised to operate under AOCs may have continuing airworthiness management organisations

- (1) The registered operator of a small aircraft that is not authorised to operate under an AOC may enter into a contract with a continuing airworthiness management organisation for the organisation to ensure that 1 or more of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

- (2) The registered operator must not, at any time, have a contract mentioned in subregulation (1) with more than 1 continuing airworthiness management organisation in relation to the aircraft.

42.050 Form of continuing airworthiness management contract—all aircraft

- (1) If the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045, the registered operator must ensure that the contract:
- (a) is in writing; and
 - (b) includes provisions dealing with the matters mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the matters are the following:
- (a) the details of the aircraft covered by the contract, including the registration mark, type, model, and serial number for the aircraft;
 - (b) the registered operator's name and address;
 - (c) the continuing airworthiness management organisation's name, address and approval reference number;
 - (d) the matters relating to the continuing airworthiness of the aircraft for which the registered operator is responsible, including the requirements of Subpart 42.C for which the registered operator is responsible;
 - (e) the matters relating to the continuing airworthiness of the aircraft for which the continuing airworthiness management organisation is responsible, including the requirements of Subpart 42.C for which the organisation is responsible;
 - (f) that each party will give the other party information about the continuing airworthiness of the aircraft that relates to the matters mentioned in paragraphs (d) and (e);
 - (g) details of the information to be provided by each party as mentioned in paragraph (f);
 - (h) how the information mentioned in paragraph (f) will be provided by each party;
 - (i) the date of effect of the contract.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.055 Giving information in accordance with contract

If:

- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
- (b) the registered operator has information about the continuing airworthiness of the aircraft that relates to a matter mentioned in paragraph 42.050(2)(e);

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the registered operator must give the information to the organisation in accordance with the contract.

Penalty: 50 penalty units.

Note: See regulation 42.670 for the requirement for the continuing airworthiness management organisation for an aircraft to give information to the registered operator of the aircraft.

42.060 Copy of certain provisions of contract to be given to CASA

- (1) If the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045, the registered operator must give CASA a copy of the provisions of the contract dealing with the matters mentioned in subregulation 42.050(2) within 14 days after the contract has been made.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.065 Copy of variation of certain provisions of contract to be given to CASA

- (1) If:
- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
 - (b) a provision of the contract dealing with a matter mentioned in subregulation 42.050(2) is varied;

the registered operator must give CASA a copy of the varied provision within 14 days after the variation has been made.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.070 Notice of termination of contract to be given to CASA

- (1) If:
- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
 - (b) the contract is terminated;

the registered operator must give CASA written notice of the termination within 14 days after the contract is terminated.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.075 Notice of contravention of Part to be given to CASA

- (1) If:
- (a) the registered operator of an aircraft enters into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045; and
 - (b) the registered operator has reasonable grounds to believe that the organisation has contravened a provision of this Part;

the registered operator must give CASA written notice of the contravention within 7 days after the registered operator forms the belief that the contravention has occurred.

Penalty: 50 penalty units.

- (2) If the registered operator is an individual, he or she is not excused from giving a notice under subregulation (1) on the ground that the information in the notice might tend to incriminate the individual or expose the individual to a penalty.

- (3) However:

- (a) the information in the notice; or
- (b) any information, document or thing obtained as a direct or indirect consequence of giving the notice;

is not admissible in evidence against the individual in criminal proceedings other than proceedings for an offence against subsections 136.1(1) or (4), 137.1(1) or 137.2(1) of the *Criminal Code*.

Note 1: Subsections 136.1(1) and (4), 137.1(1) and 137.2(1) of the *Criminal Code* provide for offences in relation to false or misleading statements in applications and false or misleading information or documents.

Note 2: See regulation 42.675 for the equivalent requirement for a continuing airworthiness management organisation.

42.080 Maintenance of aircraft and aeronautical products

Maintenance carried out on an aircraft

- (1) The registered operator of an aircraft must ensure that maintenance carried out on the aircraft is carried out by a person who is permitted to carry out the maintenance under regulation 42.295, 42.300 or 42.301.

Penalty: 50 penalty units.

- (2) The registered operator of an aircraft must ensure that a person mentioned in item 4 or 5 of table 42.300 carries out maintenance on the aircraft at a place only if no approved maintenance organisation is able to carry out the maintenance at that place.

Penalty: 50 penalty units.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.B Requirements for registered operators

Division 42.B.2 Continuing airworthiness requirements

Regulation 42.080

Maintenance carried out on an aeronautical product

- (3) The registered operator of an aircraft must ensure that maintenance carried out on an aeronautical product for the aircraft is carried out by a person who is permitted to carry out the maintenance under regulation 42.305 or 42.306.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Division 42.B.3—Record-keeping requirements in relation to authorisations under regulation 42.630

42.085 Application of Division

This Division applies to the registered operator of an aircraft if, under subregulation 42.660(1), a continuing airworthiness management organisation gives the registered operator a copy of an authorisation issued under regulation 42.630.

42.090 Retaining copies of authorisations

- (1) The registered operator must retain a copy of the authorisation for at least 2 years after the authorisation ceases to be in force.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.095 Keeping lists of authorised pilot licence holders and flight engineers

- (1) The registered operator must, at all times, keep a list, in accordance with subregulation (2), of the pilot licence holders and flight engineers who hold authorisations issued under regulation 42.630 to provide maintenance services for the registered operator's aircraft.

Penalty: 50 penalty units.

- (2) The list must include the following information for each pilot licence holder and flight engineer:

- (a) the name of the continuing airworthiness management organisation that issued the authorisation;
- (b) the name and licence number of the pilot licence holder or flight engineer;
- (c) the maintenance services that the pilot licence holder or flight engineer is authorised to provide;
- (d) the period for which the authorisation is valid;
- (e) the aircraft for which the authorisation is issued.

- (3) If there is a change to the information mentioned in subregulation (2), the registered operator must update the list within 28 days after the change occurs.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Subpart 42.C—Continuing airworthiness management— requirements for person responsible for continuing airworthiness for aircraft

Division 42.C.1—Preliminary

42.100 Purpose of Subpart

This Subpart sets out requirements relating to the continuing airworthiness of an aircraft that apply to the person responsible for continuing airworthiness for the aircraft.

42.105 Meaning of *person responsible for continuing airworthiness* for aircraft

- (1) If the registered operator of an aircraft has entered into a contract with a continuing airworthiness management organisation as mentioned in regulation 42.040 or 42.045, the *person responsible for continuing airworthiness* for the aircraft is:
 - (a) for a requirement of this Subpart for which, under the contract, the registered operator is responsible—the registered operator of the aircraft; and
 - (b) for a requirement of this Subpart for which, under the contract, the organisation is responsible—the organisation.

Note 1: Under regulation 42.050, a contract between the registered operator of an aircraft and a continuing airworthiness management organisation must deal with:

- (a) the matters relating to the continuing airworthiness of the aircraft for which the registered operator is responsible, including the requirements of this Subpart for which the registered operator is responsible; and
- (b) the matters relating to the continuing airworthiness of the aircraft for which the continuing airworthiness management organisation is responsible, including the requirements of this Subpart for which the organisation is responsible.

Note 2: Under subregulation 42.040(2), a contract between the registered operator of an aircraft that is authorised to operate under an AOC, other than an Australian air transport AOC, and a continuing airworthiness management organisation must provide that the organisation is to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

Note 3: Under subregulation 42.040(3), a contract between the registered operator of a large aircraft that is not authorised to operate under an AOC and a continuing airworthiness management organisation must provide that the organisation is to ensure that all of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

Note 4: Under regulation 42.045, a contract between the registered operator of a small aircraft that is not authorised to operate under an AOC may provide that the organisation is to ensure that 1 or more of the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met for the aircraft.

- (2) If subregulation (1) does not apply, the *person responsible for continuing airworthiness* for an aircraft is the registered operator of the aircraft.

Division 42.C.2—Continuing airworthiness management tasks

42.110 Complying with regulations in this Division

- (1) The person responsible for continuing airworthiness for an aircraft must comply with each of regulations 42.115 to 42.165 in relation to the aircraft.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) in relation to any of regulations 42.120 to 42.165 is an offence of strict liability.

42.115 Rectification of defect to aircraft before flight—all aircraft

- (1) If:
 - (a) the person responsible for continuing airworthiness for an aircraft becomes aware that there is a defect in the aircraft; and
 - (b) operation of the aircraft for a flight with the defect is not permitted by:
 - (i) the minimum equipment list for the aircraft; or
 - (ii) the configuration deviation list for the aircraft; or
 - (iii) a special flight permit for the flight; and
 - (c) rectification of the defect is not deferred in accordance with Subdivision 42.D.6.1;

the person must ensure that the defect is rectified before the aircraft is next operated for flight.

- (2) This regulation does not apply in relation to a defect in an item of operational or emergency equipment that:
 - (a) is fitted to the aircraft; and
 - (b) is not required by the certification basis for the aircraft; and
 - (c) is not required by or under these Regulations for operation of the aircraft for the flight.

Note 1: For paragraph (c), see Part 90 and the Part 90 Manual of Standards, regulation 207 of CAR and Civil Aviation Order 20.4, Civil Aviation Order 20.11 and Civil Aviation Order 20.18.

Note 2: See also Division 42.D.6 for other requirements relating to defects.

Note 3: Under regulation 42.110, failure to comply with this regulation is an offence.

42.120 Compliance with airworthiness directives—all aircraft

If:

- (a) an airworthiness directive applies to:
 - (i) an aircraft; or
 - (ii) an aeronautical product that is part of, or used in, an aircraft; and

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Subpart 42.C Continuing airworthiness management—requirements for person responsible for continuing airworthiness for aircraft

Division 42.C.2 Continuing airworthiness management tasks

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- (b) the aircraft or aeronautical product is not excluded from the operation of the airworthiness directive under subregulation 39.002(2) or paragraph 39.004(2)(b) or(3)(b);

the person responsible for continuing airworthiness for the aircraft must ensure that the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) are complied with in relation to the aircraft or aeronautical product.

Note 1: Paragraph 39.002(1)(b) refers to the requirements of an airworthiness directive, and paragraphs 39.002(1)(c) and (d) refer to the requirements of a means of compliance with the airworthiness directive approved by CASA or an national aviation authority. An airworthiness directive, and a means of compliance with the airworthiness directive approved by CASA or an national aviation authority, will specify when the action required by the airworthiness directive or means of compliance must be carried out.

Note 2: Under regulation 42.110, failure to comply with this regulation is an offence.

42.125 Approval of design for modifications or repairs to aircraft—all aircraft

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the aircraft is not modified unless:
- (a) there is a Part 21 approval for the design of the modification; and
 - (b) the modification is compatible with the configuration of the aircraft at the time the modification is made.
- (2) The person responsible for continuing airworthiness for an aircraft contravenes subregulation (1) if:
- (a) the aircraft is modified; and
 - (b) either:
 - (i) there is no Part 21 approval for the design of the modification; or
 - (ii) the modification is not compatible with the configuration of the aircraft at the time the modification is made.
- (3) The person responsible for continuing airworthiness for an aircraft must ensure that a repair that involves a change to the approved design of the aircraft is not made unless:
- (a) there is a Part 21 approval for the design of the change involved in the repair; and
 - (b) the repair is compatible with the configuration of the aircraft at the time the repair is made.
- (4) The person responsible for continuing airworthiness for an aircraft contravenes subregulation (3) if:
- (a) the aircraft is repaired; and
 - (b) the repair involves a change to the approved design for the aircraft; and
 - (c) either:
 - (i) there is no Part 21 approval for the change involved in the repair; or
 - (ii) the repair is not compatible with the configuration of the aircraft at the time the modification is made.

Note: Under regulation 42.110, failure to comply with this regulation is an offence.

42.130 Dealing with certain instructions for continuing airworthiness—aircraft authorised to operate under AOCs and large aircraft

- (1) This regulation applies to the person responsible for continuing airworthiness for an aircraft that is authorised to operate under an AOC or a large aircraft if:
- (a) an instruction for continuing airworthiness, issued by a person mentioned in subregulation (2), applies to the aircraft, or the aircraft's engine or propeller; and
 - (b) the instruction requires maintenance to be carried out on the aircraft, aircraft engine or propeller; and
 - (c) the person is not required, by another provision of these Regulations or by an airworthiness directive, to comply with the instruction.

Example: A service bulletin that is not mentioned in an airworthiness directive.

- (2) For paragraph (1)(a), the persons are the following:
- (a) the type certificate holder or foreign type certificate holder for the aircraft, aircraft engine or propeller;
 - (b) the supplemental type certificate holder or foreign supplemental type certificate holder for the aircraft, aircraft engine or propeller.
- (3) The person must, within the time specified in the instruction:
- (a) ensure that the instruction is complied with; or
 - (b) record, in writing, in the continuing airworthiness records system for the aircraft:
 - (i) information identifying the instruction; and
 - (ii) the reason for not complying with the instruction.

Note: Under regulation 42.110, failure to comply with this regulation is an offence.

42.135 Replacement of life limited aeronautical product—all aircraft

If:

- (a) an aeronautical product that has a life limit is fitted to an aircraft; and
- (b) the aircraft is to be operated for a flight; and
- (c) the product's life limit is reached before, or would be reached during, the flight;

the person responsible for continuing airworthiness for the aircraft must ensure that the product is replaced before the flight.

Note: Under regulation 42.110, failure to comply with this regulation is an offence.

42.140 Approved maintenance program required—aircraft authorised to operate under AOCs and large aircraft

The person responsible for continuing airworthiness for an aircraft that is authorised to operate under an AOC or a large aircraft must ensure that there is an approved maintenance program for the aircraft before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

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Subpart 42.C Continuing airworthiness management—requirements for person responsible for continuing airworthiness for aircraft

Division 42.C.2 Continuing airworthiness management tasks

Regulation 42.145

Note 1: For the requirements for approval of maintenance programs, including compliance with the requirements specified in the Part 42 Manual of Standards, see Subpart 42.J.

Note 2: Under regulation 42.110, failure to comply with this regulation is an offence.

42.145 Compliance with maintenance program required—all aircraft

The person responsible for continuing airworthiness for an aircraft must ensure that maintenance is carried out on the aircraft as required by the maintenance program for the aircraft.

Note: Under regulation 42.110, failure to comply with this regulation is an offence.

42.150 Updating approved maintenance program following change to instructions for continuing airworthiness

- (1) This regulation applies to the person responsible for continuing airworthiness for an aircraft if:
 - (a) there is an approved maintenance program for the aircraft; and
 - (b) there is a change to the requirements in the instructions for continuing airworthiness for the aircraft, or an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis; and
 - (c) as a result of the change, the program no longer complies with the requirements.
- (2) The person must, within 90 days after the occurrence of the change:
 - (a) vary the program so that it complies with the requirements; and
 - (b) either:
 - (i) approve the variation in accordance with Division 42.J.4; or
 - (ii) apply for approval of the variation in accordance with Division 42.J.5.

Note: Under regulation 42.110, failure to comply with this regulation is an offence.

42.155 Ensuring effectiveness of approved maintenance program using approved reliability programs—certain aircraft

- (1) The person responsible for continuing airworthiness for an aircraft mentioned in subregulation (2) must ensure that there is an approved reliability program for the aircraft before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (2) The aircraft are the following:
 - (a) a large aircraft, if the approved maintenance program for the aircraft:
 - (i) requires the carrying out of maintenance that was developed using the specification, known as ‘ATA MSG-3’, published by the Air Transport Association of America, as in force from time to time; or
 - (ii) requires condition monitoring of an aeronautical product or a system of the aircraft;

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- (b) an aircraft for which an approval under regulation 121.010 for the purposes of paragraph 121.035(1)(b) is in force;
- (ba) an aircraft for which an approval under regulation 135.020 for the purposes of subregulation 135.035(1) is in force;
- (c) an aircraft, if the instructions for continuing airworthiness for the aircraft require the use of a reliability program for the aircraft.

Note 1: The purpose of a reliability program for an aircraft is to ensure the effectiveness of the approved maintenance program for the aircraft in ensuring the continuing airworthiness of the aircraft.

Note 2: For the requirements for approval of reliability programs, including compliance with the requirements specified in the Part 42 Manual of Standards, see Subpart 42.L.

Note 3: Under regulation 42.110, failure to comply with this regulation is an offence.

42.160 Ensuring effectiveness of approved maintenance program—other aircraft authorised to operate under AOCs and large aircraft

- (1) This regulation applies to the person responsible for continuing airworthiness for:
 - (a) a large aircraft to which regulation 42.155 does not apply; or
 - (b) an aircraft:
 - (i) that is authorised to operate under an AOC; and
 - (ii) to which regulation 42.155 does not apply.
- (2) The person must, at least once every 12 months:
 - (a) analyse the effectiveness of the approved maintenance program for the aircraft in ensuring the continuing airworthiness of the aircraft; and
 - (b) record in writing:
 - (i) the results of the analysis; and
 - (ii) information that substantiates the results of the analysis.
- (3) If the results of the analysis indicate that the approved maintenance program should be varied, the person must, within 30 days after completing the analysis:
 - (a) approve the variation in accordance with Division 42.J.4; or
 - (b) apply for approval of the variation in accordance with Division 42.J.5.
- (4) The person must retain a record mentioned in paragraph (2)(b) for 2 years after the record is made.

Note: Under regulation 42.110, failure to comply with this regulation is an offence.

42.165 Removal of aeronautical products fitted as permitted by regulation 42.440

If an aeronautical product is fitted to an aircraft as permitted by regulation 42.440, the person responsible for continuing airworthiness for the aircraft must, within 36 flight hours after it is fitted:

- (a) obtain an authorised release certificate for the product; or
- (b) ensure that the product is removed from the aircraft.

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Subpart 42.C Continuing airworthiness management—requirements for person responsible for continuing airworthiness for aircraft

Division 42.C.2 Continuing airworthiness management tasks

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Note: Under regulation 42.110, failure to comply with this regulation is an offence.

Division 42.C.3—Continuing airworthiness records—all aircraft

Subdivision 42.C.3.1—Continuing airworthiness records system

42.170 Continuing airworthiness records system

The person responsible for continuing airworthiness for an aircraft must, at all times, have a system:

- (a) that is capable of containing the continuing airworthiness records for the aircraft; and
- (b) that identifies the aircraft by:
 - (i) its make; and
 - (ii) its type and model designation; and
 - (iii) its registration mark; and
 - (iv) its serial number.

Penalty: 50 penalty units.

Note: For how long records must be retained, see regulation 42.260.

Subdivision 42.C.3.2—Information about aircraft

42.175 Requirement to record information

- (1) The person responsible for continuing airworthiness for an aircraft must comply with each of regulations 42.180 to 42.210 in relation to the aircraft.

Penalty: 50 penalty units.

- (2) If, under any of regulations 42.180 to 42.210, the person is required to ensure that information in relation to the aircraft is recorded, the person must ensure that the information is recorded in writing in the continuing airworthiness records system for the aircraft.

Penalty: 50 penalty units.

- (3) If, under any of regulations 42.180 to 42.210, the person is required to ensure that a record of information in relation to the aircraft is updated, the person must ensure that the record is updated in writing in the continuing airworthiness records system for the aircraft.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note: See regulation 42.1085 for requirements relating to records.

Regulation 42.180

42.180 Information about aircraft engines and propellers

Required information

- (1) For this regulation, the following information is the **required information** for an aircraft engine or propeller:
 - (a) its make;
 - (b) its type and model designation;
 - (c) its serial number.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the required information for each of the aircraft's engines and propellers is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

Required information to be recorded if engine or propeller replaced

- (3) If, on or after the responsibility start date, an aircraft engine or propeller is replaced, the person must ensure that the required information for the replacement aircraft engine or propeller is recorded before the time mentioned in subregulation (4).
- (4) The time is the end of 30 days after the day one of the following documents is issued for the aircraft in relation to the maintenance that included the replacement of the engine or propeller:
 - (a) a certificate of release to service;
 - (b) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

42.185 Information about empty weight of aircraft

Required information

- (1) For this regulation, the following information is the **required information** for an aircraft:
 - (a) the empty weight of the aircraft, determined in accordance with the method set out in Civil Aviation Order 100.7;
 - (b) the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration, determined in accordance with the method set out in Civil Aviation Order 100.7.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that:
 - (a) the required information for the aircraft is recorded; and
 - (b) the record of that information is up to date;

before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft (the *first flight*).

Updating record of required information

- (3) If, after the aircraft is operated for its first flight, there is a change to:
- (a) the empty weight of the aircraft; or
 - (b) the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration;

the person must ensure that the record of the required information is updated before the aircraft is next operated for flight.

Note 1: Under subregulation 42.175(1), failure to comply with this regulation is an offence.

Note 2: Under subregulations 42.175(2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.190 Information about utilisation of aircraft

Required information

- (1) For this regulation, the *required information* for an aircraft is information about the utilisation of the aircraft, or of an aeronautical product fitted to the aircraft, that:
- (a) the person responsible for continuing airworthiness for the aircraft uses in ensuring that a requirement mentioned in regulation 42.120, 42.130, 42.135 or 42.145 is met; and
 - (b) includes the total time-in-service of:
 - (i) the aircraft; and
 - (ii) each of the aircraft's engines; and
 - (iii) each of the aircraft's propellers.

Example 1: For paragraph (a), for an aircraft

The total number of landings the aircraft has carried out.

Example 2: For paragraph (a), for an aeronautical product fitted to an aircraft

For an aircraft engine, the total number of engine cycles the engine has performed.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that:
- (a) the required information for the aircraft is recorded; and
 - (b) the record of that information is up to date;
- before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.

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Division 42.C.3 Continuing airworthiness records—all aircraft

Regulation 42.195

Updating record of required information

- (3) If, on or after the responsibility start date, the aircraft is operated for flight, the person must ensure that the record of the required information for the aircraft is updated before the earlier of the following:
- (a) when a requirement mentioned in regulation 42.120, 42.130, 42.135 or 42.145 is due to be met;
 - (b) the end of 3 days after the completion of the flight.

Note 1: Under subregulation 42.175(1), failure to comply with this regulation is an offence.

Note 2: Under subregulations 42.175(2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.195 Information about compliance with airworthiness directives

Required information

- (1) For this regulation, the following information is the **required information** for an airworthiness directive that applies to an aircraft, or to an aeronautical product fitted to the aircraft:
- (a) information identifying the airworthiness directive;
 - (b) if action is required to meet the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) for the airworthiness directive—when the action is due, or next due, to be carried out;
 - (c) if the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) have been met for the airworthiness directive in relation to the aircraft or aeronautical product:
 - (i) when the requirements were last met; and
 - (ii) if the requirements of a means of compliance with the airworthiness directive mentioned in paragraph 39.002(1)(c) or (d) have been met—information identifying that means of compliance; and
 - (iii) if the airworthiness directive applies to an aeronautical product—the part and serial number (if any) for the product.

Required information to be recorded before first flight—applicable airworthiness directives

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the information mentioned in subregulation (3) is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (3) The information is the required information for each airworthiness directive that, immediately before the responsibility start date, applied to the aircraft or an aeronautical product fitted to the aircraft.

Required information to be recorded—airworthiness directives that become applicable

- (4) If, on or after the responsibility start date, an airworthiness directive becomes applicable to the aircraft, or to an aeronautical product fitted to the aircraft, the person must ensure that the required information for the airworthiness directive is recorded before the earlier of the following:
- (a) when action is due to be carried out to meet the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) for the airworthiness directive;
 - (b) the end of 30 days after the airworthiness directive becomes applicable to the aircraft or the aeronautical product.

Updating record of required information

- (5) If, on or after the responsibility start date, action is carried out to meet the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) for an airworthiness directive that applies to the aircraft, or to an aeronautical product fitted to the aircraft, the person must comply with subregulation (6).
- (6) The person must ensure that the record of the required information for the airworthiness directive is updated before the earlier of the following:
- (a) when action is next due to be carried out to meet the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) for the airworthiness directive (if applicable);
 - (b) the end of 30 days after the day the action is carried out.

Note 1: Under subregulation 42.175(1), failure to comply with this regulation is an offence.

Note 2: Under subregulations 42.175(2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.200 Information about compliance with maintenance program

Required information

- (1) For this regulation, the following information is the **required information** for maintenance that is required by the aircraft's maintenance program to be carried out on the aircraft or on an aeronautical product fitted to the aircraft:
- (a) information identifying the maintenance;
 - (b) the interval at which the maintenance is required by the aircraft's maintenance program to be carried out;
 - (c) if the maintenance relates to an aeronautical product—the part and serial number (if any) for the product;
 - (d) if the maintenance has been carried out—when the maintenance was carried out;
 - (e) when the maintenance is next due to be carried out.
- (2) However, the **required information** mentioned in subregulation (1) does not include information mentioned in subregulation 42.195(1).

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Division 42.C.3 Continuing airworthiness records—all aircraft

Regulation 42.200

Required information to be recorded before first flight

- (3) The person responsible for continuing airworthiness for an aircraft must ensure that:
- (a) the required information for the maintenance is recorded; and
 - (b) the record of that information is up to date;
- before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft (the **first flight**).

Required information to be updated if maintenance carried out

- (4) If, after the aircraft is operated for its first flight, the maintenance is carried out on the aircraft or on the aeronautical product, the person must ensure that the record is updated before the earlier of the following:
- (a) when maintenance is next due to be carried out on the aircraft, or on an aeronautical product fitted to the aircraft, to comply with regulation 42.145;
 - (b) the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance:
 - (i) a certificate of release to service;
 - (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

Required information to be updated if maintenance program changed

- (5) If, after the aircraft is operated for its first flight, there is a change to the aircraft's maintenance program in relation to the maintenance, the person must ensure that the record of the required information for the maintenance is updated before the earlier of the following:
- (a) when maintenance is due to be carried out on the aircraft, or on an aeronautical product fitted to the aircraft, to comply with regulation 42.145;
 - (b) the end of 30 days after the change is made.

Required information to be updated if aeronautical product fitted

- (6) If:
- (a) the maintenance relates to an aeronautical product; and
 - (b) after the aircraft is operated for its first flight, the aeronautical product is fitted to the aircraft;
- the person must ensure that the record is updated before the time mentioned in subregulation (7).
- (7) The time is the earlier of the following:
- (a) when maintenance is due to be carried out on the aircraft, or on an aeronautical product fitted to the aircraft, to comply with regulation 42.145;

-
- (b) the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance that included the fitting of the aeronautical product:
- (i) a certificate of release to service;
 - (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

Note 1: Under subregulation 42.175(1), failure to comply with this regulation is an offence.

Note 2: Under subregulations 42.175(2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

42.205 Information about modifications

Required information

- (1) For this regulation, the following information is the **required information** for a modification made to an aircraft or to an aeronautical product fitted to the aircraft:
 - (a) a description of the modification;
 - (b) a reference to the design data used for the modification;
 - (c) when the modification is made;
 - (d) if the modification relates to an aeronautical product—the part and serial number (if any) for the product.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the information mentioned in subregulation (3) is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (3) The information is the required information for each modification that was made, before the responsibility start date, to the aircraft or an aeronautical product fitted to the aircraft.

Required information to be recorded for subsequent modifications

- (4) If, on or after the responsibility start date, a modification is made to the aircraft or to an aeronautical product fitted to the aircraft, the person must ensure that the required information for the modification is recorded before the time mentioned in subregulation (5).
- (5) The time is the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance that included the modification:
 - (a) a certificate of release to service;
 - (b) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

Regulation 42.210

42.210 Information about aeronautical products with life limit

Required information

- (1) For this regulation, the following information is the **required information** for an aeronautical product that is fitted to an aircraft and that has a life limit:
 - (a) details that identify the aeronautical product, including its part and serial number (if any);
 - (b) the life limit for the aeronautical product;
 - (c) when the aeronautical product is due to be removed from the aircraft.

Required information to be recorded before first flight

- (2) The person responsible for continuing airworthiness for an aircraft must ensure that the information mentioned in subregulation (3) is recorded before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft.
- (3) The information is the required information for an aeronautical product that, immediately before the responsibility start date:
 - (a) was fitted to the aircraft; and
 - (b) had a life limit.

Required information to be recorded for aeronautical products fitted on or after responsibility start date

- (4) If, on or after the responsibility start date, an aeronautical product that has a life limit is fitted to the aircraft, the person must ensure that the required information for the product is recorded before the earlier of the following:
 - (a) the time that the product reaches its life limit;
 - (b) the end of 30 days after one of the following documents is issued for the aircraft in relation to the maintenance that included the fitting of the product to the aircraft:
 - (i) a certificate of release to service;
 - (ii) an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301.

Required information to be recorded if life limit becomes applicable on or after responsibility start date

- (5) If, on or after the responsibility start date, a life limit becomes applicable to an aeronautical product fitted to the aircraft, the person must ensure that the required information for the product is recorded before the earlier of the following:
 - (a) the time that the product reaches its life limit;
 - (b) the end of 30 days after the life limit becomes applicable to the product.

Updating record of required information

- (6) If, on or after the responsibility start date, there is a change to the life limit for an aeronautical product fitted to the aircraft, the person must ensure that the record of the required information for the product is updated before the earlier of the following:
- (a) the time that the product reaches its life limit;
 - (b) the end of 30 days after the change is made.

Note 1: Under subregulation 42.175(1), failure to comply with this regulation is an offence.

Note 2: Under subregulations 42.175(2) and (3), information recorded or updated under this regulation must be recorded and updated in writing in the continuing airworthiness records system for the aircraft.

Subdivision 42.C.3.3—Substantiating documents

42.215 Substantiating documents

- (1) The person responsible for continuing airworthiness for an aircraft must keep documents that substantiate the information recorded under regulations 42.180, 42.185, 42.190, 42.195, 42.200, 42.205 and 42.210 for the aircraft.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For how long substantiating documents must be retained, see regulation 42.260.

Subdivision 42.C.3.4—Flight technical log

42.220 Flight technical log

- (1) The person responsible for continuing airworthiness for an aircraft must, at all times, have a log for the aircraft that:
- (a) includes details identifying the aircraft, including the type, model and registration mark for the aircraft; and
 - (b) is capable of containing the documents and information for the aircraft that, under this Part, are required to be included in the log.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note 1: Under paragraph 42.030(2)(e), before an aircraft undertakes a flight, the flight technical log for an aircraft must record the details of any item of operational or emergency equipment that is fitted to the aircraft and is unserviceable.

Note 2: Under regulation 42.230, if the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation, and CASA has not, under regulation 42.235, approved another means of recording the required information for the aircraft (within the meaning given by subregulation 42.230(2)), the person must ensure that that information is recorded and updated in the flight technical log for the aircraft.

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Regulation 42.225

- Note 3: Under regulation 42.370, a qualified individual must enter information relating to the deferral of the rectification of a defect in an aircraft in the flight technical log for the aircraft if the defect affects the operation of the aircraft.
- Note 4: Under paragraph 42.440(g) an entry mentioned in that paragraph must be made in the flight technical log for an aircraft if a part is fitted to the aircraft as permitted by regulation 42.440.
- Note 5: Under subregulation 42.760(2), a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft must be included in the flight technical log for the aircraft.
- Note 6: Under subregulation 42.1075(1), the pilot in command of an aircraft for a flight must ensure that the information mentioned in that subregulation for the flight is recorded in the flight technical log for the aircraft.
- Note 7: Under regulation 42.245, the person responsible for continuing airworthiness for the aircraft must ensure that the aircraft's flight technical log is capable of containing the information mentioned in regulation 42.190 for each flight for the aircraft if CASA has not, under regulation 42.250, approved another means of recording the information.
- Note 8: Under subregulation 42.1075(2), the pilot in command of an aircraft for a flight must record the information mentioned in regulation 42.190 for the flight in the aircraft's flight technical log if the log is capable of containing the information.

42.225 Availability of flight technical log

- (1) The person responsible for continuing airworthiness for an aircraft must ensure that the flight technical log for the aircraft is available to a person who is the pilot in command of the aircraft while the person is the pilot in command of the aircraft.

Penalty: 50 penalty units.

- (2) The person must ensure that the flight technical log for the aircraft is available to a person who is carrying out maintenance on the aircraft while the person is carrying out the maintenance.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Subdivision 42.C.3.5—Recording next maintenance due to be carried out

42.230 Recording details of next maintenance due to be carried out in flight technical log

When this regulation applies

- (1) This regulation applies if:
- (a) the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation; and
 - (b) CASA has not, under regulation 42.235, approved another means of recording the required information for the aircraft.

Note: If the person responsible for continuing airworthiness for an aircraft is a continuing airworthiness management organisation, the person is required to record the required

information for the aircraft in the continuing airworthiness records for the aircraft—see regulation 42.200.

Required information

- (2) For this regulation, the **required information** for an aircraft at a particular time is:
- (a) information identifying the next maintenance that is due to be carried out on the aircraft in accordance with the aircraft's maintenance program; and
 - (b) when the maintenance is due to be carried out.

Information to be recorded before first flight

- (3) The person must ensure that the required information for the aircraft is recorded in the aircraft's flight technical log before the aircraft is operated for its first flight on or after the responsibility start date for the person and the aircraft (the **first flight**).

Penalty: 50 penalty units.

Updating record of required information

- (4) If, after the first flight, maintenance is carried out on the aircraft in accordance with the aircraft's maintenance program, the person must ensure that the record of the required information for the aircraft is updated in the aircraft's flight technical log before the aircraft is next operated for flight.

Penalty: 50 penalty units.

- (5) An offence against subregulation (3) or (4) is an offence of strict liability.

42.235 Approval of another means of recording next maintenance due to be carried out

- (1) If the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation, the person may apply, in writing, to CASA for approval of:
- (a) a means, other than a flight technical log, of recording the required information for the aircraft (within the meaning given by subregulation 42.230(2)) for the purpose of informing the aircraft's flight crew of the required information; and
 - (b) the time within which the required information must be recorded by the other means.
- (2) Subject to regulation 11.055, CASA must approve the means if CASA is satisfied that the means is at least as reliable a means of recording the required information for the aircraft as the use of the flight technical log.

Note 1: See Part 11 for other matters relating to applications and decisions.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

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- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

42.240 Recording details of next maintenance due to be carried out by approved other means

(1) If:

- (a) the person responsible for continuing airworthiness for an aircraft is not a continuing airworthiness management organisation; and
- (b) CASA has, under regulation 42.235, approved:
 - (i) another means of recording the required information for the aircraft (within the meaning given by subregulation 42.230(2)); and
 - (ii) the time within which the required information must be recorded by the other means;

the person must ensure that the required information for the aircraft is recorded in accordance with the approval.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subdivision 42.C.3.6—Recording utilisation information

42.245 Ensuring flight technical log can contain utilisation information mentioned in regulation 42.190 for each flight if another means not approved

(1) If CASA has not, under regulation 42.250, approved:

- (a) another means of recording the information mentioned in regulation 42.190 for each flight for an aircraft; and
- (b) the time within which the information must be recorded by the other means;

the person responsible for continuing airworthiness for the aircraft must ensure that the aircraft's flight technical log is capable of containing the information.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: Under subregulation 42.1075(2), the pilot in command of an aircraft for a flight must record the information mentioned in regulation 42.190 for the flight in the aircraft's flight technical log if the log is capable of containing the information.

42.250 Approval of another means of recording utilisation information mentioned in regulation 42.190 for each flight

- (1) The person responsible for continuing airworthiness for an aircraft may apply, in writing, to CASA for approval of:
- (a) a means, other than a flight technical log, for recording the information mentioned in regulation 42.190 for each flight for the aircraft; and

(b) the time within which the information must be recorded by the other means.

- (2) Subject to regulation 11.055, CASA must approve the means if CASA is satisfied that the means is at least as reliable a means of recording the information as the use of the flight technical log.

Note 1: See Part 11 for other matters relating to applications and decisions.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

42.255 Recording utilisation information mentioned in regulation 42.190 for each flight by approved other means

- (1) If CASA has, under regulation 42.250, approved:
- (a) another means of recording the information mentioned in regulation 42.190 for each flight for an aircraft; and
 - (b) the time within which the information must be recorded by the other means;

the person responsible for continuing airworthiness for the aircraft must ensure that the information is recorded in accordance with the approval.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subdivision 42.C.3.7—Retention and transfer of records

42.260 Retention of continuing airworthiness records

- (1) The person responsible for continuing airworthiness for an aircraft must retain a record or document mentioned in an item of the following table for the period:
- (a) starting on:
 - (i) if the person created the record or document, and is the person responsible for continuing airworthiness for the aircraft on the creation date for the record or document—the creation date for the record or document; or
 - (ii) if the person did not create the record or document, and is the person responsible for continuing airworthiness for the aircraft on the creation date for the record or document—the date that the person receives the record or document; or
 - (iii) if the person is not the person responsible for continuing airworthiness for the aircraft on the creation date for the record or document—the date the person receives the continuing airworthiness records for the aircraft under regulation 42.265; and
 - (b) ending on the first-occurring of the following:
 - (i) the end date (if any) mentioned in the item;

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- (ii) the date the person gives the records to the person who becomes the person responsible for continuing airworthiness for the aircraft under regulation 42.265.

Item	Record or document	End date
1	A document kept under regulation 42.215 for the aircraft	The date that the information substantiated by the document is superseded by other information
2	A copy of a maintenance record, that is not covered by item 1, for maintenance carried out on the aircraft	1 year after the creation date for the maintenance record
3	A copy of a document that: (a) is equivalent to a maintenance record for maintenance carried out on the aircraft; and (b) is issued under a law of a foreign country; and (c) is not covered by item 1	1 year after the creation date for the document
4	A certificate of release to service, or an equivalent document issued in accordance with an NAA arrangement mentioned in regulation 42.301, for the aircraft in relation to maintenance carried out on the aircraft	The later of the following: (a) 1 year after the date of issue of the certificate or equivalent document; (b) the date a certificate of release to service or equivalent document is next issued for the aircraft in relation to maintenance carried out on the aircraft
5	A record of information: (a) that is made in the flight technical log for an aircraft in accordance with this Part; and (b) that is not covered by item 1, 2 or 4	1 year after the creation date for the record
6	A copy of the design of a modification or repair that is unique to the aircraft	—

Penalty: 50 penalty units.

Example 1: For item 1, an authorised release certificate for an aeronautical product that is fitted to an aircraft must be kept until the date the aeronautical product is removed from the aircraft.

Example 2: For item 1, an in-house release document for an aeronautical product that is fitted to an aircraft must be kept until the date the aeronautical product is removed from the aircraft.

Example 3: For item 1, a document mentioned in paragraph 42.440(e) for an aeronautical product fitted to an aircraft as permitted by regulation 42.440 must be kept until the date the aeronautical product is removed from the aircraft.

Example 4: For item 1, a document that substantiates the empty weight of the aircraft and the centre of gravity position on the aircraft at its empty weight configuration must be kept until the date that the aircraft is next weighed and its empty weight, and its centre of gravity in its empty weight configuration, is determined.

Note: For item 5, see the notes to regulation 42.220.

(2) In this regulation:

creation date means:

- (a) for a record of information—the date the record is made; and
- (b) for a document—the date the document is created.

(3) An offence against subregulation (1) is an offence of strict liability.

42.265 Transfer of continuing airworthiness records for aircraft

(1) This regulation applies if:

- (a) a person (the *first person*) ceases to be the person responsible for continuing airworthiness for an aircraft; and
- (b) another person (the *second person*) becomes the person responsible for continuing airworthiness for the aircraft.

(2) Within 30 days after the first person ceases to be the person responsible for continuing airworthiness for the aircraft, the first person must give the continuing airworthiness records for the aircraft to the second person.

Penalty: 50 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

Regulation 42.270

Division 42.C.4—Major defects—reporting and investigating

42.270 Reporting major defects—all aircraft

- (1) If the person responsible for continuing airworthiness for an aircraft becomes aware of a major defect in the aircraft, the person must, within 2 days after becoming aware of the defect, report the defect, in accordance with subregulation (2), to:
 - (a) CASA; and
 - (b) if the defect does not relate to a modification mentioned in paragraph (c), (d), (e) or (f)—the type certificate holder or foreign type certificate holder for the aircraft; and
 - (c) if the defect relates to a modification made to the aircraft that is covered by a supplemental type certificate for the aircraft—the supplemental type certificate holder or foreign supplemental type certificate holder for the aircraft; and
 - (d) if the defect relates to a part produced in accordance with an Australian Parts Manufacturer Approval—the holder of the Australian Parts Manufacturer Approval; and
 - (e) if the defect relates to a part produced in accordance with a Parts Manufacturer Approval issued by the FAA—the holder of the Parts Manufacturer Approval; and
 - (ea) if the defect relates to a part produced in accordance with a parts manufacturer approval issued by a national aviation authority to which subregulation (1A) applies—the holder of the approval; and
 - (f) if the defect relates to a modification made in accordance with a design covered by any of the following approvals—the holder of the approval:
 - (i) a modification/repair design approval;
 - (ii) an approval mentioned in regulation 21.475;
 - (iii) an approval that continues in force under regulation 202.054, 202.055 or 202.056.

Penalty: 50 penalty units.

- (1A) For paragraph (1)(ea), this subregulation applies to the national aviation authority of a Contracting State if:
 - (a) Australia has an agreement (however described) with the Contracting State for the acceptance of parts manufacturer approvals; or
 - (b) CASA has an agreement (however described) with the national aviation authority for the acceptance of parts manufacturer approvals.
- (2) The report must be made:
 - (a) in writing; and
 - (b) in the approved form.

Note: Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

Regulation 42.275

- (3) It is a defence to a prosecution under subregulation (1) that relates to a failure to report a defect to the holder of an approval mentioned in subparagraph (1)(f)(iii) that the defendant:
- (a) made all reasonable efforts to identify the holder of the approval; and
 - (b) was unable to identify the holder.

Note 1: A defendant bears an evidential burden in relation to the matters mentioned in subregulation (3) (see subsection 13.3(3) of the *Criminal Code*).

Note 2: See also Division 42.D.6 for other requirements relating to defects.

42.275 Investigating major defects—large aircraft and aircraft authorised to operate under AOC

If the person responsible for continuing airworthiness for a large aircraft or an aircraft that is authorised to operate under an AOC becomes aware of a major defect in the aircraft, the person must:

- (a) investigate the cause of the defect; and
- (b) give CASA a report containing the findings of the investigation within 14 days after completing the investigation.

Penalty: 50 penalty units.

Note: See also Division 42.D.6 for other requirements relating to defects.

42.280 Action by CASA following report of major defect

- (1) If CASA receives a report about a major defect under regulation 42.270, CASA may, by notice in writing, require the person who made the report:
- (a) to give CASA further information in relation to the major defect within a period specified in the notice; or
 - (b) to keep the aircraft, or the part of the aircraft that is defective, in a state that will allow CASA to investigate the defect; or
 - (c) to give to CASA any document, aeronautical product or other thing in the possession, or under the control, of the person that relates to the defect.
- (2) The person must comply with the notice.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.285 Action by certificate holder or approval holder following report of major defect

- (1) If a person mentioned in paragraph 42.270(1)(b), (c), (d), (e) or (f) (the **first person**) receives a report about a major defect under regulation 42.270, the first person may, by notice in writing, require the person who made the report (the **second person**) to give the first person further information in relation to the major defect.

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Subpart 42.C Continuing airworthiness management—requirements for person responsible for continuing airworthiness for aircraft

Division 42.C.4 Major defects—reporting and investigating

Regulation 42.285

- (2) The notice must specify the period within which the further information must be provided.
- (3) The period specified in the notice must be at least 14 days from the date of the request.
- (4) The second person must comply with the notice.
Penalty: 50 penalty units.
- (5) An offence against subregulation (4) is an offence of strict liability.

Subpart 42.D—Maintenance

Division 42.D.1—Preliminary

42.290 Purpose of Subpart

This Subpart sets out:

- (a) who is permitted to carry out maintenance; and
- (b) requirements for carrying out maintenance on an aircraft or an aeronautical product; and
- (c) requirements for critical control system maintenance; and
- (d) requirements for dealing with defects; and
- (e) requirements for making and keeping records for an approved maintenance organisation or independent maintainer who carries out maintenance on an aircraft or aeronautical product.

Regulation 42.295

Division 42.D.2—Permissions for section 20AB of Act—aircraft

42.295 Who is permitted to carry out maintenance on aircraft—approved maintenance organisations

For subsection 20AB(2) of the Act, a person mentioned in column 2 of an item in the following table is permitted to carry out maintenance on an Australian aircraft:

- (a) to which this Part applies; and
- (b) that is mentioned in column 3 of the item.

Item	Person	Aircraft
1	A Part 145 organisation	An aircraft of a kind for which the Part 145 organisation is approved to provide maintenance services
2	An individual carrying out maintenance on behalf of a Part 145 organisation	An aircraft for which the Part 145 organisation is providing maintenance services
3	A Subpart 42.F organisation	A small aircraft: <ul style="list-style-type: none">(a) that is not authorised to operate under an Australian air transport AOC; and(b) that is of a kind for which the Subpart 42.F organisation is approved to provide maintenance services
4	An individual carrying out maintenance on behalf of a Subpart 42.F organisation	An aircraft for which the Subpart 42.F organisation is providing maintenance services

Note 1: The kinds of aircraft for which a Part 145 organisation is approved to provide maintenance services are determined by CASA—see regulation 145.030.

Note 2: The kinds of aircraft for which a Subpart 42.F organisation is approved to provide maintenance services are determined by CASA—see regulation 42.515.

42.300 Who is permitted to carry out maintenance on aircraft—individuals not working for approved maintenance organisations

- (1) For subsection 20AB(2) of the Act:
 - (a) an individual mentioned in column 2 of an item in table 42.300 is permitted to carry out maintenance on an Australian aircraft:
 - (i) to which this Part applies; and
 - (ii) that is mentioned in column 3 of the item; and
 - (b) the individual is permitted to carry out the maintenance subject to the conditions mentioned in column 4 of the item.
- (2) However, an individual mentioned in item 2, 3, 4 or 5 of table 42.300 is not permitted to supervise the carrying out of maintenance by another individual.

Table 42.300 Individuals, not working for approved maintenance organisations, permitted to carry out maintenance on aircraft

Item	Individual	Aircraft	Conditions
1	A licensed aircraft maintenance engineer	An aircraft: (a) that is a small aircraft; and (b) that is not authorised to operate under an AOC	The conditions are that: (a) the person's aircraft engineer licence permits him or her to perform maintenance certification for the maintenance; and (b) the maintenance is not specified in the Part 42 Manual of Standards for this item
2	An individual who is carrying out maintenance under the supervision of an individual mentioned in item 1	An aircraft for which the individual mentioned in item 1 is providing maintenance services	
3	A pilot licence holder who is carrying out maintenance other than under an authorisation issued under regulation 42.630 that is in force	An aircraft: (a) that is a small aircraft; and (b) that is not authorised to operate under an AOC; and (c) that the pilot licence holder is authorised, under Part 61, to fly	The conditions are that: (a) the maintenance is specified in the Part 42 Manual of Standards for this item; and (b) either: (i) the pilot licence holder is the registered operator of the aircraft; or (ii) the registered operator of the aircraft has given the pilot licence holder permission to carry out the maintenance
4	A pilot licence holder who is carrying out maintenance under an authorisation issued under regulation 42.630 that is in force	An aircraft: (a) that is a large aircraft, or is authorised to operate under an AOC; and (b) that the pilot licence holder is authorised, under Part 61, to fly	The conditions are that: (a) the pilot licence holder is a member of the aircraft's flight crew; and (b) the maintenance is specified in the Part 42 Manual of Standards for this item

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.D Maintenance

Division 42.D.2 Permissions for section 20AB of Act—aircraft

Regulation 42.301

Item	Individual	Aircraft	Conditions
5	A flight engineer who is carrying out maintenance under an authorisation issued under regulation 42.630 that is in force	An aircraft: (a) that is a large aircraft, or is authorised to operate under an AOC; and (b) in relation to which the flight engineer is authorised, under Part 61, to perform the duties of flight engineer	The conditions are that: (a) the flight engineer is a member of the aircraft's flight crew; and (b) the maintenance is specified in the Part 42 Manual of Standards for this item
	Note 1:	For item 2, under regulation 42.320, an independent maintainer who is supervising the carrying out of maintenance by another individual must not instruct or permit the individual to carry out maintenance that the independent maintainer is not permitted to carry out.	
	Note 2:	For items 4 and 5, under subregulation 42.080(2), the registered operator of an aircraft must ensure that a person mentioned in item 4 or 5 carries out maintenance on the aircraft at a place only if no approved maintenance organisation is able to carry out the maintenance at that place	
	Note 3:	For items 4 and 5, an authorisation under regulation 42.630 must include the maintenance services that the pilot licence holder or flight engineer is authorised to provide—see paragraph 42.630(3)(c).	

42.301 Who is permitted to carry out maintenance—organisations under NAA arrangement

- (1) For subsection 20AB(2) of the Act, an organisation is permitted to carry out maintenance outside Australian territory on an Australian aircraft to which this Part applies if:
 - (a) the organisation is approved to carry out the maintenance by the national aviation authority of a foreign country under a law of that country; and
 - (b) the country is specified for this regulation in the Part 42 Manual of Standards; and
 - (c) there is an arrangement (the *NAA arrangement*) between CASA and the national aviation authority, or Australia and the foreign country, that permits the organisation to carry out the maintenance.
- (2) The permission in subregulation (1) is subject to the condition that the organisation must carry out and certify the maintenance in accordance with the NAA arrangement.

Division 42.D.3—Permissions for section 20AB of Act—aeronautical products

42.305 Who is permitted to carry out maintenance on aeronautical products

For subsection 20AB(2) of the Act, a person mentioned in column 2 of an item in the following table is permitted to carry out maintenance on:

- (a) an aeronautical product in Australian territory:
 - (i) to which this Part applies; and
 - (ii) that is of the kind mentioned in column 3 of the item; and
- (b) an aeronautical product for an Australian aircraft:
 - (i) to which this Part applies; and
 - (ii) that is of the kind mentioned in column 3 of the item.

Item	Person	Aeronautical product
1	A Part 145 organisation	An aeronautical product of a kind for which the Part 145 organisation is approved to provide maintenance services
2	An individual carrying out maintenance on behalf of a Part 145 organisation	An aeronautical product for which the Part 145 organisation is providing maintenance services
3	A Subpart 42.F organisation	An aeronautical product of a kind for which the Subpart 42.F organisation is approved to provide maintenance services
4	An individual carrying out maintenance on behalf of a Subpart 42.F organisation	An aeronautical product for which the Subpart 42.F organisation is providing maintenance services

Note 1: The kinds of aeronautical products for which a Part 145 organisation is approved to provide maintenance services are determined by CASA—see regulation 145.030.

Note 2: The kinds of aeronautical products for which a Subpart 42.F organisation is approved to provide maintenance services are determined by CASA—see regulation 42.515.

42.306 Who is permitted to carry out maintenance on aeronautical products—foreign organisations approved by national aviation authority

- (1) For subsection 20AB(2) of the Act, an organisation is permitted to carry out maintenance outside Australian territory on an aeronautical product for an Australian aircraft to which this Part applies if:
 - (a) the organisation is approved to carry out the maintenance by the national aviation authority of a foreign country under a law of that country; and
 - (b) the country is specified for this regulation in the Part 42 Manual of Standards.
- (2) The permission in subregulation (1) is subject to the condition that the organisation must carry out and certify the maintenance:

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Regulation 42.306

- (a) if there is an arrangement (the *NAA arrangement*) between CASA and the national aviation authority that permits the organisation to carry out the maintenance—in accordance with the NAA arrangement; or
- (b) otherwise—in accordance with the law of the foreign country.

Division 42.D.4—Requirements for carrying out maintenance

42.310 General requirements for carrying out maintenance

Obligation

- (1) If an individual carries out maintenance on an aircraft or on an aeronautical product, the individual must:
 - (a) carry out the maintenance:
 - (i) in accordance with current maintenance data for the maintenance; and
 - (ii) using facilities that are appropriate for carrying out maintenance of the kind that is being carried out; and
 - (b) if tools, equipment or materials are mentioned in the maintenance data for the maintenance—use those tools, equipment or materials; and
 - (c) if using measuring or testing equipment—ensure that the accuracy of the equipment:
 - (i) is appropriate for the maintenance; and
 - (ii) has been verified, at appropriate intervals, by a means that is traceable to a standard that is nationally or internationally recognised.

Example: For subparagraph (c)(ii), of a standard that is nationally recognised

A standard maintained by the National Measurement Institute—see <http://www.measurement.gov.au>.

Offence—approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Penalty: 50 penalty units.

Offences—independent maintainer

- (3) An independent maintainer must comply with subregulation (1) when carrying out maintenance on an aircraft.

Penalty: 50 penalty units.

- (4) If an independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual, the independent maintainer must ensure that the individual complies with subregulation (1).

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Regulation 42.315

42.315 Ensuring individuals are competent to carry out maintenance

Meaning of competent

- (1) An individual is **competent** to carry out maintenance on an aircraft or aeronautical product if he or she has the skills and knowledge to carry out the maintenance to the standard required by the maintenance data for the maintenance.

Obligation for approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual does not carry out maintenance on an aircraft or aeronautical product on behalf of the organisation unless:
 - (a) the organisation has assessed the individual as being competent to carry out the maintenance; or
 - (b) if the organisation has not assessed the individual as being competent to carry out the maintenance—the carrying out of the maintenance by the individual is supervised by an individual that the organisation has assessed as being competent to carry out the maintenance.

Offences for breach of obligation

- (3) An approved maintenance organisation commits an offence if:
 - (a) an individual carries out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) before the maintenance is carried out, the organisation has not assessed the individual as being competent to carry out the maintenance; and
 - (c) the carrying out of the maintenance by the individual is not supervised.

Penalty: 50 penalty units.

- (4) An approved maintenance organisation commits an offence if:
 - (a) an individual carries out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) before the maintenance is carried out, the organisation has not assessed the individual as being competent to carry out the maintenance; and
 - (c) the carrying out of the maintenance by the individual is supervised; and
 - (d) before the maintenance is carried out, the organisation has not assessed the individual who supervised the carrying out of the maintenance as being competent to carry out the maintenance.

Penalty: 50 penalty units.

Obligation for certain independent maintainers

- (5) An independent maintainer mentioned in item 1 or 3 of table 42.300 must not carry out maintenance on an aircraft unless the independent maintainer is competent to carry out the maintenance.

- (6) An independent maintainer must not supervise the carrying out of maintenance on an aircraft by another individual unless the independent maintainer is competent to carry out the maintenance.

Note 1: The competence of an independent maintainer mentioned in item 4 or 5 of table 42.300 to carry out maintenance is dealt with by a continuing airworthiness management organisation—see paragraph 42.630(2)(e).

Note 2: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Offences for breach of obligation

- (7) An independent maintainer mentioned in item 1 or 3 of table 42.300 commits an offence if:
- (a) he or she carries out maintenance on an aircraft; and
 - (b) he or she is not competent to carry out the maintenance.

Penalty: 50 penalty units.

- (8) An independent maintainer commits an offence if:
- (a) the independent maintainer supervises the carrying out of maintenance on an aircraft by another individual; and
 - (b) the independent maintainer is not competent to carry out the maintenance.

Penalty: 50 penalty units.

42.320 Restriction on maintenance that independent maintainers may instruct or permit supervised individuals to carry out

- (1) An independent maintainer who is supervising the carrying out of maintenance by another individual must not instruct or permit the individual to carry out maintenance that the independent maintainer is not permitted to carry out.

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

- (2) An offence against subregulation (1) is an offence of strict liability.

42.325 Maintenance involving modifications and certain repairs

Obligation

- (1) This regulation applies if an individual carries out maintenance on an aircraft or aeronautical product that involves:
- (a) making a modification to the aircraft or aeronautical product; or
 - (b) a repair of the aircraft or aeronautical product that involves a change to the approved design for the aircraft or aeronautical product.

Regulation 42.330

- (2) Before a certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance, the individual must ensure that:
- (a) there is a Part 21 approval for the design of the modification or repair; and
 - (b) the modification or repair complies with the design.

Note: For who issues a certificate of release to service for an aircraft, see Subdivision 42.H.3.2. For who issues a certificate of release to service for an aeronautical product, see Subdivision 42.H.4.2.

Offence—approved maintenance organisation

- (3) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (2).

Penalty: 50 penalty units.

Offences—independent maintainer

- (4) An independent maintainer must comply with subregulation (2):
- (a) when carrying out maintenance on an aircraft; and
 - (b) when supervising the carrying out of maintenance on an aircraft by another individual.

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

- (5) An offence against subregulation (3) or (4) is an offence of strict liability.

42.330 Removal of tools etc after carrying out maintenance

Obligation

- (1) If an individual carries out maintenance on an aircraft or aeronautical product, the individual must remove from the aircraft or aeronautical product any tools, equipment or other things extraneous to the aircraft or the aeronautical product before a certificate of release to service is issued for the aircraft or aeronautical product in relation to the maintenance.

Note: For who issues a certificate of release to service for an aircraft, see Subdivision 42.H.3.2. For who issues a certificate of release to service for an aeronautical product, see Subdivision 42.H.4.2.

Offence—approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Penalty: 50 penalty units.

Offences—independent maintainer

- (3) An independent maintainer must comply with subregulation (1) when carrying out maintenance on an aircraft.

Penalty: 50 penalty units.

- (4) An independent maintainer who is supervising the carrying out of maintenance on an aircraft by another individual must ensure that the individual complies with subregulation (1).

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Division 42.D.5—Requirements for independent inspection of critical control system maintenance

42.335 Meaning of *independent individual*

An *independent individual*, for critical control system maintenance carried out on an aircraft, means an individual who:

- (a) did not perform maintenance certification for the maintenance; and
- (b) if the maintenance is carried out by a Part 145 organisation—is a certifying employee of that organisation authorised to perform maintenance certification:
 - (i) for the maintenance; or
 - (ii) for similar maintenance carried out on another aircraft that has an aircraft control system of similar technology and construction; and
- (c) if the maintenance is not carried out by a Part 145 organisation—is 1 of the following:
 - (i) a licensed aircraft maintenance engineer whose aircraft engineer licence permits the individual to perform maintenance certification for the maintenance, or for similar maintenance carried out on another aircraft that has an aircraft control system of similar technology and construction;
 - (ii) a pilot licence holder who is authorised under Part 61 to fly the aircraft.

42.340 Requirement for verification and record for critical control system maintenance

Offence—approved maintenance organisation

- (1) If an individual carries out critical control system maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must ensure that an independent individual has:
 - (a) verified the matters mentioned in subregulation 42.345(1); and
 - (b) made a record, in writing, in accordance with regulation 42.345;before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Offence—independent maintainer

- (2) If an independent maintainer carries out critical control system maintenance on an aircraft, or supervises the carrying out of critical control system maintenance on an aircraft by another individual, the independent maintainer must ensure that an independent individual has:
 - (a) verified the matters mentioned in subregulation 42.345(1); and

(b) made a record, in writing, in accordance with regulation 42.345; before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

(3) An offence against subregulation (1) or (2) is an offence of strict liability.

42.345 Verification and record for critical control system maintenance

(1) An independent individual may record the information mentioned in subregulation (3) in the continuing airworthiness records system for an aircraft in relation to critical control system maintenance carried out on the aircraft only if he or she has verified that:

- (a) the part of the aircraft control system on which the maintenance was carried out is assembled and configured in accordance with the maintenance data for the maintenance; and
- (b) the aircraft control system is functioning correctly.

(2) An independent individual commits an offence if:

- (a) he or she records the information mentioned in subregulation (3) in the continuing airworthiness records system for an aircraft in relation to critical control system maintenance carried out on the aircraft; and
- (b) the recording of the information is not permitted under subregulation (1).

Penalty: 50 penalty units.

(3) The information is the following:

- (a) that the individual has verified the matters mentioned in subregulation (1);
- (b) information identifying the critical control system maintenance to which the verification related;
- (c) the individual's name, signature and licence or certification authorisation number;
- (d) the date the verification was performed.

Division 42.D.6—Requirements for dealing with defects

Subdivision 42.D.6.1—Dealing with defects

42.350 Meaning of *qualified individual*

- (1) For a defect in an aircraft that is authorised to operate under an Australian air transport AOC or a large aircraft, *qualified individual* means a certifying employee of a Part 145 organisation who is authorised to perform maintenance certification for the maintenance that would be necessary to rectify the defect.
- (2) For a defect in an aircraft, other than an aircraft mentioned in subregulation (1), *qualified individual* means a licensed aircraft maintenance engineer whose aircraft engineer licence permits the holder to perform maintenance certification for the maintenance that would be necessary to rectify the defect.

42.355 Recording defects

If an individual:

- (a) is carrying out maintenance on an aircraft; and
- (b) is, or becomes, aware of a defect in the aircraft;

the individual must ensure that the defect is recorded in the continuing airworthiness records system for the aircraft before a certificate of release to service is issued for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note: For who issues a certificate of release to service for an aircraft, see Subdivision 42.H.3.2.

42.360 When *qualified individual* may defer rectification of defect

- (1) A *qualified individual* may defer the rectification of a defect in an aircraft only if the deferral is permitted by subregulation (3).
- (2) The *qualified individual* commits an offence if:
 - (a) he or she defers the rectification of the defect; and
 - (b) the deferral is not permitted by subregulation (3).

Penalty: 50 penalty units.

- (3) Deferral of the rectification of the defect is permitted only if:
 - (a) the defect does not adversely affect the airworthiness of the aircraft; or
 - (b) the operation of the aircraft for a flight with the defect is permitted by any of the following:
 - (i) the instructions for continuing airworthiness for the aircraft;
 - (ii) the minimum equipment list for the aircraft;
 - (iii) the configuration deviation list for the aircraft;

- (iv) an airworthiness directive; or
- (c) the defect is approved as a permissible unserviceability under regulation 21.007; or
- (d) the defect is in an item of operational or emergency equipment that:
 - (i) is fitted to the aircraft; and
 - (ii) is not required by the certification basis for the aircraft; and
 - (iii) is not required by or under these Regulations for the operation of the aircraft for a flight.

(4) An offence against subregulation (2) is an offence of strict liability.

42.365 How rectification of defect is deferred

To defer the rectification of a defect in an aircraft under regulation 42.360, the qualified individual must:

- (a) make a record that complies with regulation 42.370; and
- (b) sign the record; and
- (c) record, in that record:
 - (i) his or her aircraft engineer licence number or certification authorisation number; and
 - (ii) the date of the deferral.

42.370 Record for deferral of rectification of defect

- (1) A record of the deferral of the rectification of a defect must be made in:
 - (a) the flight technical log for the aircraft, if:
 - (i) the defect affects the operation of the aircraft; or
 - (ii) the deferral was permitted by subparagraph 42.360(3)(b)(ii) or (iii); or
 - (b) the continuing airworthiness records system for the aircraft, in any other case.
- (2) The record must contain:
 - (a) a description of the defect; and
 - (b) a statement of the reasons for the qualified individual's decision to defer the rectification of the defect; and
 - (c) any limitations or conditions mentioned in a document mentioned in paragraph 42.360(3)(b) in relation to the deferral of the rectification of the defect and the operation of the aircraft.
- (3) A qualified individual commits an offence if:
 - (a) he or she makes a record of the deferral of the rectification of a defect; and
 - (b) the record does not comply with this regulation.

Penalty: 50 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.

Regulation 42.375

Subdivision 42.D.6.2—Reporting defects

42.375 Major defect reporting—-independent maintainer carrying out maintenance on aircraft

If:

- (a) an independent maintainer is carrying out maintenance on an aircraft, or is supervising the carrying out of maintenance on an aircraft by another individual; and
- (b) the independent maintainer becomes aware of a major defect in the aircraft; the independent maintainer must report the defect to the person responsible for continuing airworthiness for the aircraft.

Penalty: 50 penalty units.

Note 1: See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

Note 2: See regulation 42.390 for the requirements for making a report.

Note 3: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

42.380 Major defect reporting—approved maintenance organisation carrying out maintenance on aircraft

If:

- (a) an approved maintenance organisation is carrying out maintenance on an aircraft; and
- (b) the organisation becomes aware of a major defect in the aircraft; the organisation must report the defect to the person responsible for continuing airworthiness for the aircraft.

Penalty: 50 penalty units.

Note 1: See regulation 42.390 for the requirements for making a report.

Note 2: See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

42.385 Major defect reporting—approved maintenance organisation carrying out maintenance on aeronautical product

If:

- (a) an approved maintenance organisation is carrying out maintenance on an aeronautical product; and
- (b) the organisation becomes aware of a major defect in the aeronautical product; the organisation must report the defect to CASA.

Penalty: 50 penalty units.

Note 1: See regulation 42.390 for the requirements for making a report.

Note 2: See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

42.390 Reporting requirements

A person who is required to make a report under regulation 42.375, 42.380 or 42.385 must:

- (a) make the report in the approved form; and
- (b) make the report within 2 days after the person becomes aware of the major defect to which the report relates.

Penalty: 50 penalty units.

Note 1: See also regulations 42.110, 42.115 and 42.270 for other requirements relating to defects.

Note 2: Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

Division 42.D.7—Requirements for recording maintenance for aircraft or aeronautical products

42.395 Recording maintenance information for aircraft

Offence—approved maintenance organisation

- (1) If an individual carries out maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must ensure that the information mentioned in subregulation (3) is recorded in writing before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Offence—independent maintainer

- (2) If an independent maintainer:
- (a) carries out maintenance on an aircraft; or
 - (b) supervises the carrying out of maintenance on an aircraft by another individual;

the independent maintainer must record the information mentioned in subregulation (3) in writing before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Information to be recorded

- (3) The information is the following:
- (a) the registration mark for the aircraft;
 - (b) the date on which the maintenance was completed;
 - (c) a description of the maintenance;
 - (d) information identifying the maintenance data for the maintenance;
 - (e) if the maintenance is a modification or repair involving a change to the approved design for the aircraft—information identifying the design of the modification or repair;
 - (f) if a part was fitted to the aircraft when the maintenance was carried out—a description of the part, including:
 - (i) the part number for the part; and
 - (ii) the serial number for the part (if any); and
 - (iii) if the part is not a standard part—the information mentioned in subregulation (4).
- (4) For subparagraph (3)(f)(iii), the information is:
- (a) if the fitting of the part was permitted by subparagraph 42.420(5)(a)(i) or (b)(i)—the number of the authorised release certificate mentioned in that

- subparagraph for the part, or information that enables the identification of that authorised release certificate; and
- (b) if the fitting of the part was permitted by subparagraph 42.420(5)(b)(ii)—information that enables the identification of the in-house release document mentioned in that subparagraph for the part; and
 - (c) if the fitting of the part is permitted under regulation 42.430—information identifying the aircraft from which the part was removed; and
 - (d) if the fitting of the part is permitted under regulation 42.435—a statement that the part is a product fabricated by an approved maintenance organisation; and
 - (e) if the fitting of the part is permitted under regulation 42.440—information that enables the identification of the document mentioned in paragraph 42.440(e) that accompanied the part.

- Note 1: The information required under this regulation about maintenance, and the maintenance certification for the maintenance, together constitute the maintenance record for the maintenance—see the definition of ***maintenance record*** in regulation 42.015. For maintenance certification, see regulation 42.715.
- Note 2: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).
- Note 3: See Division 42.H.3 in relation to the issue of a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft.

42.400 Making maintenance record for aeronautical products

- (1) If an individual carries out maintenance on an aeronautical product (the ***first aeronautical product***) on behalf of an approved maintenance organisation, the organisation must ensure that the information mentioned in this regulation (the ***maintenance record***) is recorded:
 - (a) in writing; and
 - (b) before the organisation issues a certificate of release to service for the aeronautical product in relation to the maintenance.

Penalty: 50 penalty units.

- (2) The information is:
 - (a) information that identifies the first aeronautical product, including:
 - (i) the part number for the product; and
 - (ii) the serial number for the product (if any); and
 - (b) the date on which the maintenance was completed; and
 - (c) a description of the maintenance; and
 - (d) information identifying the maintenance data for the maintenance; and
 - (e) if the maintenance is a modification or repair involving a change to the approved design of the aeronautical product—information identifying the design of the modification or repair.

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- (3) If an aeronautical product (the *second aeronautical product*) was fitted to the first aeronautical product when the maintenance was carried out, the information must include a description of the second aeronautical product, including:
 - (a) the part number for the product; and
 - (b) the serial number for the product (if any); and
 - (c) if the product is not a standard part—the information mentioned in subregulation (4).
- (4) For paragraph (3)(c), the information is:
 - (a) if the fitting of the second aeronautical product was permitted by subparagraph 42.420(5)(a)(i) or (b)(i):
 - (i) the number of the authorised release certificate mentioned in that subparagraph for the product; or
 - (ii) information that enables the identification of that authorised release certificate; or
 - (b) if the fitting of the second aeronautical product was permitted by subparagraph 42.420(5)(b)(ii)—information that enables the identification of the in-house release document mentioned in that subparagraph for the product.
- (5) An offence against subregulation (1) is an offence of strict liability.

42.405 Provision of maintenance record and other documents to registered operator

Offence—approved maintenance organisation

- (1) If an individual carries out maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must comply with subregulation (2).

Penalty: 50 penalty units.

- (2) The organisation must ensure that the maintenance record for the maintenance is given to the person responsible for continuing airworthiness for the aircraft within 30 days after the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Offence—independent maintainer

- (3) If an independent maintainer:
 - (a) carries out maintenance on an aircraft; or
 - (b) supervises the carrying out of maintenance on an aircraft by another individual;

the independent maintainer must give the maintenance record for the maintenance to the person responsible for continuing airworthiness for the aircraft within 30 days after the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

42.410 Retention of copy of maintenance record by approved maintenance organisations

- (1) If a maintenance record is made for maintenance carried out on an aircraft or an aeronautical product by an individual on behalf of an approved maintenance organisation, the organisation must keep a copy of the record for the period mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) The records must be kept for 2 years beginning on the date when the organisation issued the certificate of release to service for the aircraft or aeronautical product in relation to the maintenance.
- (3) An offence against subregulation (1) is an offence of strict liability.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.E Aeronautical products

Division 42.E.1 Preliminary

Regulation 42.415

Subpart 42.E—Aeronautical products

Division 42.E.1—Preliminary

42.415 Purpose of Subpart

This Subpart sets out requirements for:

- (a) fitting parts to, and using materials in, aircraft and aeronautical products;
and
- (b) the control of unserviceable and unsalvageable parts; and
- (c) the control of unapproved parts.

Division 42.E.2—Requirements for fitting parts and using materials

42.420 Fitting parts other than standard parts

- (1) If an individual is carrying out maintenance on an aircraft or aeronautical product, the individual must not fit a part that is not a standard part to the aircraft or aeronautical product unless the fitting of the part is permitted under:
 - (a) regulation 42.450; or
 - (b) subregulation (2).
- (2) For paragraph (1)(b), the part may be fitted if:
 - (a) either:
 - (i) the part is serviceable; or
 - (ii) if the part is unserviceable because of a defect in the part—the fitting of the part is permitted under subregulation (3); and
 - (b) the part is eligible to be fitted to the aircraft or the aeronautical product; and
 - (c) if the manufacturer of the part has specified a storage life for the part—the storage life for the part has not expired; and
 - (d) the fitting of the part is permitted under subregulation (5).

Note: For the definition of *eligible to be fitted*, see regulation 42.015.

- (3) For subparagraph (2)(a)(ii), the part may be fitted if:
 - (a) the operation of the aircraft for a flight with the defect is permitted by the minimum equipment list for the aircraft; and
 - (b) subregulation (4) does not apply to the part.
- (4) This regulation applies to a part if:
 - (a) before the proposed fitting of the part, the part was fitted to an aircraft; and
 - (b) the aircraft to which the part was most recently fitted was operated for a flight with the defect; and
 - (c) the operation of the aircraft for the flight with the defect was permitted by the minimum equipment list for that aircraft.
- (5) For paragraph (2)(d), the part may be fitted if:
 - (a) for a part on which maintenance has not been carried out since its manufacture, and that has not been used in an aircraft since its manufacture:
 - (i) an authorised release certificate has been issued for the part in relation to its manufacture; or
 - (ii) the fitting of the part is permitted under regulation 42.435 or 42.440; or
 - (b) for a part on which maintenance has been carried out, and that has not been used in an aircraft since the maintenance was carried out:
 - (i) an authorised release certificate has been issued for the part in relation to the maintenance; or

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- (ii) if the maintenance was in-house maintenance—an in-house release document has been issued for the part in relation to the maintenance; or
- (iii) the fitting of the part is permitted under regulation 42.440; or
- (c) the fitting of the part is permitted under regulation 42.430.

42.425 Obligations and offences for fitting parts other than standard parts

Obligation for approved maintenance organisation

- (1) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation 42.420(1).

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual is carrying out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) the individual fits a part that is not a standard part to the aircraft or aeronautical product; and
 - (c) the fitting of the part is not permitted by subregulation 42.420(1).

Penalty: 50 penalty units.

Obligation for independent maintainer

- (3) An independent maintainer must:
 - (a) comply with subregulation 42.420(1) when carrying out maintenance on an aircraft; and
 - (b) if the independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual—ensure that the individual complies with subregulation 42.420(1).

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Offences for breach of obligation

- (4) An independent maintainer commits an offence if:
 - (a) he or she is carrying out maintenance on an aircraft; and
 - (b) he or she fits a part that is not a standard part to the aircraft; and
 - (c) the fitting of the part is not permitted by subregulation 42.420(1).

Penalty: 50 penalty units.

- (5) An independent maintainer commits an offence if:
 - (a) he or she is supervising the carrying out of maintenance on an aircraft by another individual; and
 - (b) the individual fits a part that is not a standard part to the aircraft; and

(c) the fitting of the part is not permitted by subregulation 42.420(1).

Penalty: 50 penalty units.

(6) An offence against subregulation (2), (4) or (5) is an offence of strict liability.

42.430 Fitting parts removed from aircraft—permission for paragraph 42.420(5)(c)

- (1) For paragraph 42.420(5)(c), the part may be fitted if:
- (a) the part is removed from a place on an aircraft; and
 - (b) maintenance is not carried out on the part after its removal from the aircraft; and
 - (c) the part is to be fitted in a different place on the aircraft.
- (2) For paragraph 42.420(5)(c), the part may be fitted if:
- (a) the part was removed from a registered aircraft (the *first aircraft*) by a person who was, at the time the part was removed, permitted under these Regulations to carry out the maintenance that comprises removing the part from the aircraft; and
 - (b) maintenance has not been carried out on the part after its removal from the first aircraft; and
 - (c) for a part that has been stored—the storage was in accordance with the instructions (if any) issued by the manufacturer of the part in relation to storage; and
 - (d) the part is to be fitted to another aircraft (the *second aircraft*); and
 - (e) the part has not been subjected to:
 - (i) immersion; or
 - (ii) extremes of stress or temperature; and
 - (f) the person responsible for continuing airworthiness for the second aircraft agrees to the fitting of the part to the second aircraft.

Note: For paragraph (a), for the definition of *registered*, see Part 1 of the Dictionary.

42.435 Fitting parts fabricated by approved maintenance organisations—permission for subparagraph 42.420(5)(a)(ii)

For subparagraph 42.420(5)(a)(ii), the part may be fitted if:

- (a) the part has been fabricated by an approved maintenance organisation; and
- (b) the part is to be fitted to an aircraft on which the organisation is carrying out maintenance.

42.440 Fitting parts for which there is no authorised release certificate—permission for subparagraphs 42.420(5)(a)(ii) and (b)(iii)

For subparagraphs 42.420(5)(a)(ii) and (b)(iii), a part of a particular kind may be fitted to an aircraft if:

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- (a) the part is to be fitted by an individual carrying out maintenance on behalf of a Part 145 organisation; and
- (b) the aircraft is grounded at a location that is not the organisation's main location; and
- (c) the aircraft is grounded because of a defect in the aircraft that cannot be rectified without fitting a part of that kind; and
- (d) a part of that kind in respect of which there is an authorised release certificate is not available at that location; and
- (e) the part is accompanied by a document that:
 - (i) states that the part is serviceable; and
 - (ii) identifies the organisation that issued the document; and
 - (iii) includes details of the national aviation authority under whose authority the document was issued; and
- (f) the person responsible for continuing airworthiness for the aircraft agrees to the fitting of the part to the aircraft; and
- (g) an entry is made in the aircraft's flight technical log that, within 36 flight hours after it is fitted:
 - (i) the person responsible for continuing airworthiness for the aircraft must obtain an authorised release certificate for the part; or
 - (ii) the part must be removed.

Note: Under regulation 42.165, if an aeronautical product is fitted to an aircraft as permitted by this regulation, the person responsible for continuing airworthiness for the aircraft must, within 36 flight hours after it is fitted, obtain an authorised release certificate for the product or ensure that the product is removed from the aircraft.

42.445 Fitting standard parts

- (1) An individual who is carrying out maintenance on an aircraft or aeronautical product must not fit a standard part to the aircraft or aeronautical product unless the fitting of the part is permitted under:
 - (a) regulation 42.450; or
 - (b) subregulation (2).
- (2) For paragraph (1)(b), the standard part may be fitted if:
 - (a) the standard part is serviceable; and
 - (b) the standard part is accompanied by:
 - (i) information that identifies the specification with which the part complies; and
 - (ii) information that allows the part to be traced to its manufacturer; and
 - (c) the standard part is accompanied by evidence that the standard part complies with the specification; and
 - (d) the standard part is eligible to be fitted to the aircraft or the aeronautical product; and
 - (e) if the manufacturer of the standard part has specified a storage life for the part—the storage life for the part has not expired.

Obligation for approved maintenance organisation

- (3) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Offence for breach of obligation

- (4) An approved maintenance organisation commits an offence if:
- (a) an individual is carrying out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) the individual fits a standard part to the aircraft or aeronautical product; and
 - (c) the fitting of the standard part is not permitted by subregulation (1).

Penalty: 50 penalty units.

Obligation for independent maintainer

- (5) An independent maintainer must:
- (a) comply with subregulation (1) when carrying out maintenance on an aircraft; and
 - (b) if the independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual—ensure that the individual complies with subregulation (1).

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Offences for breach of obligation

- (6) An independent maintainer commits an offence if:
- (a) he or she is carrying out maintenance on an aircraft; and
 - (b) he or she fits a standard part to the aircraft; and
 - (c) the fitting of the standard part is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (7) An independent maintainer commits an offence if:
- (a) he or she is supervising the carrying out of maintenance on an aircraft by another individual; and
 - (b) the individual fits a standard part to the aircraft; and
 - (c) the fitting of the standard part is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (8) An offence against subregulation (4), (6) or (7) is an offence of strict liability.

Regulation 42.450

42.450 Fitting parts removed from same place on aircraft—permission for paragraphs 42.420(1)(a) and 42.445(1)(a)

For paragraphs 42.420(1)(a) and 42.445(1)(a), a part may be fitted to a place on an aircraft or aeronautical product if:

- (a) the part was removed from that place on the aircraft or aeronautical product; and
- (b) maintenance is not carried out on the part between the removal of the part and its fitting to the aircraft or aeronautical product.

42.455 Using materials

- (1) An individual who is carrying out maintenance must not use a material in or on an aircraft or aeronautical product unless:
 - (a) the material is accompanied by:
 - (i) information that identifies the specification with which the material complies; and
 - (ii) information that allows the material to be traced to its manufacturer; and
 - (iii) evidence that the material complies with the specification; and
 - (b) the material is eligible to be used in or on the aircraft or aeronautical product; and
 - (c) the material appears to be in a satisfactory condition; and
 - (d) if the manufacturer of the material has specified a storage life for the material—the storage life for the material has not expired.

Note: For the definition of *eligible to be used*, see regulation 42.015.

Obligation for approved maintenance organisation

- (2) An approved maintenance organisation must ensure that an individual who carries out maintenance on its behalf complies with subregulation (1).

Offence for breach of obligation

- (3) An approved maintenance organisation commits an offence if:
 - (a) an individual is carrying out maintenance on an aircraft or aeronautical product on behalf of the organisation; and
 - (b) the individual uses a material in the aircraft or aeronautical product; and
 - (c) the use of the material is not permitted by subregulation (1).

Penalty: 50 penalty units.

Obligation for independent maintainer

- (4) An independent maintainer must:
 - (a) comply with subregulation (1) when carrying out maintenance on an aircraft; and

- (b) if the independent maintainer is supervising the carrying out of maintenance on an aircraft by another individual—ensure that the individual complies with subregulation (1).

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Offences for breach of obligation

- (5) An independent maintainer commits an offence if:
- (a) he or she is carrying out maintenance on an aircraft; and
 - (b) he or she uses a material in the aircraft; and
 - (c) the use of the material is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (6) An independent maintainer commits an offence if:
- (a) he or she is supervising the carrying out of maintenance on an aircraft by another individual; and
 - (b) the individual uses a material in the aircraft; and
 - (c) the use of the material is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (7) An offence against subregulation (3), (5) or (6) is an offence of strict liability.

Regulation 42.460

Division 42.E.3—Requirements for controlling unserviceable and unsalvageable parts

42.460 Control of unserviceable parts

- (1) If an approved maintenance organisation knows that a part that is not fitted to an aircraft is unserviceable, the organisation must ensure that the steps mentioned in subregulation (3) are taken within 2 days after the organisation first knew that the part was unserviceable.

Penalty: 50 penalty units.

- (2) If an independent maintainer knows that a part that is not fitted to an aircraft is unserviceable, the independent maintainer must take the steps mentioned in subregulation (3) within 2 days after the independent maintainer first knew that the part was unserviceable.

Penalty: 50 penalty units.

- (3) The steps are:
 - (a) applying a label, or attaching a tag, to the part recording the following:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) that the part is unserviceable;
 - (iii) the origin of the part, including information about the aircraft or aeronautical product from which the part has been removed, if relevant and if known to the independent maintainer or organisation;
 - (iv) the reason that the part is unserviceable; and
 - (b) if the independent maintainer or organisation keeps the part—storing the part separately from serviceable aeronautical products and in a secure location.

42.465 Control of unsalvageable parts

- (1) If an approved maintenance organisation knows that a part that is not fitted to an aircraft is unsalvageable, the organisation must ensure that the steps mentioned in subregulation (3) are taken within 2 days after the organisation first knew that the part was unsalvageable.

Penalty: 50 penalty units.

- (2) If an independent maintainer knows that a part that is not fitted to an aircraft is unsalvageable, the independent maintainer must take the steps mentioned in subregulation (3) within 2 days after the independent maintainer first knew that the part was unsalvageable.

Penalty: 50 penalty units.

- (3) The steps are:
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- (a) applying a label, or attaching a tag, to the part recording the following:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) that the part is unsalvageable;
 - (iii) the origin of the part, including any information about the aircraft or aeronautical product from which the part has been removed, if relevant and if known to the independent maintainer or organisation;
 - (iv) the reason that the part is unsalvageable; and
 - (b) doing 1 of the following:
 - (i) storing the part separately from serviceable aeronautical products and in a secure location;
 - (ii) if the organisation or independent maintainer is not the owner of the part—giving the part to the owner of the part;
 - (iii) mutilating the part, or arranging for the part to be mutilated, in a manner that ensures that the part cannot be used in aviation.
- (4) If the owner of a part receives the part under subparagraph (3)(b)(ii), the owner must, within 3 days of receiving the part:
- (a) store the part separately from serviceable aeronautical products and in a secure location; or
 - (b) mutilate the part, or arrange for the part to be mutilated, in a manner that ensures that the part cannot be used in aviation.

Penalty: 50 penalty units.

Division 42.E.4—Requirements for controlling unapproved parts

42.470 Meaning of *unapproved* for parts

A part is *unapproved* if:

- (a) the part is counterfeit; or
- (b) the part has not been approved in a manner mentioned in paragraph 21.305(a), (b), (c) or (e) or regulation 21.305A; or
- (c) the part:
 - (i) is not a standard part; and
 - (ii) has been produced other than under an authorisation (however described) granted by CASA or an national aviation authority; or
- (d) maintenance has been carried out on the part other than in accordance with an authorisation (however described) granted by CASA or an national aviation authority; or
- (e) the part has been modified other than in accordance with a design for which there is a Part 21 approval; or
- (f) the part:
 - (i) is unserviceable or unsalvageable; and
 - (ii) has been fraudulently represented as serviceable; or
- (g) the part is accompanied by a fraudulent document.

42.475 Control of unapproved parts

- (1) If a person becomes aware that a part is unapproved, the person must ensure that the steps mentioned in subregulation (2) are taken within 2 days after the person first became aware that the part was unapproved.

Penalty: 50 penalty units.

- (2) The steps are:
 - (a) applying a label, or attaching a tag, to the part recording the following:
 - (i) sufficient information to identify the part, including the part's name, part number and serial number (if any);
 - (ii) that the part is unapproved;
 - (iii) the origin of the part, including any information about the aircraft or aeronautical product from which the part has been removed, if relevant and if known to the person;
 - (iv) the reason that the part is unapproved; and
 - (b) storing the part, and any documents that accompanied the part, separately from serviceable aeronautical products and in a secure location; and
 - (c) making a report about the part in accordance with regulation 42.480.

42.480 Reporting unapproved parts

- (1) For paragraph 42.475(2)(c), the person must give a report about the part to:
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- (a) CASA; and
 - (b) if the person knows that the part was fitted to an aircraft or aeronautical product—the type certificate holder or foreign type certificate holder for the aircraft or aeronautical product; and
 - (c) if the person knows that the part was fitted to an aircraft—the person responsible for continuing airworthiness for the aircraft.
- (2) The report must be made in the approved form.

Note: Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

42.485 Action by CASA following report of unapproved parts

- (1) If CASA receives a report about a part under regulation 42.480, CASA may, by notice in writing:
- (a) require the person who made the report to give CASA further information in relation to the part within a period specified in the notice; or
 - (b) tell the person who made the report that the part does not have to be kept.
- (2) The person must comply with a notice under paragraph (1)(a).
- Penalty: 50 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.

42.490 Action required if parts not required to be kept

- (1) If CASA has given a person a notice under paragraph 42.485(1)(b) in relation to a part, the person must, within 2 days after receiving the notice:
- (a) if the person is not the owner of the part—give the part to the owner of the part; or
 - (b) store the part, and any documents that accompanied the part, separately from serviceable aeronautical products and in a secure location; or
 - (c) mutilate the part, or arrange for the part to be mutilated, in a manner that ensures that the part cannot be used in aviation.

Penalty: 50 penalty units.

- (2) If the owner of a part receives the part under paragraph (1)(a), the owner must, within 2 days of receiving the part:
- (a) store the part separately from serviceable aeronautical products and in a secure location; or
 - (b) mutilate the part, or arrange for the part to be mutilated, in a manner that ensures that the part cannot be used in aviation.

Penalty: 50 penalty units.

Subpart 42.F—Subpart 42.F approved maintenance organisations

Division 42.F.1—General

42.495 Purpose of Subpart

This Subpart sets out matters relating to Subpart 42.F organisations, including:

- (a) requirements for approval as a Subpart 42.F organisation; and
- (b) requirements that apply to Subpart 42.F organisations.

Note: For other matters relating to Subpart 42.F organisations, see the Part 42 Manual of Standards.

42.500 Definitions for Subpart

(1) In this Subpart:

accountable manager, for a Subpart 42.F organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, each approval rating that it holds, and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the maintenance services set out in its exposition; and
- (c) ensuring that the organisation has adequate resources available to enable the organisation to provide maintenance services in accordance with its exposition.

approval certificate means a certificate issued under regulation 42.520.

exposition, for a Subpart 42.F organisation, means the document that is approved by CASA under regulation 42.515 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 42.540—that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 42.545—the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 42.550—that change.

responsible manager, for a Subpart 42.F organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

significant change, in relation to a Subpart 42.F organisation, has the meaning given by subregulation (2).

Note: See regulation 42.015 and the Dictionary for definitions of other terms used in this Subpart.

- (2) A **significant change**, in relation to a Subpart 42.F organisation, means any of the following changes:
- (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's maintenance facility, including the addition of a new maintenance facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) any of the positions of responsible manager in the organisation;
 - (d) a change to the maintenance services provided by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
 - (e) a change to the organisation's facilities, equipment, tools, materials, procedures or certifying employees that could adversely affect the organisation's ability to provide maintenance services that it is approved to provide.

42.505 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a Subpart 42.F organisation that is approved by CASA under regulation 42.540; or
- (b) a change to a Subpart 42.F organisation of which CASA is notified under regulation 42.545; or
- (c) a change to a Subpart 42.F organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 42.550.

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Division 42.F.2—Approval of Subpart 42.F organisations

42.510 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a Subpart 42.F organisation.
- (2) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or who proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;
 - (b) the approval rating sought by the applicant for:
 - (i) each kind of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) each kind of specialist maintenance the applicant proposes to provide.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

42.515 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a Subpart 42.F organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 42 Manual of Standards; and
 - (b) the applicant has facilities, equipment, materials, maintenance data and tools that are suitable for:
 - (i) providing maintenance services for the kinds of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) providing the specialist maintenance that the applicant proposes to provide; and
 - (c) the facilities, equipment, materials, maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 42 Manual of Standards; and
 - (d) the applicant has nominated an individual for the position of accountable manager in the organisation; and
 - (e) the applicant has nominated an individual for each position of responsible manager in the organisation; and
 - (f) each individual nominated for a position mentioned in paragraph (d) or (e) is appropriately qualified to hold the position.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) If CASA decides to approve an applicant as a Subpart 42.F organisation, CASA must determine:
- (a) the approval rating for each kind of aircraft or aeronautical product for which the applicant is approved to provide maintenance services; and
 - (b) the approval rating for each kind of specialist maintenance that the applicant is approved to provide; and
 - (c) any limitations applying to an approval rating mentioned in paragraph (a) or (b).
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

42.520 Approval certificate

- (1) If CASA approves an applicant as a Subpart 42.F organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 42.515(2).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a Subpart 42.F organisation under regulation 42.540, CASA may issue a new approval certificate to the organisation.

42.525 Privileges for Subpart 42.F organisations

A Subpart 42.F organisation may provide maintenance services that it is approved to provide.

42.530 Approval subject to conditions

It is a condition of approval of a Subpart 42.F organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its exposition; and
 - (ii) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (iii) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (iv) any limitations applying to an approval rating mentioned in subparagraph (ii) or (iii); and
 - (v) the Part 42 Manual of Standards; and
 - (vi) this Part; and

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(b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1: The approval is also subject to the conditions set out in Part 11.

Note 2: Subpart 11.G empowers CASA to issue directions.

Division 42.F.3—Changes to Subpart 42.F organisations

42.535 Application for approval of significant changes to Subpart 42.F organisations

- (1) If a Subpart 42.F organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
 - (a) the change is of the kind mentioned in paragraph 42.500(2)(c); and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;

the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

Note 3: Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval—see regulation 42.530.

42.540 Approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a Subpart 42.F organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 42.515(1) will continue to be met.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

42.545 Changes to Subpart 42.F organisations that are not significant changes

- (1) A change that is not a significant change to a Subpart 42.F organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.

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- (2) If such a change is made, the organisation must, within 28 days after making the change:
 - (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

42.550 CASA may direct Subpart 42.F organisations to change expositions

- (1) CASA may direct a Subpart 42.F organisation to change its exposition:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 42 Manual of Standards.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note: The Subpart 42.F organisation must comply with the direction—see regulation 42.565.

Division 42.F.4—Requirements and offences for Subpart 42.F organisations

42.555 Provision of maintenance services

- (1) If a Subpart 42.F organisation provides maintenance services, it must provide the services only in accordance with:
 - (a) its exposition; and
 - (b) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (c) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (d) any limitations applying to an approval rating mentioned in paragraph (b) or (c); and
 - (e) the privileges that apply to the approval rating under the Part 42 Manual of Standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.560 Providing employees with exposition

- (1) If a Subpart 42.F organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.565 Complying with directions

- (1) If CASA gives a direction to a Subpart 42.F organisation under regulation 42.550, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subpart 42.G—Continuing airworthiness management organisations

Division 42.G.1—General

42.570 Purpose of Subpart

This Subpart sets out matters relating to continuing airworthiness management organisations, including:

- (a) requirements for approval as a continuing airworthiness management organisation; and
- (b) requirements that apply to continuing airworthiness management organisations.

Note: For other matters relating to a continuing airworthiness management organisation, see the Part 42 Manual of Standards.

42.575 Definitions for Subpart

(1) In this Subpart:

accountable manager, for a continuing airworthiness management organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, its approval and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the continuing airworthiness management services set out in its exposition; and
- (c) ensuring that the organisation has adequate resources available to enable the organisation to provide continuing airworthiness management services in accordance with its exposition.

approval certificate means a certificate issued under regulation 42.595.

continuing airworthiness management service means any of the following services for an aircraft:

- (a) ensuring that the requirements mentioned in Divisions 42.C.2, 42.C.3 and 42.C.4 are met;
- (b) the issue of an airworthiness review certificate under Division 42.I.2;
- (c) the extension of an airworthiness review certificate under Division 42.I.3;
- (d) the carrying out of an airworthiness review under Division 42.I.4;
- (e) the approval of:
 - (i) a maintenance program under Division 42.J.2; or
 - (ii) a variation of a maintenance program under Division 42.J.4.

continuing airworthiness manager, for a continuing airworthiness management organisation that is required by the Part 42 Manual of Standards to have a continuing airworthiness manager, means the individual, appointed by the

organisation, who has continuing airworthiness responsibility for the organisation.

continuing airworthiness responsibility, for a continuing airworthiness management organisation, means responsibility to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to providing continuing airworthiness management services.

exposition, for a continuing airworthiness management organisation, means the document that is approved by CASA under regulation 42.590 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 42.615—that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 42.620—the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 42.625—that change.

quality manager, for a continuing airworthiness management organisation that is required by the Part 42 Manual of Standards to have a quality management system, means the individual, appointed by the organisation, who is responsible for the organisation's quality management system.

responsible manager, for a continuing airworthiness management organisation, means an individual appointed by the organisation to be responsible for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

significant change, in relation to a continuing airworthiness management organisation, has the meaning given by subregulation (2).

Note: See regulation 42.015 and the Dictionary for definitions of other terms used in this Subpart.

- (2) A **significant change**, in relation to a continuing airworthiness management organisation, means any of the following changes:
- (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's continuing airworthiness management facility, including the addition of a new facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) any of the positions of responsible manager in the organisation; or
 - (iii) the position of continuing airworthiness manager (if any) in the organisation; or
 - (iv) the position of quality manager (if any) in the organisation;
 - (d) a change to:
 - (i) the aircraft types and models for which the organisation provides continuing airworthiness management services; or

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- (ii) the kinds of continuing airworthiness management services that the organisation provides for each aircraft type and model;
- (e) a change to the organisation's facilities, equipment, procedures or personnel that could adversely affect the organisation's ability to provide the continuing airworthiness management services that it is approved to provide.

42.580 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a continuing airworthiness management organisation that is approved by CASA under regulation 42.615; or
- (b) a change to a continuing airworthiness management organisation of which CASA is notified under regulation 42.620; or
- (c) a change to a continuing airworthiness management organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 42.625.

Division 42.G.2—Approval of continuing airworthiness management organisations

42.585 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a continuing airworthiness management organisation.
- (2) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or who proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;
 - (b) information showing that each individual nominated for a position of accountable manager or responsible manager in the organisation has the qualifications specified for the position in the Part 42 Manual of Standards;
 - (c) if the organisation is required by the Part 42 Manual of Standards to have a continuing airworthiness manager—information showing that the individual nominated for the position of continuing airworthiness manager in the organisation has the qualifications specified for the position in the Part 42 Manual of Standards;
 - (d) if the organisation is required by the Part 42 Manual of Standards to have a quality management system—information showing that the individual nominated for the position of quality manager in the organisation has the qualifications specified for the position in the Part 42 Manual of Standards;
 - (e) the aircraft types and models for which the applicant proposes to provide continuing airworthiness management services;
 - (f) the kinds of continuing airworthiness management services that the applicant proposes to provide for each aircraft type and model.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

42.590 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a continuing airworthiness management organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 42 Manual of Standards; and
 - (b) the applicant has facilities, equipment, personnel and instructions for continuing airworthiness:
 - (i) that are suitable for the continuing airworthiness management services that the applicant proposes to provide; and

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- (ii) that comply with the requirements specified in the Part 42 Manual of Standards; and
- (c) the applicant has nominated an individual for the position of accountable manager in the organisation; and
- (d) the applicant has nominated an individual for each position of responsible manager in the organisation; and
- (e) if the applicant is required by the Part 42 Manual of Standards to have a continuing airworthiness manager—the applicant has nominated an individual for the position of continuing airworthiness manager in the organisation; and
- (f) if the applicant is required by the Part 42 Manual of Standards to have a quality management system:
 - (i) the applicant has a quality management system that complies with the requirements specified in the Part 42 Manual of Standards; and
 - (ii) the applicant has nominated an individual for the position of quality manager in the organisation; and
 - (iii) the individual nominated for the position of quality manager is not also nominated for the position of accountable manager, continuing airworthiness manager (if any) or responsible manager; and
- (g) each individual nominated for a position mentioned in paragraph (c), (d) or (e) or subparagraph (f)(ii) holds the qualifications specified for the position in the Part 42 Manual of Standards.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) If CASA decides to approve an applicant as a continuing airworthiness management organisation, CASA must determine:
- (a) the aircraft types and models for which the applicant is approved to provide continuing airworthiness management services; and
 - (b) the kinds of continuing airworthiness management services that the applicant is approved to provide for each permitted aircraft type and model; and
 - (c) any limitations applying to the approval.
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

42.595 Approval certificate

- (1) If CASA approves an applicant as a continuing airworthiness management organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 42.590(2).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.

- (3) If CASA approves a significant change to a continuing airworthiness management organisation under regulation 42.615, CASA may issue a new approval certificate to the organisation.

42.600 Privileges for continuing airworthiness management organisations

A continuing airworthiness management organisation may provide continuing airworthiness management services that it is approved to provide.

42.605 Approval subject to conditions

It is a condition of approval of a continuing airworthiness management organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its exposition; and
 - (ii) its approval, including any limitations applying to the approval; and
 - (iii) the Part 42 Manual of Standards; and
 - (iv) this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1: The approval is also subject to the conditions set out in Part 11.

Note 2: Subpart 11.G empowers CASA to issue directions.

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Division 42.G.3—Changes to continuing airworthiness management organisations

42.610 Application for approval of significant changes to continuing airworthiness management organisations

- (1) If a continuing airworthiness management organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
 - (a) the change is of the kind mentioned in paragraph 42.575(2)(c); and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;

the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

Note 3: Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval—see regulation 42.605.

42.615 Approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a continuing airworthiness management organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 42.590(1) will continue to be met.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

42.620 Changes to continuing airworthiness management organisations that are not significant changes

- (1) A change that is not a significant change to a continuing airworthiness management organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
 - (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

42.625 CASA may direct continuing airworthiness management organisations to change expositions

- (1) CASA may direct a continuing airworthiness management organisation to change its exposition:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 42 Manual of Standards.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note: The continuing airworthiness management organisation must comply with the direction—see regulation 42.665.

Regulation 42.630

Division 42.G.4—Authorisation of pilot licence holders and flight engineers to provide maintenance services

42.630 When pilot licence holders and flight engineers may be authorised

- (1) A continuing airworthiness management organisation may issue an authorisation to provide specified maintenance services for a large aircraft or an aircraft that is authorised to operate under an AOC to a pilot licence holder or a flight engineer if:
 - (a) for an aircraft for which the continuing airworthiness management organisation is not the registered operator—the registered operator of the aircraft asks the organisation to issue the authorisation; and
 - (b) the organisation is responsible for providing continuing airworthiness management services for the aircraft; and
 - (c) the requirements mentioned in subregulation (2) are met.
- (2) The requirements are that:
 - (a) the maintenance to be carried out by the pilot licence holder or flight engineer under the authorisation is specified in the Part 42 Manual of Standards for items 4 and 5 of table 42.300; and
 - (b) the pilot licence holder or flight engineer is at least 21; and
 - (c) the authorisation is for a type and model of aircraft:
 - (i) that the pilot licence holder is authorised, under Part 61, to fly; or
 - (ii) in relation to which the flight engineer is authorised, under Part 61, to perform the duties of flight engineer; and
 - (d) the pilot licence holder or flight engineer has a written statement from a Part 145 organisation or a maintenance training organisation to the effect that:
 - (i) the pilot licence holder or flight engineer has been trained and assessed in the maintenance mentioned in paragraph (a); and
 - (ii) the pilot licence holder or flight engineer is competent to carry out the maintenance; and
 - (e) at the time the organisation issues the authorisation, the organisation is satisfied that the pilot licence holder or flight engineer:
 - (i) is competent to carry out the maintenance mentioned in paragraph (a); and
 - (ii) has comprehensive knowledge of the requirements of Subparts 42.D, 42.E and 42.H; and
 - (iii) has comprehensive knowledge of the continuing airworthiness records system for the aircraft in relation to performing maintenance certification and issuing certificates of release to service.
- (3) The authorisation must:
 - (a) be in writing; and

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-
- (b) be signed by the responsible manager in the organisation who is responsible for ensuring that the organisation complies with its exposition and these Regulations in relation to authorisations under this regulation; and
 - (c) include the following information:
 - (i) the name of the continuing airworthiness management organisation;
 - (ii) the name and licence number of the pilot licence holder or flight engineer being authorised;
 - (iii) the maintenance services that the pilot licence holder or flight engineer is authorised to provide;
 - (iv) the date that the authorisation is issued;
 - (v) the period for which the authorisation is in force;
 - (vi) the aircraft for which the authorisation is issued;
 - (vii) the name of the registered operator of the aircraft.
 - (4) The period for which the authorisation is in force:
 - (a) must not exceed 2 years; and
 - (b) must not include a period before the date that the authorisation is issued.

42.635 Ceasing of authorisation if organisation ceases to be responsible for providing continuing airworthiness management services for aircraft

- (1) This regulation applies if:
 - (a) a continuing airworthiness management organisation has issued an authorisation under regulation 42.630 to a pilot licence holder or a flight engineer to provide maintenance services for an aircraft; and
 - (b) the organisation ceases to be responsible for providing continuing airworthiness management services for the aircraft.
- (2) The authorisation ceases to be in force at the time the organisation ceases to be responsible for providing continuing airworthiness management services for the aircraft.

42.640 Directions in relation to authorisations

- (1) If CASA is satisfied that, when an authorisation was issued under regulation 42.630, a requirement mentioned in subregulation 42.630(1) or (2) was not met, CASA may give the continuing airworthiness management organisation that issued the authorisation a direction:
 - (a) to make a change to the authorisation; or
 - (b) to cancel the authorisation.
- (2) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note: The continuing airworthiness management organisation must comply with the direction—see regulation 42.665.

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Subpart 42.G Continuing airworthiness management organisations

Division 42.G.4 Authorisation of pilot licence holders and flight engineers to provide maintenance services

Regulation 42.645

42.645 Notice of cancellation of authorisation

- (1) If a continuing airworthiness management organisation cancels an authorisation issued under regulation 42.630, the organisation must give the holder of the authorisation notice in writing of the cancellation, including the date on which the cancellation takes effect.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Division 42.G.5—Requirements and offences for continuing airworthiness management organisations

42.650 Provision of continuing airworthiness management services

- (1) If a continuing airworthiness management organisation provides continuing airworthiness management services it must provide the services only in accordance with:
 - (a) its exposition; and
 - (b) its approval, including any limitations applying to the approval.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.655 Providing employees with exposition

- (1) If a continuing airworthiness management organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.660 Copies of authorisations and records

- (1) If a continuing airworthiness management organisation issues an authorisation under regulation 42.630 in relation to an aircraft, the organisation must, within 14 days after issuing the authorisation, give a copy of the authorisation to the registered operator of the aircraft.

Penalty: 50 penalty units.

- (2) The continuing airworthiness management organisation must retain a copy of the authorisation for at least 2 years after the authorisation ceases to be in force.

Penalty: 50 penalty units.

- (3) The organisation must keep any record evidencing the matters mentioned in paragraph 42.630(2)(e) in relation to an authorisation under regulation 42.630 for at least 2 years after the authorisation ceases to be in force.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Regulation 42.665

42.665 Complying with directions

- (1) If CASA gives a direction to a continuing airworthiness management organisation under regulation 42.625 or 42.640, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.670 Giving information in accordance with contract

If:

- (a) a continuing airworthiness management organisation enters into a contract with the registered operator of an aircraft as mentioned in regulation 42.040 or 42.045; and
- (b) the organisation has information about the continuing airworthiness of the aircraft that relates to a matter mentioned in paragraph 42.050(2)(d);

the organisation must give the information to the registered operator in accordance with the contract.

Penalty: 50 penalty units.

Note: See regulation 42.055 for the requirement for the registered operator of an aircraft to give information to the continuing airworthiness management organisation for the aircraft.

42.675 Notice of contravention of Part to be given to CASA

- (1) If:

- (a) a continuing airworthiness management organisation enters into a contract with the registered operator of an aircraft as mentioned in regulation 42.040 or 42.045; and
- (b) the organisation has reasonable grounds to believe that the registered operator has contravened a provision of this Part;

the organisation must give CASA written notice of the contravention within 7 days after the organisation forms the belief that the contravention has occurred.

Penalty: 50 penalty units.

- (2) If the organisation is an individual, he or she is not excused from giving a notice under subregulation (1) on the ground that the information in the notice might tend to incriminate the individual or expose the individual to a penalty.

- (3) However:

- (a) the information in the notice; or
- (b) any information, document or thing obtained as a direct or indirect consequence of giving the notice;

is not admissible in evidence against the individual in criminal proceedings other than proceedings for an offence against subsections 136.1(1) or (4), 137.1(1) or 137.2(1) of the *Criminal Code*.

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- Note 1: Subsections 136.1(1) and (4), 137.1(1) and 137.2(1) of the *Criminal Code* provide for offences in relation to false or misleading statements in applications and false or misleading information or documents.
- Note 2: See regulation 42.075 for the equivalent requirement for a registered operator.

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Subpart 42.H Maintenance certification and certificate of release to service

Division 42.H.1 General

Regulation 42.680

Subpart 42.H—Maintenance certification and certificate of release to service

Division 42.H.1—General

42.680 Purpose of Subpart

This Subpart sets out requirements for the performance of maintenance certification and the issue of certificates of release to service when maintenance has been carried out.

Division 42.H.2—Maintenance certification for maintenance carried out on aircraft

Subdivision 42.H.2.1—Application of Division

42.685 Application of Division

This Division applies if an individual carries out maintenance on an aircraft.

Subdivision 42.H.2.2—Who must perform maintenance certification

42.690 Approved maintenance organisations

- (1) If the maintenance is carried out by an individual on behalf of an approved maintenance organisation, the organisation must ensure that maintenance certification for the maintenance is performed on behalf of the organisation:
 - (a) by an individual mentioned in subregulation (2); and
 - (b) before the organisation issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the individual must be a certifying employee of the organisation:
 - (a) whose certification authorisation permits him or her to perform maintenance certification for the maintenance; and
 - (b) who carried out the maintenance, or supervised the carrying out of the maintenance by another individual.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.695 Individuals performing maintenance certification on behalf of approved maintenance organisations

Obligation

- (1) An individual must not perform maintenance certification for the maintenance on behalf of an approved maintenance organisation unless:
 - (a) he or she is a certifying employee of the organisation whose certification authorisation permits him or her to perform maintenance certification for the maintenance; and
 - (b) he or she carried out the maintenance, or supervised the carrying out of the maintenance by another individual.

Offence for breach of obligation

- (2) An individual commits an offence if:

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- (a) he or she performs maintenance certification for the maintenance on behalf of an approved maintenance organisation; and
- (b) either:
 - (i) at the time of performing the maintenance certification, he or she is not a certifying employee of the organisation whose certification authorisation permits him or her to perform the maintenance certification; or
 - (ii) he or she did not carry out the maintenance, or supervise the carrying out of the maintenance by another individual.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.700 Independent maintainers

- (1) If the maintenance is carried out by an independent maintainer, the independent maintainer must perform maintenance certification for the maintenance before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

- (2) If the maintenance is carried out by an individual mentioned in item 2 of table 42.300, the independent maintainer who supervised the carrying out of the maintenance must perform maintenance certification for the maintenance before the independent maintainer issues a certificate of release to service for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Subdivision 42.H.2.3—Requirements for performing maintenance certification

42.705 Requirements to be met by individuals before performing maintenance certification

Obligation

- (1) An individual must not perform maintenance certification for the maintenance unless he or she has ensured that:
 - (a) the maintenance has been carried out in accordance with:
 - (i) this Part; and
 - (ii) Part 145, if applicable; and

- (b) the information required by regulation 42.395 for the maintenance has been recorded.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she performs maintenance certification; and
 - (b) he or she did not comply with subregulation (1) before performing the maintenance certification.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.710 Requirements to be met by organisations before performing maintenance certification

Obligation

- (1) An approved maintenance organisation must ensure that an individual who performs maintenance certification on its behalf complies with subregulation 42.705(1).

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual performs maintenance certification on its behalf; and
 - (b) the individual did not comply with subregulation 42.705(1) before performing the maintenance certification.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Subdivision 42.H.2.4—Performance of maintenance certification

42.715 How maintenance certification is performed

To perform maintenance certification for the maintenance, an individual must:

- (a) sign the record that contains the information required by regulation 42.395 for the maintenance; and
- (b) record, in that record:
 - (i) the date of the maintenance certification; and
 - (ii) if he or she carried out the maintenance on behalf of an approved maintenance organisation—his or her certification authorisation number; and
 - (iii) if he or she did not carry out the maintenance on behalf of an approved maintenance organisation—his or her aircraft engineer

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Subpart 42.H Maintenance certification and certificate of release to service

Division 42.H.2 Maintenance certification for maintenance carried out on aircraft

Regulation 42.715

licence number, pilot licence number or flight engineer licence number.

Note: The information required under regulation 42.395 about maintenance, and the maintenance certification for the maintenance, together constitute the maintenance record for the maintenance—see the definition of *maintenance record* in regulation 42.015.

Division 42.H.3—Certificate of release to service—aircraft

Subdivision 42.H.3.1—Preliminary

42.720 Application of Division

This Division applies if an individual carries out maintenance on an aircraft.

42.725 Requirement not to release aircraft without certificate of release to service

Obligation—approved maintenance organisation

- (1) If an individual carries out maintenance on an aircraft on behalf of an approved maintenance organisation, the organisation must not release the aircraft to another person unless the organisation has issued a certificate of release to service for the aircraft in relation to the maintenance.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual carries out maintenance on an aircraft on behalf of the organisation; and
 - (b) the organisation has not issued a certificate of release to service for the aircraft in relation to the maintenance; and
 - (c) the organisation releases the aircraft to another person.

Penalty: 50 penalty units.

Obligation—independent maintainer

- (3) If an independent maintainer carries out maintenance on an aircraft, or supervises the carrying out of maintenance on an aircraft by another individual, the independent maintainer must not release the aircraft to another person unless the independent maintainer has issued a certificate of release to service for the aircraft in relation to the maintenance.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

Offence for breach of obligation

- (4) An independent maintainer commits an offence if:
 - (a) the independent maintainer carries out maintenance on an aircraft, or supervises the carrying out of maintenance on an aircraft by another individual; and
 - (b) the independent maintainer has not issued a certificate of release to service for the aircraft in relation to the maintenance; and

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(c) the independent maintainer releases the aircraft to another person.

Penalty: 50 penalty units.

(5) An offence against subregulation (2) or (4) is an offence of strict liability.

Subdivision 42.H.3.2—Who may issue certificate of release to service

42.730 Approved maintenance organisations

- (1) If maintenance was carried out on an aircraft on behalf of an approved maintenance organisation, the organisation may issue a certificate of release to service for the aircraft in relation to the maintenance.
- (2) If an approved maintenance organisation issues a certificate of release to service for the aircraft in relation to the maintenance, the organisation must ensure that the certificate is issued on behalf of the organisation by an individual:
 - (a) who is a certifying employee of the organisation; and
 - (b) whose certification authorisation permits him or her to issue the certificate for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

42.735 Individuals issuing certificates of release to service on behalf of approved maintenance organisations

Obligation

- (1) An individual must not issue a certificate of release to service on behalf of an approved maintenance organisation for an aircraft in relation to maintenance carried out on the aircraft unless:
 - (a) he or she is a certifying employee of the organisation; and
 - (b) his or her certification authorisation permits him or her to issue the certificate for the aircraft in relation to the maintenance.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she issues a certificate of release to service on behalf of an approved maintenance organisation for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) at the time of issuing the certificate:
 - (i) he or she is not a certifying employee of the organisation; or
 - (ii) he or she is a certifying employee of the organisation, but his or her certification authorisation does not permit him or her to issue the certificate for the aircraft in relation to the maintenance.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.740 Independent maintainers

- (1) If an independent maintainer carries out maintenance on an aircraft, the independent maintainer may issue a certificate of release to service for the aircraft in relation to the maintenance.
- (2) If an individual mentioned in item 2 of table 42.300 carries out maintenance on an aircraft, the independent maintainer who supervised the carrying out of the maintenance may issue a certificate of release to service for the aircraft in relation to the maintenance.

Note: A person mentioned in item 1 of table 42.300 is the only independent maintainer who is permitted to supervise the carrying out of maintenance by another individual—see subregulation 42.300(2).

- (3) An independent maintainer commits an offence if:
- (a) the independent maintainer issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) the issuing of the certificate by the independent maintainer is not permitted by subregulation (1) or (2).

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

Subdivision 42.H.3.3—Requirements for issuing certificate of release to service

42.745 Requirements to be met before certificate of release to service may be issued

The following are the requirements for the issue of a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft:

- (a) the certificate complies with regulation 42.760;
- (b) the information entered into the certificate is correct;
- (c) maintenance certification has been performed for all of the maintenance;
- (d) if the maintenance included critical control system maintenance—the information mentioned in subregulation 42.345(3) has been recorded in the continuing airworthiness records system for the aircraft in relation to the critical control system maintenance;
- (e) in respect of the maintenance, the aircraft is airworthy;
- (f) if there is a defect in the aircraft, and the rectification of the defect has not been deferred in accordance with Subdivision 42.D.6.1:
 - (i) the certificate includes details of the defect; and
 - (ii) the person responsible for continuing airworthiness for the aircraft has been notified that:
 - (A) the certificate is to be issued; and

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- (B) there is a defect in the aircraft, and the rectification of the defect has not been deferred in accordance with Subdivision 42.D.6.1;
- (g) if maintenance requested for the aircraft (other than the rectification of a defect mentioned in paragraph (f)) has not been carried out:
 - (i) the certificate includes details of the maintenance that has not been carried out; and
 - (ii) the person responsible for continuing airworthiness for the aircraft has been notified that:
 - (A) the certificate is to be issued; and
 - (B) maintenance requested for the aircraft (other than the rectification of a defect mentioned in paragraph (f)) has not been carried out.

42.750 Requirements to be met by approved maintenance organisations before issuing certificate of release to service

Obligation

- (1) An approved maintenance organisation must ensure that an individual does not issue a certificate of release to service on its behalf for an aircraft in relation to maintenance carried out on the aircraft unless the requirements mentioned in regulation 42.745 are met.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual issues a certificate of release to service on its behalf for an aircraft in relation to maintenance carried out on the aircraft; and
 - (b) a requirement mentioned in regulation 42.745 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.755 Requirements to be met by individuals before issuing certificate of release to service

Obligation

- (1) An individual must not issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft unless the requirements mentioned in regulation 42.745 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:

- (a) he or she issues a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft; and
- (b) a requirement mentioned in regulation 42.745 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Subdivision 42.H.3.4—Form, content and issue of certificate of release to service

42.760 Form and content of certificate of release to service

- (1) A document is a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft only if it includes the following information:
 - (a) information identifying the certificate as a certificate of release to service;
 - (b) the aircraft's registration mark;
 - (c) if the maintenance was carried out by an approved maintenance organisation—the organisation's approval certificate reference number and the certification authorisation number of the employee issuing the certificate;
 - (d) if the maintenance was not carried out by an approved maintenance organisation—the name and aircraft engineer licence number, pilot licence number or flight engineer licence number of the individual issuing the certificate.
- (2) The certificate must be included in the flight technical log for the aircraft on which the maintenance was carried out.

42.765 How certificate of release to service is issued

To issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft, an individual must:

- (a) sign the certificate; and
- (b) record the date and time of issue on the certificate.

Subdivision 42.H.3.5—Record-keeping

42.770 Retaining copy of certificate of release to service

- (1) If a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft is issued on behalf of an approved maintenance organisation, the organisation must ensure that a copy of the certificate is retained for 1 year beginning on the date the certificate is issued.

Penalty: 50 penalty units.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.H Maintenance certification and certificate of release to service

Division 42.H.3 Certificate of release to service—aircraft

Regulation 42.770

(2) An offence against subregulation (1) is an offence of strict liability.

Division 42.H.4—Certificate of release to service—aeronautical products

Subdivision 42.H.4.1—Preliminary

42.775 Application of Division

This Division applies if an individual carries out maintenance on an aeronautical product on behalf of an approved maintenance organisation.

Note 1: Maintenance certification is not required for maintenance carried out on aeronautical products.

Note 2: Under regulation 42.305, only approved maintenance organisations and individuals carrying out maintenance on behalf of approved maintenance organisations are permitted to carry out maintenance on aeronautical products.

42.780 Requirement not to release aeronautical product without certificate of release to service

Obligation

- (1) If an individual carries out maintenance on an aeronautical product on behalf of an approved maintenance organisation, the organisation must not release the product for use in an aircraft or another aeronautical product unless the organisation has issued a certificate of release to service for the aeronautical product in relation to the maintenance.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual carries out maintenance on an aeronautical product on behalf of the organisation; and
 - (b) the organisation has not issued a certificate of release to service for the aeronautical product in relation to the maintenance; and
 - (c) the organisation releases the product for use in an aircraft or another aeronautical product.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Subdivision 42.H.4.2—Who may issue certificate of release to service

42.785 Approved maintenance organisations

- (1) If maintenance was carried out on an aeronautical product on behalf of an approved maintenance organisation, the organisation may issue a certificate of release to service for the aeronautical product in relation to the maintenance.

Regulation 42.790

- (2) If an approved maintenance organisation issues a certificate of release to service for the product in relation to the maintenance, the organisation must ensure that the certificate is issued on behalf of the organisation by an individual:
- (a) who is a certifying employee of the organisation; and
 - (b) whose certification authorisation permits him or her to issue the certificate for the product in relation to the maintenance.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.790 Individuals issuing certificates of release to service on behalf of approved maintenance organisations

Obligation

- (1) An individual must not issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product unless:
- (a) he or she is a certifying employee of the organisation; and
 - (b) his or her certification authorisation permits him or her to issue the certificate for the product in relation to the maintenance.

Offence for breach of obligation

- (2) An individual commits an offence if:
- (a) he or she issues a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product; and
 - (b) at the time of issuing the certificate:
 - (i) he or she is not a certifying employee of the organisation; or
 - (ii) he or she is a certifying employee of the organisation, but his or her certification authorisation does not permit him or her to issue the certificate for the product in relation to the maintenance.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Subdivision 42.H.4.3—Requirements for issuing certificate of release to service

42.795 Requirements to be met before certificate of release to service may be issued

The following are the requirements for the issue of a certificate of release to service for an aeronautical product in relation to maintenance carried out on the product:

- (a) the information entered into the certificate for the maintenance is correct;

- (b) the maintenance is complete;
- (c) the maintenance was carried out in accordance with:
 - (i) this Part; and
 - (ii) Part 145, if applicable;
- (d) in respect of the maintenance, the product is serviceable.

42.800 Requirements to be met by approved maintenance organisations before issuing certificate of release to service

Obligation

- (1) An approved maintenance organisation must ensure that an individual does not issue a certificate of release to service on its behalf for an aeronautical product in relation to maintenance carried out on the product unless the requirements mentioned in regulation 42.795 are met.

Offence for breach of obligation

- (2) An approved maintenance organisation commits an offence if:
 - (a) an individual issues a certificate of release to service on its behalf for an aeronautical product in relation to maintenance carried out on the product; and
 - (b) a requirement mentioned in regulation 42.795 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.805 Requirements to be met by individuals before issuing certificate of release to service

Obligation

- (1) An individual must not issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product unless the requirements mentioned in regulation 42.795 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she issues a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product; and
 - (b) a requirement mentioned in regulation 42.795 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

Regulation 42.810

- (3) An offence against subregulation (2) is an offence of strict liability.

Subdivision 42.H.4.4—Form and issue of certificate of release to service

42.810 Form of certificate of release to service

Maintenance that is not in-house maintenance

- (1) A document is a certificate of release to service for an aeronautical product in relation to maintenance:
- (a) that is carried out on the product; and
 - (b) that is not in-house maintenance;
- only if the document is in the approved form.

Note: Under regulation 11.018, a certificate of release to service in the approved form is not complete unless it contains all of the information required by the form.

In-house maintenance

- (2) A document is a certificate of release to service for an aeronautical product in relation to in-house maintenance carried out on the aeronautical product only if the document is:
- (a) in the approved form; or
 - (b) in the form of an in-house release document.

Note 1: Under regulation 11.018, a certificate of release to service in the approved form is not complete unless it contains all of the information required by the form.

Note 2: For the definition of *in-house release document*, see Part 1 of the Dictionary.

42.815 How certificate of release to service is issued

To issue a certificate of release to service on behalf of an approved maintenance organisation for an aeronautical product in relation to maintenance carried out on the product, an individual must:

- (a) sign the certificate; and
- (b) record the date of issue on the certificate.

Subdivision 42.H.4.5—Record-keeping and dealing with certificate of release to service

42.820 Additional record for certificate of release to service issued as in-house release document

- (1) This regulation applies if a certificate of release to service for an aeronautical product in relation to in-house maintenance carried out on the product is issued in the form of an in-house release document.
- (2) The Part 145 organisation that carried out the in-house maintenance must:

- (a) ensure that a record is made that contains the information that, if the certificate was issued in the approved form, would have been recorded on the approved form; and
- (b) retain the record until the end of 2 years after the date the organisation fits the aeronautical product to an aircraft or another aeronautical product.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note: For the definition of *in-house release document*, see Part 1 of the Dictionary.

42.825 Dealing with certificate of release to service

- (1) If an approved maintenance organisation issues a certificate of release to service for an aeronautical product in relation to maintenance carried out on the product, the organisation must:
 - (a) give the certificate to the person to whom the product is released for use in an aircraft or another aeronautical product; and
 - (b) retain a copy of the certificate for 2 years beginning on the date the certificate is issued.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subpart 42.I—Airworthiness reviews and airworthiness review certificates

Division 42.I.1—General

42.830 Application of Subpart

This Subpart applies to an aircraft:

- (a) that is authorised to operate under an AOC; or
- (b) that is a large aircraft.

42.835 Purpose of Subpart

This Subpart sets out:

- (a) requirements in relation to airworthiness review certificates and airworthiness reviews for aircraft operating under an AOC and large aircraft; and
- (b) the relationship between an airworthiness review certificate and a certificate of airworthiness.

Division 42.I.2—Issue of airworthiness review certificates

42.840 Who may issue airworthiness review certificate

- (1) The continuing airworthiness management organisation for an aircraft may issue an airworthiness review certificate for the aircraft.
- (2) If a continuing airworthiness management organisation issues an airworthiness review certificate for the aircraft, the organisation must ensure that the certificate is issued on behalf of the organisation by an individual:
 - (a) who is an airworthiness review employee of the organisation; and
 - (b) whose authorisation as an airworthiness review employee permits the employee to issue an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.845 Requirements to be met for issue of airworthiness review certificate

The following are the requirements for the issue of an airworthiness review certificate for an aircraft:

- (a) the information entered into the certificate is correct;
- (b) an airworthiness review employee of the continuing airworthiness management organisation for the aircraft has carried out an airworthiness review for the aircraft in accordance with regulation 42.900;
- (c) a record of the findings of the review has been made in accordance with regulation 42.905;
- (d) any corrective action that was necessary to ensure that the requirements of subregulations 42.900(2) and (3) are met for the aircraft has been taken;
- (e) a record of action mentioned in paragraph (d) has been made in accordance with regulation 42.910;
- (f) the aircraft is airworthy.

42.850 Requirements to be met by continuing airworthiness management organisations before issuing airworthiness review certificate

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not issue an airworthiness review certificate on its behalf for an aircraft unless the requirements mentioned in regulation 42.845 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
 - (a) an individual issues an airworthiness review certificate on its behalf for an aircraft; and

Regulation 42.855

- (b) a requirement mentioned in regulation 42.845 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.855 Requirements to be met by individuals before issuing airworthiness review certificate

Obligation

- (1) An individual must not issue an airworthiness review certificate for an aircraft unless the requirements mentioned in regulation 42.845 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she issues an airworthiness review certificate for an aircraft; and
 - (b) a requirement mentioned in regulation 42.845 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.860 Form of airworthiness review certificate

A document is an airworthiness review certificate only if it is in the approved form.

Note: Under regulation 11.018, an airworthiness review certificate in the approved form is not complete unless it contains all of the information required by the form.

42.865 How airworthiness review certificate is issued

To issue an airworthiness review certificate for an aircraft, an individual must:

- (a) sign the certificate; and
- (b) record the date of issue and date of expiry on the certificate.

42.870 How long airworthiness review certificate remains in force

An airworthiness review certificate remains in force:

- (a) for 1 year beginning on the day it is issued; and
- (b) if the time for which it is in force is extended under Division 42.I.3—until the end of the time for which it is in force is extended.

Division 42.I.3—Extension of airworthiness review certificates

42.875 Who may extend airworthiness review certificate

- (1) The continuing airworthiness management organisation for an aircraft may extend the time for which an airworthiness review certificate for the aircraft is in force if the organisation:
 - (a) issued the certificate; and
 - (b) has been the continuing airworthiness management organisation for the aircraft since the date of issue of the certificate.
- (2) A continuing airworthiness management organisation commits an offence if:
 - (a) it extends the time for which an airworthiness review certificate is in force; and
 - (b) the extension is not permitted by subregulation (1).

Penalty: 50 penalty units.

- (3) If a continuing airworthiness management organisation extends the time for which an airworthiness review certificate is in force, the organisation must ensure that the time for which the certificate is in force is extended on behalf of the organisation by an individual:
 - (a) who is an airworthiness review employee of the organisation; and
 - (b) whose authorisation as an airworthiness review employee permits the employee to issue an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

- (4) An offence against subregulation (2) or (3) is an offence of strict liability.

42.880 Requirements to be met for extension of airworthiness review certificate

- (1) This regulation sets out the requirements for extending the time for which an airworthiness review certificate for an aircraft is in force.
- (2) The time for which the certificate is in force may be extended only within the period of 90 days before the certificate is due to expire.
- (3) The time for which the certificate is in force is to be extended must be no more than 1 year starting immediately after the certificate is due to expire.
- (4) The time for which the certificate is in force may be extended no more than twice.
- (5) The aircraft must be airworthy.

Regulation 42.885

42.885 Requirements to be met by continuing airworthiness management organisations before extension of airworthiness review certificate

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not extend an airworthiness review certificate on its behalf for an aircraft unless the requirements mentioned in regulation 42.880 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
 - (a) an individual extends an airworthiness review certificate on its behalf for an aircraft; and
 - (b) a requirement mentioned in regulation 42.880 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.890 Requirements to be met by individuals before extending airworthiness review certificate

Obligation

- (1) An individual must not extend an airworthiness review certificate for an aircraft unless the requirements mentioned in regulation 42.880 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she extends an airworthiness review certificate for an aircraft; and
 - (b) a requirement mentioned in regulation 42.880 is not met in relation to the issuing of the certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.895 How airworthiness review certificate is extended

To extend the time for which an airworthiness review certificate is in force, an individual must:

- (a) sign the certificate; and
- (b) record on the certificate the date of the extension and the new date of expiry of the certificate.

Division 42.I.4—Airworthiness review procedure

42.900 Airworthiness review procedure

- (1) This regulation sets out the procedure for carrying out an airworthiness review for an aircraft.
- (2) An airworthiness review employee of the continuing airworthiness management organisation for the aircraft must examine the continuing airworthiness records for the aircraft to determine whether the following requirements are met:
 - (a) the details of the utilisation of the airframe, engine and propeller of the aircraft have been recorded in accordance with regulation 42.190;
 - (b) maintenance required by the maintenance program for the aircraft has been carried out in accordance with the maintenance program;
 - (c) critical control system maintenance recorded in the records has been dealt with in accordance with Division 42.D.5;
 - (d) defects in the aircraft have been rectified in accordance with regulation 42.115;
 - (e) if the rectification of defects in the aircraft have been deferred—the deferral was in accordance with Subdivision 42.D.6.1;
 - (f) the requirements mentioned in paragraph 39.002(1)(b), (c) or (d) have been complied with for each airworthiness directive:
 - (i) that applies to the aircraft or an aeronautical product fitted to the aircraft; and
 - (ii) from the operation of which the aircraft or aeronautical product is not excluded under subregulation 39.002(2) or paragraph 39.004(2)(b) or (3)(b);
 - (g) if a modification has been made to the aircraft—there is a Part 21 approval for the design of the modification;
 - (h) for each aeronautical product that is fitted to the aircraft and has a life limit, the records:
 - (i) correctly identify the aeronautical product; and
 - (ii) show that the aeronautical product has not exceeded its life limit at the time the airworthiness review is carried out;
 - (j) the following information for the aircraft is recorded in the records and is up to date:
 - (i) the empty weight of the aircraft;
 - (ii) the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration;
 - (k) the aircraft complies with its approved design.

Note: For paragraph (j), the empty weight of the aircraft, and the position of the centre of gravity on the aircraft when the aircraft is in its empty weight configuration, must be determined in accordance with the method set out in Civil Aviation Order 100.7—see regulation 42.185.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.I Airworthiness reviews and airworthiness review certificates

Division 42.I.4 Airworthiness review procedure

Regulation 42.900

- (3) The airworthiness review employee must carry out a survey of the aircraft to determine whether the following requirements are met:
- (a) markings that are required, by or under these Regulations or by the aircraft's type certification basis, to be on the aircraft:
 - (i) are correct; and
 - (ii) are in the correct position on the aircraft;
 - (b) placards that are required, by or under these Regulations or by the aircraft's type certification basis, to be fitted to the aircraft are correctly fitted;
 - (c) the configuration of the aircraft complies with the aircraft's approved design;
 - (d) any defect in the aircraft that is apparent to the employee is recorded in the continuing airworthiness records system for the aircraft;
 - (e) the aircraft's flight manual is up to date and reflects the aircraft's configuration;
 - (f) the condition of the aircraft is consistent with the continuing airworthiness records for the aircraft.

Note 1: For paragraph (a), see Parts 45 and 90 and the Part 90 Manual of Standards.

Note 2: For paragraph (b), see Part 90 and the Part 90 Manual of Standards.

Note 3: For paragraph (e), for the definition of *flight manual*, see Part 1 of the Dictionary.

Division 42.I.5—Administration

42.905 Record of findings of airworthiness review

- (1) If an airworthiness review employee of a continuing airworthiness management organisation has carried out an airworthiness review for an aircraft, the organisation must comply with subregulation (2) before the organisation issues an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

- (2) The organisation must ensure that the findings of the review, including whether the requirements of subregulations 42.900(2) and (3) are met for the aircraft, are recorded in writing.
- (3) An offence against subregulation (1) is an offence of strict liability.

42.910 Record of corrective action taken

- (1) If a continuing airworthiness management organisation takes corrective action to ensure that the requirements of subregulations 42.900(2) and (3) are met for an aircraft, the organisation must ensure that the action taken is recorded in writing before the organisation issues an airworthiness review certificate for the aircraft.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.915 Retaining records relating to airworthiness review certificates

- (1) If a continuing airworthiness management organisation issues an airworthiness review certificate for an aircraft, the organisation must retain:
 - (a) the record mentioned in subregulation 42.905(2) for the aircraft; and
 - (b) the record mentioned in subregulation 42.910(1) for the aircraft (if any);
and
 - (c) a copy of the certificate;for 3 years beginning on the date of issue of the certificate.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.920 Documents to be sent to CASA and registered operator

- (1) If a continuing airworthiness management organisation for an aircraft issues an airworthiness review certificate for the aircraft, the organisation must give a copy of the certificate to the following persons within 10 days after issuing the certificate:
 - (a) CASA;

Regulation 42.925

- (b) if the organisation is not the registered operator of the aircraft—the registered operator.

Penalty: 50 penalty units.

- (2) If the organisation extends the time for which the certificate is in force, the organisation must give a copy of the certificate, with the extension recorded on it, to the following persons within 10 days after extending the time for which the certificate is in force:

- (a) CASA;
- (b) if the organisation is not the registered operator of the aircraft—the registered operator.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

42.925 Notice of decision not to issue airworthiness review certificate

- (1) If:

- (a) an airworthiness review employee of the continuing airworthiness management organisation for an aircraft carries out an airworthiness review for an aircraft; and
- (b) the organisation decides not to issue an airworthiness review certificate for the aircraft because a requirement mentioned in paragraph 42.845(d) or (f) is not met;

the organisation must, within 2 days after making the decision, notify the persons mentioned in subregulation (2) of the decision and the reasons for the decision.

Penalty: 50 penalty units.

- (2) The organisation must notify:

- (a) CASA; and
- (b) if the organisation is not the registered operator of the aircraft—the registered operator.

- (3) An offence against subregulation (1) is an offence of strict liability.

Division 42.I.6—Relationship of airworthiness review certificate to certificate of airworthiness

42.930 Relationship with certificate of airworthiness

- (1) If the certificate of airworthiness for an aircraft expires or is cancelled, the airworthiness review certificate for the aircraft ceases to be in force at the same time as the certificate of airworthiness expires or is cancelled.
- (1A) If the certificate of airworthiness for an aircraft is taken to not be in force under subregulation 21.181(4) for a period, the airworthiness review certificate for the aircraft is taken to not be in force for the same period.
- (1B) For the purposes of subregulation (1A), the period during which the airworthiness review certificate is taken to not be in force counts as part of the period for which the certificate was issued.
- (2) If the certificate of airworthiness for an aircraft is suspended under regulation 21.181, the airworthiness review certificate for the aircraft is suspended for the same period as the certificate of airworthiness is suspended.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.J Approval of maintenance programs and variations of approved maintenance programs

Division 42.J.1 Preliminary

Regulation 42.935

Subpart 42.J—Approval of maintenance programs and variations of approved maintenance programs

Division 42.J.1—Preliminary

42.935 Purpose of Subpart

This Subpart sets out the process and requirements for:

- (a) approval of maintenance programs; and
- (b) approval of variations of approved maintenance programs.

Division 42.J.2—Approval of maintenance programs by continuing airworthiness management organisations

42.940 Circumstances in which continuing airworthiness management organisations may approve proposed maintenance program

- (1) The continuing airworthiness management organisation for an aircraft may approve a proposed maintenance program for an aircraft if:
 - (a) the aircraft is not authorised to operate under an Australian air transport AOC; and
 - (b) the organisation's approval under Subpart 42.G permits it to approve proposed maintenance programs under this Division for that type and model of aircraft.
- (2) If a continuing airworthiness management organisation approves a proposed maintenance program for an aircraft, the organisation must ensure that the program is approved on behalf of the organisation by an individual:
 - (a) who is a maintenance program approval employee of the organisation; and
 - (b) whose authorisation as a maintenance program approval employee permits the employee to approve a maintenance program for the aircraft.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note 1: The continuing airworthiness management organisation for an aircraft may apply to CASA for approval of a proposed maintenance program for the aircraft—see subregulation 42.970(1).

Note 2: In some circumstances, the continuing airworthiness management organisation for an aircraft must apply to CASA for approval of a proposed maintenance program for the aircraft—see subregulation 42.970(2).

42.945 Requirements for approval of maintenance programs

The following are the requirements for the approval of a proposed maintenance program for an aircraft by the continuing airworthiness management organisation for the aircraft:

- (a) the program complies with the requirements in the instructions for continuing airworthiness for the aircraft, and for aeronautical products fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis;
- (b) the program complies with the requirements specified in the Part 42 Manual of Standards.

Regulation 42.950

42.950 Requirements to be met by continuing airworthiness management organisations before approving proposed maintenance programs

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not approve a proposed maintenance program for an aircraft on its behalf unless the requirements mentioned in regulation 42.945 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
 - (a) an individual approves a proposed maintenance program for an aircraft on its behalf; and
 - (b) a requirement mentioned in regulation 42.945 is not met in relation to the approval.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.955 Requirements to be met by individuals before approving proposed maintenance programs

Obligation

- (1) An individual must not approve a proposed maintenance program for an aircraft unless the requirements mentioned in regulation 42.945 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she approves a proposed maintenance program for an aircraft; and
 - (b) a requirement mentioned in regulation 42.945 is not met in relation to the approval.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.960 How approval is given

To approve a proposed maintenance program for an aircraft, an individual must:

- (a) make a record that:
 - (i) identifies the maintenance program to which it relates; and
 - (ii) includes a statement to the effect that the maintenance program is approved; and
 - (iii) includes the name and approval certificate reference number of the continuing airworthiness management organisation for the aircraft; and

(b) sign and date the record.

42.965 Record-keeping requirements

- (1) If a continuing airworthiness management organisation approves a proposed maintenance program, the organisation must retain, for the period during which the approved maintenance program is in effect, a copy of the following documents:
- (a) the approved maintenance program;
 - (b) the record of the approval;
 - (c) any other documents that support the approval.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Division 42.J.3—Approval of maintenance programs by CASA

42.970 Application to CASA for approval of maintenance programs

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for approval of a proposed maintenance program for the aircraft.
- (2) The person responsible for continuing airworthiness for an aircraft must apply to CASA for approval of a proposed maintenance program for the aircraft if:
 - (a) the proposed maintenance program does not comply with the requirements in the instructions for continuing airworthiness for the aircraft, or for an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis; or
 - (b) the person responsible for continuing airworthiness for the aircraft is a continuing airworthiness management organisation, but its approval under Subpart 42.G does not permit it to approve proposed maintenance programs under Division 42.J.2 for that type and model of aircraft; or
 - (c) the aircraft is authorised to operate under an Australian air transport AOC.

42.975 Form of application

An application to CASA for approval of a proposed maintenance program must:

- (a) be in writing; and
- (b) include a copy of the program; and
- (c) if the program does not comply with the requirements in the instructions for continuing airworthiness for the aircraft, or for an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis—include the technical justification for the non-compliance.

42.980 Approval of maintenance programs by CASA

Subject to regulation 11.055, CASA must approve a proposed maintenance program for an aircraft if CASA is satisfied that the program:

- (a) complies with the requirements specified in the Part 42 Manual of Standards; and
- (b) adequately provides for the continuing airworthiness of the aircraft.

Note 1: See Part 11 for other matters relating to applications and decisions.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Division 42.J.4—Approval of variations of approved maintenance programs by continuing airworthiness management organisations

42.985 Circumstances in which continuing airworthiness management organisations may approve proposed variations

- (1) The continuing airworthiness management organisation for an aircraft may approve a proposed variation of the approved maintenance program for the aircraft if the organisation's approval under Subpart 42.G permits it to approve proposed variations of maintenance programs under this Division for that type and model of aircraft.
- (2) If a continuing airworthiness management organisation approves a proposed variation of an approved maintenance program for an aircraft, the organisation must ensure that the program is approved on behalf of the organisation by an individual:
 - (a) who is a maintenance program approval employee of the organisation; and
 - (b) whose authorisation as a maintenance program approval employee permits the employee to approve a maintenance program for the aircraft.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note 1: The continuing airworthiness management organisation for an aircraft may apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft—see subregulation 42.1015(1).

Note 2: In some circumstances, a continuing airworthiness management organisation for an aircraft must apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft—see subregulation 42.1015(2).

42.990 Requirements to be met for approval of variations of maintenance programs

The following are the requirements for the approval of a variation of a proposed maintenance program for an aircraft by the continuing airworthiness management organisation for the aircraft:

- (a) the program, as varied by the proposed variation, would comply with the requirements in the instructions for continuing airworthiness for the aircraft, and for aeronautical products fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis;
- (b) the approved maintenance program for the aircraft, as varied by the proposed variation, would comply with the requirements specified in the Part 42 Manual of Standards.

Regulation 42.995

42.995 Requirements to be met by continuing airworthiness management organisations before approving proposed variations

Obligation

- (1) A continuing airworthiness management organisation must ensure that an individual does not approve a proposed variation to an approved maintenance program for an aircraft on its behalf unless the requirements mentioned in regulation 42.990 are met.

Offence for breach of obligation

- (2) A continuing airworthiness management organisation commits an offence if:
 - (a) an individual approves a proposed variation to an approved maintenance program for an aircraft on its behalf; and
 - (b) a requirement mentioned in regulation 42.990 is not met in relation to the approval.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.1000 Requirements to be met by individuals before approving proposed variations

Obligation

- (1) An individual must not approve a proposed variation to an approved maintenance program for an aircraft unless the requirements mentioned in regulation 42.990 are met.

Offence for breach of obligation

- (2) An individual commits an offence if:
 - (a) he or she approves a proposed variation of an approved maintenance program for an aircraft; and
 - (b) a requirement mentioned in regulation 42.990 is not met in relation to the approval.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

42.1005 How approval is given

To approve a proposed variation of an approved maintenance program for an aircraft, an individual must:

- (a) make a record that:
 - (i) identifies the maintenance program to which it relates; and
 - (ii) includes details of the variation to which it relates; and

- (iii) includes a statement to the effect that the variation is approved; and
 - (iv) includes the name and approval certificate reference number of the continuing airworthiness management organisation for the aircraft; and
- (b) sign and date the record.

42.1010 Record-keeping requirements

- (1) If a continuing airworthiness management organisation approves a proposed variation to an approved maintenance program, the organisation must retain, for the period during which the approved maintenance program is in effect, a copy of the following documents:
- (a) the approved variation;
 - (b) the record of the approval;
 - (c) any other documents that support the approval.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Division 42.J.5—Approval of variations of approved maintenance programs by CASA

42.1015 Application to CASA for approval of variations of approved maintenance programs

- (1) The person responsible for continuing airworthiness for an aircraft may apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft.
- (2) The person responsible for continuing airworthiness for an aircraft must apply to CASA for approval of a proposed variation of the approved maintenance program for the aircraft if:
 - (a) the program, as varied by the proposed variation, would not comply with the requirements in the instructions for continuing airworthiness for the aircraft, or for an aeronautical product fitted to the aircraft, that relate to maintenance that is required by the instructions to be carried out on a regular basis; or
 - (b) the person responsible for continuing airworthiness for the aircraft is a continuing airworthiness management organisation, but its approval under Subpart 42.G does not permit it to approve variations of maintenance programs under Division 42.J.4.

42.1020 Form of application

An application to CASA for approval of a proposed variation of an approved maintenance program for an aircraft must:

- (a) be in writing; and
- (b) include the following:
 - (i) a copy of the variation;
 - (ii) the technical justification for the variation.

42.1025 Approval of variations by CASA

Subject to regulation 11.055, CASA must approve a proposed variation of an approved maintenance program for an aircraft if CASA is satisfied that the program, as varied by the proposed variation:

- (a) would comply with the requirements specified in the Part 42 Manual of Standards; and
- (b) would adequately provide for the continuing airworthiness of the aircraft.

Note 1: See Part 11 for other matters relating to applications and decisions.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Subpart 42.K—Directions to vary approved maintenance programs

42.1030 Purpose of Subpart

This Subpart:

- (a) empowers CASA to give directions to vary approved maintenance programs and approved reliability programs; and
- (b) requires the person responsible for continuing airworthiness for an aircraft to comply with a direction.

42.1035 CASA may direct variations of approved maintenance programs

- (1) CASA may direct the person responsible for continuing airworthiness for an aircraft to vary the approved maintenance program for the aircraft:
 - (a) to include a particular requirement for maintenance in the program; or
 - (b) to vary a requirement for maintenance in the program.
- (2) CASA may give the direction only if CASA is satisfied that it is necessary to do so to ensure that the program will adequately provide for the continuing airworthiness of the aircraft.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (4) The person must comply with the direction within the time specified in the direction.

Penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Part 42 Continuing airworthiness requirements for aircraft and aeronautical products

Subpart 42.L Approval of reliability programs and variations of approved reliability programs

Division 42.L.1 Preliminary

Regulation 42.1040

Subpart 42.L—Approval of reliability programs and variations of approved reliability programs

Division 42.L.1—Preliminary

42.1040 Purpose of Subpart

This Subpart sets out the requirements for:

- (a) approval of reliability programs for aircraft to which regulation 42.155 applies; and
- (b) approval of variations of approved reliability programs.

Division 42.L.2—Approval of reliability programs

42.1045 Application for approval of reliability programs

- (1) The person responsible for continuing airworthiness for an aircraft to which regulation 42.155 applies may apply, in writing, to CASA for approval of a proposed reliability program for the aircraft.
- (2) The application must include a copy of the program.

42.1050 Approval of reliability programs

Subject to regulation 11.055, CASA must approve the program if CASA is satisfied that the program complies with the requirements specified in the Part 42 Manual of Standards.

Note 1: See Part 11 for other matters relating to applications and decisions.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Division 42.L.3—Approval of variations of approved reliability programs

42.1055 Application for approval of variations of approved reliability programs

- (1) The person responsible for continuing airworthiness for an aircraft for which there is an approved reliability program may apply, in writing, to CASA for approval of a proposed variation of the program.
- (2) The application must include a copy of the variation.

42.1060 Approval of variations of approved reliability programs

Subject to regulation 11.055, CASA must approve the variation if CASA is satisfied that the program, as varied by the proposed variation, would comply with the requirements specified in the Part 42 Manual of Standards.

Note 1: See Part 11 for other matters relating to applications and decisions.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Subpart 42.M—Requirements for pilots

42.1065 Purpose of Subpart

This Subpart sets out requirements for pilots.

42.1070 Pre-flight inspection—all aircraft

- (1) If an aircraft's flight manual requires a pre-flight inspection of the aircraft to be carried out before the aircraft is operated for a flight, the pilot in command of the aircraft must ensure that a pre-flight inspection of the aircraft is carried out before the aircraft is operated for the flight.

Penalty: 50 penalty units.

Note: For the definition of *flight manual*, see Part 1 of the Dictionary.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.1075 Recording information in flight technical log—all aircraft

Defects and exceeding operating limits

- (1) The pilot in command of an aircraft for a flight (the *first flight*) must ensure that, before the aircraft is next operated for flight, the following information is recorded in the flight technical log for the aircraft:
 - (a) details of any defect of which the pilot becomes aware during the operation of the aircraft, including:
 - (i) any abnormal instrument indication; and
 - (ii) any abnormal behaviour by the aircraft;
 - (b) any instance of the exceeding of an operating limit specified in the aircraft's flight manual during the first flight.

Penalty: 50 penalty units.

Note: For paragraph (b), for the definition of *flight manual*, see Part 1 of the Dictionary.

Utilisation information mentioned in regulation 42.190

- (2) If the flight technical log for an aircraft is capable of containing the information mentioned in regulation 42.190 for each flight for the aircraft, the pilot in command of the aircraft for a flight must record that information for the flight in the log before the aircraft is next operated for flight.

Penalty: 50 penalty units.

- (3) Strict liability applies to paragraph (1)(b).
- (4) An offence against subregulation (2) is an offence of strict liability.

Regulation 42.1080

Subpart 42.N—Record-keeping requirements

42.1080 Purpose of Subpart

This Subpart sets out requirements for records made under this Part.

42.1085 Requirements for making records made under Part

- (1) If a person is required to record information under this Part, or to ensure that information is recorded, the person must ensure that the record:
 - (a) is written in a legible form in English; and
 - (b) will remain legible for the time for which the record is required, by this Part, to be kept.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.1090 Requirements for keeping records made under Part

- (1) If a person is required to record information under this Part, or to ensure that information is recorded, the person must ensure that the record is kept:
 - (a) in a system that allows the record to be retrieved; and
 - (b) in a manner that protects the record from being lost, damaged or accidentally altered.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

42.1095 Change to records made under Part

- (1) If a person makes a change to a record made under this Part, the person must make the change in a manner:
 - (a) that retains the original record; and
 - (b) that identifies himself or herself; and
 - (c) that includes the date the change is made.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subpart 42.O—Copying or disclosing cockpit voice recording information

42.1100 Purpose of Subpart

This Subpart sets out the authorisation of persons for paragraph 32AP(3A)(a) of the Act.

42.1105 Authorisation of persons for paragraph 32AP(3A)(a) of Act

For paragraph 32AP(3A)(a) of the Act, the following persons are authorised:

- (a) a person who:
 - (i) is a staff member within the meaning of the *Transport Safety Investigation Act 2003*; and
 - (ii) has had training with respect to the replay and analysis of cockpit voice recordings; and
 - (iii) has been briefed on the requirements of Part IIIB of the Act;
- (b) a person who:
 - (i) is to check on behalf of an approved maintenance organisation whether equipment used to make a cockpit voice recording is functioning and reliable; and
 - (ii) has had training from the organisation with respect to the replay and analysis of cockpit voice recordings; and
 - (iii) has been briefed by the organisation on the requirements of Part IIIB of the Act.



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Dictionary and Endnotes

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About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 11 April 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Subpart 45.A—Preliminary

45.005 Application of Part 45

- (1) This Part applies in relation to the operation of an Australian aircraft required to be registered under Division 47.C.1.
- (2) However, this Part does not apply to a Part 103 aircraft (other than a sailplane).

45.010 Key definitions for Part 45

In these Regulations:

aircraft registration identification plate, for an aircraft, means a plate displaying the aircraft's markings.

Australian nationality mark means the capital letters "VH".

character means a letter, a digit or a hyphen.

exhibition means an air show or a film or television production.

45.015 Meaning of *markings* and *set of markings*

- (1) *Markings*, for an aircraft, are the Australian nationality mark and the aircraft's registration mark, in that order, connected by a hyphen.
- (2) However, if the aircraft is a registered sailplane operating in Australian territory:
 - (a) the aircraft's markings need not include the Australian nationality mark; and
 - (b) if the first letter of the aircraft's registration mark is "G"—the aircraft's markings need not include that first letter.
- (3) A *set of markings*, for an aircraft, is an instance of the aircraft's markings.

45.020 References to aircraft operating for an exhibition

In this Part, a reference to an aircraft operating for an exhibition includes a reference to the aircraft:

- (a) flying in the exhibition, or in a practice or test flight for the exhibition; or
- (b) flying between locations where the aircraft is participating in the exhibition or in the practice or test flight; or
- (c) flying between a location where the aircraft is participating in the exhibition, or in the practice or test flight, and the aircraft's base of operations.

45.025 Issue of Manual of Standards for Part 45

For subsection 38(1) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 45 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: The Manual of Standards is a legislative instrument: see subsection 38(1) of the Act.

45.030 Registration holder to provide copies of approvals under this Part to registered operator

- (1) This regulation applies if:
 - (a) the registration holder of an aircraft holds an approval under this Part for the aircraft; and
 - (b) the registration holder is not the registered operator of the aircraft.
- (2) The registration holder contravenes this subregulation if:
 - (a) the aircraft is operated; and
 - (b) the registration holder has not provided a copy of the approval to the registered operator of the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Regulation 45.050

Subpart 45.B—Aircraft markings

45.050 Requirements for aircraft markings

- (1) The Part 45 Manual of Standards may prescribe requirements relating to the display of markings on aircraft.
- (2) Without limiting subregulation (1), the Part 45 Manual of Standards may prescribe requirements relating to the following:
 - (a) when markings must be displayed;
 - (b) the number of sets of markings that must be displayed;
 - (c) the location of sets of markings on aircraft;
 - (d) the characters to be used in each set of markings, including height requirements.

45.055 Display of aircraft markings

Aircraft must comply with Part 45 Manual of Standards if operated

- (1) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a requirement (the **prescribed requirement**) prescribed by the Part 45 Manual of Standards under regulation 45.050 applies to the aircraft; and
 - (c) the prescribed requirement is not met.

Exception—operating with dealer’s mark

- (2) Subregulation (1) does not apply if the aircraft is operating with a dealer’s mark in accordance with Subpart 47.H.

Exception—approvals

- (3) Subregulation (1) does not apply if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.065 to display markings other than in accordance with the prescribed requirement; and
 - (b) the requirements specified in the approval are complied with.
- (4) Subregulation (1) does not apply if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.070:
 - (i) to display markings other than in accordance with the prescribed requirement; or
 - (ii) to display no markings;for the purposes of an exhibition; and

- (b) the aircraft is operated for the exhibition during the period of the approval;
and
- (c) the requirements specified in the approval are complied with.

Exception—certain Commonwealth and State functions

- (5) Subregulation (1) does not apply if the aircraft is operated:
 - (a) in relation to the performance of a function of an authority of the Commonwealth, or an authority or agency of a State; and
 - (b) in circumstances in which knowledge of the operation may:
 - (i) reduce the effectiveness of the performance of the function; or
 - (ii) expose a person to the danger of physical harm or death arising from the actions of another person.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) to (5): see subsection 13.3(3) of the *Criminal Code*.

45.060 Designs etc. not to modify, obscure or create confusion about sets of markings

- (1) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a design, mark or symbol on an aircraft modifies, obscures or creates confusion about a set of markings on the aircraft.
- (2) Subregulation (1) does not apply in relation to:
 - (a) a Defence Force symbol or call-sign on an aircraft operated by the Defence Force; or
 - (b) a design, mark or symbol on an aircraft approved in writing by CASA.
- (3) CASA must not grant an approval under paragraph (2)(b) if granting the approval would adversely affect the safety of air navigation.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Regulation 45.065

45.065 Approval to operate with different markings—aircraft of special configuration

- (1) The registration holder of an aircraft may apply to CASA for approval to display markings on the aircraft other than in accordance with a requirement (the *prescribed requirement*) prescribed by the Part 45 Manual of Standards under regulation 45.050.
- (2) CASA must approve the application if CASA is satisfied that, because of the configuration of the aircraft, the prescribed requirement specified in the application cannot be met.
- (3) The approval must:
 - (a) be in writing; and
 - (b) specify the requirements for the display of markings on the aircraft that must be met.

45.070 Approval to operate with different or no markings—aircraft operated for an exhibition

Applications for approval to display different or no markings at an exhibition

- (1) The registration holder of an aircraft may apply to CASA for approval, for the purposes of an exhibition:
 - (a) to display markings on the aircraft other than in accordance with a requirement (the *prescribed requirement*) prescribed by the Part 45 Manual of Standards under regulation 45.050; or
 - (b) to display no markings on the aircraft.
- (2) The application for approval must include the following:
 - (a) the kind of exhibition, and the name (if any) of the exhibition;
 - (b) the dates and times during which the aircraft will be operated for the exhibition;
 - (c) the location of the exhibition, including the relevant flight paths;
 - (d) a photograph or drawing of the aircraft showing the colour of the aircraft and any marks the applicant intends the aircraft to bear while it is operated for the exhibition.

Requirements for approvals

- (3) CASA must approve the application if CASA is satisfied that:
 - (a) the aircraft will be operated for an exhibition; and
 - (b) the display of markings in accordance with the prescribed requirement would be inconsistent with the operation of the aircraft for the exhibition; and
 - (c) if the exhibition is in a foreign country—the display of markings in accordance with an approval, or the display of no markings, would not contravene a law of that country.

- (4) The approval must:
- (a) be in writing; and
 - (b) specify the requirements (if any) for the display of markings on the aircraft that must be met while the aircraft is operated for the exhibition; and
 - (c) state the period of the approval.

Markings must be displayed in cockpit and visible to crew

- (5) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
- (a) the registration holder holds an approval under this regulation in relation to the aircraft and an exhibition; and
 - (b) the aircraft is operated for the exhibition; and
 - (c) the Australian nationality mark and the registration mark of the aircraft are not:
 - (i) displayed in the cockpit; and
 - (ii) clearly visible to the aircraft's crew.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

Regulation 45.090

Subpart 45.C—Requirement to display words on certain aircraft

45.090 Requirements for display of words

- (1) The Part 45 Manual of Standards may prescribe requirements relating to the display of specified words on the following kinds of aircraft:
 - (a) aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.189 is in force;
 - (b) aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.185 is in force;
 - (c) aircraft for which a provisional certificate of airworthiness is in force;
 - (d) experimental aircraft.
- (2) Without limiting subregulation (1), the Part 45 Manual of Standards may prescribe requirements relating to the following:
 - (a) the words that must be displayed;
 - (b) the location of the words;
 - (c) the manner in which the words must be displayed, including the colour and height of the letters used.

45.095 Display of words

- (1) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a requirement (the *prescribed requirement*) prescribed by the Part 45 Manual of Standards under regulation 45.090 applies to the aircraft; and
 - (c) the prescribed requirement is not met.
- (2) Subregulation (1) does not apply if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.100 to:
 - (i) display words other than in accordance with the prescribed requirement; or
 - (ii) to display no words;for the purposes of an exhibition; and
 - (b) the aircraft is operated for the exhibition during the period of the approval; and
 - (c) any requirements specified in the approval are complied with.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

45.100 Approval to operate with different or no words—aircraft operated for an exhibition

Applications for approval to display different or no words at an exhibition

- (1) The registration holder of an aircraft may apply to CASA for approval, for the purposes of an exhibition:
 - (a) to display words on the aircraft other than in accordance with a requirement (the **prescribed requirement**) prescribed by the Part 45 Manual of Standards under regulation 45.090; or
 - (b) to display no words on the aircraft.
- (2) The application for approval must include the following:
 - (a) the kind of exhibition, and the name (if any) of the exhibition;
 - (b) the dates and times during which the aircraft will be operated for the exhibition;
 - (c) the location of the exhibition, including the relevant flight paths;
 - (d) a photograph or drawing of the aircraft showing the colour of the aircraft and any marks the applicant intends the aircraft to bear while it is operated for the exhibition.

Requirements for approvals

- (3) CASA must approve the application if CASA is satisfied that:
 - (a) the aircraft will be operated for an exhibition; and
 - (b) the display of words in accordance with the prescribed requirement would be inconsistent with the operation of the aircraft for the exhibition; and
 - (c) if the exhibition is in a foreign country—the display of words in accordance with an approval, or the display of no words, would not contravene a law of that country.
- (4) The approval must:
 - (a) be in writing; and
 - (b) specify the requirements (if any) for the display of words on the aircraft that must be met while the aircraft is operated for the exhibition; and
 - (c) state the period of the approval.

Prescribed word must be displayed and visible

- (5) The registration holder and the registered operator of an aircraft each contravene this subregulation if:
 - (a) the registration holder holds an approval under this regulation in relation to the aircraft and an exhibition; and
 - (b) the aircraft is operated for the exhibition; and

Regulation 45.100

- (c) if a specified word for the aircraft is prescribed by the Part 45 Manual of Standards under regulation 45.090—the word is not:
 - (i) displayed in the cockpit; and
 - (ii) clearly visible to the aircraft's crew.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

Subpart 45.D—Aircraft registration identification plate

45.120 Application of Subpart 45.D

This Subpart applies to an aircraft if:

- (a) the aircraft has a maximum take-off weight of more than 5 700 kg; or
- (b) the aircraft is operating outside Australian territory; or
- (c) the aircraft does not have a manufacturer's data plate attached in accordance with regulation 21.820.

45.125 Plate to be attached to aircraft

- (1) The registration holder and the registered operator of the aircraft each contravene this subregulation if:
 - (a) the aircraft is operated; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aircraft's markings must be displayed on the aircraft registration identification plate for the aircraft;
 - (b) the method of displaying the aircraft's markings must meet the requirements prescribed by the Part 45 Manual of Standards for the purposes of this paragraph;
 - (c) the plate must be attached to the aircraft in a way that ensures that the plate is not likely to be defaced or to become detached from the aircraft;
 - (d) the plate must be attached at the location on the aircraft prescribed by the Part 45 Manual of Standards for the purposes of this paragraph;
 - (e) the plate must be constructed of the material prescribed by the Part 45 Manual of Standards for the purposes of this paragraph.
- (3) Subregulation (1) does not apply in relation to the requirement mentioned in paragraph (2)(b) if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.135 to display the aircraft's markings using a different method; and
 - (b) the markings are displayed using that method.
- (4) Subregulation (1) does not apply in relation to the requirement mentioned in paragraph (2)(d) if:
 - (a) the registration holder of the aircraft holds an approval under regulation 45.140 to operate the aircraft with the plate attached in a different place; and
 - (b) the requirements specified in the approval are complied with.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Regulation 45.130

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) or (4): see subsection 13.3(3) of the *Criminal Code*.

45.130 Removal or alteration of plates

- (1) A person contravenes this subregulation if:
 - (a) the person removes the aircraft registration identification plate from an aircraft; and
 - (b) the removal is not:
 - (i) for the purpose of ensuring compliance with this Part; or
 - (ii) for the purpose of carrying out maintenance on the aircraft in accordance with these Regulations.
- (2) A person contravenes this subregulation if:
 - (a) the person alters the aircraft registration identification plate of an aircraft; and
 - (b) the alteration is not for the purpose of ensuring compliance with this Part.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

45.135 Approval of method of displaying markings

- (1) The registration holder of an aircraft may apply to CASA for approval of a method of displaying the aircraft's markings on the aircraft registration identification plate for the aircraft.
- (2) CASA must approve the application if CASA is satisfied that the method of displaying the aircraft's markings is similar to marking by etching, stamping or engraving.
- (3) The approval must be in writing.

45.140 Approval for attachment of plate—aircraft of special configuration

- (1) The registration holder of an aircraft (other than a balloon) may apply to CASA for approval to attach the aircraft registration identification plate for the aircraft to the aircraft other than in accordance with paragraph 45.125(2)(d).
- (2) CASA must approve the application if CASA is satisfied that, because of the configuration of the aircraft, the requirements prescribed by the Part 45 Manual of Standards for the purposes of paragraph 45.125(2)(d) cannot be met.
- (3) The approval must:
 - (a) be in writing; and

- (b) specify the requirements for attaching the plate to the aircraft.

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Subpart 47.A—General

47.005 Applicability of Part 47

- (1) This Part sets out:
 - (a) how aircraft are registered; and
 - (b) how registration marks are assigned to aircraft.
- (2) It also sets out how dealer's marks are assigned to manufacturers, distributors and dealers of aircraft, and regulates their use.

47.010 Definitions for Part 47

In this Part:

CDCL has the same meaning as in the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

eligible person means one of the following:

- (a) a resident of Australia who is:
 - (i) 18 years of age or older; and
 - (ii) an Australian citizen or the holder of a permanent visa (within the meaning of the *Migration Act 1958*);
- (b) a corporation incorporated under the *Corporations Act 2001*;
- (c) a body incorporated under a law (other than the *Corporations Act 2001*) in force in Australia;
- (d) the Commonwealth, a State or a Territory;
- (e) an agency of the Commonwealth, a State or a Territory;
- (f) a foreign corporation that is lawfully carrying on business in Australia.

IDERA has the same meaning as in the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

owner, of an aircraft, includes a part-owner of the aircraft who is appointed under regulation 47.020.

Note: The owner of an aircraft who becomes its registration holder must, if he or she is not eligible to be its registered operator, appoint an eligible person as the registered operator: see regulation 47.100.

registered operator has the meaning given by regulation 47.100.

47.012 Issue of Manual of Standards for Part 47

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 47 Manual of Standards; or

- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

47.015 Requirement for aircraft to be registered

- (1) For paragraph 20AA(1)(b) of the Act, an aircraft is required to be registered unless it is one of the following:
- (a) an aircraft that is not intended to be used as an aircraft;
 - (b) an aircraft that, under Subpart 200.B, is exempt from these Regulations;
 - (c) an unmanned free balloon;
 - (d) a permanently tethered balloon;
 - (e) a kite;
 - (f) a model aircraft;
 - (g) a parachute;
 - (h) a rocket;
 - (i) an aircraft that is prescribed by an instrument under subregulation (1B) for the purposes of this paragraph;
 - (j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
 - (k) an aircraft that satisfies all the following conditions:
 - (i) it has been manufactured in Australia for delivery outside Australia to a foreign operator;
 - (ii) it is registered under the law of a foreign country referred to in subregulation (2);
 - (iii) it displays nationality and registration marks in accordance with the law of that country;
 - (iv) it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
 - (v) it is flown within Australia only for a purpose mentioned in paragraph 21.197(1)(b) or (c);
 - (l) a Part 103 aircraft mentioned in subparagraph 103.005(4)(b)(i), (ii), (iva), (v), (vi) or (vii) that is listed with a Part 103 ASAO;
 - (m) a Part 103 aircraft mentioned in subparagraph 103.005(4)(b)(iii) or (iv);
 - (n) an RPA (other than a large RPA or an aircraft prescribed for the purposes of subregulation 47.096(2)) that is being operated only:
 - (i) for the purposes of a test flight; and
 - (ii) in circumstances applicable to the aircraft and the test flight that are prescribed by the Part 101 Manual of Standards for the purposes of subregulation 101.099B(1).

Note: For registration requirements affecting aircraft for which a special flight permit is issued, see subregulation 21.197(3).

- (1B) For the purposes of subsection 98(5A) of the Act and paragraph 47.015(1)(i) of this regulation, CASA may issue an instrument prescribing:

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- (a) classes of medium RPA, small RPA, very small RPA or micro RPA; or
- (b) particular medium RPA, small RPA, very small RPA or micro RPA.

Note 1: An instrument made under paragraph (a) is a legislative instrument: see subsection 98(5AA) of the Act.

Note 2: An instrument made under paragraph (b) is not a legislative instrument: see subsection 98(5AB) of the Act.

- (2) For paragraph (1)(j) and subparagraph (1)(k)(ii), the foreign countries are:
 - (a) the Contracting States; and
 - (b) any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia.

Note: For the definition of *Contracting State* see section 3 of the Act.

47.020 Appointment of person to act on behalf of owners

If an aircraft is owned by more than 1 person, and is required to be registered under Division 47.C.1, the owners must, to register the aircraft, appoint one of them to act on their behalf.

Subpart 47.B—The Australian Civil Aircraft Register

47.025 Australian Civil Aircraft Register

CASA must keep a register called the Australian Civil Aircraft Register, or ensure that it is kept, in accordance with this Subpart.

Note: The Australian Civil Aircraft Register is the successor to the Aircraft Register mentioned in regulation 8 of CAR: see regulation 202.221.

47.030 Access to Australian Civil Aircraft Register

- (1) CASA must make the entries in the Australian Civil Aircraft Register about aircraft registered under Division 47.C.1 available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (2) CASA may comply with subregulation (1) by making the information in those entries accessible on the internet or by another suitable electronic means.

47.035 Correction of Register

CASA must correct the information recorded in an entry in the Australian Civil Aircraft Register as soon as practicable after becoming aware that the entry is out of date or otherwise incorrect.

Note: An aircraft registration holder who finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is not correct must tell CASA about the change that should be made to the Register: see regulation 47.115.

47.040 Seeking information about Register

- (1) If CASA thinks that there may be an error in the Australian Civil Aircraft Register in relation to an aircraft, CASA may ask the aircraft registration holder, in writing, to give CASA information that may show the accuracy of the entry.

Note: Information that must be given to CASA under subregulation (1) may include a copy of a relevant document.

- (2) A request under subregulation (1) must:
 - (a) describe the information; and
 - (b) specify a period of at least 28 days, starting when the request is given to the registration holder, during which the registration holder must give CASA the information.

Note: CASA may cancel the registration of an aircraft if the registration holder fails to comply with a request for information made under subregulation (1): see regulation 47.132.

- (3) A registration holder must comply with a request made under subregulation (2).

Penalty: 10 penalty units.

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- (4) An offence under subregulation (3) is an offence of strict liability.

47.045 Communicating with CASA

- (1) A notice that, under this Part, must be given to CASA may be delivered, posted, sent by fax or sent by e-mail.

Note: The address, fax number and e-mail address for notices can be found in the advisory circular for this Part or on CASA's website: www.casa.gov.au.

- (2) CASA may refuse to accept a notice that is not legible.

47.050 Accuracy of information in Register

- (1) CASA must give, to the registration holder of an aircraft registered under Division 47.C.1, a copy of the information in the Australian Civil Aircraft Register that relates to the holder and the aircraft.
- (2) CASA must give the copy of the information within 28 days after:
- (a) the end of 3 years after the day on which:
 - (i) an aircraft is registered; or
 - (ii) if the aircraft's certificate of registration is transferred—the certificate is transferred; and
 - (b) the end of each period of 3 years after that day.
- (3) Within 28 days after the day when the registration holder is given the copy of the information, the holder must:
- (a) if necessary, correct the information on the copy about the aircraft and the holder; and
 - (b) return the copy to CASA.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) Information given to CASA for subregulation (3) must not be used as evidence of an offence against regulation 47.115.
- (6) This regulation is not intended to limit the operation of regulations 47.035 and 47.040.

47.055 Entries in Register etc not conclusive evidence of title to aircraft

- (1) An entry in the Australian Civil Aircraft Register in relation to an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.
- (2) A certificate of registration for an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

Subpart 47.C—Registration of aircraft

Division 47.C.1—Registration of aircraft other than certain RPA

47.058 Application of this Division

This Division applies to aircraft other than aircraft to which Division 47.C.2 applies.

Note: Division 47.C.2 primarily deals with the registration of medium RPA, small RPA, very small RPA and micro RPA.

47.060 Applying for registration of unregistered aircraft

- (1) An application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner.
- (2) The application must be made:
 - (a) in writing; or
 - (b) orally (by telephone or in person).

Note: An oral application must be confirmed in writing in accordance with regulation 47.070. If an oral application is not confirmed in writing in accordance with that regulation, the registration lapses: see regulation 47.130.

- (3) An application for registration made in writing must:
 - (a) be made in an approved form; and
 - (b) include the information set out in regulation 47.065; and
 - (c) be signed by the person making the application.
- (4) An application for registration made in writing must also include a declaration, signed by the person making the application:
 - (a) that the aircraft will be used as an aircraft; and
 - (b) if the aircraft has not been registered before—that the aircraft has never been registered; and
 - (c) if the aircraft has been registered before (whether in Australia or not)—that the aircraft is not, at the time of the application, registered on a foreign civil aircraft register.

47.065 Information required for registration—general

For paragraph 47.060(3)(b), and subject to regulation 47.075, the following information must be included in an application for registration of an aircraft:

- (a) the owner's name and address;
 - (aa) if the aircraft is owned by more than 1 person—the name and signature of the owner who is appointed to act on behalf of the owners; and
 - (b) if the application is made by a person on behalf of the owner—the name and address of the person making the application;

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- (c) if the owner proposes to appoint another person as the registered operator of the aircraft—the registered operator’s name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the corporation’s registered address;
- (d) for an aircraft that has a type certificate, type acceptance certificate or provisional type certificate:
 - (i) the number of the certificate (if applicable); and
 - (ii) the production certificate number (if applicable); and
 - (iii) the manufacturer, and the country and year of manufacture, of the aircraft; and
 - (iv) the aircraft model; and
 - (v) the aircraft serial number;

Note: For paragraph (d), the aircraft’s manufacturer, model and serial number are those set out on the aircraft’s data plate.

- (e) for an aircraft to which paragraph (d) does not apply—the following:
 - (i) the aircraft manufacturer (if applicable);
 - (ii) the aircraft builder (if applicable);
 - (iii) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
 - (iv) the country and year of manufacture of the aircraft;
 - (v) the aircraft model;
 - (vi) the aircraft serial number;
 - (vii) if the aircraft is power-driven—the number of engines and whether they are piston, turbopropeller or jet turbine engines;
 - (viii) the number of seats including seats for the crew;
 - (ix) whether the aircraft is able to be used on land, on water, or on both;
- (f) if a registration mark has been reserved for the aircraft, and the reservation has not lapsed—the registration mark;
- (g) if the aircraft has been imported:
 - (i) the name of the country from which the aircraft was imported; and
 - (ii) the aircraft’s registration mark, if any, in that country; and
 - (iii) evidence, provided by the national aviation authority of that country, that the aircraft is not on the aircraft register of that country.

Note: If the application for registration is an oral application, CASA will ask for the information mentioned in this regulation during the oral application.

47.070 Confirmation of oral application

- (1) A person who has applied orally for the registration of an aircraft must give to CASA a written confirmation of the application.
- (2) The confirmation:
 - (a) must be in an approved form; and
 - (b) must include the information required by regulation 47.065; and

- (c) must be received by CASA within 14 days after the day on which the oral application was made.

47.075 CASA may ask for further information

- (1) If CASA reasonably requires further information to enable it to consider an application for the registration of an aircraft, CASA may ask the applicant, in writing, to give CASA the information.
- (2) CASA must describe the information in the request.
- (3) CASA may refuse to consider, or cease considering, the application until the applicant complies with the request.

47.080 Registration of aircraft

- (1) CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060.
 - (1A) However, if:
 - (a) the aircraft has been registered before (the *old registration*); and
 - (b) the old registration was cancelled; and
 - (c) the aircraft was subject to an IDERA at the time of the cancellation;CASA must not register the aircraft unless subregulation (1B) or (1C) applies to the aircraft.
 - (1B) This subregulation applies to the aircraft if:
 - (a) the old registration was cancelled at the request of:
 - (i) the authorised party under the IDERA; or
 - (ii) if the aircraft was subject to a CDCL at the time of the cancellation—the certified designee under the CDCL; or
 - (b) CASA is satisfied, on the basis of written evidence provided by the person who has applied for the registration of the aircraft, that the authorised party under the IDERA, or the certified designee under the CDCL, as the case may be, has consented to CASA registering the aircraft.
 - (1C) This subregulation applies to the aircraft if CASA is satisfied, after reasonable enquiries, that:
 - (a) for an aircraft that was subject to a CDCL at the time of the cancellation of the old registration—the certified designee under the CDCL and the authorised party under the IDERA have both ceased to exist; or
 - (b) for an aircraft that was not subject to a CDCL at the time of the cancellation of the old registration—the authorised party under the IDERA has ceased to exist.
- (2) If CASA registers an aircraft, CASA must enter the following information about the aircraft in the Australian Civil Aircraft Register:
 - (a) the registration mark assigned to the aircraft;

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- (b) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
- (c) its manufacturer, model and serial number;
- (d) its country and year of manufacture;
- (e) the name and address of the owner;
- (f) the name and address of the registered operator;
- (g) the day on which it was registered.

47.085 Interim certificate of registration

- (1) If CASA registers an aircraft on the basis of an oral application, CASA must:
 - (a) issue an interim certificate of registration for the aircraft; and
 - (b) tell the applicant:
 - (i) the time and date from which the interim registration is in force; and
 - (ii) a unique number that identifies the registration.

Note 1: An interim certificate includes the information set out in paragraph 47.080(2)(a) and the applicable provisions in paragraphs 47.080(2)(c) to (g).

Note 2: If the oral application is not confirmed in accordance with regulation 47.070, the registration of the aircraft lapses: see regulation 47.130.

- (2) If CASA registers an aircraft on the basis of an oral application, the aircraft registration holder must not allow the aircraft to be taken outside Australia before CASA issues the certificate of registration for the aircraft.

Maximum penalty: 50 penalty units.

Note: An interim certificate of registration is not covered by the provisions of Annex 7 to the Chicago Convention, so is only valid for flights within Australia.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) An interim certificate of registration for an aircraft ceases to be in force on the earlier of the following:
 - (a) the day that CASA gives the certificate of registration to the aircraft's registration holder;
 - (b) 14 days after the day on which CASA registered the aircraft on the basis of an oral application.

47.090 Issue of certificate of registration

If CASA:

- (a) registers an aircraft because it has received a written application; or
- (b) receives confirmation of an oral application for the registration of an aircraft;

CASA must give a certificate of registration for the aircraft to the aircraft's owner (the **registration holder**).

Note: The certificate of registration replaces any interim certificate of registration issued under regulation 47.085.

47.095 Period of registration

The registration of an aircraft has effect unless, in accordance with these Regulations, it lapses, is suspended or is cancelled.

Regulation 47.096

Division 47.C.2—Registration of medium RPA, small RPA, very small RPA and micro RPA

47.096 Application of this Division

- (1) This Division applies to the following aircraft:
 - (a) a medium RPA;
 - (b) a small RPA;
 - (c) a very small RPA;
 - (d) a micro RPA.
- (2) However, this Division does not apply to an RPA that is prescribed by an instrument under subregulation (3) for the purposes of this subregulation.

Note: Division 47.C.1 applies to an aircraft to which this Division does not apply—see regulation 47.058.
- (3) For the purposes of subsection 98(5A) of the Act and subregulation (2) of this regulation, CASA may issue an instrument prescribing:
 - (a) classes of aircraft; or
 - (b) particular aircraft.

Note 1: An instrument made under paragraph (a) is a legislative instrument: see subsection 98(5AA) of the Act.

Note 2: An instrument made under paragraph (b) is not a legislative instrument: see subsection 98(5AB) of the Act.

47.096A Registration requirements for certain RPA

- (1) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an aircraft that is required to be registered under this Division; and
 - (b) the aircraft is not registered under this Division.

Penalty: 50 penalty units.

- (2) A person commits an offence of strict liability if:
 - (a) the person supervises the operation by another person of an aircraft that is required to be registered under this Division; and
 - (b) the other person is under 16 years old; and
 - (c) the aircraft is not registered under this Division.

Penalty: 50 penalty units.

47.097 Application for registration of certain RPA

- (1) A person may apply to CASA to register an aircraft as an RPA.

Note: In addition to this regulation, Part 11 contains provisions relating to an application for registration under this Division.

- (2) However, an individual may apply to register an aircraft as an RPA under this Division only if the individual is at least 16 years old.

Note: The person who applies to register the aircraft will be the registration holder of the aircraft: see the definition of *registration holder* in Part 1 of the Dictionary.

Payment of unmanned aircraft levy

- (4) An application to register an aircraft as an RPA under this Division must be accompanied by the unmanned aircraft levy (if any) for the application.

Waiver or refund of unmanned aircraft levy

- (5) CASA may, on behalf of the Commonwealth, waive the payment of unmanned aircraft levy under subregulation (4), or refund levy that has been paid under that subregulation, if CASA is satisfied that there are exceptional circumstances justifying the waiver or refund.
- (6) The waiver or refund:
- (a) may be of the whole or part of the levy; and
 - (b) may be made by CASA on its own initiative, or on written application in the approved form by the applicant for the registration.

47.098 Registration of certain RPA

- (1) Subject to regulation 11.055, on an application under regulation 47.097, CASA must register an aircraft as an RPA under this Division if CASA is satisfied that the aircraft is required to be registered as provided by regulation 47.015.
- (2) If CASA registers an aircraft as an RPA under this Division, CASA must, as soon as practicable:
- (a) enter the following information about the aircraft in the Australian Civil Aircraft Register:
 - (i) the serial number on the aircraft or, if there is no serial number, the registration mark assigned by CASA to the aircraft;
 - (ii) whether the aircraft is registered as an RPA;
 - (iii) the name and address of the registration holder of the aircraft;
 - (iv) the day on which the aircraft was registered;
 - (v) the manufacturer of the aircraft;
 - (vi) the manufacturer's model (if any) of the aircraft;
 - (vii) any other information required by the approved form for the application; and
 - (b) issue a certificate of registration for the aircraft to the registration holder of the aircraft.

47.099 Period of registration

The registration of an aircraft under this Division:

- (a) begins at the time when the aircraft is registered; and

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Subpart 47.C Registration of aircraft

Division 47.C.2 Registration of medium RPA, small RPA, very small RPA and micro RPA

Regulation 47.099B

(b) ends at the end of the period of 12 months beginning from the day when the registration begins, unless sooner cancelled.

Example: If an RPA is registered on 15 October 2022, the registration of the RPA will generally end at the end of 14 October 2023.

Note: For cancellation of a registration, see regulations 47.131C and 47.132.

47.099B Requirement to produce certificate of registration (or copy)

- (1) A person who operates, or conducts an operation of, an RPA must produce a certificate of registration, or a copy of such a certificate, in relation to the aircraft for inspection on a demand made by a person covered by subregulation (2).
- (2) For the purposes of subregulation (1), this subregulation covers the following persons:
 - (a) an authorised person;
 - (b) a member or special member of the Australian Federal Police;
 - (c) a member of a police force or a police service of a State or Territory.
- (3) A person (the *offender*) commits an offence of strict liability if:
 - (a) the offender operates, or conducts an operation of, an RPA; and
 - (b) a person makes a demand of the offender under subregulation (1); and
 - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

- (4) A person who supervises the operation by another person of an RPA must produce a certificate of registration, or a copy of such a certificate, in relation to the aircraft for inspection on a demand made by a person covered by subregulation (2).
- (5) A person (the *supervisor*) commits an offence of strict liability if:
 - (a) the supervisor supervises the operation by another person of an RPA; and
 - (b) the other person is under 16 years old; and
 - (c) a person makes a demand of the supervisor under subregulation (4); and
 - (d) the supervisor fails to comply with the demand.

Penalty: 5 penalty units.

Subpart 47.D—Registered operator

47.100A Application of Subpart 47.D

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.100 Identity of registered operator of aircraft

- (1) If the registration holder of an aircraft is an eligible person, the holder is the aircraft's *registered operator*.
- (2) However, the registration holder may appoint another eligible person as the registered operator.
- (3) If the registration holder is not an eligible person, the registration holder must appoint an eligible person to be the registered operator.

Note: If the registration holder of an aircraft is not an eligible person, and no eligible person is appointed as the registered operator, CASA must suspend the aircraft's registration: see regulation 47.131A.

- (4) The appointment of a registered operator has effect unless the appointment is cancelled or otherwise ceases to have effect.

Note: Regulation 202.222 provides that a reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft. Under CAR, the holder of the certificate of registration is responsible for the maintenance and continuing airworthiness of the aircraft.

- (4A) Subject to this regulation, the appointment of a registered operator of an aircraft may be cancelled by:
 - (a) the registration holder of the aircraft; or
 - (b) the registered operator.
 - (5) If the registration holder of an aircraft:
 - (a) appoints a person as the aircraft's registered operator; or
 - (b) cancels the appointment of a person as the aircraft's registered operator;the registration holder must, within 14 days after the appointment or cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.
 - (5AA) If a person cancels the appointment of the person as an aircraft's registered operator as referred to in paragraph (4A)(b), the person must, within 14 days after the cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.
 - (5A) A person commits an offence of strict liability if the person fails to comply with a requirement under subregulation (5) or (5AA).
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Regulation 47.100

Penalty: 10 penalty units.

- (5B) If CASA finds out, other than by a notice given in accordance with subregulation (5), that the appointment of the registered operator of an aircraft has ceased to have effect, CASA must, within 5 business days, inform the aircraft's registration holder in writing.
- (6) A notice of the appointment of a registered operator must also include:
- (a) the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the address of the corporation's registered office; and
 - (b) the date of the appointment of the registered operator; and
 - (c) evidence that the registered operator accepts the appointment.
- (7) A notice of the cancellation of the appointment of a registered operator given under subregulation (5) or (5AA) must include the date of the cancellation.
- Note: If the appointment of the registered operator is cancelled and another registered operator is not appointed, the registration holder becomes the aircraft's registered operator. However, if the registration holder is not an eligible person, CASA must suspend the aircraft's registration: see regulation 47.131A.
- (8) If CASA receives a notice that complies with this regulation, CASA must:
- (a) amend the Australian Civil Aircraft Register to show the name and address of the new registered operator; and
 - (b) in writing, notify the registration holder and the new registered operator about the amendment of the Register.

Subpart 47.E—Transfer of ownership of aircraft

47.105A Application of Subpart 47.E

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.105 Meaning of *former owner* and *new owner*

For this Subpart, if the ownership of an aircraft is transferred, the transferor is the *former owner* and the transferee is the *new owner*.

47.110 Transfer of ownership

- (1) In this regulation, *transfer notice* means a notice in an approved form that relates to the transfer of ownership of an aircraft and:
 - (a) shows:
 - (i) the aircraft's registration mark, manufacturer, model and serial number; and
 - (ii) the date of the transfer; and
 - (iii) the former owner's name and address; and
 - (iv) the new owner's name and address; and
 - (b) either:
 - (i) is signed by the former owner; or
 - (ii) is signed by a person acting on behalf of, and at the direction or request of, the former owner.
- (2) If a transfer notice is signed by a person acting on behalf of the former owner, it must include evidence of the person's authority to do so.
- (3) This regulation sets out how, if the ownership of an aircraft is transferred, the new owner becomes the aircraft's registration holder.
- (4) In accordance with the timetable mentioned in subregulation (4A), the former owner, or a person acting on behalf of the former owner, must:
 - (a) give CASA a transfer notice; and
 - (b) give the new owner:
 - (i) a copy of the transfer notice; and
 - (ii) the aircraft's certificate of registration.
- (4A) The documents mentioned in subregulation (4) must be given to CASA and the new owner:
 - (a) as soon as practicable after the transfer; and
 - (b) in any case, within 14 days after the transfer.

Regulation 47.110

- (5) Within 28 days after the transfer, the new owner must apply to become the registration holder.
- Note: If the aircraft's new owner does not apply to be the new registration holder within 28 days after the day of the transfer, CASA must suspend the aircraft's registration: see regulation 47.131.
- (6) An application must:
- (a) be in an approved form; and
 - (c) either:
 - (i) be signed by the new owner; or
 - (ii) if the application is made by a person on behalf of the new owner—include the name, address and signature of the person making the application.
- (7) CASA must, if it receives a transfer notice and an application that complies with subregulation (6):
- (a) amend the Australian Civil Aircraft Register to show the new owner as the registration holder; and
 - (b) give a certificate of registration to the new owner.
- Note 1: The new owner, as the registration holder, is also the registered operator of the aircraft unless the new owner appoints another person as the registered operator: see regulation 47.100.
- Note 2: If the new owner is not an eligible person, the new owner must appoint an eligible person as the registered operator: see subregulation 47.100(3).
- (8) Subregulation (7) has effect subject to subregulation (9).
- (9) CASA must not take any action under subregulation (7) in relation to an aircraft unless CASA is satisfied, on the basis of written evidence provided by the former owner, that:
- (a) in the case of an aircraft that is subject to an IDERA, and is not subject to a CDCL—the authorised party under the IDERA has consented to the action being taken; or
 - (b) in the case of an aircraft that is subject to a CDCL—the certified designee under the CDCL has consented to the action being taken.

Subpart 47.F—Administration of Australian Civil Aircraft Register

47.115 Notice of error in information in Register

If an aircraft registration holder finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is no longer correct, the holder must tell CASA in writing, within 14 days after finding out, about the change that should be made.

Maximum penalty: 10 penalty units.

47.130 Lapsing of registration

If the aircraft was registered following an oral application, the registration lapses if:

- (a) CASA does not receive a written confirmation of the application in accordance with regulation 47.070; or
- (b) within 14 days after the day the oral application was made, CASA has not received a written confirmation that includes all the information mentioned in regulation 47.065; or
- (c) CASA receives a document purporting to be a written confirmation that includes information that differs in a significant way from the corresponding information given orally to CASA.

47.131 Suspension and cancellation of registration following a transfer of ownership

- (1) This regulation applies if:
 - (a) the ownership of an aircraft registered under Division 47.C.1 is transferred; and
 - (b) the new owner does not, within 28 days after the day of the transfer, make an application that complies with subregulation 47.110(6) to be the aircraft's registration holder.
- (2) CASA must, by written notice given to the new owner, suspend the aircraft's registration.
- (3) The suspension remains in force until the first-occurring of the following:
 - (a) CASA issues a new certificate of registration to the new owner;
 - (b) CASA cancels the registration.
- (4) If the new owner does not, within 3 months after the day the aircraft's registration was suspended, make an application that complies with subregulation 47.110(6) to be the aircraft's registration holder, CASA must, by written notice given to the new owner, cancel the registration.

Regulation 47.131A

47.131A Suspension and cancellation of registration if registered operator is not an eligible person

- (1) If CASA becomes aware that the registered operator of an aircraft is not an eligible person, CASA must, by written notice given to the registration holder of the aircraft, suspend the aircraft's registration.

Note: Subregulation (1) will not apply if the registration holder of the aircraft is an eligible person: see subregulation 47.100(1).

- (2) The suspension:
- (a) takes effect on the day the notice is given to the registration holder; and
 - (b) ends at the earlier of the following times:
 - (i) when the Australian Civil Aircraft Register is amended, in accordance with subregulation 47.100(8), to show the name and address of a new registered operator;
 - (ii) when CASA cancels the registration.
- (3) If the registration holder does not, within 3 months after the day the aircraft's registration was suspended under this regulation, give a notice under subregulation 47.100(5) appointing an eligible person as the aircraft's registered operator, CASA must, by written notice given to the registration holder, cancel the registration.
- (4) The cancellation takes effect on the day the notice is given to the registration holder.

47.131B Cancellation of registration at holder's request—limitations

CASA must not cancel, under Subpart 11.D, the registration of an aircraft registered under Division 47.C.1 if:

- (a) in the case of an aircraft that is subject to an IDERA, and is not subject to a CDCL—the person who requests the cancellation is not the authorised party under the IDERA; or
- (b) in the case of an aircraft that is subject to a CDCL—the person who requests the cancellation is not the certified designee under the CDCL.

47.131C Cancellation of registration—certain RPA

- (1) CASA must, by written notice given to the registration holder of an RPA registered under Division 47.C.2, cancel the registration of the aircraft if:
- (a) CASA is satisfied that the aircraft has been modified to such an extent that, in accordance with the requirements prescribed by the Part 101 Manual of Standards for the purposes of subregulation 101.099A(1), the aircraft is no longer an aircraft to which the registration applies; or
 - (b) CASA is satisfied that the cancellation of the registration is necessary to maintain the accuracy of the Register.

Note: For review of a decision to cancel a registration, see regulation 201.004.

- (2) CASA may, by written notice given to the registration holder of an RPA registered under Division 47.C.2, cancel the registration of the RPA if another certificate of registration for the RPA is issued to another person.

47.132 Cancellation of registration on other grounds

- (1) CASA must, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if CASA becomes aware that the aircraft:
- (a) is registered under the law of another country; or
 - (b) is no longer to be used as an aircraft; or
 - (c) has been stolen or destroyed.
- (2) CASA may, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if the registration holder does not comply with a request under subregulation 47.040(1).
- (3) CASA must, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if CASA is required, under the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*, to de-register the aircraft.
- (4) A cancellation under this regulation takes effect on the day the notice is given to the registration holder.

Subpart 47.G—Reservation, assignment and change of registration marks

47.139 Application of Subpart 47.G

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.140 Meaning of *aircraft* for Subpart 47.G

In this Subpart:

aircraft includes an aircraft that:

- (a) has not yet been built; or
- (b) is being built.

47.145 Reservation of registration mark

- (1) The owner of an aircraft may ask CASA, in writing, to reserve a particular registration mark for the aircraft, whether or not the aircraft is registered.
- (2) The request must be in an approved form and identify the aircraft.
- (3) On receiving a request, CASA must reserve the registration mark for the aircraft unless, under regulation 47.155, the mark must not be reserved for an aircraft.

Note: About registration marks generally: see Part 45.

- (4) The reservation lapses if, 12 months after the day on which the registration mark was reserved, the aircraft is not registered and using the reserved mark.
- (5) In subregulation (1), *owner* includes a person acting on behalf of, and at the direction or request of, the owner.

47.150 Assignment of registration mark

If a person applies for the registration of an aircraft, and:

- (a) CASA has not reserved a registration mark for the aircraft under regulation 47.145; or
 - (b) the reservation of a registration mark for the aircraft has lapsed;
- CASA must assign a registration mark to the aircraft before registering the aircraft.

47.155 Marks that must not be reserved or assigned

The following registration marks must not be reserved for, or assigned to, an aircraft:

- (a) the registration mark of an Australian aircraft;
- (b) a registration mark that has been reserved for an aircraft under regulation 47.145;
- (c) a mark that has been assigned to a dealer;
- (d) a mark that might be confused with any 5-letter combination used in Part II of the International Code of Signals;
- (e) a mark that might be confused with any 3-letter combination beginning with Q used in the Q Code;
- (f) a mark that might be confused with the distress signal SOS;
- (g) a mark that might be confused with an urgency or safety signal.

Examples: Of urgency or safety signals

XXX, PAN and TTT.

47.160 Assigning reserved registration mark to unregistered aircraft

If the owner of an unregistered aircraft:

- (a) reserves a registration mark for the aircraft; and
- (b) makes an application that complies with regulation 47.060 for registration of the aircraft;

CASA must, when it registers the aircraft, give the applicant a certificate of registration showing the reserved mark.

47.165 Change of registration mark

- (1) If the registration holder of a registered aircraft has reserved a registration mark (the *reserved mark*) for the aircraft:
 - (a) the holder; or
 - (b) if the registered operator has the written consent of the registration holder—the registered operator;may apply to CASA to change the aircraft's existing mark to the reserved mark.
- (2) The application must:
 - (a) be received by CASA at least 14 days before the day on which the existing mark is proposed to be changed; and
 - (b) be in an approved form and include the following:
 - (i) the aircraft's existing mark;
 - (ii) the aircraft's manufacturer, model and serial number;
 - (iii) the reserved mark;
 - (iv) the date on which the existing mark is proposed to be changed;
 - (v) if the application is made by a person on behalf of the registration holder or registered operator—the name and address of the person making the application.
- (3) If CASA approves the application, CASA must:
 - (a) as soon as practicable, notify the applicant, in writing, of the approval; and

Regulation 47.165

- (b) on the date specified in the application in accordance with subparagraph (2)(b)(iv), amend the Australian Civil Aircraft Register to show the reserved mark as the registration mark assigned to the aircraft; and
 - (c) as soon as practicable after making the amendment, give the applicant a certificate of registration showing the reserved mark.
- (4) The change of registration mark takes effect on the day the Australian Civil Aircraft Register is amended.

Subpart 47.H—Dealer's marks

47.169 Application of Subpart 47.H

This Subpart applies in relation to an aircraft required to be registered under Division 47.C.1.

Note: See regulation 47.058.

47.170 Definitions for Subpart 47.H

In this Subpart:

aircraft dealer includes a manufacturer or distributor of aircraft.

dealer's plate means a plate made by an aircraft dealer under regulation 47.205.

47.175 Assignment of dealer's marks

- (1) This regulation sets out the way in which an aircraft dealer may be assigned 1 or more marks for use on aircraft manufactured, or being distributed or dealt with, by the dealer.
- (2) An aircraft dealer may apply to be assigned a mark only if the dealer is an eligible person.
- (3) The application must be made in an approved form and must include:
 - (a) the dealer's name and address; and
 - (b) a declaration that the dealer is an eligible person; and
 - (c) evidence that the dealer is engaged in the manufacture, sales or distribution of aircraft in Australia; and
 - (d) a request for a particular number of marks and a statement explaining why the dealer needs that number of marks; and
 - (e) if the application is made by a person on behalf of the dealer—the name and address of the person making the application.
- (4) If the application complies with subregulation (3), CASA must assign to the dealer:
 - (a) the number of marks requested by the dealer; or
 - (b) if CASA thinks that the dealer has applied for more marks than is reasonably required to undertake the dealer's business—a lesser number of marks.

47.180 What marks may be assigned to dealers

A mark that is assigned to an aircraft dealer must be a mark that could be assigned to an aircraft as a registration mark.

Regulation 47.185

47.185 Record of dealer's marks

- (1) CASA must keep a record of dealer's marks that have been assigned to aircraft dealers.
- (2) The information in the record must include:
 - (a) the mark; and
 - (b) the aircraft dealer's name and address.

47.190 How long assignment to dealer remains in effect

The assignment of a dealer's mark to an aircraft dealer has effect unless CASA revokes the assignment.

Note: For revocation of the assignment of a dealer's mark: see regulation 47.225.

47.195 Certificate of assignment of dealer's mark

- (1) If CASA assigns a dealer's mark to an aircraft dealer, CASA must give to the dealer a certificate stating that the mark is assigned to the dealer.
- (2) Each such certificate must be for 1 dealer's mark only.

47.205 Dealer's plate

- (1) If CASA assigns a dealer's mark to an aircraft dealer, the dealer may make 1 dealer's plate bearing that mark.
- (2) The plate must:
 - (a) be a piece of stainless steel (or similar fireproof material) at least 100 mm by 160 mm and at least 1 mm thick; and
 - (b) be engraved with the following in sans serif capital letters:
 - (i) 'VH-' and the mark in letters at least 25 mm high;
 - (ii) 'CIVIL AVIATION SAFETY AUTHORITY' and 'DEALER'S PLATE CASR 1998' in letters at least 8 mm high;set out as shown in the following diagram, in which the letters 'ABC' represent the mark:



47.210 Use of dealer's marks

- (1) An aircraft dealer to whom a dealer's mark is assigned must use the mark only on an aircraft that:
 - (a) is not currently registered in any country; and
 - (b) was manufactured, or is being distributed or dealt with, by the dealer.

Maximum penalty: 10 penalty units.

- (2) If title to, or possession of, an unregistered aircraft on which a dealer's mark is being used passes to another person, the dealer must ensure that the plate is removed from the aircraft before the other person operates the aircraft.

Maximum penalty: 30 penalty units.

- (3) The aircraft dealer must keep records showing:
 - (a) the manufacturer, model and serial number of each aircraft on which the mark was used; and
 - (b) the periods during which it was used on that aircraft.

Maximum penalty: 10 penalty units.

- (4) The aircraft dealer must keep the records for 12 months after the end of the period during which the mark was used on an aircraft.

Maximum penalty: 10 penalty units.

- (5) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

47.215 Aircraft taken to be registered

An unregistered aircraft on which a dealer's mark is being used is taken to be registered during any period in which it is being operated in Australia if:

- (a) the aircraft carries the corresponding dealer's plate; and
- (b) the possession of the aircraft remains with the dealer.

Note: Flying an unregistered aircraft may be an offence: see subsection 20AA(1) of the Act.

47.220 Annual report to CASA on aircraft using dealer's marks

- (1) An aircraft dealer to whom a dealer's mark has been assigned must, within 1 month after the end of each reporting period, give CASA a report showing the manufacturer, model and serial number of each aircraft on which the mark was used during that period.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) In subregulation (1):

Regulation 47.225

reporting period means:

- (a) the period of 12 months beginning on the day on which the mark was assigned to the dealer; or
- (b) each consecutive period of 12 months at the end of which the mark is still assigned to the dealer; or
- (c) a period of less than 12 months beginning on the day on which the mark was assigned to the dealer, or an anniversary of that day, and ending on the day on which the assignment of the mark is revoked or otherwise ceases.

47.225 Revocation of assignment of dealer's mark etc

- (1) CASA must revoke the assignment of a dealer's mark to a person if the person:
 - (b) ceases to be an aircraft dealer, or an eligible person; or
 - (c) fails to comply with this Subpart.
- (2) If CASA revokes such an assignment, it must tell the person in writing that it has done so.
- (3) The person must return the certificate of assignment of the mark to CASA within 14 days after receiving the notice of the revocation.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

Part 60—Synthetic training devices

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Subpart 60.C—Basic instrument flight trainers

Subpart 60.A—Preliminary

60.005 Applicability

This Part applies to synthetic training devices that may be used by a person to gain aeronautical experience.

60.010 Definitions for Part 60

In this Part:

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 60’ published by CASA, as in force from time to time.

master QTG, for a synthetic training device, means the QTG approved for the device under this Part.

QTG (or **qualification test guide**), for a synthetic training device, means a document that:

- (a) shows that:
 - (i) the performance and handling qualities of the synthetic training device agree, within the limits set out in the Manual of Standards, with those of the aircraft to which it relates; and
 - (ii) all applicable requirements in these Regulations have been met; and
- (b) includes the following information that relates to the matters mentioned in paragraph (a):
 - (i) data relating to the performance and handling qualities of the aircraft and synthetic training device;
 - (ii) the validation tests, and all functions and subjective tests for the device.

user, of a flight simulator or flight training device, means the person who uses the simulator or device in a training, testing or checking program.

Subpart 60.B—Flight simulators and flight training devices

60.015 Definitions for Subpart 60.B

In this Subpart:

flight simulator qualification, for a flight simulator, means a qualification of the flight simulator under regulation 60.030.

flight simulator qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight simulator.

flight training device qualification, for a flight training device, means a qualification of the flight training device under regulation 60.030.

flight training device qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight training device.

operator, of a flight simulator or flight training device, means the person who is responsible for the maintenance and operation of the simulator or device.

qualification level, for a flight simulator or flight training device, has the meaning given by regulation 60.020.

60.020 Qualification levels

- (1) The qualification level of a flight simulator is the level mentioned in column 2 of an item in table 60.020-1 met by the simulator, determined in accordance with the standards in the Manual of Standards.

Table 60.020-1 Flight simulator qualification levels

Item	Levels
1	Level A
2	Level B
3	Level C
4	Level D

- (2) The qualification level of a flight training device is the level mentioned in column 2 of an item in table 60.020-2 met by the device, determined in accordance with the standards in the Manual of Standards.

Table 60.020-2 Flight training device qualification levels

Item	Levels
1	FAA Level 4

Regulation 60.025

Item	Levels
2	FAA Level 5
3	FAA Level 6
4	FAA Level 7
5	EASA Level 1
6	EASA Level 2
7	EASA Level 3

60.025 Application for flight simulator qualification or flight training device qualification

- (1) The operator of a flight simulator or flight training device may apply to CASA, in writing, for qualification of the simulator or device.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) An application must include:
- (a) a QTG for the simulator or device; and
 - (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.060.

Note: For further guidance see Advisory Circulars 60-1, 60-3 and 60-4.

60.030 Initial evaluation and qualification

- (1) If CASA receives an application for the qualification of a flight simulator or flight training device, CASA must conduct an evaluation (an **initial evaluation**) of the simulator or device, including consideration of:
- (a) any inspection or trial of the simulator or device; and
 - (b) the data provided in the QTG; and
 - (c) information available from any test conducted during the initial evaluation.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (2) If, after the initial evaluation, CASA is satisfied that:
- (a) the operator's quality system will be suitable for the simulator or device; and
 - (b) the simulator or device meets a qualification level;
- CASA must qualify the simulator or device at the qualification level.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to qualify, or cancelling, suspending or varying, the qualification of, a simulator or device; or
- (b) a decision imposing a condition on the qualification of a device.

- (3) CASA may qualify a simulator or device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.
- (4) An interim qualification level applies for the period agreed between CASA and the operator of the simulator or device.
- (5) If CASA qualifies a simulator or device, it must at the same time approve the QTG for the simulator or device.

60.035 Issue of flight simulator qualification certificate or flight training device qualification certificate

- (1) CASA must issue a flight simulator qualification certificate to the operator of a flight simulator, or a flight training device qualification certificate to the operator of a flight training device, if CASA qualifies the simulator or device.
- (2) The certificate must include the name of the operator and:
 - (a) include information identifying the simulator or device; and
 - (b) specify the aircraft that is simulated by the simulator or device; and
 - (c) specify the qualification level for the simulator or device.

60.040 Period of validity of flight simulator qualification or flight training device qualification

- (1) A flight simulator qualification or flight training device qualification is in force for:
 - (a) 12 months from the date of issue of the flight simulator qualification certificate or flight training device qualification certificate; or
 - (b) if a shorter period is specified in the certificate—that period.
- (2) However, a qualification ceases to be in force if:
 - (a) it is cancelled by CASA under regulation 60.050; or
 - (b) there is a change of operator of the simulator or device; or
 - (c) the simulator or device is deactivated or relocated.
- (3) A qualification is not in force for the period of any suspension imposed by CASA under regulation 60.050.

60.045 Recurrent evaluation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may, within 60 days before the expiry of the flight simulator qualification or flight training device qualification, ask CASA, in writing, to conduct an evaluation (a *recurrent evaluation*) of the simulator or device.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

Regulation 60.050

- (2) Subject to subregulation (3), regulations 60.030 and 60.035 apply in respect of a recurrent evaluation in the same way as they apply to the initial evaluation.
- (3) During a recurrent evaluation, a qualified flight simulator or qualified flight training device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.

60.050 Variation, cancellation or suspension of flight simulator qualification or flight training device qualification

- (1) CASA may, by notice in writing to the operator of a qualified flight simulator or qualified flight training device, vary, cancel or suspend the qualification of the simulator or device if:
 - (a) the simulator or device no longer meets the qualification level specified in its qualification certificate; or
 - (b) the operator has failed to comply with a requirement of this Part in relation to the simulator or device.
- (2) If an operator receives a notice of variation or cancellation under subregulation (1), the operator must return the qualification certificate to CASA within 14 days after receiving the notice.
- (3) If CASA varies a qualification, CASA must reissue the qualification certificate specifying the qualification as varied.

60.055 Flight simulator and flight training device approvals—persons other than Part 141 operators and Part 142 operators

- (1) This regulation applies to a person, other than a Part 141 operator or a Part 142 operator, who proposes to be the user of a qualified flight simulator or a qualified flight training device.
- (1AA) The person must apply to CASA, in writing, for approval to use the simulator or device.

Note 1: See Advisory Circulars 60-2 and 60-4.

Note 2: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 3: Part 11 deals with applications and decision making.

- (1A) Subject to regulation 11.055, CASA may grant the approval.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) In considering whether to grant an approval, CASA must take into account:
-

- (a) the differences between the characteristics of the flight simulator or flight training device and the characteristics of a specific type (or a specific make, model and series) of aircraft, whether or not the user operates such an aircraft; and
 - (b) the proposed user's operating and training competencies.
- (3) CASA may also take into account any other matter that affects the way the simulator or device operates or may be used.
- (5) An approval continues in force unless the applicable flight simulator qualification or flight training device qualification ceases to be in force.
- (6) However, if CASA is satisfied that any matter that was taken into account under subregulation (2) or (3) has changed, CASA may, by notice in writing to the user, vary, suspend or cancel the approval.

60.060 Quality system—operators other than Part 141 operators and Part 142 operators

- (1) This regulation applies to the operator of a qualified flight simulator or a qualified flight training device, other than a Part 141 operator or a Part 142 operator.
- (1A) The operator must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.
- (2) The quality system must cover at least the following matters:
- (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.

Note: The quality system may be structured according to the size and complexity of the operator's organisation, in accordance with the requirements set out in the following documents:

- (a) AS/NZS ISO 9001:2000 Quality Management System Requirements;
- (b) SQAP:2000 Simulator Quality Assurance Program Standard published by the FAA.

60.065 Ongoing fidelity requirements

- (1) The operator of a qualified flight simulator or qualified flight training device must, progressively during the 12 months after the issue of the applicable flight simulator qualification certificate or flight training device qualification certificate, perform:
- (a) all validation tests mentioned in the master QTG for the simulator or device; and

Regulation 60.070

- (b) all functions and subjective tests within the current (and any planned) training program (or an equivalent sample approved by CASA).
- (2) The operator must establish a configuration management system to ensure the continued integrity of the equipment and software of the simulator or device.
- (3) The operator must maintain an on-going modification program to ensure that the equipment, software and performance of the simulator or device accurately simulates the aircraft specified in the certificate.
- (4) The operator must notify each user of the simulator or device, before its use, if the simulator or device is unsuitable for any training, testing or checking sequence specified in the certificate.

60.070 Modification of qualified flight simulator or qualified flight training devices

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if it proposes to modify the equipment or software of the simulator or device in a way that will change the characteristics of the simulator or device.
 - (2) If CASA receives a notice under subregulation (1), CASA may conduct an evaluation (a *special evaluation*) of the simulator or device as it is proposed to be modified.
 - (3) Subject to subregulations (4) and (5), regulations 60.030 and 60.035 apply in respect of a special evaluation in the same way as they apply to the initial evaluation.
 - (4) If CASA decides not to conduct a special evaluation:
 - (a) the operator may make the proposed modification of the simulator or device; and
 - (b) the flight simulator or flight training device qualification continues to be in force.
 - (5) During a special evaluation, a simulator or device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.
- Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.
- (6) This regulation does not apply to the modification of a device for the purpose of a change in the qualification level of the simulator or device.

60.075 Change in qualification level of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device may ask CASA, in writing, to change the qualification level of the simulator or device.

Note: For further guidance about qualification levels see the Manual of Standards.

- (2) If CASA receives a request under subregulation (1), it must conduct a special evaluation of the simulator or device, applying the standards in the Manual of Standards.

Note: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) If CASA changes the qualification level, it must:
 - (a) approve any resulting amendments to the master QTG of the simulator or device; and
 - (b) issue a revised flight simulator qualification certificate or flight training device qualification certificate.

60.080 Deactivation, relocation or reactivation of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if the simulator or device is deactivated.
- (2) An operator must notify CASA, in writing, before the operator reactivates or relocates a simulator or device, and CASA may then conduct a special evaluation of the simulator or device.

Note 1: A flight simulator qualification or flight training device qualification ceases to be in force if the simulator or device is deactivated or relocated: see paragraph 60.040(2)(c).

Note 2: CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

- (3) During a special evaluation, a flight simulator or flight training device must be assessed against:
 - (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
 - (b) if CASA has changed the qualification level since the initial evaluation—the qualification level as changed.

60.085 Change of operator of qualified flight simulator or qualified flight training device

- (1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, of any proposed change of operator of the simulator or device.

Regulation 60.090

- (2) If there is a change of operator of a simulator or device:
 - (a) the former operator must give to the new operator the records mentioned in regulation 60.095 that apply to the simulator or device; and
 - (b) the new operator may apply to CASA, in writing, for qualification of the simulator or device.
- (3) An application under paragraph (2)(b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.
- (4) If CASA is satisfied that the new operator is able to comply with the requirements of this Subpart, CASA must:
 - (a) approve the plan; and
 - (b) issue a new flight simulator qualification certificate or flight training device qualification certificate.

Note: A flight simulator qualification or flight training device qualification ceases to be in force if there is a change of operator: see paragraph 60.040(2)(b).

60.090 Evaluation teams

CASA may:

- (a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

Note: See Advisory Circulars 60-1 and 60-4.

60.095 Records

- (1) The operator of a qualified flight simulator or qualified flight training device must keep the following records relating to the simulator or device for at least 3 years after the simulator or device is decommissioned:
 - (a) the master QTG;
 - (b) modification records;
 - (c) quality system records.
- (2) The operator must also keep the results of each test carried out under subregulation 60.065(1) for the simulator or device for at least 3 years after the test.
- (3) If there is a change of operator of a simulator or device, the new operator must keep the records and test results relating to the simulator or device that were kept by the former operator.

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Subpart 61.A—Preliminary

Division 61.A.1—General

61.005 What Part 61 is about

- (1) This Part sets out the licensing scheme for pilots and flight engineers of registered aircraft.
- (2) Subpart 61.A sets out:
 - (a) preliminary matters; and
 - (b) when a flight crew licence, rating or endorsement is not required.
- (3) Subpart 61.B sets out:
 - (a) the general requirements for the grant of a flight crew licence, rating or endorsement; and
 - (b) the requirements for the grant of a flight crew licence, rating or endorsement in recognition of an overseas or military qualification.

Note: A reference to a flight crew licence includes a glider pilot licence: see the definition of *flight crew licence* in regulation 61.010.
- (4) Subpart 61.C sets out rules relating to a certificate of validation of an overseas qualification, including:
 - (a) requirements for the grant of a certificate of validation; and
 - (b) the effect of a certificate of validation.
- (5) Subpart 61.D sets out obligations that apply to all holders of flight crew licences, ratings and endorsements.
- (6) Subpart 61.E:
 - (a) sets out limitations that apply to the exercise of the privileges of all pilot licences; and
 - (b) provides for the authorisations to taxi an aircraft and to operate an aircraft radio.

Note: A reference to a pilot licence does not include a glider pilot licence: see the definition of *pilot licence* in regulation 61.010.
- (7) Subparts 61.G to 61.K make particular provision for each kind of pilot licence, including:
 - (a) the privileges of the licence; and
 - (b) limitations on the exercise of the privileges; and
 - (c) the requirements for the grant of the licence.
- (8) Subparts 61.L to 61.U provide for ratings and endorsements on pilot licences, setting out:
 - (a) the privileges of each rating or endorsement; and

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- (b) limitations on the exercise of the privileges of the rating or endorsement;
and
 - (c) the requirements for the grant of the rating or endorsement; and
 - (d) for the flight instructor, simulator instructor and flight examiner ratings—
obligations that apply to the holder of the rating.
- (9) Subparts 61.V to 61.Y provide for flight engineer licences, and ratings and endorsements on flight engineer licences.
- (10) Subpart 61.Z makes particular provision for glider pilot licences.

61.007 Application of Part 61

- (1) This Part applies to flight in a registered aircraft of any of the following categories:
- (a) aeroplane;
 - (b) helicopter;
 - (c) powered-lift aircraft;
 - (d) gyroplane;
 - (e) airship.
- (2) The Part applies also to flight in a glider that is a registered sailplane.

61.010 Definitions for Part 61

In this Part:

aerial application endorsement means an endorsement mentioned in column 1 of table 61.1120.

aerial application operation means a flight that is carried out by an aircraft to apply application material.

aerial application proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to exercise the privileges of an aerial application rating.

aeronautical experience: see regulation 61.075.

aeronautical knowledge examination, for a flight crew licence, rating or endorsement, means an examination set under regulation 61.215 for the grant of the licence, rating or endorsement.

aeroplane: see regulation 61.025.

approved course of professional development, for a provision of this Part, means a course of professional development for which the provider holds an approval under regulation 61.040 for the provision.

approved course of training, for a provision of this Part, means a course of training:

- (a) for which the provider holds an approval under regulation 61.040 for the provision; or
- (b) that a Part 141 or 142 operator is authorised to conduct; or
- (c) that a person holds an approval under regulation 141.035 or 142.040 to conduct.

approved flight simulation training device: a flight simulation training device is an **approved flight simulation training device** for a purpose if:

- (a) a Part 141 operator's operations manual, or a Part 142 operator's exposition, states that the device may be used for the purpose; or
- (b) the operator of the device holds an approval under regulation 60.055 or 61.040 to use the device for the purpose; or
- (c) the device is:
 - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
 - (ii) approved for the purpose by the national aviation authority.

approved flight simulator: a flight simulator is an **approved flight simulator** for a purpose if:

- (a) a Part 141 operator's operations manual, or a Part 142 operator's exposition, states that the simulator may be used for the purpose; or
- (b) the operator of the simulator holds an approval under regulation 60.055 to use the simulator for the purpose; or
- (c) the simulator is:
 - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
 - (ii) approved for the purpose by the national aviation authority.

associated: an aircraft category rating is **associated** with a pilot licence if:

- (a) for an application for the pilot licence—the application includes an application for the rating; or
- (b) in any other case—the rating was granted on the basis of the applicant having met the requirements for the grant of the pilot licence with the rating.

Note: An aircraft category rating has effect only for the pilot licence with which it is associated: see regulation 61.725.

aviation English language proficiency assessment means an aviation English language proficiency assessment conducted under regulation 61.255.

aviation English language proficiency assessor means the holder of an approval under regulation 61.270 to conduct an aviation English language proficiency assessment.

azimuth guidance operation means an instrument approach operation using azimuth bearings for lateral navigation guidance.

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basic instrument flight training means flight training in the units of competency for instrument flight mentioned in the Part 61 Manual of Standards for the grant of a private pilot licence or commercial pilot licence.

category of aircraft: see regulation 61.015.

category specific: a rating or endorsement is **category specific** if the rating or endorsement applies only to an aircraft category that is specified on the rating or endorsement.

Certificate IV in Training and Assessment means a Certificate IV in Training and Assessment issued by a registered training organisation under the Australian Qualifications Framework.

Note: See www.aqf.edu.au/.

certificate of validation means a certificate of validation granted under Subpart 61.C.

circling approach means an extension of an instrument approach operation that includes a visual circling manoeuvre to position an aircraft for a landing.

class of aircraft: see regulation 61.020.

conduct, as a verb, means:

- (a) in relation to a flight operation—to occupy a flight control seat in an aircraft while the operation takes place; or
- (b) in relation to a simulated flight operation—to occupy a flight control seat in a flight simulation training device while the simulated operation takes place; or
- (c) in relation to an operation of a tethered helicopter—to occupy a flight control seat in the tethered helicopter while the operation takes place.

course deviation indicator operation means an instrument approach operation using a course deviation indicator for lateral navigation guidance.

cross-country flight means a flight along a pre-planned route during which the pilot uses geometry, topography or radio navigation aids to determine the aircraft's position and course.

cross-country flight time means flight time accrued during a cross-country flight.

cruise relief type rating means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

current:

- (a) for an aviation English language proficiency assessment—see regulation 61.260; and
- (b) for a recreational aviation medical practitioner's certificate held by:
 - (i) a student pilot—see subregulation 61.114(6); and

- (ii) a recreational pilot licence holder—see subregulation 61.405(3); and
- (c) for a certificate of validation or medical certificate—means a certificate that is in force.

differences training, for a variant, means the training mentioned in regulation 61.200 for the variant.

dual cross-country flight time means cross-country flight time that is conducted in dual flight.

dual flight means flight conducted while receiving training from a pilot instructor occupying a flight control seat in an aircraft that is fitted with fully functional dual controls.

dual flight check means an in-flight assessment by a flight instructor of the competency of a student pilot to conduct a solo training flight.

dual instrument flight time means instrument flight time that is conducted in dual flight.

dual instrument ground time means instrument ground time that is conducted in dual simulated flight.

dual instrument time means:

- (a) dual instrument flight time; or
- (b) dual instrument ground time.

dual simulated flight means simulated flight conducted while receiving training from a pilot instructor occupying a flight control seat in a flight simulation training device that is fitted with fully functional dual controls.

duration, of a flight, means:

- (a) for a flight in an aeroplane or gyroplane—the time from the moment the aircraft begins moving, whether or not under its own power, in preparation for flight until the moment it comes to rest at the end of the flight; or
- (b) for a flight in a helicopter or powered-lift aircraft—the time from the moment the aircraft's rotor blades start turning until the moment the rotor blades stop turning after the aircraft comes to rest at the end of the flight; or
- (c) for a flight in an airship—the time from the moment the airship is released from its mooring until the moment it is tethered at the end of the flight; or
- (d) for a flight in a glider—the time from the moment the glider first begins moving in preparation for flight, whether being towed or not, until the moment it comes to rest at the end of the flight.

endorsement means a flight crew endorsement.

equivalent, for an overseas flight crew licence, rating or endorsement: an overseas flight crew licence, rating or endorsement (however described) is **equivalent** to a flight crew licence, rating or endorsement granted under this Part (an **Australian authorisation**) if it allows the holder to conduct substantially the same activities as the Australian authorisation.

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examiner means:

- (a) a flight examiner; or
- (b) a flight engineer examiner.

examiner rating means:

- (a) a flight examiner rating; or
- (b) a flight engineer examiner rating.

flight means flight in:

- (a) an aeroplane; or
- (b) a helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider, powered hang glider, paraglider or powered paraglider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

flight activity endorsement means an endorsement mentioned in column 1 of table 61.1145.

flight crew endorsement means an endorsement granted under this Part on a flight crew licence.

flight crew licence means:

- (a) a pilot licence; or
- (b) a flight engineer licence; or
- (c) a glider pilot licence.

flight crew rating means a rating granted under this Part on a flight crew licence.

flight engineer examiner means the holder of a flight engineer examiner rating.

flight engineer examiner endorsement means an endorsement mentioned in column 1 of table 61.1495.

flight engineer flight test endorsement means an endorsement mentioned in column 1 of Part 1 of table 61.1495.

flight engineer instructor means the holder of a flight engineer instructor rating.

flight engineer training endorsement means an endorsement mentioned in column 1 of table 61.1430.

flight examiner means the holder of a flight examiner rating.

flight examiner endorsement means an endorsement mentioned in column 1 of table 61.1310.

flight instructor means the holder of a flight instructor rating.

flight review means an assessment of the competency of a flight crew member to perform:

- (a) for the holder of a pilot licence or flight engineer licence—an activity authorised by a flight crew rating that the crew member holds; or
- (b) for the holder of a glider pilot licence—an activity authorised by the licence.

flight simulation training device means:

- (a) a qualified flight simulator; or
- (b) a qualified flight training device; or
- (c) a synthetic trainer that is approved under Civil Aviation Order 45.0; or
- (d) a device that meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
- (e) a device that is qualified (however described) by the national aviation authority of a recognised foreign State.

flight test, for a flight crew licence, rating or endorsement, means a test conducted under regulation 61.245 for the licence, rating or endorsement.

flight test endorsement means an endorsement mentioned in column 1 of Part 1 of table 61.1310.

flight time as:

- (a) a pilot: see regulation 61.080; and
- (b) a co-pilot: see regulation 61.085; and
- (c) a pilot in command: see regulation 61.090; and
- (d) a pilot in command under supervision: see regulation 61.095; and
- (e) a flight engineer: see regulation 61.100.

flight training, for a flight crew licence, rating or endorsement, means the training mentioned in regulation 61.195 for the licence, rating or endorsement.

glider activity means:

- (a) operating a Part 103 aircraft that is a glider; or
- (b) providing training in operating a Part 103 aircraft that is a glider.

glider organisation means a sport aviation body that administers glider activities.

initial flight training means dual flight conducted for training in the units of competency mentioned in the Part 61 Manual of Standards for the grant of a recreational pilot licence.

instructor means:

- (a) a flight instructor; or
- (b) a simulator instructor; or
- (c) a flight engineer instructor.

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instructor proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of an instructor's competency to conduct flight training.

instructor rating means:

- (a) a flight instructor rating; or
- (b) a simulator instructor rating; or
- (c) a flight engineer instructor rating.

instrument endorsement means an endorsement mentioned in column 1 of table 61.890.

instrument flight time: see regulation 61.105.

instrument ground time: see regulation 61.110.

instrument proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot an aircraft under the IFR.

instrument time means:

- (a) instrument flight time; or
- (b) instrument ground time.

knowledge deficiency report means a report prepared, and given to a person, under regulation 61.230.

licence means a flight crew licence.

licence document: see regulation 61.175.

low-level endorsement means an endorsement mentioned in column 1 of table 61.1075.

low-level operation means an operation below 500 ft AGL, other than the following:

- (a) climbing from take-off;
- (b) descending for the purpose of landing;
- (c) an aerial application operation.

maximum certificated passenger seating capacity, for an aircraft, means the maximum passenger seating capacity stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

maximum certificated take-off weight, for an aircraft, means the maximum take-off weight stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

medical exemption means:

- (a) for the conduct of a solo flight by a student pilot—an approval under regulation 61.040 to conduct the solo flight without holding a current medical certificate or recreational aviation medical practitioner’s certificate; and
- (b) for the exercise of the privileges of a flight crew licence or rating—an approval under regulation 61.040 to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner’s certificate.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory.

multi-crew, in relation to an aircraft, means that the aircraft is certificated for operation by a crew of at least 2 pilots.

multi-crew operation means an operation that requires at least 2 pilots in:

- (a) a multi-crew aircraft; or
- (b) an aircraft that is equipped, and required by these Regulations, to be operated by a crew of at least 2 pilots.

multi-crew pilot licence training course means a course of training for the grant of a multi-crew pilot licence conducted by a Part 142 operator.

multi-crew type rating means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a multi-crew operation.

multi-engine aeroplane means an aeroplane that has 2 or more engines, other than:

- (a) a multi-engine centre-line thrust aeroplane; or
- (b) an aeroplane that is prescribed by a legislative instrument under regulation 61.050 as an aeroplane that is included in the single-engine aeroplane class.

multi-engine centre-line thrust aeroplane means an aeroplane with 2 or more engines that:

- (a) has the thrust line along the longitudinal axis of the aeroplane; and
- (b) has no asymmetric handling effect about the normal axis in the event of an engine failure.

night VFR endorsement means an endorsement mentioned in column 1 of table 61.980.

night vision goggles means a self-contained binocular night vision enhancement device that:

- (a) is helmet-mounted or otherwise worn by a person; and
- (b) can detect and amplify light in both the visual and near infra-red bands of the electromagnetic spectrum.

night vision imaging system endorsement means an endorsement mentioned in column 1 of table 61.1025.

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night vision imaging system proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot a helicopter using a night vision imaging system.

operational endorsement means any of the following endorsements:

- (a) an aerial application endorsement;
- (b) a flight activity endorsement;
- (c) a flight examiner endorsement;
- (d) an instrument endorsement;
- (e) a low-level endorsement;
- (f) a night VFR endorsement;
- (g) a night vision imaging system endorsement;
- (h) a private instrument endorsement;
- (i) a training endorsement;
- (j) a flight engineer examiner endorsement;
- (k) a flight engineer training endorsement.

operational rating means any of the following ratings:

- (a) an aerial application rating;
- (b) an examiner rating;
- (c) an instructor rating;
- (d) an instrument rating;
- (e) a low-level rating;
- (f) a night VFR rating;
- (g) a night vision imaging system rating;
- (h) a private instrument rating.

operator proficiency check means an assessment conducted by an operator in accordance with its training and checking responsibilities under these Regulations of whether a person has the aeronautical skills and knowledge required by the operator.

overseas endorsement means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew endorsement.

overseas flight crew licence means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew licence.

overseas medical certificate means a medical certificate (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a medical certificate.

overseas rating means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew rating.

pilot, used as a noun, means a person authorised under this Part to manipulate the flight controls of an aircraft during flight.

pilot, used as a verb, means:

- (a) to manipulate the flight controls of an aircraft during flight; or
- (b) to occupy a flight control seat in an aircraft during flight.

pilot in command under supervision means a pilot, other than a student pilot, who performs the duties and functions of the pilot in command of an aircraft under the supervision of a pilot who is authorised by the operator of the aircraft to conduct the supervision.

pilot instructor means:

- (a) a flight instructor; or
- (b) a simulator instructor.

pilot licence means any of the following licences:

- (a) an air transport pilot licence;
- (b) a commercial pilot licence;
- (c) a multi-crew pilot licence;
- (d) a private pilot licence;
- (e) a recreational pilot licence.

private instrument endorsement means an endorsement mentioned in column 1 of table 61.935.

privilege, in relation to a flight crew licence, rating or endorsement, means an activity that the holder of the licence, rating or endorsement is authorised, under this Part, to conduct.

published lowest safe altitude has the meaning given by subregulation 178(7) of CAR.

rating means a flight crew rating.

recent photograph, at a particular time, means a photograph taken within 6 months before that time.

recognised aeroplane means an aeroplane:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recognised foreign State means any of the following:

- (a) Canada;
- (b) Hong Kong;
- (c) New Zealand;

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- (d) United States of America;
- (e) the following EASA member States:
 - (i) Belgium;
 - (ii) Czech Republic;
 - (iii) Denmark;
 - (iv) Finland;
 - (v) France;
 - (vi) Germany;
 - (vii) Ireland;
 - (viii) Italy;
 - (ix) Netherlands;
 - (x) Norway;
 - (xi) Portugal;
 - (xii) Spain;
 - (xiii) Sweden;
 - (xiv) Switzerland;
 - (xv) United Kingdom;
- (f) any other foreign country prescribed by a legislative instrument under regulation 61.047.

recognised gyroplane means a gyroplane:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recognised helicopter means a helicopter:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recognised powered-lift aircraft means a powered-lift aircraft:

- (a) that is on the register of aircraft kept by a Contracting State; or
- (b) that is a State aircraft.

recreational aircraft means a single-engine aircraft that:

- (a) is certificated for single-pilot operation; and
- (b) has a maximum certificated take-off weight of less than 1 500 kg; and
- (c) is not rocket-powered or turbine-powered.

recreational aviation medical practitioner's certificate means a certificate from a medical practitioner to the effect that the holder meets the modified Austroads medical standards.

recreational pilot licence endorsement means an endorsement mentioned in regulation 61.485.

simulated flight engineer time means time spent in a flight simulation training device during which a flight engineer is performing the duties of a flight engineer.

simulated flight time means time spent in a flight simulation training device during which a pilot is performing the duties of a pilot.

simulated IMC means flight in an aircraft or flight simulation training device during which the pilot is prevented from viewing the external horizon.

simulator instructor means the holder of a simulator instructor rating.

single-pilot operation means an operation in an aircraft, other than a multi-crew operation.

single-pilot type rating means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a single-pilot operation.

solo, in relation to a flight of an aircraft, means a flight in which the pilot is the sole occupant of the aircraft.

standard instrument departure means a departure under the IFR in accordance with an instrument departure procedure.

successfully participating: a person is ***successfully participating*** in an operator's training and checking system for an operation if:

- (a) the person is employed by the operator; and
- (b) the operator's training and checking system covers the operation; and
- (c) the person has met the requirements under the system for entry into the system; and
- (d) the person is permitted under the system to be assigned by the operator for duty for the operation.

tethered flight time means the duration of a flight in a tethered helicopter.

tethered helicopter means a helicopter tethered to a base that allows hovering but not free flight.

training endorsement means an endorsement mentioned in column 1 of table 61.1235.

training provider, for a person undertaking flight training, means:

- (a) the Part 141 or 142 operator conducting the training; or
- (b) the person conducting the training who holds an approval under regulation 141.035 or 142.040 to conduct the training.

type rating means:

- (a) a pilot type rating; or
- (b) a flight engineer type rating; or
- (c) a cruise relief type rating.

type specific: a rating or endorsement is ***type specific*** if the rating or endorsement applies only to an aircraft type that is specified on the rating or endorsement.

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variant, in relation to an aircraft model (the *first model*), means another aircraft model that CASA has prescribed by a legislative instrument under regulation 61.055 as a variant of the first model.

61.015 Definition of *category* of aircraft for Part 61

Each of the following is a *category* of aircraft:

- (a) aeroplane;
- (b) helicopter;
- (c) powered-lift aircraft;
- (d) gyroplane;
- (e) airship.

61.020 Definition of *class* of aircraft for Part 61

(1) Each of the following is a *class* of aircraft:

- (a) single-engine aeroplane;
- (b) multi-engine aeroplane;
- (c) single-engine helicopter;
- (ca) powered-lift aircraft;
- (d) single-engine gyroplane;
- (e) airship.

(2) For this Part, the single-engine aeroplane class includes:

- (a) multi-engine centre-line thrust aeroplanes; and
- (b) multi-engine aeroplanes that are prescribed by a legislative instrument under regulation 61.050 (Prescription of multi-engine aeroplanes included in single-engine aeroplane class).

61.025 Definition of *aeroplane* for Part 61

Aeroplane means an aeroplane that has flight controls providing control of the aeroplane in 3 axes and includes a touring motor glider being operated under Part 91.

61.035 Issue of Manual of Standards for Part 61

(1) For paragraph 98(5A)(a) of the Act, CASA may issue a Manual of Standards for this Part that sets out matters relating to flight crew licences.

(2) In particular, the Manual of Standards may set out standards for the following:

- (a) approvals under regulation 61.040;
- (b) aeronautical and other knowledge required by this Part for the grant of a licence, rating or endorsement;
- (c) flight training;
- (d) other training and development requirements;
- (e) flight tests;

- (f) aviation and general English language proficiency;
- (g) general operating competencies for:
 - (i) aircraft of a particular class or type; and
 - (ii) activities authorised by operational ratings and endorsements;
- (h) competency in the use of an airborne collision avoidance system;
- (i) flight reviews;
- (k) instrument proficiency checks;
- (l) night vision imaging system proficiency checks;
- (m) aerial application proficiency checks;
- (n) instructor proficiency checks;
- (o) competencies for glider pilot licences.

61.040 Approvals by CASA for Part 61

- (1) If a provision of this Part refers to a person or organisation holding an approval under this regulation, the person or organisation may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval if the following requirements are met:
 - (a) if the approval relates to a course or program:
 - (i) the course or program covers all the units of competency mentioned in the Part 61 Manual of Standards for the course or program; and
 - (ii) the course or program meets the standards (if any) mentioned in the Part 61 Manual of Standards for the course or program;
 - (b) if the approval relates to any other thing for which there are standards in the Part 61 Manual of Standards—the thing meets the standards;
 - (c) for any other approval—the applicant meets the requirements (if any) for the approval mentioned in the provision.
- (3) Subregulation 11.055(1B) applies to the granting of an approval mentioned in paragraph 61.1515(1)(b) (Limitations on exercise of privileges of glider pilot licences—general).

61.045 Prescription of qualification standards for flight simulation training devices

For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe qualification standards for flight simulation training devices.

61.047 Prescription of recognised foreign States

For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe foreign countries as recognised foreign States.

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61.050 Prescription of multi-engine aeroplanes included in single-engine aeroplane class

For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe aeroplanes that are included in the single-engine aeroplane class.

61.055 Prescription of type ratings and variants—multi-crew aircraft

- (1) For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe, for multi-crew aircraft:
 - (a) the type ratings that may be granted for multi-crew operation; and
 - (b) the aircraft models that are variants of each other; and
 - (c) in relation to each variant—the variants for which differences training is required; and
 - (d) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
 - (e) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) For paragraph 98(5A)(a) of the Act, if 2 or more aircraft models are variants of each other, CASA may, by legislative instrument, prescribe that the models are no longer variants of each other only if satisfied that:
 - (a) the complexity of one of the models' systems; or
 - (b) a difference in their performance or handling characteristics;requires the provision of additional flight training to enable a person to pilot an aircraft of that model safely.

61.060 Prescription of type ratings—single-pilot aircraft

- (1) For paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe:
 - (a) for a type of aircraft that is certificated for single-pilot operation—whether a single-pilot type rating is required; and
 - (b) for aircraft for which single-pilot type ratings are required:
 - (i) the type ratings that may be granted for single-pilot operation; and
 - (ii) the aircraft models that are variants of each other; and
 - (iii) in relation to each variant—the variants for which differences training is required; and
 - (c) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
 - (d) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) However, CASA may prescribe that a single-pilot type rating is required for an aircraft only if satisfied that:
 - (a) the complexity of the aircraft's systems; or
 - (b) its performance or handling characteristics;

requires the provision of additional flight training to enable a person to pilot an aircraft of that type safely.

61.061 Prescription of type-rated aircraft—flight review requirements for class ratings

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft in which the conduct of a flight review or instrument proficiency check for a pilot type rating meets the flight review requirements for a class rating.

61.062 Prescription of types of aircraft for additional limitations on class ratings

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft in which the privileges of a class rating may not be exercised unless the holder of the rating has completed flight training and a flight review in an aircraft of the type.

61.063 Prescription of types of single engine helicopters for flight reviews

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of single-engine helicopters that may be used to conduct flight reviews for other types of single-engine helicopters.

61.065 Conduct of unauthorised activities—holders of flight crew licences

- (1) The holder of a flight crew licence commits an offence if:
 - (a) the holder conducts an activity mentioned in this Part while:
 - (i) piloting a registered aircraft; or
 - (ii) acting as flight engineer of a registered aircraft; or
 - (iii) acting as an instructor or examiner; and
 - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence for a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

Division 61.A.2—Flight time and other aeronautical experience

61.070 Flight to which Division 61.A.2 applies

For this Division:

flight means flight in:

- (a) an aeroplane; or
- (b) a helicopter, other than a tethered helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider, powered hang glider, paraglider or powered paraglider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

61.075 Definition of *aeronautical experience* for Part 61

A person's *aeronautical experience* is as follows:

- (a) for a pilot—the total of:
 - (i) the person's flight time as a pilot; and
 - (ii) the person's simulated flight time; and
 - (iii) the person's tethered flight time;
- (b) for a flight engineer—the total of:
 - (i) the person's flight time as a flight engineer; and
 - (ii) the person's simulated flight engineer time.

61.080 Definition of *flight time* as pilot for Part 61

A person's *flight time* as a pilot is:

- (a) the duration of the following flights:
 - (i) a solo flight by the person;
 - (ii) a flight in which the person receives flight training;
 - (iii) if the person is a flight instructor—a flight during which the person exercises the privileges of his or her flight instructor rating;
 - (iv) if the person is a flight examiner—a flight during which the person exercises the privileges of his or her flight examiner rating; and
- (b) the person's flight time as pilot in command; and
- (c) the person's flight time as pilot in command under supervision; and
- (d) the person's flight time as a co-pilot.

61.085 Definition of *flight time* as co-pilot for Part 61

A person's *flight time* as a co-pilot is any period, during flight in an aircraft that, under these Regulations, must be flown with a flight crew of at least 2 pilots, in

which the person is performing co-pilot duties other than as pilot in command under supervision.

Note: A co-pilot is a pilot on board an aircraft in a piloting capacity other than the pilot in command or a pilot who is on board the aircraft for the sole purpose of receiving flight training; see the definition of *co-pilot* in Part 1 of the Dictionary.

61.090 Definition of *flight time* as pilot in command for Part 61

A person's *flight time* as pilot in command of an aircraft is the duration of a flight for which the person is the pilot in command of the aircraft.

61.095 Definition of *flight time* as pilot in command under supervision for Part 61

- (1) A person's *flight time* as pilot in command under supervision is the duration of a flight if:
 - (a) the person holds a pilot licence; and
 - (b) the person performs all the duties of the pilot in command for the flight; and
 - (c) subregulation (2) or (3) applies to the flight.
- (2) For paragraph (1)(c), this subregulation applies to the flight if:
 - (a) the flight is conducted by an operator that has training and checking responsibilities; and
 - (b) the pilot in command of the flight is authorised by the operator or the operator's Part 142 operator to conduct the supervision of the person.
- (3) For paragraph (1)(c), this subregulation applies to the flight if:
 - (a) the person is supervised by a flight instructor or flight examiner; and
 - (b) the person is not receiving flight training.

61.100 Definition of *flight time* as flight engineer for Part 61

A person's *flight time* as a flight engineer is:

- (a) if the person is a flight engineer—the duration of a flight during which the person performs the duties of a flight engineer; and
- (b) if the person is a flight engineer instructor—the duration of a flight during which the person exercises the privileges of his or her flight engineer instructor rating; and
- (c) if the person is a flight engineer examiner—the duration of a flight during which the person exercises the privileges of his or her flight engineer examiner rating; and
- (d) if the person is the holder of a cruise relief flight engineer type rating—any time spent performing the duties of a flight engineer during flight.

61.105 Definition of *instrument flight time* for Part 61

- (1) A person's *instrument flight time* is:
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Division 61.A.2 Flight time and other aeronautical experience

Regulation 61.110

- (a) for the holder of an authorisation mentioned in subregulation (2) other than a flight instructor or flight examiner—any time spent piloting an aircraft solely by reference to instruments and without external visual reference points in IMC or simulated IMC; and
 - (b) for a person who does not hold an authorisation mentioned in subregulation (2)—any dual instrument flight time; and
 - (c) for a flight instructor—any time spent conducting training mentioned in regulation 61.1165, or a flight review, during dual instrument flight time in IMC; and
 - (d) for a flight examiner—any time spent conducting a flight test or proficiency check during instrument flight time in IMC.
- (2) For paragraph (1)(a), the authorisations are as follows:
- (a) an instrument rating;
 - (b) a private instrument rating;
 - (c) for flight in an aeroplane or powered-lift aircraft—an air transport pilot licence;
 - (d) for flight in an aeroplane—a multi-crew pilot licence.

61.110 Definition of *instrument ground time* for Part 61

A person's *instrument ground time* is:

- (a) for the holder of an authorisation mentioned in subregulation 61.105(2) other than a simulator instructor or flight examiner—any time spent conducting simulated flight in a flight simulation training device solely by reference to instruments and without simulated external visual reference points; and
- (b) for a person who does not hold an authorisation mentioned in subregulation 61.105(2)—any dual instrument ground time.

Division 61.A.3—Performing flight crew duties without licence, rating or endorsement

Subdivision 61.A.3.1—Student pilots

61.112 Flying as a student pilot

- (1) Subject to regulations 61.113 to 61.115, a person who does not hold a pilot licence is authorised to pilot an aircraft if:
 - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of the person receiving flight training; or
 - (b) the flight is for a flight test for a pilot licence, or a rating or endorsement on a pilot licence, for the person; or
 - (c) the flight is:
 - (i) approved by, and conducted under the supervision of, a flight instructor authorised by a Part 141 or 142 operator to conduct the supervision; and
 - (ii) conducted under the VFR; and
 - (iii) conducted in accordance with the flight instructor's approval.
- (2) Subject to regulations 61.113 to 61.115, the holder of a recreational pilot licence is authorised to pilot a recreational aircraft under the VFR at night, or a non-recreational aircraft, if:
 - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of receiving flight training; or
 - (b) the flight is for a flight test for another pilot licence or a rating or endorsement on a pilot licence; or
 - (c) the flight is:
 - (i) approved by, and conducted under the supervision of, a flight instructor authorised by a Part 141 or 142 operator to conduct the supervision; and
 - (ii) conducted under the VFR; and
 - (iii) conducted in accordance with the flight instructor's approval.
- (3) For subparagraphs (1)(c)(i) and (2)(c)(i), a flight is conducted under the supervision of a flight instructor if the instructor:
 - (a) provides guidance to the person in relation to the flight; and
 - (b) during the flight:
 - (i) is on board the aircraft; or
 - (ii) is at the aerodrome from which the flight began; or
 - (iii) is flying within 15 nautical miles of the aerodrome reference point for the aerodrome from which the flight began; and
 - (c) can be contacted during the flight by radio or other electronic means.

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Division 61.A.3 Performing flight crew duties without licence, rating or endorsement

Regulation 61.113

- (4) For regulations 61.405 to 61.415 (which are about medical requirements), piloting an aircraft in accordance with subregulation (3) does not constitute the exercise of the privileges of a pilot licence.

Note: A person authorised to pilot an aircraft by this regulation is a *student pilot*: see Part 1 of the Dictionary.

61.113 General requirements for student pilots

- (1) A student pilot is authorised to conduct a solo flight in an aircraft only if the student pilot:
- (a) has an ARN; and
 - (b) is at least 15.
- (2) A student pilot is not authorised to pilot an aircraft carrying passengers.
- (3) A student pilot is authorised to pilot an aircraft on a solo flight in another Contracting State's airspace only if the student pilot has the permission (however described) of the Contracting State.
- (4) A student pilot is not authorised to pilot an aircraft other than a registered aircraft.

61.114 Solo flights—medical requirements for student pilots

- (1) Subregulation (2) applies to:
- (a) the conduct of a solo flight in an aircraft other than a recreational aircraft; or
 - (b) the conduct of a solo flight in a recreational aircraft under the VFR at night.
- (2) A student pilot is authorised to conduct the flight only if:
- (a) the student pilot:
 - (i) holds a class 1 or 2 medical certificate; and
 - (ii) carries the medical certificate on the flight; or
 - (b) the student pilot:
 - (i) holds a medical exemption for the flight; and
 - (ii) carries a copy of the exemption on the flight.
- (3) Subregulation (4) applies to the conduct of a solo flight in a recreational aircraft by day, other than by the holder of a recreational pilot licence.
- (4) A student pilot is authorised to conduct the flight only if:
- (a) the student pilot:
 - (i) holds a class 1 or 2 medical certificate; and
 - (ii) carries the medical certificate on the flight; or
 - (b) the student pilot:
 - (i) holds a current recreational aviation medical practitioner's certificate; and
 - (ii) meets the requirements mentioned in subregulation (5); or

- (c) the student pilot:
 - (i) holds a medical exemption for the flight; and
 - (ii) carries a copy of the exemption on the flight.
- (5) For subparagraph (4)(b)(ii), the requirements are as follows:
 - (a) the student pilot must have:
 - (i) given CASA a copy of his or her recreational aviation medical practitioner's certificate; and
 - (ii) received from CASA a written acknowledgement of the receipt of the copy;
 - (b) the student pilot must carry both of the following on the flight:
 - (i) a copy of the certificate;
 - (ii) a copy of the acknowledgement mentioned in subparagraph (a)(ii);
 - (c) the student pilot must comply with any limitations or conditions stated on the certificate;
 - (d) the student pilot must meet the modified Austroads medical standards.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

- (6) In this regulation:

current: a recreational aviation medical practitioner's certificate for a student pilot is **current** for the shortest of the following periods:

- (a) the period beginning on the day the certificate is signed by the medical practitioner and ending 24 months after that day;
- (b) if, when the student pilot conducts a solo flight the student pilot is at least 65—the period beginning on the day the certificate is signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate is signed by the medical practitioner and ending at the end of the stated period.

61.115 Solo flights—recent experience requirements for student pilots

- (1) A student pilot is authorised to conduct a solo flight in an aircraft only if:
 - (a) the student pilot has, within the previous 30 days and in the same type of aircraft, successfully completed a dual flight check; and
 - (b) as a result of the flight, his or her solo flight time since he or she last successfully completed a dual flight check would not exceed 3 hours.
- (2) However, paragraph (1)(b) does not apply to the student pilot if the student pilot is enrolled in an integrated training course.
- (3) In addition, paragraph (1)(b) does not apply to a student pilot in relation to the conduct of a solo flight in an aircraft if the pilot is undergoing training, conducted by a Part 141 operator, for the grant under Part 61 of a private pilot licence, or commercial pilot licence, with a rating for that category of aircraft, and:

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Regulation 61.116

- (a) the pilot holds a recreational pilot licence with such a rating; or
- (b) the Part 141 operator certifies, in writing, that the operator is satisfied that:
 - (i) the student pilot is competent to safely conduct a solo flight in an aircraft of the same category; and
 - (ii) the student pilot has met the competency standards for the grant, under Part 61, of a recreational pilot licence with a rating for that category of aircraft.

61.116 Student pilots authorised to taxi aircraft

A student pilot is authorised to taxi an aircraft if the student pilot is approved to taxi the aircraft by a flight instructor.

Note: See regulation 91.415 for an offence relating to taxiing aircraft without being authorised to do so.

61.117 Identity checks—student pilots

- (1) CASA may, by written notice given to a student pilot, require the student pilot to provide evidence of his or her identity in accordance with paragraph 6.57(1)(a) of the *Aviation Transport Security Regulations 2005*.
- (2) The student pilot commits an offence if:
 - (a) CASA has not told the student pilot, in writing, that he or she has complied with the requirement; and
 - (b) the student pilots an aircraft.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

61.118 Production of medical certificates etc. and identification—student pilots

- (1) CASA may direct a student pilot to produce any or all of the following documents for inspection by CASA:
 - (a) unless the student pilot holds a medical exemption to conduct a solo flight—the student pilot’s medical certificate or recreational aviation medical practitioner’s certificate;
 - (b) a document that includes a photograph of the student pilot showing the student’s full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.
- (2) The student pilot commits an offence if:

- (a) CASA directs the student pilot to produce a document under subregulation (1); and
- (b) the student pilot does not produce the document before the earlier of the following:
 - (i) when the student pilot next conducts a solo flight;
 - (ii) within 7 days after the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Subdivision 61.A.3.2—Other circumstances in which flight crew duties may be performed without licence, rating or endorsement

61.119 Flying without licence—flight engineer duties

A person who does not hold a flight engineer licence is authorised to perform the duties of a flight engineer in a registered aircraft while:

- (a) receiving flight training from a flight engineer instructor; or
- (b) taking a flight test for a flight engineer licence or a flight crew rating or endorsement on a flight engineer licence.

61.120 Operation of aircraft radio without licence

A person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, is authorised to transmit on an aviation safety radio frequency if:

- (a) the transmission is made while receiving training for a flight crew licence or flight radio endorsement; and
- (b) the transmission is approved by an instructor; and
- (c) the transmission is for the purpose of:
 - (i) safely conducting a flight that is approved by a flight instructor; or
 - (ii) receiving training in the use of an aircraft radio.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

61.125 Conducting flight activities without rating or endorsement

- (1) A person who holds a pilot licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
 - (a) the activity is conducted while:
 - (i) receiving flight training for the rating or endorsement; or
 - (ii) taking a flight test for the rating or endorsement; or
 - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and

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Division 61.A.3 Performing flight crew duties without licence, rating or endorsement

Regulation 61.126

- (b) the activity is approved by, and conducted under the supervision of, a flight instructor.
- (2) A person who holds a flight engineer licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
 - (a) the activity is conducted while:
 - (i) receiving flight training for the rating or endorsement; or
 - (ii) taking a flight test for the rating or endorsement; or
 - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and
 - (b) the activity is approved by, and conducted under the supervision of, a flight engineer instructor.

61.126 Conducting flight activities without having met proficiency check or flight review

- (1) A person who holds a flight crew licence, but has not met the proficiency check requirements for the conduct of an activity for which a proficiency check is required under this Part, is authorised to conduct the activity while the person undertakes the proficiency check.
- (2) A person who holds a flight crew licence, but has not met the flight review requirements for the conduct of an activity for which a flight review is required under this Part, is authorised to conduct the activity while the person undertakes the flight review.

61.130 Operation of helicopter using auto flight control system without licence or rating

- (1) This regulation applies to a person who, apart from this regulation, would not be authorised under this Part to pilot a helicopter.
- (2) The person is authorised to pilot the helicopter using the helicopter's auto flight control system if:
 - (a) the person is approved to do so by the helicopter's:
 - (i) operator; and
 - (ii) pilot in command; and
 - (b) the person does so under the supervision of the pilot in command.

61.135 Authorisation to conduct flight training or flight test without holding type rating

- (1) An instructor may apply to CASA, in writing, for authorisation to conduct training for the grant of a pilot type rating or flight engineer type rating in an aircraft for which the instructor does not hold the rating.

- (2) An examiner may apply to CASA, in writing, for authorisation to conduct a flight test required for the grant of a pilot type rating or flight engineer type rating for an aircraft for which the examiner does not hold:
 - (a) the pilot type rating or flight engineer type rating; or
 - (b) a training endorsement; or
 - (c) a flight test endorsement.
- (3) Subject to regulation 11.055, CASA must grant the authorisation.
- (4) Subject to regulations 141.050 and 142.050, if CASA grants the authorisation, the person is authorised to conduct the training or flight test in accordance with the authorisation.

61.140 Authorisation to test aircraft without holding type rating

- (1) The holder of a flight crew licence may apply to CASA, in writing, for authorisation to act as a flight crew member of an aircraft for which the person does not hold a pilot type rating or flight engineer type rating during a flight conducted for the purpose of:
 - (a) testing the aircraft; or
 - (b) conducting an experiment in relation to the aircraft.
- (2) Subject to regulation 11.055, CASA must grant the authorisation.
- (3) If CASA grants the authorisation, the person is authorised to act as a flight crew member during the flight in accordance with the authorisation.

61.145 Piloting glider without holding glider pilot licence

- (1) A person is authorised to pilot a glider without holding a glider pilot licence if the person:
 - (a) holds an authorisation, granted by a glider organisation, that permits the holder to pilot a glider as pilot in command; and
 - (b) operates the glider in accordance with the organisation's operations manual or exposition (whichever is applicable).
- (2) A person (a *student pilot*) is authorised to pilot a glider without holding a glider pilot licence if:
 - (a) the pilot in command of the glider holds an authorisation from a glider organisation that permits the holder to conduct training and assessment in a glider; and
 - (b) the flight is for the purpose of training, or assessing the competency of, the student pilot to pilot a glider; and
 - (c) the student pilot meets the requirements (if any) set out in the glider organisation's operations manual or exposition (whichever is applicable) for a student pilot conducting a flight.
- (3) A person (a *student pilot*) is authorised to pilot a glider without holding a glider pilot licence if:

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Division 61.A.3 Performing flight crew duties without licence, rating or endorsement

Regulation 61.145

- (a) the flight is:
 - (i) approved by, and conducted under the supervision of, a pilot who holds an authorisation from a glider organisation that permits the holder to conduct training and assessment in a glider (the *glider instructor*); and
 - (ii) conducted under the VFR; and
 - (iii) conducted in accordance with the glider instructor's approval; and
- (b) the student pilot meets the requirements (if any) set out in the glider organisation's operations manual or exposition (whichever is applicable) for a student pilot conducting a flight.

Subpart 61.B—Grant of flight crew licences, ratings and endorsements

Division 61.B.1—General

61.150 People who may grant flight crew licences, ratings and endorsements

- (1) CASA may grant any flight crew licence, rating or endorsement.
- (2) Subject to subregulation (8) and regulation 61.1265, a flight examiner may grant the following:
 - (a) a rating on a pilot licence, other than:
 - (i) an aircraft category rating; or
 - (ii) a flight examiner rating; or
 - (iii) a cruise relief flight engineer type rating;
 - (b) an endorsement on a pilot licence, other than a flight test endorsement.
- (3) Subject to subregulation (8) and regulations 61.1175 and 61.1200, a pilot instructor may grant an endorsement on a pilot licence, other than:
 - (a) a flight examiner endorsement; or
 - (b) a training endorsement mentioned in Part 1 or 2 of table 61.1235; or
 - (c) an endorsement for which a flight test is required under this Part.
- (4) Subject to subregulation (8) and regulation 61.1455, a flight engineer examiner may grant the following:
 - (a) a rating on a flight engineer licence, other than a flight engineer examiner rating;
 - (b) an endorsement on a flight engineer licence, other than a flight engineer flight test endorsement;
 - (c) a cruise relief flight engineer type rating.
- (5) Subject to subregulation (8) and regulation 61.1405, a flight engineer instructor may grant a flight engineer training endorsement.
- (6) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 141.035 or 142.040 (an **approval holder**) may grant a flight crew endorsement for which the holder is approved to conduct flight training.
- (7) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 61.040 (also an **approval holder**) may grant the following:
 - (a) a flight crew rating, other than an examiner rating;
 - (b) a flight crew endorsement, other than a flight test endorsement or a flight engineer flight test endorsement.

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Subpart 61.B Grant of flight crew licences, ratings and endorsements

Division 61.B.1 General

Regulation 61.155

- (8) An examiner, instructor or approval holder cannot grant a flight crew rating or endorsement to a person if the person is taken to meet the requirements for the rating or endorsement under:
- (a) regulation 61.275 (Overseas flight crew authorisations—recognition); or
 - (b) regulation 61.285 (Australian Defence Force qualifications—recognition).

Note: A flight crew licence, rating or endorsement granted under a bilateral agreement may only be granted by CASA: see regulation 61.280.

61.155 Applications for flight crew licences, ratings and endorsements

- (1) An application for a flight crew licence, rating or endorsement must be made to a person who may grant the licence, rating or endorsement.

Note: See Subpart 11.B, in particular, regulation 11.030, about applications for authorisations.

- (2) The application must:
- (a) be in writing; and
 - (b) if the application is for a pilot licence—include an application for an aircraft category rating.
- (2A) Subregulation (2B) applies if the application is for a flight crew licence and the applicant has not:
- (a) applied to CASA for another flight crew licence in the previous 10 years and submitted with the application a photograph of the applicant; or
 - (b) given to CASA, within the previous 10 years, a photograph of the applicant in response to a direction or request in writing by CASA to the applicant.
- (2B) The applicant must also submit to CASA a recent photograph of the applicant, showing the applicant's full face and his or her head and shoulders.
- (3) If the requirements for the grant of a flight crew licence, rating or endorsement (the *second authorisation*) include a requirement that the applicant hold, or be eligible for, another flight crew licence, rating or endorsement (the *first authorisation*), a person may:
- (a) apply for the first and second authorisations at the same time; or
 - (b) apply for the second authorisation at any time after applying for the first authorisation, whether or not the first authorisation has been granted before the person applies for the second authorisation.

61.160 Grant of flight crew licences

Subject to regulation 11.055, CASA must grant a flight crew licence to an applicant for the licence if:

- (a) the application complies with regulation 61.155; and
- (b) the applicant:
 - (i) meets the requirements mentioned in this Part for the grant of the licence; and

- (ii) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment; and
- (iii) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

61.165 Grant of flight crew ratings

Subject to regulation 11.055, CASA, or an examiner or an approval holder within the meaning of regulation 61.150, must grant a flight crew rating to an applicant for the rating if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner or approval holder—the examiner or approval holder may, under regulation 61.150, grant the rating; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the rating.

61.170 Grant of flight crew endorsements

Subject to regulation 11.055, CASA, or an examiner, instructor or an approval holder within the meaning of regulation 61.150, must grant a flight crew endorsement to an applicant for the endorsement if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner, instructor or approval holder—the examiner, instructor or approval holder may, under regulation 61.150, grant the endorsement; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the endorsement.

61.175 How CASA issues flight crew licences, ratings and endorsements

- (1) Subregulation (2) applies if:
 - (a) CASA grants a flight crew licence to a person under regulation 61.160; and
 - (b) the person does not already hold a flight crew licence.
 - (2) For subregulation (1), CASA must issue to the person a document (the *licence document*) indicating that the person is authorised to exercise the privileges of:
 - (a) the flight crew licence; and
 - (b) if, at the same time, CASA also grants a flight crew rating or endorsement to the person under regulation 61.165 or 61.170—the rating or endorsement.
 - (3) Subregulation (4) applies if:
 - (a) CASA grants a flight crew licence (the *new licence*) to a person under regulation 61.160; and
 - (b) the person already holds a flight crew licence (the *existing licence*).
-

Part 61 Flight crew licensing

Subpart 61.B Grant of flight crew licences, ratings and endorsements

Division 61.B.1 General

Regulation 61.180

- (4) For subregulation (3), CASA must issue to the person a new licence document indicating that the person is authorised to exercise the privileges of:
 - (a) the new licence; and
 - (b) the existing licence; and
 - (c) any flight crew ratings and endorsements that the person already holds or that CASA grants at the same time as the new licence.
- (5) Subregulation (6) applies if:
 - (a) CASA grants a flight crew rating or endorsement to a person under regulation 61.165 or 61.170, other than a rating or endorsement granted at the same time as a flight crew licence; and
 - (b) the person already holds a flight crew licence.
- (6) For subregulation (5), CASA must endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating or endorsement.

61.180 How examiner, instructor or approval holder issues rating or endorsement

- (1) If an examiner or approval holder grants a flight crew rating to a person under regulation 61.165, the examiner or approval holder must:
 - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating; and
 - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the rating.
- (2) If an examiner, instructor or approval holder grants a flight crew endorsement to a person under regulation 61.170, the examiner, instructor or approval holder must:
 - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the endorsement; and
 - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the endorsement.
- (3) An examiner, instructor or approval holder commits an offence if he or she contravenes subregulation (1) or (2).

Penalty: 50 penalty units.
- (4) If CASA is satisfied that the rating or endorsement was issued in error, CASA must cancel the rating or endorsement.
- (5) An offence against this regulation is an offence of strict liability.

61.185 New licence document if licence, rating or endorsement cancelled

- (1) This regulation applies if:

Regulation 61.190

- (a) a flight crew licence, rating or endorsement is cancelled under Part 16 of CAR or Subpart 11.D; and
 - (b) the holder of the licence, rating or endorsement holds a licence that is not cancelled (the *continuing licence*).
- (2) CASA must issue to the holder a new licence document indicating that the holder is authorised to exercise the privileges of:
- (a) the continuing licence; and
 - (b) any ratings or endorsements that the holder continues to hold.

61.190 Licence holder to comply with limitations and requirements of Part 61

It is a condition of a flight crew licence, rating or endorsement that the holder must comply with:

- (a) the limitations on the exercise of the privileges of the licence, rating or endorsement set out in this Part; and
- (b) the requirements set out in this Part that apply to the holder.

Division 61.B.2—Flight training and other training

61.195 Flight training requirements

- (1) Subregulation (2) applies to flight training for:
 - (a) a flight crew licence; or
 - (b) a flight crew rating; or
 - (c) a flight crew endorsement, other than a design feature endorsement or a flight activity endorsement.

Note: For training, other than flight training, see regulation 61.210.
- (2) For subregulation (1), a requirement in this Part for an applicant for a flight crew licence, rating or endorsement to have completed flight training for the licence, rating or endorsement is met only if:
 - (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement; and
 - (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
 - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder; and
 - (d) for flight training for the grant of an aircraft class rating or type rating—the training is conducted in accordance with regulation 61.205; and
 - (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.
- (3) Subregulation (4) applies to flight training for a design feature endorsement or a flight activity endorsement.
- (4) For subregulation (3), a requirement in this Part for an applicant for a flight crew endorsement to have completed flight training for the endorsement is met only if:
 - (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (b) the training is conducted by:
 - (i) an instructor; or
 - (ii) the holder of an approval under regulation 61.040 to conduct the training; and
 - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder.

- (5) For paragraphs (2)(c) and (4)(c), the assessment must be conducted against the standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.

61.200 Differences training requirements

A requirement in this Part for the holder of a type rating to have completed differences training for a variant of the aircraft type covered by the rating is met only if:

- (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the rating that are necessary to ensure that the holder is able to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct differences training for the variant; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
- (c) the holder has been assessed by the instructor or approval holder as competent to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (d) the training is conducted in accordance with regulation 61.205; and
- (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.

61.205 When training must not be conducted in aircraft

- (1) For paragraphs 61.195(2)(d), 61.200(d) and 61.747(3)(c), the training must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
- (a) there is an approved flight simulator for the training available in Australia; or
 - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the training available outside Australia.
- (2) In this regulation:
- available**, for training, means able to be used for the training.

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Division 61.B.2 Flight training and other training

Regulation 61.210

61.210 Other approved courses of training or professional development

- (1) A requirement in this Part for a student pilot or an applicant for a flight crew licence, rating or endorsement to have completed an approved course of training or professional development is met only if:
 - (a) for a course that is approved under regulation 61.040—the student or applicant:
 - (i) has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the course; and
 - (ii) has been assessed as competent by the person conducting the course against the standards mentioned in the Part 61 Manual of Standards for the course; or
 - (b) for a course that is conducted by a Part 141 or 142 operator—the student or applicant:
 - (i) has received training in all the units of competency mentioned in the course's syllabus; and
 - (ii) has been assessed by a person mentioned in subregulation (2) as competent against the standards mentioned in the course's syllabus.
- (2) For subparagraph (1)(b)(ii), the persons are as follows:
 - (a) the head of operations of the Part 141 or 142 operator that conducted the training;
 - (b) an instructor who is authorised by the head of operations to conduct the assessment;
 - (c) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

Division 61.B.3—Aeronautical knowledge examinations

61.215 Aeronautical knowledge examinations—general

- (1) CASA may set aeronautical knowledge examinations for the grant of a flight crew licence, rating or endorsement in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.
- (2) A Part 141 or 142 operator may set aeronautical knowledge examinations for the grant of:
 - (a) a recreational pilot licence; or
 - (b) a flight crew rating other than an instrument rating; or
 - (c) a flight crew endorsement.
- (3) However, a Part 141 or 142 operator may set an aeronautical knowledge examination only if:
 - (a) the examination is set in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement; and
 - (b) the operator holds an approval under regulation 61.040 for the examination.
- (4) The examinations may be conducted at the times and places, and in accordance with arrangements, decided by the body setting the examination.

61.220 Aeronautical knowledge examinations—air transport pilot licence

To be eligible to sit the aeronautical knowledge examination for an air transport pilot licence with a particular aircraft category rating, an applicant must:

- (a) hold a commercial pilot licence with that rating; or
- (b) have passed the aeronautical knowledge examination for a commercial pilot licence with that rating; or
- (c) hold an approval under regulation 61.040 to sit the examination.

61.225 Aeronautical knowledge examinations—pass standards

- (1) A requirement in this Part for a person to have passed an aeronautical examination for a flight crew licence, rating or endorsement is met if the person meets the standards mentioned in the Part 61 Manual of Standards for the examination.
- (2) However, a person is taken to have passed an aeronautical knowledge examination only if the person passes all parts of the examination within a period of 2 years.
- (3) If on 3 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt

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Division 61.B.3 Aeronautical knowledge examinations

Regulation 61.230

the examination or part again within 3 months beginning on the day the person attempts the examination or part for the third time.

- (4) If on 4 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt the examination or part again until CASA is satisfied that the person has completed appropriate training.

61.230 Aeronautical knowledge examinations—knowledge deficiency reports

- (1) This regulation applies if a candidate for an aeronautical knowledge examination:
- (a) passes the examination with a score of less than 100%; or
 - (b) fails the examination with a score of at least 51%.
- (2) The body that conducts the examination must:
- (a) prepare a report about the competency standards in which the candidate's knowledge is deficient; and
 - (b) give a copy of the report to the candidate; and
 - (c) if the examination was not conducted by the candidate's training provider—give a copy of the report to the candidate's training provider.

Division 61.B.4—Flight tests

61.235 Flight tests for flight crew licences and ratings—prerequisites

Flight crew licence prerequisites

- (1) Subregulation (2) applies to an applicant for a flight crew licence, other than an applicant who is eligible for the licence under subregulation 61.275(1) (Overseas flight crew authorisations—recognition).
- (2) For subregulation (1), the applicant is eligible to take a flight test for the licence only if:
 - (a) the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the grant of the licence; and
 - (v) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment; and
 - (vi) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
 - (aa) for a flight crew licence other than an air transport pilot licence—a person mentioned in subregulation (5), (6) or (7) has certified in writing that the applicant has met the requirements mentioned in paragraph (a); and
 - (b) for a flight crew licence other than an air transport pilot licence, if the applicant passed the aeronautical knowledge examination for the licence with a score of less than 100%:
 - (i) the applicant’s training provider has given the examiner who is to conduct the applicant’s flight test a copy of the applicant’s knowledge deficiency report; and
 - (ii) the applicant satisfies the examiner that the applicant has sufficient knowledge in any competency standard mentioned in the knowledge deficiency report to safely exercise the privileges of the licence; and
 - (c) if the flight test is to be conducted in an aircraft:
 - (i) the applicant holds a current medical certificate of the class required for the exercise of the privileges of the licence; or
 - (ii) if the test is for a recreational pilot licence—the applicant holds a current recreational aviation medical practitioner’s certificate; or
 - (iii) the applicant holds a medical exemption for the exercise of the privileges of the licence.

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Subpart 61.B Grant of flight crew licences, ratings and endorsements

Division 61.B.4 Flight tests

Regulation 61.240

Flight crew rating prerequisites

- (3) Subregulation (4) applies to an applicant for a flight crew rating, other than an applicant who is eligible for the rating under subregulation 61.275(2) or (3).
- (4) For subregulation (3), the applicant is eligible to take a flight test for the rating only if:
 - (a) a person mentioned in subregulation (5), (6) or (7) has certified in writing that the applicant:
 - (i) if the application is for an operational rating—has passed the aeronautical knowledge examination for the rating; and
 - (ii) has met the flight training requirements for the grant of the rating; and
 - (iii) has met the aeronautical experience requirements for the rating; and
 - (b) if the test is to be conducted in an aircraft:
 - (i) the applicant holds a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (ii) the applicant holds a medical exemption for the exercise of the privileges of the licence.
- (5) For paragraphs (2)(aa) and (4)(a), if the applicant's training provider is a Part 141 operator, the person is:
 - (a) the operator's head of operations; or
 - (b) a person named in the operator's operations manual as responsible for the flight training to which the flight test relates.
- (6) For paragraphs (2)(aa) and (4)(a), if the applicant's training provider is a Part 142 operator, the person is:
 - (a) the operator's head of operations; or
 - (b) a person named in the operator's exposition as responsible for the flight training to which the flight test relates.
- (7) For paragraphs (2)(aa) and (4)(a), if the applicant's training provider is the holder of an approval under regulation 141.035 or 142.040 to conduct the training, the person is the approval holder.

61.240 Consequences of taking flight test when ineligible

An applicant for a flight crew licence or rating is taken not to have passed a flight test if, when the applicant took the flight test, the applicant was not eligible under regulation 61.235 to take the flight test.

61.245 Conduct of flight tests for flight crew licences, ratings and endorsements

- (1) The flight test for a flight crew licence, rating or endorsement must be conducted in:
 - (a) an aircraft or an approved flight simulator for the purpose; and
 - (b) if the flight test is for a rating or endorsement that is limited to a particular category, class or type of aircraft:

- (i) an aircraft of that category, class or type; or
 - (ii) an approved flight simulator for that category, class or type of aircraft that is appropriate for the flight test.
- (2) However, the flight test for an aircraft class rating or type rating must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
- (a) there is an approved flight simulator for the flight test available in Australia; or
 - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the flight test available outside Australia.
- (3) The flight test must be conducted by an examiner or the holder of an approval under regulation 61.040 to conduct the flight test (the **Part 61 approval holder**) who is nominated by the applicant’s training provider.
- (4) However, at any time before the test begins, CASA may, by written notice to the training provider and, if the training provider has nominated an examiner or Part 61 approval holder to conduct the flight test, the examiner or Part 61 approval holder:
- (a) nominate a different examiner or Part 61 approval holder to conduct the flight test; or
 - (b) require that CASA will conduct the flight test.
- (5) In this regulation:

available, for a flight test, means able to be used for the flight test.

61.250 Pass standards for flight tests

An applicant for a flight crew licence, rating or endorsement passes the flight test for the licence, rating or endorsement if the examiner assesses the applicant’s performance in the flight test as meeting the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Division 61.B.5—English language proficiency

61.255 Aviation English language proficiency assessments

- (1) A person may apply, in writing, to CASA or an examiner for an assessment of the person's aviation English language proficiency.
- (2) The applicant passes the assessment if CASA or the examiner is satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) If CASA or the examiner is not satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards, CASA or the examiner must refer the application to an aviation English language proficiency assessor.
- (4) The applicant passes the assessment if the assessor is satisfied that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

61.260 Duration of English language proficiency assessments

A person's aviation English language proficiency assessment is **current** as follows:

- (a) if the person was assessed as meeting the ICAO level 6 aviation English language proficiency standards—indefinitely;
- (b) if the person was assessed as meeting the ICAO level 5 aviation English language proficiency standards—for 6 years beginning on the day the assessment is conducted;
- (c) if the person was assessed as meeting the ICAO level 4 aviation English language proficiency standards—for 3 years beginning on the day the assessment is conducted.

61.265 Recreational pilot licences—general English language proficiency

- (1) For subparagraph 61.160(b)(iii), an applicant for a recreational pilot licence must:
 - (a) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) satisfy a person mentioned in subregulation (2) that the applicant:
 - (i) has successfully completed one of the general English language proficiency tests mentioned in the Part 61 Manual of Standards; and
 - (ii) has sufficient general English language proficiency to safely exercise the privileges of the licence.
 - (2) For paragraph (1)(b), the persons are as follows:
 - (a) the head of operations of a Part 141 or 142 operator;
-

- (b) an instructor who is authorised by the head of operations to assess the applicant's English language proficiency.

61.270 Approval of language proficiency assessors

- (1) A person may apply to CASA, in writing, for approval to conduct aviation English language proficiency assessments.
- (2) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that the person has successfully completed an approved course of training in assessment of aviation English language.

Division 61.B.6—Recognition of overseas flight crew authorisations

61.275 Overseas flight crew authorisations—recognition

- (1) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of a flight crew licence (an **Australian licence**) with an aircraft category rating if:
- (a) CASA is satisfied that the overseas flight crew licence and any ratings on that licence are at least equivalent to the Australian licence with that aircraft category rating; and
 - (b) the applicant is at least the minimum age for the grant of the Australian licence; and
 - (c) the applicant holds an authorisation to operate an aircraft radio granted by the national aviation authority of a Contracting State; and
 - (d) either:
 - (i) the applicant's overseas licence states that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards; or
 - (ii) the applicant has a current aviation English language proficiency assessment; and
 - (e) for an application for a commercial pilot licence:
 - (i) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (ii) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (ea) for an application for a multi-crew pilot licence or air transport pilot licence—the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (f) the applicant has passed the overseas conversion aeronautical knowledge examination mentioned in the Part 61 Manual of Standards for the Australian licence and aircraft category rating.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

- (2) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an aircraft class rating, pilot type rating or flight engineer type rating (an **Australian rating**) if:
- (a) the applicant holds, or has held, an overseas rating; and
 - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating.

- (3) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an operational rating (an **Australian rating**) if:
- (a) the applicant holds, or has held, an overseas rating; and
 - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating; and
 - (c) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian rating; and
 - (d) the applicant passes the aeronautical knowledge examination for the Australian rating; and
 - (e) CASA is satisfied that the applicant has completed the aeronautical experience required for the grant of the Australian rating; and
 - (f) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian rating.
- (4) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of a flight crew endorsement (an **Australian endorsement**) if:
- (a) the applicant holds, or has held, an overseas endorsement; and
 - (b) CASA is satisfied that the overseas endorsement is at least equivalent to the Australian endorsement; and
 - (c) if the requirements for the grant of the endorsement include passing a flight test—the applicant passes the flight test.
- (5) For subparagraph (1)(e)(i) and paragraph (3)(c), the persons are as follows:
- (a) the head of operations of a Part 141 or 142 operator that is authorised to conduct flight training for the Australian licence or rating;
 - (b) a person named in the Part 141 operator's operations manual, or the Part 142 operator's exposition, as responsible for flight training for the licence or rating.

61.280 Grant of flight crew licences, ratings or endorsements under bilateral agreements

CASA may grant a flight crew licence, rating or endorsement to the holder of an overseas flight crew licence in accordance with a bilateral agreement between Australia and the Contracting State whose licensing authority granted the overseas licence.

Note: The holder of a commercial pilot licence or an airline transport pilot licence granted by the Civil Aviation Authority of New Zealand is eligible for an equivalent Australian licence and equivalent ratings and other endorsements: see the *Trans-Tasman Mutual Recognition Act 1997*.

Division 61.B.7—Recognition of Australian Defence Force qualifications

61.285 Australian Defence Force qualifications—recognition

Despite anything else in this Part, a member or former member of the Australian Defence Force is taken to meet the requirements under this Part for the grant of a flight crew licence, rating or endorsement, other than an examiner rating, if the member:

- (a) holds, or has held, a flight crew qualification granted by the Australian Defence Force that CASA is satisfied is at least equivalent to the licence, rating or endorsement; and
- (b) for a flight crew licence:
 - (i) is at least the minimum age for the grant of the licence; and
 - (ii) has a current aviation English language proficiency assessment; and
- (c) meets the aeronautical experience requirements for the licence, rating or endorsement; and
- (f) for an air transport pilot licence:
 - (i) passes the Australian Defence Force conversion aeronautical knowledge examination for the air transport pilot licence mentioned in the Part 61 Manual of Standards; and
 - (ii) completes an approved course of training in multi-crew cooperation; and
 - (iii) passes the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence; and
- (g) for an instrument rating—passes:
 - (i) the aeronautical knowledge examination for the rating; and
 - (ii) the flight test mentioned in the Part 61 Manual of Standards for the rating; and
- (h) for an instructor rating—passes the flight test mentioned in the Part 61 Manual of Standards for the rating.

Subpart 61.C—Certificates of validation

61.290 Grant of certificates of validation

- (1) The holder of an overseas flight crew licence may apply to CASA for the grant of a certificate of validation of the licence and any overseas rating or endorsement attached to the licence.
- (2) Subject to regulation 11.055, CASA must grant the certificate of validation if:
 - (a) the applicant is authorised (however described) to exercise the privileges of the overseas flight crew licence and any rating or endorsement attached to the licence; and
 - (b) the applicant has passed any examination or flight test that CASA has, under subregulation (4), determined is required for the applicant.
- (3) For paragraph (2)(a), if the overseas flight crew licence is equivalent to a commercial pilot licence, multi-crew pilot licence or air transport pilot licence, CASA must verify with the issuing authority for the licence that the licence holder is authorised (however described) to exercise the privileges of the licence and any rating or endorsement attached to the licence.
- (4) For paragraph (2)(b), if it is necessary for an applicant to pass an examination or flight test to satisfy CASA that the applicant can safely exercise the privileges of the certificate of validation, CASA may determine that the examination or flight test is required for the applicant.

61.295 Privileges of certificates of validation

Subject to regulations 61.300 and 61.305, the holder of a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to an Australian flight crew licence, rating or endorsement is authorised to conduct any activity that the holder of the equivalent Australian flight crew licence, rating or endorsement is authorised to conduct.

61.300 Limitations on exercise of privileges of certificates of validation—medical certificate

- (1) The holder of a certificate of validation of an overseas flight crew licence is authorised to conduct an activity mentioned in regulation 61.295 only if the holder also holds an overseas medical certificate mentioned in subregulation (2).
- (2) For subregulation (1), the medical certificate must be of at least the class required for the exercise of the privileges of the overseas flight crew licence by the Contracting State whose national aviation authority granted the licence to the holder.

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61.305 Limitations on exercise of privileges of certificates of validation—recent experience, flight review and proficiency check

- (1) The holder of a certificate of validation for an overseas flight crew licence that is equivalent to an Australian pilot licence is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in regulation 61.395 for the exercise of the privileges of the Australian pilot licence.
- (2) The holder of a certificate of validation for an overseas rating that is equivalent to an Australian rating is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in this Part for the exercise of the privileges of the Australian rating.

61.310 Limitations on exercise of privileges of certificates of validation—carriage of documents

The holder of a certificate of validation is authorised to exercise the privileges of the certificate on a flight only if the holder carries the following documents on the flight:

- (a) his or her certificate of validation;
- (b) his or her overseas flight crew licence;
- (c) his or her overseas medical certificate;
- (d) a document that:
 - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
 - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (iii) has not expired or been cancelled.

61.315 Conduct of unauthorised activities by holders of certificates of validation

- (1) The holder of a certificate of validation commits an offence if:
 - (a) the holder conducts an activity while:
 - (i) piloting an aircraft; or
 - (ii) acting as flight engineer of an aircraft; or
 - (iii) operating a flight simulation training device; and
 - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence relating to a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a

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relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

- (3) It is a condition of a certificate of validation that the holder must comply with:
 - (a) the limitations on the exercise of the privileges of the certificate of validation set out in this Subpart; and
 - (b) the requirements set out in this Part that apply to the holder.

61.320 Certificates of validation—period of validity

- (1) A certificate of validation must:
 - (a) not be granted for a period of more than one year; and
 - (b) state the date on which it expires.
- (2) However, a certificate of validation ends on the earliest of the following events:
 - (a) the end of the day stated in the certificate as the date on which it expires;
 - (b) when the holder ceases to be authorised (however described) to exercise the privileges of the overseas flight crew licence, or any rating or endorsement on the licence, to which the certificate relates;
 - (c) when the holder's overseas medical certificate expires.

61.325 Certificates of validation—renewal

- (1) CASA may renew a certificate of validation only if:
 - (a) the person has passed the aeronautical knowledge examination for a flight crew licence under this Part that is equivalent to the overseas flight crew licence to which the certificate relates; or
 - (b) CASA is satisfied that exceptional circumstances justify the renewal.

- (2) In this regulation:

renew, a certificate of validation, includes grant a new certificate of validation to the holder of:

- (a) a current certificate of validation; or
 - (b) a certificate of validation that has expired within the previous 3 months;
- in respect of the same overseas flight crew licence, rating or endorsement.

Subpart 61.D—General obligations of flight crew licence holders

61.335 Identity checks

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to provide evidence of his or her identity in accordance with paragraph 6.57(1)(a) of the *Aviation Transport Security Regulations 2005*.
- (2) The holder commits an offence if:
 - (a) CASA has not told the holder, in writing, that he or she has complied with the requirement; and
 - (b) the holder exercises the privileges of the licence or certificate.

Penalty: 50 penalty units.
- (3) For subregulation (2), CASA is taken to have told the holder that he or she has complied with the requirement if CASA issues a new licence document or certificate of validation to the holder after giving the holder the notice.
- (4) An offence against this regulation is an offence of strict liability.

61.336 Provision of photograph

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to give CASA, within 30 days of receiving the notice, a photograph of the holder:
 - (a) showing the holder's full face and his or her head and shoulders; and
 - (b) taken not earlier than 6 months before the date of the notice.
- (2) The holder commits an offence if the holder:
 - (a) has not complied with the requirement; and
 - (b) exercises the privileges of the licence or certificate of validation.

Penalty: 50 penalty units.
- (3) An offence against this regulation is an offence of strict liability.

61.340 Production of licence documents, medical certificates and identification

- (1) CASA may direct the holder of a flight crew licence to produce any or all of the following documents for inspection by CASA:
 - (a) the holder's licence document;
 - (b) unless the holder also holds a medical exemption for the exercise of the privileges of the licence—the holder's medical certificate or recreational aviation medical practitioner's certificate;

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- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.
- (2) CASA may direct the holder of a certificate of validation to produce any or all of the following documents for inspection by CASA:
 - (a) the holder's certificate of validation;
 - (b) the holder's overseas medical certificate;
 - (c) the holder's overseas flight crew licence;
 - (d) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.
- (3) The holder of a flight crew licence or certificate of validation commits an offence if:
 - (a) CASA directs the holder to produce a document under subregulation (1) or (2); and
 - (b) the holder does not produce the document within the period mentioned in subregulation (4).

Penalty: 50 penalty units.

- (4) For paragraph (3)(b), the period is as follows:
 - (a) if, when the direction was given, the holder was exercising, had just finished exercising, or was about to exercise, the privileges of the licence or certificate of validation—immediately;
 - (b) in any other case—7 days after the day the direction is given.
- (5) An offence against this regulation is an offence of strict liability.

61.345 Personal logbooks—pilots

- (1) A person who holds a pilot licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence, commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

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- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
 - (a) the date the flight began;
 - (b) the type of aircraft;
 - (c) whether it was a single-engine or multi-engine aircraft;
 - (d) the aircraft's nationality and registration marks;
 - (e) the take-off and landing points for the flight, and for each segment of the flight;
 - (f) the flight time (if any) flown in each of the following capacities:
 - (i) pilot in command;
 - (ii) co-pilot;
 - (iii) pilot in command under supervision;
 - (iv) pilot receiving flight training;
 - (g) if the person is a flight instructor—any flight time spent exercising the privileges of his or her flight instructor rating;
 - (h) if the person is a flight examiner—any flight time spent exercising the privileges of his or her flight examiner rating;
 - (i) whether the flight was by day or night, or both;
 - (j) any instrument flight time;
 - (k) whether the person conducted an instrument approach operation and, if so, the type of instrument approach procedure.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in the person's logbook for the simulated flight:
 - (a) the date the simulated flight began;
 - (b) the type of aircraft represented by the device;
 - (c) the simulated flight time (if any) performed in each of the following capacities:
 - (i) pilot in command;
 - (ii) co-pilot;
 - (iii) pilot in command under supervision;
 - (iv) pilot receiving flight training;
 - (d) if the person is a flight instructor or simulator instructor—any time spent exercising the privileges of his or her instructor rating;
 - (e) whether the flight was conducted in simulated day or night conditions, or both;
 - (f) a description of the simulated flight activity.

61.350 Personal logbooks—flight engineers

- (1) A person who holds a flight engineer licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence,
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commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
 - (a) the date the flight began;
 - (b) the type of aircraft;
 - (c) the aircraft's nationality and registration marks;
 - (d) the name of the pilot in command;
 - (e) the take-off and landing points for the flight;
 - (f) whether the holder was operating under training or supervision, or was conducting training or supervision;
 - (g) the amount of flight time for which the holder performed the duties of a flight engineer;
 - (h) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in his or her personal logbook for the simulated flight:
 - (a) the date the simulated flight began;
 - (b) the type of aircraft represented by the device;
 - (c) if a person acted as pilot in command for the simulated flight—that person's name;
 - (d) a description of the activities conducted during the simulated flight;
 - (e) whether the holder was operating under training or supervision, or was conducting training or supervision;
 - (f) the amount of time for which the holder performed the duties of flight engineer;
 - (g) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.

61.355 Retention of personal logbooks

- (1) A person commits an offence if:
 - (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
 - (b) the person does not retain the logbook for 7 years after the day the last entry is made in it.

Penalty: 50 penalty units.

- (2) A person commits an offence if:
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- (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
- (b) the person does not ensure that each entry in the logbook is retained unaltered throughout the period mentioned in subregulation (1).

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

61.360 False entries in personal logbooks

- (1) The holder of a flight crew licence or certificate of validation commits an offence if:

- (a) the holder makes an entry in his or her personal logbook; and
- (b) the entry is false or misleading.

Penalty: 50 penalty units.

- (2) Paragraph (1)(b) does not apply if the entry is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

- (3) CASA may give the holder of a flight crew licence or certificate of validation a written direction to correct an entry in his or her personal logbook in accordance with the direction.
- (4) The holder commits an offence if the holder does not comply with the direction within 14 days after the day the direction is given to the person.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

61.365 Production of personal logbooks

- (1) CASA may direct the holder of a flight crew licence or certificate of validation to produce the holder's personal logbook for inspection by CASA.

- (2) The holder of a flight crew licence or certificate of validation commits an offence if:

- (a) CASA directs the holder to produce his or her personal logbook under subregulation (1); and
- (b) the holder does not produce an up to date version of the personal logbook within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) If the holder's personal logbook is kept in electronic form, a requirement to produce the logbook is met if:

- (a) the holder produces a printed copy of the logbook; and

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- (b) each page is certified by the holder as a true copy of the logbook records set out on the page.
- (4) An offence against this regulation is an offence of strict liability.

Part 61 Flight crew licensing

Subpart 61.E Pilot licensing—general limitations and authorisations

Division 61.E.1 General limitations on exercise of pilot licence privileges

Regulation 61.375

Subpart 61.E—Pilot licensing—general limitations and authorisations

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010. Subpart 61.Z deals with glider pilot licences.

Division 61.E.1—General limitations on exercise of pilot licence privileges

61.375 Limitations on exercise of privileges of pilot licences—ratings

- (1) This regulation applies to the holder of a pilot licence.
- (2) The holder is authorised to exercise the privileges of the licence in an aircraft of a particular category only if the holder also holds, as the associated aircraft category rating for the licence, the aircraft category rating for that category of aircraft.

Note: An aircraft category rating has effect only in conjunction with the licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

- (3) The holder is authorised to exercise the privileges of the licence in an aircraft, other than an aircraft mentioned in subregulation (5), only if the holder also holds an appropriate aircraft class rating for the aircraft.
- (4) For subregulation (3), either of the following is an appropriate aircraft class rating for an aeroplane in the single-engine aeroplane class:
 - (a) the single-engine aeroplane class rating;
 - (b) the multi-engine aeroplane class rating.
- (5) The holder is authorised to exercise the privileges of the licence in:
 - (a) a multi-crew aircraft; or
 - (b) an aircraft:
 - (i) that is certificated for single-pilot operation; and
 - (ii) for which a single-pilot type rating is required by a legislative instrument under regulation 61.060;only if the holder also holds the appropriate pilot type rating for the aircraft type.
- (6) However, the holder is not required to hold the pilot type rating for the aircraft if:
 - (a) the person is acting as a cruise relief co-pilot for the aircraft; and
 - (b) the person holds a cruise relief co-pilot type rating for the aircraft type.
- (7) The holder is authorised to conduct an activity mentioned in column 1 of an item in table 61.375 in the exercise of the privileges of the licence only if the holder also holds the rating mentioned in column 2 of the item.
- (8) However:

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- (a) the holder of a multi-crew pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane in a multi-crew operation:
 - (i) under the IFR; or
 - (ii) at night under the VFR; and
- (b) the holder of an air transport pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane:
 - (i) under the IFR; or
 - (ii) at night under the VFR; and
- (c) the holder of an air transport pilot licence with a powered-lift category rating is authorised, without holding an instrument rating, to pilot a powered-lift aircraft:
 - (i) under the IFR; or
 - (ii) at night under the VFR.

Table 61.375 Activities for which ratings are required

Item	Column 1 Activity	Column 2 Rating
1	An operation under the IFR, other than an operation mentioned in item 2	Instrument rating
2	A private operation under the IFR	Either: (a) instrument rating; or (b) private instrument rating
3	An operation at night under the VFR	Either: (a) night VFR rating; or (b) instrument rating
4	An operation at night using a night vision imaging system	Night vision imaging system rating
5	A low-level operation	Either: (a) low-level rating; or (b) aerial application rating
6	An aerial application operation below 500 ft AGL	Aerial application rating
7	An activity mentioned in paragraph 61.1165(a), (c), (d), (e) or (f) in an aircraft An activity mentioned in paragraph 61.1165(g), (h) or (i)	Flight instructor rating
8	An activity mentioned in paragraph 61.1190(a), (c), (d), (e) or (f) in a flight simulation training device An activity mentioned in paragraph 61.1165(b), (j) or (k) or 61.1190(b), (g) or (h)	Either: (a) flight instructor rating; or (b) simulator instructor rating

Part 61 Flight crew licensing

Subpart 61.E Pilot licensing—general limitations and authorisations

Division 61.E.1 General limitations on exercise of pilot licence privileges

Regulation 61.380

Table 61.375 Activities for which ratings are required

Item	Column 1 Activity	Column 2 Rating
9	An activity mentioned in regulation 61.1255	Flight examiner rating

61.380 Limitations on exercise of privileges of pilot licences—flight activity and design feature endorsements

- (1) The holder of a pilot licence is authorised to conduct a flight activity mentioned in column 2 of an item in table 61.1145 only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft that has a design feature mentioned in regulation 61.755 for the aircraft only if the holder also holds the design feature endorsement for the design feature.

61.385 Limitations on exercise of privileges of pilot licences—general competency requirement

- (1) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft only if the holder is competent in operating the aircraft to the standards mentioned in the Part 61 Manual of Standards for the class or type to which the aircraft belongs, including in all of the following areas:
 - (a) operating the aircraft’s navigation and operating systems;
 - (b) conducting all normal, abnormal and emergency flight procedures for the aircraft;
 - (c) applying operating limitations;
 - (d) weight and balance requirements;
 - (e) applying aircraft performance data, including take-off and landing performance data, for the aircraft.
 - (1A) Subregulation (1B) applies if the holder of a pilot licence also holds an operational rating or endorsement.
 - (1B) The holder is authorised to exercise the privileges of his or her pilot licence in an activity in an aircraft under the rating or endorsement only if the holder is competent in operating the aircraft in the activity to the standards mentioned in the Part 61 Manual of Standards (if any) for:
 - (a) the class or type to which the aircraft belongs; and
 - (b) the activity.
 - (2) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft that has an operative airborne collision avoidance system only if the holder is competent in the use of an airborne collision avoidance system to the standards mentioned in the Part 61 Manual of Standards.
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61.390 Limitations on exercise of privileges of pilot licences—operating requirements and limitations

- (1) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence in an aircraft if:
 - (a) engaging in the activity is a prescribed purpose for subsection 27(9) of the Act; and
 - (b) the operator of the aircraft does not hold an AOC that authorises the conduct of the activity.
- (2) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence if the conduct of the activity would be an offence against the Act or another provision of these Regulations.

61.395 Limitations on exercise of privileges of pilot licences—recent experience for certain passenger flight activities

- (1) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger by day only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, by day or night:
 - (a) at least 3 take-offs; and
 - (b) at least 3 landings;while controlling the aircraft or flight simulator.
- (2) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger at night only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, at night:
 - (a) at least 3 take-offs; and
 - (b) at least 3 landings;while controlling the aircraft or flight simulator.
- (3) For paragraphs (1)(a) and (2)(a), each take-off must be followed by a climb to at least 500 ft AGL.
- (4) The holder is taken to meet the requirements of subregulation (1) if:
 - (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed a relevant check or review; or
 - (ii) passed a flight test for a pilot licence or a rating on a pilot licence; that includes at least one take-off and at least one landing; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of that category; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that category.

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Division 61.E.1 General limitations on exercise of pilot licence privileges

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- (5) Also, the holder is taken to meet the requirements of subregulation (2) if:
- (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed a relevant check or review; or
 - (ii) passed a flight test for a pilot licence or a rating on a pilot licence; that includes at least one take-off, and at least one landing, at night; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation at night in an aircraft of that category; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that category.
- (6) In this regulation:

relevant check or review means any of the following:

- (a) an instrument proficiency check;
- (b) a night vision imaging system proficiency check;
- (c) an instructor proficiency check;
- (d) an operator proficiency check;
- (e) a flight review.

61.400 Limitations on exercise of privileges of pilot licences—flight review

- (1) For this Part, successful completion of a flight review for a rating on a pilot licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
- (a) CASA;
 - (b) the holder of an approval under regulation 61.040 for this regulation;
 - (c) a pilot instructor who is authorised to conduct a flight review for the rating.
- (3) The flight review must be conducted in:
- (a) an aircraft that can be flown under the rating; or
 - (b) an approved flight simulator for the flight review.

61.405 Limitations on exercise of privileges of pilot licences—medical requirements—recreational pilot licence holders

- (1) The holder of a recreational pilot licence is authorised to exercise the privileges of the licence only if:
- (a) the holder also holds a current class 1 or 2 medical certificate; or
 - (b) the holder:
 - (i) also holds a current recreational aviation medical practitioner's certificate; and

- (ii) meets the requirements mentioned in subregulation (2); or
- (c) the holder also holds a medical exemption for the exercise of the privileges of the licence.

(2) For subparagraph (1)(b)(ii), the requirements are as follows:

- (a) the holder must have:
 - (i) given CASA a copy of the holder's recreational aviation medical practitioner's certificate; and
 - (ii) received from CASA a written acknowledgement of the receipt of the copy;
- (b) while exercising the privileges of the licence in an aircraft, the holder must carry both of the following on the aircraft:
 - (i) the certificate;
 - (ii) the acknowledgement mentioned in subparagraph (a)(ii);
- (c) the holder must comply with any limitations or conditions stated on the certificate;
- (d) the holder must meet the modified Austroads medical standards.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

(3) In this regulation:

current: a recreational aviation medical practitioner's certificate for the holder of a recreational pilot licence is **current** for the shortest of the following periods:

- (a) the period beginning on the day the certificate was signed by the medical practitioner and ending 24 months after that day;
- (b) if, when the holder exercises the privileges of the licence, the holder is at least 65—the period beginning on the day the certificate was signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate was signed by the medical practitioner and ending at the end of the stated period.

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.410 Limitations on exercise of privileges of pilot licences—medical certificates: private pilot licence holders

- (1) The holder of a private pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
 - (a) a current class 1 or 2 medical certificate; or
 - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, subject to subregulation (3), the holder of a private pilot licence is authorised to exercise the privileges of the licence in a recreational aircraft if:
 - (a) the holder:

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- (i) also holds a current recreational aviation medical practitioner’s certificate; and
 - (ii) meets the requirements mentioned in subregulation 61.405(2); and
 - (b) the flight is conducted by day under the VFR.
- (3) Regulation 61.465 applies to the holder as if each reference in that regulation to a recreational pilot licence included a reference to a private pilot licence.

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.415 Limitations on exercise of privileges of pilot licences—medical certificates: commercial, multi-crew and air transport pilot licence holders

- (1) The holder of a commercial pilot licence, multi-crew pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
- (a) a current class 1 medical certificate; or
 - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a private pilot licence if the holder also holds a current class 2 medical certificate.
- (3) Also, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a recreational pilot licence if the holder:
- (a) also holds a current recreational aviation medical practitioner’s certificate; and
 - (b) meets the requirements mentioned in subregulation 61.405(2).

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.420 Limitations on exercise of privileges of pilot licences—carriage of documents

The holder of a pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) if the holder holds a current class 1 or 2 medical certificate—the medical certificate;
- (c) if the holder holds a recreational aviation medical practitioner’s certificate:
 - (i) the medical practitioner’s certificate; and
 - (ii) the acknowledgement of receipt mentioned in paragraph 61.405(2)(a);

- (ca) if the holder holds a medical exemption for the flight—a copy of the medical exemption;
- (d) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.

61.422 Limitations on exercise of privileges of pilot licences—aviation English language proficiency

- (1) The holder of a pilot licence other than a recreational pilot licence is authorised to exercise the privileges of the licence only if the holder has a current aviation English language proficiency assessment.
- (2) Subregulation (3) applies to the holder of a pilot licence that was granted on the basis of regulation 202.272 if the licence was granted in recognition of an old authorisation (within the meaning of regulation 202.261) that was granted on or before 4 March 2008.
- (3) Subregulation (1) does not apply to the holder in relation to the exercise of the privileges of his or her licence in Australian Territory.

61.425 Limitations on exercise of privileges of pilot licences—unregistered aircraft

The holder of a pilot licence is authorised to pilot an aircraft only if the aircraft is registered.

61.427 Removal of certain pilot licence conditions about airspace

- (1) Subregulation (2) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations are limited to:
 - (a) flight within 25 nautical miles of the departure aerodrome; or
 - (b) flight within a flight training area; or
 - (c) flight direct between the departure aerodrome and a flight training area.
- (2) CASA must remove the condition if:
 - (a) the licence holder applies to CASA for the removal of the condition; and
 - (b) the licence holder meets the requirements under this Part for the grant of a private pilot licence or a commercial pilot licence.
- (3) Subregulation (4) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations as pilot in command are limited to uncontrolled airspace and any

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other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.

- (4) CASA must remove the condition if:
- (a) the licence holder applies to CASA for the removal of the condition; and
 - (b) the licence holder meets the requirements under this Part for the grant of any of the following:
 - (i) a controlled airspace endorsement;
 - (ii) a private pilot licence;
 - (iii) a commercial pilot licence.

Division 61.E.2—General authorisations for pilot licences

61.430 Holders of pilot licences authorised to taxi aircraft

- (1) A person is authorised to taxi an aircraft of a particular class or type if the person holds:
 - (a) a pilot licence; and
 - (b) the category rating for the category to which aircraft of that class or type belong; and
 - (c) the class rating or type rating for aircraft of that class or type.
- (2) For regulations 61.405 to 61.415, taxiing an aircraft does not constitute the exercise of the privileges of a licence.

Note: See regulation 91.415 for an offence relating to taxiing aircraft without being authorised to do so.

61.435 When holders of pilot licences authorised to operate aircraft radio

- (1) A person is authorised to transmit on an aviation safety radio frequency if the person:
 - (a) holds a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence; or
 - (b) holds a recreational pilot licence with a flight radio endorsement.
- (3) For regulations 61.405 to 61.415, transmitting on an aviation safety radio frequency does not constitute the exercise of the privileges of a licence.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

Subpart 61.G—Recreational pilot licences

Division 61.G.1—Privileges and grant of licences

61.460 Privileges of recreational pilot licences

Subject to Subpart 61.E and regulations 61.465 and 61.470, the holder of a recreational pilot licence is authorised to pilot a single-engine aircraft as pilot in command or co-pilot if:

- (a) the aircraft is certificated for single-pilot operation; and
- (b) the aircraft has a maximum certificated take-off weight of not more than 1 500 kg; and
- (c) the aircraft is not rocket-powered or turbine-powered; and
- (d) the flight is conducted by day under the VFR; and
- (e) either:
 - (i) the aircraft is engaged in a private operation; or
 - (ii) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a recreational pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a recreational pilot licence is also authorised to transmit on an aviation safety radio frequency if the holder also holds a flight radio endorsement: see regulation 61.435.

61.465 Limitations on exercise of privileges of recreational pilot licences— general

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft in a Contracting State's airspace only if the holder has the permission (however described) of the Contracting State to do so.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft carrying more than one passenger only if the holder:
 - (a) also holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and
 - (iii) is authorised to pilot the aircraft.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft above 10 000 ft above mean sea level only if the holder:
 - (a) also holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and

- (ii) occupies a flight control seat in the aircraft; and
- (iii) is authorised to pilot the aircraft.

61.470 Limitations on exercise of privileges of recreational pilot licences—endorsements

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft outside the following areas only if the holder also holds a recreational navigation endorsement:
 - (a) the area within 25 nautical miles of the departure aerodrome;
 - (b) a flight training area;
 - (c) the area that is a direct route between the departure aerodrome and a flight training area.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft in controlled airspace only if the holder also holds a controlled airspace endorsement.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft at a controlled aerodrome only if the holder also holds a controlled aerodrome endorsement.

61.475 Requirements for grant of recreational pilot licences

- (1) An applicant for a recreational pilot licence must be at least 16.
- (2) Subject to regulation 61.480, the applicant must also have:
 - (a) passed the aeronautical knowledge examination for a recreational pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for a recreational pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for a recreational pilot licence and the associated aircraft category rating; and
 - (d) completed at least 25 hours of flight time as pilot of an aircraft of the category for which the associated aircraft category rating is sought, including:
 - (i) at least 20 hours of dual flight; and
 - (ii) at least 5 hours of solo flight time.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.

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- (4) The applicant is taken to meet the requirements of subregulation (2) if the applicant holds a private pilot licence, commercial pilot licence or air transport pilot licence.

61.480 Grant of recreational pilot licences in recognition of pilot certificates granted by certain organisations

- (1) This regulation applies to an applicant for a recreational pilot licence if:
- (a) the applicant holds a pilot certificate, granted by a sport aviation body that administers activities involving aircraft of a particular category; and
 - (b) the certificate permits the holder to act as the pilot in command of an aircraft of that category.
- (2) For subregulation 61.475(2), the applicant is taken to have passed:
- (a) the aeronautical knowledge examination; and
 - (b) the flight test;
- for the licence and the associated aircraft category rating.
- (3) The applicant is also taken to have met the requirements for the grant of:
- (a) the aircraft category rating for each category of aircraft in which the person is permitted by the certificate to act as pilot in command; and
 - (b) the aircraft class rating for each class of aircraft in which the person is permitted by the certificate to act as pilot in command; and
 - (c) the design feature endorsement for each design feature of an aircraft in which the applicant is permitted by the certificate to act as pilot in command.

Note: The holder of an aircraft class rating must successfully complete a flight review for the rating to be authorised to exercise the privileges of the rating, and is not taken to have met the flight review requirement on the basis of being taken to have met the requirements for the grant of the rating under subregulation (3): see subregulation 61.745(4).

Division 61.G.2—Recreational pilot licence endorsements

61.485 Kinds of recreational pilot licence endorsements

The following are recreational pilot licence endorsements:

- (a) a controlled aerodrome endorsement;
- (b) a controlled airspace endorsement;
- (c) a flight radio endorsement;
- (d) a recreational navigation endorsement.

61.490 Privileges of recreational pilot licence endorsements

- (1) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled aerodrome endorsement is authorised to pilot an aircraft, as pilot in command, at a controlled aerodrome.
- (2) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled airspace endorsement is authorised to pilot an aircraft, as pilot in command, in controlled airspace.
- (3) Subject to Subpart 61.E, the holder of a recreational pilot licence with a flight radio endorsement is authorised to operate an aircraft radio on the ground or in flight to transmit on an aviation safety radio frequency.
- (4) Subject to Subpart 61.E, the holder of a recreational pilot licence with a recreational navigation endorsement is authorised to pilot an aircraft, as pilot in command, on a cross-country flight.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.495 Requirements for grant of recreational pilot licence endorsements

- (1) This regulation applies to a person other than a person who is eligible to be granted a recreational pilot licence endorsement under regulation 61.500.
- (2) An applicant for a recreational pilot licence endorsement must:
 - (a) have passed the aeronautical knowledge examination for the endorsement;
and
 - (b) have completed flight training for the endorsement; and
 - (c) if the endorsement is a recreational navigation endorsement—have completed, in addition to the flight time mentioned in paragraph 61.475(2)(d), at least 5 hours of solo cross-country flight time;
and
 - (d) if the endorsement is a flight radio endorsement—have a current aviation English language proficiency assessment.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

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Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

- (3) The cross-country flight time required by paragraph (2)(c) must include a flight of at least 100 nautical miles, during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.500 Grant of endorsement in recognition of other qualifications

- (1) An applicant for a recreational pilot licence endorsement is eligible to be granted the endorsement if the applicant:
 - (a) holds a recreational pilot licence; and
 - (b) holds another flight crew licence that authorises the exercise of the privileges of the endorsement.
- (2) An applicant for a controlled aerodrome endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the sport aviation body to pilot an aircraft at a controlled aerodrome.
- (3) An applicant for a controlled airspace endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the sport aviation body to pilot an aircraft in controlled airspace.
- (4) An applicant for a flight radio endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the sport aviation body to operate an aircraft radio; and
 - (c) the applicant has a current aviation English language proficiency assessment.
- (5) An applicant for a recreational navigation endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds a cross-country navigation approval from the sport aviation body; and
 - (c) the applicant has completed at least 5 hours of solo cross-country flight time that complies with subregulation 61.495(3).

Subpart 61.H—Private pilot licences

Division 61.H.1—General

61.505 Privileges of private pilot licences

Subject to Subpart 61.E and regulation 61.510, the holder of a private pilot licence is authorised to pilot an aircraft as pilot in command or co-pilot if:

- (a) the aircraft is engaged in a private operation; or
- (b) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a private pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a private pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.510 Limitations on exercise of privileges of private pilot licences—multi-crew operations

- (1) On and after 1 September 2015, the holder of a private pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a private pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2015, the holder conducted a multi-crew operation.

61.515 Requirements for grant of private pilot licences—general

- (1) An applicant for a private pilot licence must be at least 17.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the private pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the private pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private pilot licence and the associated aircraft category rating; and
 - (d) met the aeronautical experience requirements mentioned in Division 61.H.2 or 61.H.3.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

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Division 61.H.1 General

Regulation 61.515

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.
- (4) An applicant who meets the requirements for the grant of a commercial pilot licence is taken to meet the requirements for the grant of a private pilot licence.

Division 61.H.2—Aeronautical experience requirements for private pilot licences—applicants who have completed integrated training courses

61.520 Application of Division 61.H.2

This Division applies to an applicant for a private pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

61.525 Aeronautical experience requirements for grant of private pilot licences—aeroplane category

- (1) An applicant for a private pilot licence with the aeroplane category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of an aeroplane; and
 - (c) at least 10 hours of solo flight time in an aeroplane; and
 - (d) at least 5 hours of solo cross-country flight time in an aeroplane; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

61.530 Aeronautical experience requirements for grant of private pilot licences—helicopter category

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as pilot of a helicopter; and
 - (b) at least 10 hours of solo flight time in a helicopter; and
 - (c) at least 5 hours of solo cross-country flight time in a helicopter; and
 - (d) at least 2 hours of dual instrument time; and
 - (e) at least one hour of dual instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:

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- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 100 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.535 Aeronautical experience requirements for grant of private pilot licences—gyroplane category

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 35 hours of aeronautical experience that includes:
- (a) at least 30 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of a gyroplane; and
 - (c) at least 10 hours of solo flight time in a powered aircraft; and
 - (d) at least 5 hours of solo flight time in a gyroplane; and
 - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a gyroplane required by subregulation (1) must be completed in a registered or recognised gyroplane.

Division 61.H.3—Aeronautical experience requirements for private pilot licences—applicants who have not completed integrated training courses

61.540 Application of Division 61.H.3

This Division applies to an applicant for a private pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

61.545 Aeronautical experience requirements for grant of private pilot licences—airplane category

- (1) An applicant for a private pilot licence with the airplane category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of an airplane; and
 - (c) at least 10 hours of solo flight time in an airplane; and
 - (d) at least 5 hours of solo cross-country flight time in an airplane; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

61.550 Aeronautical experience requirements for grant of private pilot licences—helicopter category

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 30 hours of flight time as pilot of a helicopter; and
 - (c) at least 10 hours of solo flight time in a helicopter; and
 - (d) at least 5 hours of solo cross-country flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.

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Regulation 61.555

- (3) The cross-country flight time required by paragraph (1)(d) must include a flight of at least 100 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.

61.555 Aeronautical experience requirements for grant of private pilot licences—powered-lift aircraft category

- (1) An applicant for a private pilot licence with the powered-lift aircraft category rating must have at least 40 hours of aeronautical experience that includes:
- (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 30 hours of flight time as pilot of a powered-lift aircraft or helicopter; and
 - (c) at least 20 hours of flight time as pilot of a powered-lift aircraft; and
 - (d) at least 10 hours of solo flight time in a powered-lift aircraft; and
 - (e) at least 5 hours of solo cross-country flight time in a powered-lift aircraft; and
 - (f) at least 2 hours of dual instrument time; and
 - (g) at least one hour of dual instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.560 Aeronautical experience requirements for grant of private pilot licences—gyroplane category

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 40 hours of aeronautical experience that includes:
- (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of a gyroplane; and
 - (c) at least 10 hours of solo flight time in a powered aircraft; and
 - (d) at least 5 hours of solo flight time in a gyroplane; and
 - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.565 Aeronautical experience requirements for grant of private pilot licences—airship category

- (1) An applicant for a private pilot licence with the airship category rating must have completed at least 25 hours of flight time as pilot of an airship that includes:
 - (a) at least 3 hours of cross-country flight time; and
 - (b) at least 3 hours of dual instrument flight time; and
 - (c) at least 5 hours of flight time as pilot in command under supervision.
- (2) The cross-country flight time required by paragraph (1)(a) must include a flight of at least 25 nautical miles.
- (3) The applicant must have completed, at an aerodrome:
 - (a) at least 5 take-offs; and
 - (b) at least 5 full-stop landings.
- (4) For paragraph (3)(b), each landing must involve a flight in traffic patterns at the aerodrome.

Subpart 61.I—Commercial pilot licences

Division 61.I.1—General

61.570 Privileges of commercial pilot licences

Subject to Subpart 61.E and regulation 61.575, the holder of a commercial pilot licence is authorised:

- (a) to pilot, as pilot in command, any aircraft in any operation, other than:
 - (i) a multi-crew aircraft in an air transport operation; or
 - (ii) if the holder has less than 750 hours of flight time as a pilot of an aeroplane—an aeroplane certificated for single-pilot operation with a maximum certificated take-off weight of more than 5,700 kg in an air transport operation; or
 - (iii) if the holder has less than 750 hours of flight time as a pilot of a rotorcraft—a rotorcraft with a maximum certificated take-off weight of more than 3,175 kg in an air transport operation; and
- (b) to pilot, as co-pilot, any aircraft in any operation.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a commercial pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a commercial pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.575 Limitations on exercise of privileges of commercial pilot licences—multi-crew operations

- (1) On and after 1 September 2015, the holder of a commercial pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a commercial pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2015, the holder conducted a multi-crew operation.

61.580 Requirements for grant of commercial pilot licences—general

- (1) An applicant for a commercial pilot licence must be at least 18.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the commercial pilot licence and the associated aircraft category rating; and

- (b) completed flight training for the commercial pilot licence and the associated aircraft category rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the commercial pilot licence and the associated aircraft category rating; and
- (d) met the aeronautical experience requirements mentioned in Division 61.I.2 or 61.I.3.

- Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.
- (4) The applicant is taken to meet the requirements of paragraph (2)(b) if the applicant holds an air transport pilot licence with the associated aircraft category rating.

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Subpart 61.I Commercial pilot licences

Division 61.I.2 Aeronautical experience requirements for commercial pilot licences—applicants who have completed integrated training courses

Regulation 61.585

Division 61.I.2—Aeronautical experience requirements for commercial pilot licences—applicants who have completed integrated training courses

61.585 Application of Division 61.I.2

This Division applies to an applicant for a commercial pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

61.590 Aeronautical experience requirements for grant of commercial pilot licences—airplane category

- (1) An applicant for a commercial pilot licence with the airplane category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as pilot of an airplane; and
 - (b) at least 70 hours of flight time as pilot in command of an airplane; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an airplane; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

61.595 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

- (1) An applicant for a commercial pilot licence with the helicopter category rating must have at least 100 hours of aeronautical experience that includes:
 - (a) at least 90 hours of flight time as pilot of a helicopter; and
 - (b) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a helicopter.

Regulation 61.600

- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (5) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.600 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as pilot of a powered-lift aircraft; and
 - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (5) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

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Subpart 61.I Commercial pilot licences

Division 61.I.3 Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

Regulation 61.605

Division 61.I.3—Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

61.605 Application of Division 61.I.3

This Division applies to an applicant for a commercial pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

61.610 Aeronautical experience requirements for grant of commercial pilot licences—airplane category

- (1) An applicant for a commercial pilot licence with the airplane category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 190 hours of flight time as a pilot; and
 - (b) at least the following hours of flight time as pilot in command of an airplane:
 - (i) for an applicant holding a commercial pilot licence, or an air transport pilot licence, with the helicopter rating—60 hours;
 - (ii) for an applicant holding a private pilot licence with the helicopter rating—80 hours;
 - (iii) for any other applicant—100 hours; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an airplane; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

61.615 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

- (1) An applicant for a commercial pilot licence with the helicopter category rating must meet the aeronautical experience requirements under subregulation (1A) or (1B).
 - (1A) An applicant meets the aeronautical experience requirements under this subregulation if the applicant has at least 150 hours of aeronautical experience that includes:

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- (a) at least 140 hours of flight time as a pilot; and
 - (b) at least 70 hours of flight time as pilot of a helicopter; and
 - (c) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (d) at least 10 hours of cross-country flight time as pilot in command of a helicopter.
- (1B) An applicant meets the aeronautical experience requirements under this subregulation if:
- (a) the applicant has at least 105 hours of aeronautical experience that includes:
 - (i) at least 105 hours of flight time as pilot of a helicopter; and
 - (ii) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (iii) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
 - (b) the applicant has completed training in accordance with the requirements specified in the Part 61 Manual of Standards for the purposes of this paragraph.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1A)(d) and subparagraph (1B)(a)(iii) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.

61.620 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 200 hours of aeronautical experience that includes:
- (a) at least 190 hours of flight time as a pilot; and
 - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.

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Subpart 61.I Commercial pilot licences

Division 61.I.3 Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

Regulation 61.625

- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.625 Aeronautical experience requirements for grant of commercial pilot licences—gyroplane category

- (1) An applicant for a commercial pilot licence with the gyroplane category rating must have completed at least 150 hours of aeronautical experience that includes:
 - (a) at least 75 hours of flight time as pilot of a gyroplane; and
 - (b) at least 35 hours of flight time as pilot in command of a gyroplane; and
 - (c) at least 20 hours of dual flight in a gyroplane; and
 - (d) at least 20 hours of cross-country flight time as pilot in command of a powered aircraft; and
 - (e) at least 10 hours of cross-country flight time as pilot in command of a gyroplane; and
 - (f) at least 10 hours of dual instrument time in an aircraft or approved flight simulation training device for the purpose.
- (2) The cross-country flight time required by paragraph (1)(e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.630 Aeronautical experience requirements for grant of commercial pilot licences—airship category

- (1) An applicant for a commercial pilot licence with the airship category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 180 hours of flight time as a pilot; and
 - (b) at least 50 hours of flight time as pilot of an airship; and
 - (c) at least 30 hours of flight time as pilot in command, or pilot in command under supervision, of an airship; and
 - (d) at least 10 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airship; and
 - (e) at least 10 hours of flight time at night as pilot in command, or pilot in command under supervision, of an airship; and
 - (f) at least 40 hours of instrument time; and
 - (g) at least 20 hours of instrument flight time; and

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- (h) at least 10 hours of instrument flight time in an airship.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.

Subpart 61.J—Multi-crew pilot licences

61.635 Privileges of multi-crew pilot licences

Subject to Subpart 61.E and regulations 61.640 to 61.650, the holder of a multi-crew pilot licence is authorised to pilot an aeroplane as co-pilot for an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138.

- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The holder of a multi-crew pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.
- Note 3: The holder of a multi-crew pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.640 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: general

- (1) The holder of a multi-crew pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
- (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes circling approaches under the IFR; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (1A) The holder of a multi-crew pilot licence is authorised to conduct a 3D instrument approach operation only if:
- (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a 3D instrument approach operation; or
 - (b) either:
 - (i) in a case in which the holder's most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (c) both:

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- (i) the holder is successfully participating in an operator's training and checking system for an operation that includes 3D instrument approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2) For paragraphs (1)(b) and (1A)(b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (3) The holder of a multi-crew pilot licence is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approach operations using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (4), his or her competence in the conduct of instrument approach operations using the procedure.
- (4) For paragraphs (1A)(b) and (3)(b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.645 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: recent experience

- (1) Subject to subregulation (1A), this regulation applies to the holder of a multi-crew pilot licence.
- (1A) This regulation does not apply to the holder if:
 - (a) the holder has successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approach operations within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach operation

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within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

61.650 Limitations on exercise of privileges of multi-crew pilot licences— instrument proficiency check

- (1) The holder of a multi-crew pilot licence is authorised to exercise the privileges of the licence under the IFR only if the holder has a valid instrument proficiency check for the aeroplane category.
- (2) However, the holder is authorised to exercise the privileges of the licence under the IFR in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes.
- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aeroplane category, or for multi-engine aeroplanes, during the following periods:
 - (a) if the holder passes the flight test for the multi-crew pilot licence in a relevant aeroplane—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aeroplane, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (c) if:

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- (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in the relevant aeroplane; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the relevant aeroplane;
- the period during which the holder is successfully participating in the system;
- (d) if the holder successfully completes an instrument proficiency check for the relevant aeroplane—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aeroplane (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aeroplane;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the **failed check**), the holder is no longer taken to have a valid instrument proficiency check for:
- (a) the aeroplane category; or
 - (b) multi-engine aeroplanes.
- (4A) For subregulation (4), the failed check may be any of the following:
- (a) an instrument proficiency check for the aeroplane category;
 - (b) an instrument proficiency check for multi-engine aeroplanes;
 - (c) an instrument proficiency check for a type of aeroplane.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aeroplane only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.
- (5) For paragraphs (3)(d) and (e), the holder successfully completes an instrument proficiency check for the relevant aeroplane if:
- (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aeroplane as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aeroplane; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or

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- (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aeroplane, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3)(d) and (e), the instrument proficiency check must be conducted in a relevant aeroplane or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) whether the instrument proficiency check is for the aeroplane category or multi-engine aeroplanes.
- (9) In this regulation:

relevant aeroplane, for an instrument proficiency check, means:

 - (a) if the instrument proficiency check is for the aeroplane category—a single-engine or multi-engine aeroplane; or
 - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane.

61.655 Requirements for grant of multi-crew pilot licences

- (1) An applicant for a multi-crew pilot licence must be at least 18.
- (2) The applicant must also:
 - (a) have passed the aeronautical knowledge examination for the multi-crew pilot licence and the aeroplane category rating; and
 - (b) have completed a multi-crew pilot licence training course; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the multi-crew pilot licence; and
 - (d) have met the aeronautical experience requirements mentioned in regulation 61.660; and
 - (e) hold a pilot type rating for a multi-crew aeroplane.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

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Note 3: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2)(c), the flight test must be conducted under the IFR in:
 - (a) a multi-engine turbine-powered aeroplane for which a pilot type rating is prescribed by a legislative instrument under regulation 61.055; or
 - (b) an approved flight simulator for the flight test.

61.660 Aeronautical experience requirements for grant of multi-crew pilot licences—airplane category

- (1) An applicant for a multi-crew pilot licence with the airplane category rating must have at least 240 hours of aeronautical experience that includes:
 - (a) at least 40 hours of flight time as pilot of an airplane; and
 - (b) at least 10 hours of solo flight time in an airplane; and
 - (c) at least 5 hours of cross-country flight time as pilot in command of an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1)(c) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The applicant must have completed at least 12 take-offs, and at least 12 landings, in an airplane of the type used for the applicant's flight test.
- (5) The applicant is taken to meet the requirements of subregulation (4) if:
 - (a) the applicant holds an approval under regulation 61.040 for a number of take-offs and landings that is less than 12 but not less than 6; and
 - (b) the applicant has completed at least that number of take-offs, and at least that number of landings, in an airplane of the type used for the applicant's flight test.
- (6) CASA may grant an approval mentioned in paragraph (5)(a) only if:
 - (a) the lower number does not adversely affect the acquisition of the required skill by the applicant; and
 - (b) the Part 142 operator conducting the training course mentioned in paragraph 61.655(2)(b) has made arrangements to ensure that corrective action can be taken if in-training or post-training evaluation indicates a need for corrective action.
- (7) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

Subpart 61.K—Air transport pilot licences

61.665 Privileges of air transport pilot licences

Subject to Subpart 61.E and regulations 61.670 to 61.695, the holder of an air transport pilot licence is authorised to pilot an aeroplane, helicopter or powered-lift aircraft as pilot in command or co-pilot.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of an air transport pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of an air transport pilot licence is also authorised to transmit on an aviation safety radio frequency: see regulation 61.435.

61.670 Limitations on exercise of privileges of air transport pilot licences—helicopter IFR flight

The holder of an air transport pilot licence is authorised to pilot a helicopter under the IFR only if the holder also holds an instrument rating.

61.675 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight

The holder of an air transport pilot licence is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:

- (a) passed the flight test for an instrument rating in a single-pilot aircraft; or
- (b) completed an instrument proficiency check in a single-pilot aircraft.

61.680 Limitations on exercise of privileges of air transport pilot licences—IFR flight: general

- (1) The holder of an air transport pilot licence is authorised to conduct an instrument approach operation of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of approach.
- (2) The holder of an air transport pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes circling approaches under the IFR; and

- (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2A) The holder of an air transport pilot licence is authorised to conduct a 3D instrument approach operation only if:
- (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a 3D instrument approach operation; or
 - (b) either:
 - (i) in a case in which the holder's most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (5), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (5), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes 3D instrument approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (3) For paragraphs (2)(b) and (2A)(b), an instrument proficiency check includes an operator proficiency check:
- (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (4) The holder of an air transport pilot licence is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
- (a) completed training in the conduct of instrument approach operations using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (5), his or her competence in the conduct of instrument approach operations using the procedure.
- (5) For paragraphs (2A)(b) and (4)(b), the persons are as follows:
- (a) CASA;
 - (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

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61.685 Limitations on exercise of privileges of air transport pilot licences—IFR flight: recent experience

- (1) Subject to subregulation (1A), this regulation applies to the holder of an air transport pilot licence.
- (1A) This regulation does not apply to the holder if:
 - (a) the holder has successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation; and
 - (ii) the operator holds an approval under this regulation for the system for this subregulation.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approach operations within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach operation within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

**61.695 Limitations on exercise of privileges of air transport pilot licences—
instrument proficiency check**

- (1) The holder of an air transport pilot licence is authorised to exercise the privileges of the licence under the IFR in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
 - (a) the holder is authorised to exercise the privileges of the licence in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
 - (b) the holder is authorised to exercise the privileges of the licence in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.
- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aircraft category, or for multi-engine aeroplanes or helicopters, during the following periods:
 - (a) if the holder passes the flight test for the air transport pilot licence in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (c) if:
 - (i) the holder is successfully participating in an operator’s training and checking system for an IFR operation in the relevant aircraft; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the relevant aircraft;the period during which the holder is successfully participating in the system;
 - (d) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aircraft (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;

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the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the *failed check*), the holder is no longer taken to have a valid instrument proficiency check for:
- (a) the aircraft category in which the holder attempted the failed check; or
 - (b) multi-engine aircraft of the category in which the holder attempted the failed check.
- (4A) For subregulation (4), the failed check may be any of the following:
- (a) an instrument proficiency check for an aircraft category;
 - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
 - (c) an instrument proficiency check for an aircraft type.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aircraft only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.
- (5) For paragraphs (3)(d) and (e), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
- (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aircraft; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3)(d) and (e), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.

- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:
- relevant aircraft**, for an instrument proficiency check, means:
- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
 - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
 - (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

61.700 Requirements for grant of air transport pilot licences—general

- (1) An applicant for an air transport pilot licence must be at least 21.
- (2) The applicant must also hold a commercial pilot licence or multi-crew pilot licence with the same aircraft category rating.
- (3) The applicant must also have:
- (a) passed the aeronautical knowledge examination for the air transport pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the air transport pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence and the associated aircraft category rating; and
 - (d) met the aeronautical experience requirements of this Subpart; and
 - (e) completed an approved course of training in multi-crew cooperation.
- Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- (4) An applicant for an air transport pilot licence with the aeroplane category rating is taken to meet the requirements of paragraph (3)(a) if the applicant holds a multi-crew pilot licence.
- (5) For paragraph (3)(c), the flight test for the air transport pilot licence with the aeroplane category rating must be conducted under the IFR in:
- (a) a multi-engine turbine-powered aeroplane that is configured for flight, and operated, with a co-pilot; or
 - (b) an approved flight simulator for the flight test.

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- (6) For paragraph (3)(c), the flight test for the air transport pilot licence with the helicopter category rating must be conducted in:
 - (a) a turbine-powered helicopter that is:
 - (i) certificated for night VFR operations; and
 - (ii) configured for flight, and operated, with a co-pilot; or
 - (b) an approved flight simulator for the flight test.
- (7) For paragraph (3)(c), the flight test for the air transport pilot licence with the powered-lift aircraft category rating must be conducted in:
 - (a) a powered-lift aircraft operated and configured for flight with a co-pilot and equipped for IFR flight; or
 - (b) an approved flight simulator for the flight test.

61.705 Aeronautical experience requirements for grant of air transport pilot licences—airplane category

- (1) An applicant for an air transport pilot licence with the airplane category rating must have at least 1 500 hours of aeronautical experience that includes:
 - (a) at least 1 400 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of an airplane; and
 - (c) either:
 - (i) at least 500 hours of flight time in an airplane as pilot in command under supervision; or
 - (ii) at least 250 hours of flight time in an airplane as pilot in command or pilot in command under supervision, of which at least 70 hours must be as pilot in command; and
 - (d) at least 200 hours of cross-country flight time in an airplane; and
 - (e) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airplane; and
 - (f) at least 100 hours of flight time at night as pilot of an airplane, other than dual flight; and
 - (g) at least 75 hours of instrument time; and
 - (h) at least 45 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) However, no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

61.710 Aeronautical experience requirements for grant of air transport pilot licences—helicopter category

- (1) An applicant for an air transport pilot licence with the helicopter category rating must have at least 1 000 hours of aeronautical experience that includes:
 - (a) at least 900 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of a helicopter; and
 - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
 - (d) at least 70 hours of flight time as pilot in command of a helicopter; and
 - (e) at least 200 hours of cross-country flight time in a helicopter; and
 - (f) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
 - (g) at least 50 hours of flight time at night as pilot of a helicopter; and
 - (h) at least 30 hours of instrument time; and
 - (i) at least 20 hours of instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However:
 - (a) no more than 25 hours of the required aeronautical experience may be completed in a flight simulation training device that is not a flight simulator; and
 - (b) no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.715 Aeronautical experience requirements for grant of air transport pilot licences—powered-lift aircraft category

- (1) An applicant for an air transport pilot licence with the powered-lift aircraft category rating must have at least 1 500 hours of aeronautical experience that includes:
 - (a) at least 1 400 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of a powered-lift aircraft; and
 - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
 - (d) at least 70 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (e) at least 100 hours of cross-country flight time in a powered-lift aircraft; and

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- (f) at least 50 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
 - (g) at least 25 hours of flight time at night as pilot of a powered-lift aircraft; and
 - (h) at least 75 hours of instrument time; and
 - (i) at least 45 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However:
- (a) no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator; and
 - (b) no more than 5 hours may be completed as tethered flight time.
- (4) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

Subpart 61.L—Aircraft ratings and endorsements for pilot licences

Division 61.L.1—Preliminary

61.720 What Subpart 61.L is about

Subpart 61.L provides for ratings and endorsements that are required to authorise the holder of a pilot licence to exercise the privileges of the licence in an aircraft of a particular category, class or type.

Note 1: For the aircraft categories, see regulation 61.015.

Note 2: For the aircraft classes, see regulation 61.020.

Note 3: A design feature endorsement is required for the exercise of the privileges of a pilot licence in an aircraft that has the design feature to which the design endorsement relates: see regulation 61.760.

Note 4: A pilot type rating is required for the exercise of the privileges of a pilot licence in a multi-crew aircraft or an aircraft for which a single-pilot type rating is required by a legislative instrument under regulation 61.060: see subregulation 61.375(3). The type ratings that may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

Note 5: However, the holder of a pilot licence may conduct some activities in an aircraft of a particular type without holding a pilot type rating if he or she holds a cruise relief type rating for the type of aircraft: see subregulation 61.375(6). The cruise relief type ratings that may be granted are those set out in a legislative instrument under regulation 61.055.

Note 6: For ratings and endorsements to conduct particular operations in an aircraft, see Subparts 61.M to 61.U.

Division 61.L.2—Aircraft category ratings

61.725 Privileges of aircraft category ratings

Subject to Subpart 61.E, the holder of an aircraft category rating is authorised to exercise the privileges of the pilot licence with which the category rating is associated in an aircraft of that category.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: An aircraft category rating has effect only in conjunction with the pilot licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other pilot licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

61.730 Requirements for grant of aircraft category ratings

- (1) An applicant for an aircraft category rating must be an applicant for, or the holder of, a pilot licence.

Note: Subregulation (1) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) If the application for the aircraft category rating is made at the same time as an application for a pilot licence, the applicant meets the requirements for the grant of the category rating if the applicant meets the requirements for the grant of the pilot licence with the aircraft category rating.
- (3) An applicant for an aircraft category rating for an existing pilot licence must meet the requirements for the grant of the pilot licence with the aircraft category rating.

Division 61.L.3—Aircraft class ratings

61.735 Privileges of aircraft class ratings

Subject to Subpart 61.E and regulations 61.740 and 61.745, the holder of an aircraft class rating is authorised to exercise the privileges of the holder's pilot licence in an aircraft of that class, other than an aircraft that:

- (a) is certificated for multi-crew operation; or
- (b) is of a type for which a single-pilot type rating is required by a legislative instrument under regulation 61.060 (Prescription of type ratings—single-pilot aircraft).

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.745 Limitations on exercise of privileges of aircraft class ratings—flight review

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating only if the holder has a valid flight review for the rating.
- (1A) For subregulation (1), the holder has a valid flight review for the rating during the period beginning when the holder successfully completes a flight review for the rating in accordance with subregulation (2) and ending:
 - (a) at the end of the 24th month after the month in which the holder completes the review; or
 - (b) if:
 - (i) the holder already has a valid flight review for the rating (the *previous flight review*) when the holder successfully completes the flight review; and
 - (ii) the validity of the previous flight review is due to expire within 3 months after the holder successfully completes the flight review; at the end of the 24th month after the validity of the previous flight review expires.
- (2) The flight review must be conducted in:
 - (a) an aircraft of the class covered by the rating; or
 - (b) an approved flight simulator for the flight review.
- (3) For subregulation (1A), the holder is taken to have successfully completed a flight review for the rating if the holder:
 - (a) passes the flight test for the rating; or
 - (b) passes the flight test for an operational rating in an aircraft of the class covered by the aircraft class rating; or
 - (c) completes flight training for a design feature endorsement in an aircraft of the class covered by the aircraft class rating; or

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- (d) successfully completes a flight review for a pilot type rating in an aircraft of a type prescribed in an instrument under regulation 61.061 for the class rating; or
 - (e) successfully completes:
 - (i) an operator proficiency check that covers operations in the class; or
 - (ii) a proficiency check mentioned in subregulation (3A) in an aircraft of the class or an approved flight simulation training device for the purpose.
- (3A) For subparagraph (3)(e)(ii), the proficiency checks are as follows:
- (a) an instrument proficiency check;
 - (b) a night vision imaging system proficiency check;
 - (c) an aerial application proficiency check;
 - (d) an instructor proficiency check;
 - (e) an examiner proficiency check.
- (3B) For subregulation (1), the holder is taken to have a valid flight review for the rating if:
- (a) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of the class covered by the rating; and
 - (b) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that class.
- (4) However, paragraph (3)(a) does not apply if the holder was taken to have met the requirements for the grant of the rating under subregulation 61.480(3).

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.747 Limitations on exercise of privileges of class ratings in certain aircraft—flight review

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating in an aircraft of a type mentioned in subregulation (2) only if the holder has:
 - (a) completed the flight training mentioned in subregulation (3) for the aircraft type; and
 - (b) successfully completed a flight review in:
 - (i) an aircraft of the type; or
 - (ii) an approved flight simulator for the flight review.
- (2) For subregulation (1), the aircraft types are prescribed in an instrument under regulation 61.062.
- (3) For paragraph (1)(a), the holder completes flight training for the aircraft type only if:
 - (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the class rating that are relevant for the aircraft type; and

- (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the aircraft type; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
 - (c) the training is conducted in accordance with regulation 61.205; and
 - (d) the instructor is satisfied that the holder meets the competency standards mentioned in the Part 61 Manual of Standards for the class rating that are relevant for the aircraft type.
- (4) The holder of an aircraft class rating that was granted on the basis of regulation 202.272 is taken to meet the requirements mentioned in subregulation (1) for a type of aircraft if, immediately before 1 September 2014, the holder held an aircraft endorsement that was in force for the type of aircraft.
- (5) The holder of an aircraft class rating is also taken to meet the requirements mentioned in subregulation (1) for a type of aircraft if, before the aircraft type was prescribed in an instrument made for the purposes of regulation 61.062, the holder conducted one or more operations in aircraft of that type as pilot in command.

61.750 Requirements for grant of aircraft class ratings

- (1) An applicant for an aircraft class rating must hold:
- (a) a pilot licence; and
 - (b) the aircraft category rating for the aircraft category to which aircraft of that class belong.

Note: Subregulation (1) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) However, an applicant for a multi-engine aeroplane class rating must hold a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence.
- (3) The applicant must also have:
- (a) completed flight training for the rating; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the aircraft class rating in an aircraft of the class covered by the rating.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

Division 61.L.4—Design feature endorsements

61.755 Design features that require design feature endorsement

Aeroplanes

- (2) The following design features on an aeroplane require a design feature endorsement:
- (a) tailwheel undercarriage;
 - (b) retractable undercarriage;
 - (c) manual propeller pitch control (piston engine);
 - (d) gas turbine engine;
 - (e) multi-engine centre-line thrust;
 - (f) pressurisation system;
 - (g) floatplane;
 - (h) floating hull;
 - (i) ski landing gear.

Helicopters

- (3) The following design features on a helicopter require a design feature endorsement:
- (a) float alighting gear;
 - (b) retractable undercarriage;
 - (c) gas turbine engine.

Powered-lift aircraft

- (3A) The following design features on a powered-lift aircraft require a design feature endorsement:
- (a) retractable undercarriage;
 - (b) pressurisation system;
 - (c) gas turbine engine.

Gyroplanes

- (4) The following design features on a gyroplane require a design feature endorsement:
- (a) retractable undercarriage;
 - (b) pressurisation system;
 - (c) gas turbine engine.

Airships

- (5) The following design features on an airship require a design feature endorsement:

- (a) pressurisation system;
- (b) gas turbine engine.

61.760 Privileges of design feature endorsements

Subject to Subpart 61.E, the holder of a design feature endorsement is authorised to exercise the privileges of his or her pilot licence in an aircraft that:

- (a) has that design feature; and
- (b) is:
 - (i) of a class for which the holder holds an aircraft class rating; or
 - (ii) of a type for which the holder holds an aircraft type rating.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.765 Requirements for grant of design feature endorsements

- (1) An applicant for a design feature endorsement must:
 - (a) hold an aircraft class rating that covers an aircraft with the design feature; and
 - (b) either:
 - (i) have passed the flight test for the class rating in an aircraft with the design feature; or
 - (ii) have completed flight training for the endorsement.

Note 1: For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Note 2: For subparagraph (b)(i), for the conduct of flight tests, see Division 61.B.4.

Note 3: For subparagraph (b)(ii), for the requirements for flight training, see Division 61.B.2.

- (2) A pilot who holds a type rating for an aircraft that has a design feature mentioned for the aircraft in regulation 61.755 is taken to meet the requirements of subregulation (1) for that design feature.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Division 61.L.5—Pilot type ratings

61.770 Privileges of pilot type ratings

Subject to Subpart 61.E and regulations 61.775 to 61.805, the holder of a pilot licence and a pilot type rating is authorised to exercise the privileges of the licence in an aircraft of the type covered by the rating.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The aircraft types for which pilot type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.775 Limitations on exercise of privileges of pilot type ratings—flight test in flight simulator

- (1) This regulation applies to the holder of a pilot type rating for a type rated aircraft that is a multi-engine turbine-powered aircraft if the holder passed the flight test for the rating in a flight simulator.
- (2) The holder is authorised to exercise the privileges of the rating as pilot in command only if the holder has at least 25 hours of flight time as pilot of an aircraft covered by the rating.
- (3) The holder is taken to meet the requirements of subregulation (2) if the holder has:
 - (a) for a type rating for a turbojet-powered aeroplane:
 - (i) at least 1 000 hours of flight time as pilot of a turbojet-powered aeroplane; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbojet-powered aeroplane; or
 - (b) for a type rating for a turboprop-powered aeroplane:
 - (i) at least 1 000 hours of flight time as pilot of a turboprop-powered aeroplane; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turboprop-powered aeroplane; or
 - (c) for a type rating for a turbine-powered helicopter:
 - (i) at least 1 000 hours of flight time as pilot of a turbine-powered helicopter; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbine-powered helicopter; or
 - (d) for a type rating for a powered-lift aircraft:
 - (i) at least 1 000 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft; or

- (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft.

61.780 Limitations on exercise of privileges of pilot type ratings—variants

- (1) This regulation applies if:
 - (a) the holder of a pilot type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 or 61.060 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in an aircraft of the second variant only if the holder has completed the differences training for the second variant.

61.785 Limitations on exercise of privileges of pilot type ratings—single-pilot operation and multi-crew operation

- (1) On and after 1 September 2015, the holder of a single-pilot type rating is authorised to exercise the privileges of the rating in a multi-crew operation only if:
 - (a) the holder also holds a multi-crew type rating; or
 - (b) the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a multi-crew type rating is authorised to exercise the privileges of the rating only in a multi-crew operation.

61.790 Limitations on exercise of privileges of pilot type ratings—IFR operation

The holder of a pilot type rating is authorised to pilot an aircraft under the IFR only if:

- (a) the flight test for the rating is conducted under the IFR; or
- (b) the holder has completed an instrument proficiency check in an aircraft covered by the rating.

61.795 Limitations on exercise of privileges of pilot type ratings—recent experience on aircraft models

The holder of a pilot type rating is authorised to exercise the privileges of the rating in an aircraft model covered by the rating only if:

- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the aircraft model; or
 - (ii) passed the flight test for the rating in the aircraft model; or
 - (iii) successfully completed a flight review in the aircraft model; or

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- (iv) if differences training is required by an instrument under regulation 61.055 or 61.060 for the aircraft model—completed the differences training; or
- (b) both:
 - (i) the holder is successfully participating in an operator’s training and checking system for an operation in the aircraft model; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this regulation and operations in that aircraft model.

61.800 Limitations on exercise of privileges of pilot type ratings—flight review

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating as the pilot in command of an aircraft only if the holder has a valid flight review for the rating.
- (2) For subregulation (1), the holder has a valid flight review for the rating during the period beginning when the holder successfully completes a flight review for the rating in accordance with subregulation (3) and ending:
 - (a) at the end of the 24th month after the month in which the holder completes the review; or
 - (b) if:
 - (i) the holder already has a valid flight review for the rating (the *previous flight review*) when the holder successfully completes the flight review; and
 - (ii) the validity of the previous flight review is due to expire within 3 months after the holder successfully complete the flight review; at the end of the 24th month after the validity of the previous flight review expires.
- (3) For subregulation (2), the flight review must be conducted in:
 - (a) if the aircraft covered by the rating is a type of single-engine helicopter prescribed by an instrument under regulation 61.063:
 - (i) a helicopter of the type covered by the rating; or
 - (ii) an approved flight simulator for that type of helicopter; or
 - (iii) a type of single-engine helicopter prescribed by the instrument as equivalent to the type covered by the rating; or
 - (iv) an approved flight simulator for that type of helicopter; or
 - (b) in any other case:
 - (i) an aircraft of the type covered by the rating; or
 - (ii) an approved flight simulator for that type of aircraft.
- (4) For subregulation (2), the holder is taken to have successfully completed a flight review for the rating if the holder:
 - (a) passes the flight test for the rating; or
 - (b) passes the flight test for an operational rating in an aircraft of the class covered by the type rating; or

- (c) completes flight training for a design feature endorsement in an aircraft of the class covered by the type rating; or
- (d) successfully completes:
 - (i) an operator proficiency check that covers operations in the type; or
 - (ii) a proficiency check mentioned in subregulation (5) in an aircraft of the type or an approved flight simulation training device for the purpose.
- (5) For subparagraph (4)(d)(ii), the proficiency checks are as follows:
 - (a) an instrument proficiency check;
 - (b) a night vision imaging system proficiency check;
 - (c) an aerial application proficiency check;
 - (d) an instructor proficiency check;
 - (e) an examiner proficiency check.
- (6) For subregulation (1), the holder is taken to have a valid flight review for the rating if:
 - (a) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of the type covered by the rating; and
 - (b) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.805 Limitations on exercise of privileges of pilot type ratings—instrument proficiency check

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating under the IFR only if the holder has a valid instrument proficiency check for the aircraft type covered by the rating.
- (2) Subject to subregulations (4) and (4B), for subregulation (1), the holder is taken to have a valid instrument proficiency check for an aircraft type, other than a single-pilot turbojet aeroplane type, during the following periods:
 - (a) if the holder passes the flight test for an instrument rating, private IFR rating, multi-crew pilot licence or air transport pilot licence in an aircraft of that type—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;
 - (aa) if the holder passes the flight test for the pilot type rating in an aircraft under the IFR—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

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the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;

- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;

- (d) if:

- (i) the holder is successfully participating in an operator's training and checking system for an IFR operation in an aircraft of that type; and
(ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type;

the period during which the holder is successfully participating in the system;

- (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;

- (f) if:

- (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the *existing check*); and
(ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;

the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.

- (3) Subject to subregulations (4) and (4B), for subregulation (1), the holder is taken to have a valid instrument proficiency check for a single-pilot turbojet aeroplane type during the following periods:

- (a) if the holder passes the flight test for the instrument rating or private IFR rating that is conducted as a single-pilot operation in an aircraft of that type—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;

- (b) if:

- (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
(ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;

- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a

flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;

- (d) if:
 - (i) the holder is successfully participating in an operator’s training and checking system for an IFR operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type;the period during which the holder is successfully participating in the system;
- (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

(4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the **failed check**), the holder is no longer taken to have a valid instrument proficiency check for a type of aircraft belonging to the aircraft category in which the holder attempted the failed check.

(4A) For subregulation (4), the failed check may be any of the following:

- (a) an instrument proficiency check for an aircraft category;
- (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
- (c) an instrument proficiency check for an aircraft type.

(4B) If the holder is taken to have a valid instrument proficiency check for the aircraft type only because of the holder’s participation in an operator’s training and checking system, the check is taken to be valid only for operations conducted by the operator.

(5) For paragraphs (2)(e) and (f) and (3)(e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:

- (a) CASA or a flight examiner:
 - (i) assesses the holder’s competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aircraft; and

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- (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
- (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (2)(e) and (f) and (3)(e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft type to which the instrument proficiency check relates.

61.810 Requirements for grant of pilot type ratings

- (1) This regulation applies to an applicant for a pilot type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.815 or 61.820.
- (2) The applicant must hold:
 - (a) a pilot licence; and
 - (b) an aircraft category rating for the category of aircraft that includes aircraft of the type covered by the pilot type rating.

Note: Subregulation (2) is satisfied, in relation to a licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
 - (a) completed an approved course of training for the rating that includes:
 - (i) theory and technical training; and
 - (ii) flight training in accordance with the approved course, consisting of:
 - (A) dual flight in an aircraft of the type covered by the rating; or
 - (B) dual simulated flight in an approved flight simulator for the training; and

- (b) passed an examination, conducted by the operator or organisation that conducted the training mentioned in paragraph (a), testing the applicant's aeronautical knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: For paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3)(a), the approved course of training must be conducted by:
 - (a) a Part 141 or 142 operator that is authorised under Part 141 or 142 to conduct the course; or
 - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

61.815 Person taken to meet requirements for grant of pilot type rating—multi-crew pilot licence holder

A person is taken to meet the requirements for the grant of a pilot type rating for a type of aircraft if:

- (a) the person meets the requirements for the grant of a multi-crew pilot licence; and
- (b) the flight test for the multi-crew pilot licence is conducted in:
 - (i) an aircraft of that type; or
 - (ii) an approved flight simulator for the flight test.

61.820 Person taken to meet requirements for grant of pilot type rating—new type rating

- (1) A person is taken to meet the requirements for the grant of a pilot type rating (the *new type rating*) if:
 - (a) the person holds a pilot type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 or 61.060 (the *old legislative instrument*), variants of each other; and
 - (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
 - (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) an approved flight simulator for an aircraft model covered by the new type rating;

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- (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.
- (2) A person is taken to meet the requirements for the grant of a single-pilot type rating for a type of aircraft if:
- (a) a single-pilot type rating is required for that type of aircraft; and
 - (b) a single-pilot type rating was not previously required for that type of aircraft; and
 - (c) the person holds a class rating for the class that includes that type of aircraft; and
 - (d) the person has piloted an aircraft of that type; and
 - (e) a person who may grant the rating is satisfied that the person is competent to pilot an aircraft of that type.

61.822 Removal of type rating condition about acting as pilot in command

- (1) This regulation applies to the holder of a type rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (2) CASA must remove the condition if:
 - (a) the holder applies to CASA for the removal of the condition; and
 - (b) the holder meets the requirements under this Part for the grant of the type rating.

Division 61.L.6—Cruise relief type ratings

61.825 Kinds of cruise relief type rating

The kinds of cruise relief type rating are set out in column 1 of table 61.825.

Table 61.825 Cruise relief type ratings

Item	Column 1 Rating	Column 2 Activities authorised
1	Cruise relief co-pilot rating (type specific)	Act as co-pilot of an aircraft of the specified type
2	Cruise relief flight engineer rating (type specific)	Act as flight engineer of an aircraft of the specified type

61.830 Privileges of cruise relief type ratings

Subject to Subpart 61.E and regulations 61.835 and 61.840, the holder of a rating mentioned in an item in column 1 of table 61.825 is authorised to undertake the activity mentioned in column 2 of the item.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The types for which cruise relief type ratings may be granted are set out in legislative instruments made under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.835 Limitations on exercise of privileges of cruise relief type ratings—general

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft:
 - (a) only if the aircraft is operated by an operator that:
 - (i) has a training and checking system; and
 - (ii) holds an approval under regulation 61.040 for the system for this subregulation; and
 - (b) only while the aircraft is at flight level 200 or above.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as flight engineer of an aircraft only while the aircraft is at flight level 200 or above.
- (3) Subregulation (4) applies if:
 - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and

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Division 61.L.6 Cruise relief type ratings

Regulation 61.840

- (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed the differences training for the second variant.

61.840 Limitations on exercise of privileges of cruise relief type ratings—recent experience

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft of a particular type only if:
 - (a) the holder is successfully participating in an operator’s training and checking system for an operation in an aircraft of that type; and
 - (b) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type; and
 - (b) the holder has, within the previous 90 days:
 - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulation training device; or
 - (ii) passed the flight test for the grant of the rating; or
 - (iii) exercised the privileges of the rating in an aircraft.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as a cruise relief flight engineer of an aircraft of a particular type only if:
 - (a) the holder has acted as a cruise relief flight engineer of an aircraft of that type, or in an approved flight simulator for the purpose, for a period of at least one hour in the previous 90 days; or
 - (b) the holder has successfully completed an operator proficiency check in an aircraft of that type or an approved flight simulator for the purpose in the previous 90 days; or
 - (c) both:
 - (i) the holder is successfully participating in an operator’s training and checking system for an operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type; or
 - (d) the holder is acting as a cruise relief flight engineer under the supervision of a flight engineer instructor.
- (3) Subregulation (4) applies if:
 - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).

- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if:
- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the second variant; or
 - (ii) completed the differences training for the second variant; or
 - (iii) completed a recurrent training course for the second variant; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in the second variant; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the second variant.

61.845 Requirements for grant of cruise relief type ratings

- (1) This regulation applies to an applicant for a cruise relief type rating for an aircraft of a particular type if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.850.
- (2) The applicant must hold:
- (a) a commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
 - (b) the aircraft category rating for the aircraft category that includes aircraft of that type; and
 - (c) for a cruise relief flight engineer type rating for an aircraft type:
 - (i) the cruise relief co-pilot type rating for the aircraft type; or
 - (ii) the pilot type rating for the aircraft type.

Note: Subregulation (2) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
- (a) completed an approved course of training for the rating that includes:
 - (i) at least one hour of flight training consisting of:
 - (A) dual flight in an aircraft of that type; or
 - (B) dual simulated flight in an approved flight simulator for the training; and
 - (ii) theory and technical training; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: For the requirements for an approved course of training, see Division 61.B.2.

Note 2: For the conduct of flight tests, see Division 61.B.4.

- (3A) If the applicant applies on or after 1 September 2015, the applicant must also have completed an approved course of training in multi-crew cooperation.

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Division 61.L.6 Cruise relief type ratings

Regulation 61.850

- (4) For paragraph (3)(a) and subregulation (3A), the approved course of training must be conducted by:
- (a) a Part 142 operator that is authorised under Part 142 to conduct the course; or
 - (b) the holder of an approval under regulation 142.040 to conduct the training.

**61.850 Person taken to meet requirements for grant of cruise relief type rating—
new type rating**

A person is taken to meet the requirements for the grant of a cruise relief type rating (the *new type rating*) if:

- (a) the person holds a cruise relief type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) an approved flight simulator for an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.

Subpart 61.M—Instrument ratings

Division 61.M.1—Privileges and requirements for grant of instrument ratings

61.855 Privileges of instrument ratings

Subject to Subpart 61.E and regulations 61.860 to 61.880, the holder of an instrument rating is authorised to pilot an aircraft:

- (a) under the IFR; or
- (b) at night under the VFR.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.860 Limitations on exercise of privileges of instrument ratings—general

- (1) The holder of an instrument rating is authorised to conduct an instrument approach operation of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of operation.
- (2) The holder of an instrument rating is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:
 - (a) passed the flight test for the rating in a single-pilot aircraft; or
 - (b) completed an instrument proficiency check in a single-pilot aircraft.
- (3) The holder of an instrument rating is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the rating within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes circling approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (4) For paragraph (3)(b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.

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Subpart 61.M Instrument ratings

Division 61.M.1 Privileges and requirements for grant of instrument ratings

Regulation 61.865

- (5) The holder of an instrument rating is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approach operations using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (6), his or her competence in the conduct of instrument approach operations using the procedure.
- (6) For paragraph (5)(b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner who is authorised to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.865 Limitations on exercise of privileges of instrument ratings—endorsements

- (1) The holder of an instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.890 under the IFR, or at night under the VFR, only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of an instrument rating is authorised to conduct an instrument approach operation mentioned in column 2 of an item in Part 2 of table 61.890 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.870 Limitations on exercise of privileges of instrument ratings—recent experience: general

- (1) This regulation applies to the holder of an instrument rating subject to subregulation (1A).
- (1A) This regulation does not apply to the holder if:
 - (a) the holder has successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; or
 - (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an IFR operation; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approach operations within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach operation

within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

61.875 Limitations on exercise of privileges of instrument ratings—recent experience: single pilot

- (1) The holder of an instrument rating is authorised to pilot an aircraft under the IFR in a single-pilot operation only if the holder has conducted a flight or simulated flight under the IFR in a single-pilot operation within the previous 6 months.
- (2) For subregulation (1), the flight or simulated flight must:
 - (a) have a duration of at least one hour; and
 - (b) include at least one instrument approach or simulated instrument approach.

61.880 Limitations on exercise of privileges of instrument ratings—instrument proficiency check

- (1) The holder of an instrument rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
 - (a) the holder is authorised to exercise the privileges of the rating in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
 - (b) the holder is authorised to exercise the privileges of the rating in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.

Regulation 61.880

- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aircraft category, or for multi-engine aeroplanes or helicopters, during the following periods:
- (a) if the holder passes the flight test for the instrument rating in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an instrument endorsement in a relevant aircraft; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator’s training and checking system for an IFR operation in the relevant aircraft; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in the relevant aircraft;the period during which the holder is successfully participating in the system;
 - (e) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the relevant aircraft (the **existing check**); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the **failed check**), the holder is no longer taken to have a valid instrument proficiency check for:
- (a) the aircraft category in which the holder attempted the failed check; or

- (b) multi-engine aircraft of the category in which the holder attempted the failed check.
- (4A) For subregulation (4), the failed check may be any of the following:
- (a) an instrument proficiency check for an aircraft category;
 - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
 - (c) an instrument proficiency check for an aircraft type.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aircraft only because of the holder's participation in an operator's training and checking system, the check is taken to be valid only for operations conducted by the operator.
- (5) For paragraphs (3)(e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
- (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check in the relevant aircraft; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for an instrument proficiency check; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3)(e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5)(b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5)(a)(iii) and (b)(iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:
- relevant aircraft***, for an instrument proficiency check, means:

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Subpart 61.M Instrument ratings

Division 61.M.1 Privileges and requirements for grant of instrument ratings

Regulation 61.885

- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
- (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
- (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

61.885 Requirements for grant of instrument ratings

- (1) An applicant for an instrument rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of:
 - (i) at least one instrument endorsement mentioned in column 1 of an item in Part 1 of table 61.890; and
 - (ii) at least one instrument endorsement mentioned in column 1 of an item in Part 2 of table 61.890.

Note 1: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: An application for a pilot licence mentioned in paragraph (a) and an instrument rating may be made at the same time: see subregulation 61.155(2).

- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the instrument rating; and
 - (b) completed flight training for the instrument rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the instrument rating and the aircraft category rating associated with the applicant's pilot licence; and
 - (d) met the aeronautical experience requirements mentioned in subregulation (5).

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2)(b), the flight training must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.
- (4) For paragraph (2)(c), the flight test must be conducted in an aircraft unless the applicant has previously held:
 - (a) an instrument rating; or

- (b) an overseas rating that CASA is satisfied is equivalent to an instrument rating; or
 - (c) a qualification issued by the Australian Defence Force that CASA is satisfied is equivalent to an instrument rating.
- (5) For paragraph (2)(d), the applicant must have aeronautical experience that includes:
- (a) at least 50 hours of cross-country flight time as pilot in command; and
 - (b) at least 40 hours of instrument time, including:
 - (i) at least 10 hours of dual instrument time; and
 - (ii) either:
 - (A) if subregulation (6) applies—at least 10 hours of instrument flight time; or
 - (B) in any other case—at least 20 hours of instrument flight time.
- (6) This subregulation applies if any instrument ground time relied on by an applicant for paragraph (5)(b) is:
- (a) completed in an approved flight simulator for the purpose; and
 - (b) supervised by a pilot instructor who holds an instrument rating training endorsement.
- (7) For subregulation (5), the cross-country flight time and instrument flight time must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.

61.887 Removal of instrument rating conditions about acting as pilot in command under IFR

- (1) This regulation applies to the holder of an instrument rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.
- (2) CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
- (a) the holder applies to CASA for the removal of the condition; and
 - (b) the holder meets the requirements under this Part for the grant of:
 - (i) an instrument rating; and
 - (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

Regulation 61.890

Division 61.M.2—Privileges and requirements for grant of instrument endorsements

61.890 Kinds of instrument endorsement

The kinds of instrument endorsement are set out in column 1 of table 61.890.

Table 61.890 Instrument endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR or at night under the VFR	Single-engine aeroplane class rating or type rating for a type of single-engine aeroplane At least 10 hours of dual instrument time in an aeroplane or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits
2	Multi-engine aeroplane instrument endorsement	Pilot an aeroplane under the IFR or at night under the VFR	Multi-engine aeroplane class rating or type rating for a type of multi-engine aeroplane At least 10 hours of dual instrument time in a multi-engine aeroplane or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits
3	Single-engine helicopter instrument endorsement	Pilot a single-engine helicopter under the IFR or at night under the VFR	Single-engine helicopter class rating or type rating for a type of single-engine helicopter At least 10 hours of dual instrument time in a helicopter or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Multi-engine helicopter instrument endorsement	Pilot a helicopter under the IFR or at night under the VFR	Type rating for a type of multi-engine helicopter At least 10 hours of dual instrument time in a multi-engine helicopter or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
5	Powered-lift aircraft instrument endorsement	Pilot a powered-lift aircraft under the IFR or at night under the VFR	Type rating for a type of powered-lift aircraft At least 10 hours of dual instrument time in a powered-lift aircraft or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
6	Gyroplane instrument endorsement	Pilot a gyroplane under the IFR or at night under the VFR	Gyroplane aircraft class rating or type rating for a type of gyroplane At least 10 hours of dual instrument flight time in a gyroplane At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
7	Airship instrument endorsement	Pilot an airship under the IFR or at night under the VFR	Airship class rating or type rating for a type of airship At least 10 hours of dual instrument time in an airship or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
<i>Part 2—Instrument approach endorsements</i>			
8	IAP 2D instrument endorsement	Conduct a 2D instrument approach operation	

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Subpart 61.M Instrument ratings

Division 61.M.2 Privileges and requirements for grant of instrument endorsements

Regulation 61.895

Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
9	IAP 3D instrument endorsement	Conduct a 3D instrument approach operation	IAP 2D instrument endorsement

61.895 Privileges of instrument endorsements

Subject to Subpart 61.E, Division 61.M.1 and regulation 61.900, the holder of an endorsement mentioned in column 1 of an item in table 61.890 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.900 Limitations on exercise of privileges of instrument endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.890 is authorised to conduct an instrument approach operation in IMC using a navigation system of a particular kind only if the holder has previously conducted:
 - (a) an instrument approach operation; or
 - (b) a simulated instrument approach operation in a flight simulation training device;using a navigation system of that kind.
- (2) The holder of an IAP 3D instrument endorsement is authorised to conduct a 3D instrument approach operation only if:
 - (a) the holder passed the flight test for the endorsement within the previous 12 months; or
 - (b) either:
 - (i) in a case in which the holder's most recent instrument proficiency check included a 3D instrument approach operation—during the check the holder demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (ii) in any other case—the holder has, within the previous 15 months, demonstrated, to a person mentioned in subregulation (4), the holder's competence in the conduct of a 3D instrument approach operation; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation that includes 3D instrument approaches; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

- (3) For paragraph (2)(b), an instrument proficiency check includes an operator proficiency check:
- (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (4) For paragraph (2)(b), the persons are as follows:
- (a) CASA;
 - (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.905 Requirements for grant of instrument endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.890 must hold:
- (a) an instrument rating; and
 - (b) the rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Subpart 61.N—Private instrument ratings

Division 61.N.1—Privileges and requirements for grant of private instrument ratings

61.910 Privileges of private instrument ratings

- (1) Subject to Subpart 61.E and regulations 61.915 to 61.925, the holder of a private instrument rating is authorised to pilot an aircraft mentioned in subregulation (2) under the IFR in a private operation in Australian territory.
- (2) For subregulation (1), the aircraft:
 - (a) must be certificated for single-pilot operation; and
 - (b) must have a maximum certificated take-off weight of not more than 5 700 kg.

61.915 Limitations on exercise of privileges of private instrument ratings—endorsements

- (1) The holder of a private instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.935 under the IFR only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of a private instrument rating is authorised to conduct an activity mentioned in column 2 of an item in Part 2, 3, 4 or 5 of table 61.935 only if the holder also holds the endorsement mentioned in column 1 of the item.
- (3) The holder of a private instrument rating is authorised to pilot an aircraft at night under the IFR only if the holder also holds a night private instrument endorsement.

61.920 Limitations on exercise of privileges of private instrument ratings—recent experience

- (1) The holder of a private instrument rating is authorised to conduct an instrument approach as pilot in command of an aircraft in IMC only if the holder has conducted an instrument approach of the same kind:
 - (a) within the previous 6 months; and
 - (b) in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (2) The holder of a private instrument rating is authorised to pilot an aircraft under the IFR as pilot in command only if the holder has piloted an aircraft under the IFR within the previous 6 months.

61.925 Limitations on exercise of privileges of private instrument ratings—flight review

- (1) The holder of a private instrument rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane or multi-engine helicopter, under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an instrument proficiency check in an aircraft of the same category within the previous 24 months.

 - (2) The holder of a private instrument rating is authorised to pilot a multi-engine aeroplane under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an instrument proficiency check in a multi-engine aeroplane within the previous 24 months.

 - (3) The holder of a private instrument rating is authorised to pilot a multi-engine helicopter under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in a multi-engine helicopter or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine helicopter or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine helicopter or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
-

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Division 61.N.1 Privileges and requirements for grant of private instrument ratings

Regulation 61.930

- (d) has successfully completed an instrument proficiency check in a multi-engine helicopter within the previous 24 months.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.930 Requirements for grant of private instrument ratings

- (1) An applicant for a private instrument rating must:
- (a) hold a private pilot licence or commercial pilot licence; and
 - (b) meet the requirements for the grant of at least:
 - (i) one endorsement mentioned in column 1 of an item in Part 1 of table 61.935; and
 - (ii) one endorsement mentioned in column 1 of an item in Part 2 of table 61.935.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) passed:
 - (i) the aeronautical knowledge examination for the instrument rating; or
 - (ii) a private instrument rating aeronautical knowledge examination set and conducted by:
 - (A) CASA; or
 - (B) a Part 141 or 142 operator that is authorised to conduct training for the grant of an instrument rating; and
 - (b) completed flight training for the private instrument rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private instrument rating; and
 - (d) completed at least 20 hours of instrument time, including at least 10 hours of dual instrument flight time.

Note 1: For subparagraph (a)(i), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The aeronautical experience required by paragraph (2)(d) must have been completed:
- (a) while receiving instrument training conducted by a flight instructor who holds an instrument rating training endorsement; or
 - (b) while receiving training for a private pilot licence, commercial pilot licence or air transport pilot licence or a night VFR rating; or
 - (c) as a member of the Australian Defence Force.

- (4) The holder of an instrument rating is taken to meet the requirements for the grant of a private instrument rating.

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Division 61.N.2 Privileges and requirements for grant of private instrument endorsements

Regulation 61.935

Division 61.N.2—Privileges and requirements for grant of private instrument endorsements

61.935 Kinds of private instrument endorsement

The kinds of private instrument endorsement are set out in column 1 of table 61.935.

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane private instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR	Single-engine aeroplane class rating At least 10 hours of dual instrument flight time in an aeroplane
2	Multi-engine aeroplane private instrument endorsement	Pilot an aeroplane under the IFR	Multi-engine aeroplane class rating At least 10 hours of dual instrument flight time in a multi-engine aeroplane
3	Single-engine helicopter private instrument endorsement	Pilot a single-engine helicopter under the IFR	Single-engine helicopter class rating At least 10 hours of dual instrument flight time in a helicopter
4	Multi-engine helicopter private instrument endorsement	Pilot a helicopter under the IFR	Multi-engine helicopter class rating or multi-engine helicopter type rating At least 10 hours of dual instrument flight time in a multi-engine helicopter
5	Powered-lift aircraft private instrument endorsement	Pilot a powered-lift aircraft under the IFR	Powered-lift aircraft category rating At least 10 hours of dual instrument flight time in a powered-lift aircraft
6	Gyroplane private instrument endorsement	Pilot a gyroplane under the IFR	Gyroplane category rating At least 10 hours of dual instrument flight time in a gyroplane

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Airship private instrument endorsement	Pilot an airship under the IFR	Airship category rating At least 10 hours of dual instrument flight time in an airship
<i>Part 2—Navigation endorsements</i>			
8	Navigation – NDB private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a non-directional beacon navigation system	
9	Navigation – VOR/LLZ private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a VHF omni-range/localiser navigation system	
10	Navigation – GNSS private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a global navigation satellite system	
<i>Part 3—Departure endorsements</i>			
11	Departure – single-engine aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a single-engine aircraft	Any of the following: (a) single-engine aeroplane private instrument endorsement; (b) single-engine helicopter private instrument endorsement; (c) gyroplane private instrument endorsement
12	Departure – multi-engine aeroplane private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine aeroplane	Multi-engine aeroplane private instrument endorsement
13	Departure – multi-engine helicopter private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine helicopter	Multi-engine helicopter private instrument endorsement
14	Departure – powered-lift aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a powered-lift aircraft	Powered-lift aircraft private instrument endorsement

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Subpart 61.N Private instrument ratings

Division 61.N.2 Privileges and requirements for grant of private instrument endorsements

Regulation 61.935

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
15	Departure – airship private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in an airship	Airship private instrument endorsement
16	Standard instrument departure private instrument endorsement	Conduct a take-off and departure, including a standard instrument departure, under the IFR	Any of the endorsements mentioned in items 11 to 15
<i>Part 4—Approach/arrival endorsements</i>			
17	STAR private instrument endorsement	Conduct an arrival under the IFR using a procedure published in the AIP and a navigation system for which the pilot holds an endorsement mentioned in column 1 of an item in Part 2 of this table	
18	Approach – NDB private instrument endorsement	Conduct an instrument approach operation under the IFR using a non-directional beacon navigation system	
19	Approach – VOR/LLZ private instrument endorsement	Conduct an instrument approach operation under the IFR using a VHF omni-range/localiser navigation system	
20	Approach – DME or GNSS arrival procedure private instrument endorsement	Conduct an instrument approach operation under the IFR using distance measuring equipment or a global navigation satellite system	
21	Approach – RNP APCH-2D private instrument endorsement	Conduct a required navigational performance instrument approach operation without vertical guidance using: (a) a global navigation satellite system; or (b) another kind of area navigation-based system	Navigation – GNSS private instrument endorsement
22	Approach – RNP APCH-3D private instrument endorsement	Conduct a required navigational performance instrument approach operation using barometric-aided vertical guidance	Navigation – GNSS private instrument endorsement Approach – RNP APCH-2D private instrument endorsement

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
23	Approach – ILS private instrument endorsement	Conduct an instrument approach operation, using: (a) an instrument landing system; or (b) a microwave landing system; or (c) a global navigation satellite system with ground-based augmentation	
<i>Part 5—Approach/arrival endorsements—category specific</i>			
24	Approach and landing – multi-engine aeroplane private instrument endorsement	Conduct an instrument approach operation under the IFR in a multi-engine aeroplane using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine aeroplane private instrument endorsement Any of the endorsements mentioned in items 18 to 23
25	Approach and landing – multi-engine helicopter private instrument endorsement	Conduct an instrument approach operation under the IFR in a multi-engine helicopter using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine helicopter private instrument endorsement Any of the endorsements mentioned in items 18 to 23
<i>Part 6—Night endorsement</i>			
26	Night private instrument endorsement (category specific)	Pilot an aircraft of the specified category under the IFR at night	At least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least: (a) 3 hours of dual cross-country flight time at night; and (b) 5 hours of flight time at night in an aircraft of the same category; and (c) 1 hour of solo night circuits

61.940 Privileges of private instrument endorsements

- (1) Subject to Subpart 61.E, Division 61.N.1 and regulations 61.942 and 61.945, the holder of an endorsement mentioned in column 1 of an item in table 61.935 is authorised to conduct the activity mentioned in column 2 of the item.

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Division 61.N.2 Privileges and requirements for grant of private instrument endorsements

Regulation 61.942

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

- (2) For each endorsement mentioned in column 1 of an item in Part 3 of table 61.935, the privileges include conducting, under the IFR, a climb to the published lowest safe altitude for the first route segment of the flight.

Note: For the definition of *published lowest safe altitude*, see regulation 61.010.

61.942 Limitations on exercise of privileges of private instrument endorsements—visibility and cloud

The holder of an endorsement mentioned in column 1 of an item in Part 1, 2 or 6 of table 61.935 is authorised to conduct the activity authorised in column 2 of the item below the published lowest safe altitude only if:

- (a) visibility is at least 5 000 m; and
- (b) the aircraft is clear of cloud.

61.945 Limitations on exercise of privileges of private instrument endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.935 is authorised to conduct an instrument approach operation in IMC using a navigation system of a particular kind only if the holder has previously conducted:
- (a) an instrument approach operation in an aircraft; or
 - (b) a simulated instrument approach operation in a flight simulation training device;
- using a navigation system of that kind.
- (2) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach operation under the IFR in a multi-engine aeroplane only if the holder also holds an approach and landing – multi-engine aeroplane private instrument endorsement.
- (3) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach operation under the IFR in a multi-engine helicopter only if the holder also holds an approach and landing – multi-engine helicopter private instrument endorsement.

61.950 Requirements for grant of private instrument endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.935 must hold:
- (a) a private instrument rating; and
 - (b) each rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) A person who holds a private instrument rating and an instrument endorsement is taken to meet the requirements for the grant of the private instrument endorsement (if any) that is equivalent to the instrument endorsement.

Subpart 61.O—Night VFR ratings

Division 61.O.1—Privileges and requirements for grant of night VFR ratings

61.955 Privileges of night VFR ratings

Subject to Subpart 61.E and regulations 61.960 to 61.970, the holder of a pilot licence and a night VFR rating is authorised to pilot an aircraft at night under the VFR other than in:

- (a) an operation using a night vision imaging system; or
- (b) a night aerial application operation below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.960 Limitations on exercise of privileges of night VFR ratings—endorsements

The holder of a night VFR rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.980 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.965 Limitations on exercise of privileges of night VFR ratings—recent experience

The holder of a night VFR rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has, within the previous 6 months:

- (a) conducted:
 - (i) at least one night take-off; and
 - (ii) at least one night landing;in an aircraft of that category while controlling the aircraft; or
- (b) been assessed as competent to conduct a flight at night in an aircraft of that category by a flight instructor who holds a night VFR training endorsement.

Note: See also regulation 61.395 for recent experience requirements for certain flight activities involving the carriage of passengers.

61.970 Limitations on exercise of privileges of night VFR ratings—flight review

- (1) The holder of a night VFR rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane, at night under the VFR only if:
 - (a) the holder has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or

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- (b) the holder has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) the holder has passed a flight test for the grant of a night VFR endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) the holder has successfully completed an operator proficiency check that covers night VFR operations in an aircraft of the same category within the previous 24 months; or
 - (e) both:
 - (i) the holder has, within the previous 24 months, successfully participated in an operator's training and checking system for an operation at night in an aircraft of the same category; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that category.
- (2) The holder of a night VFR rating is authorised to pilot a multi-engine aeroplane at night under the VFR only if:
- (a) the holder has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) the holder has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) the holder has passed a flight test for the grant of a night VFR endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) the holder has successfully completed an operator proficiency check that covers night VFR operations in a multi-engine aeroplane within the previous 24 months; or
 - (e) both:
 - (i) the holder has, within the previous 24 months, successfully participated in an operator's training and checking system for an operation at night in a multi-engine aeroplane; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.975 Requirements for grant of night VFR ratings

- (1) An applicant for a night VFR rating must:

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Division 61.O.1 Privileges and requirements for grant of night VFR ratings

Regulation 61.975

- (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one endorsement mentioned in column 1 of an item in table 61.980.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

(2) The applicant must also have:

- (a) as a pilot, at least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least 5 hours of dual cross-country flight time at night under the VFR in an aircraft; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the night VFR rating.

Note 1: For paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) The dual cross-country flight time required by paragraph (2)(a) must comprise at least 2 flights, each of which must include at least one landing at an aerodrome, other than the aerodrome from which the flight began, that is remote from extensive ground lighting.

Division 61.O.2—Privileges and requirements for grant of night VFR endorsements

61.980 Kinds of night VFR endorsement

The kinds of night VFR endorsement are set out in column 1 of table 61.980.

Table 61.980 Night VFR endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Single-engine aeroplane night VFR endorsement	Pilot an aeroplane of the single-engine aeroplane class at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
2	Multi-engine aeroplane night VFR endorsement	Pilot an aeroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a multi-engine aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
3	Helicopter night VFR endorsement	Pilot a helicopter at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time in a helicopter or approved flight simulation training device for the purpose

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Division 61.O.2 Privileges and requirements for grant of night VFR endorsements

Regulation 61.985

Table 61.980 Night VFR endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Powered-lift aircraft night VFR endorsement	Pilot a powered-lift aircraft at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
5	Gyroplane night VFR endorsement	Pilot a gyroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
6	Airship night VFR endorsement	Pilot an airship at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

61.985 Privileges of night VFR endorsements

Subject to Subpart 61.E and Division 61.O.1, the holder of an endorsement mentioned in column 1 of an item in table 61.980 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.990 Requirements for grant of night VFR endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.980 must hold a night VFR rating.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Subpart 61.P—Night vision imaging system ratings

Division 61.P.1—Privileges and requirements for grant of night vision imaging system ratings

61.995 Privileges of night vision imaging system ratings

Subject to Subpart 61.E and regulations 61.1000 to 61.1015, the holder of a pilot licence and a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1000 Limitations on exercise of privileges of night vision imaging system ratings—general

- (1) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder:
 - (a) has successfully completed an operator proficiency check that covers operations at night using night vision goggles in a helicopter of the same type; or
 - (b) has a valid night vision imaging system proficiency check under regulation 61.1015 conducted in:
 - (i) a helicopter of the same type; or
 - (ii) an approved flight simulation training device for the purpose of the proficiency check and the type of helicopter; or
 - (c) has passed the flight test for the night vision imaging system rating in a helicopter of the same type; or
 - (d) has been assessed, by a flight instructor who holds a night vision imaging system training endorsement, as competent to pilot a helicopter of the same type using night vision goggles during a dual flight with the instructor in such a helicopter.
- (2) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the helicopter is equipped for operations using night vision goggles.

61.1005 Limitations on exercise of privileges of night vision imaging system ratings—endorsements

The holder of a night vision imaging system rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1025 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1010 Limitations on exercise of privileges of night vision imaging system ratings—recent experience

The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if:

- (a) the holder has:
 - (i) completed at least 3 hours of flight time at night under the VFR using night vision goggles within the previous 6 months; and
 - (ii) conducted at least 3 take-offs and at least 3 landings at night using night vision goggles within the previous 6 months; or
- (b) the holder has, within the previous 6 months, become authorised to pilot any type of helicopter using night vision goggles under subregulation 61.1000(1); or
- (d) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation at night using night vision goggles; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

61.1015 Limitations on exercise of privileges of night vision imaging system ratings—night vision imaging system proficiency check

- (1) The holder of a night vision imaging system rating is authorised to exercise the privileges of the rating only if the holder has a valid night vision imaging system proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid night vision imaging system proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a night vision imaging system endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds an night vision imaging system rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if:

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Subpart 61.P Night vision imaging system ratings

Division 61.P.1 Privileges and requirements for grant of night vision imaging system ratings

Regulation 61.1020

- (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
- (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;
the period during which the holder is successfully participating in the system;
- (e) if the holder successfully completes a night vision imaging system proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid night vision imaging system proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes a night vision imaging system proficiency check;
the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, a night vision imaging system proficiency check, the holder is no longer taken to have a valid night vision imaging system proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes a night vision imaging system proficiency check if:
 - (a) the night vision imaging system proficiency check is conducted in a helicopter or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to pilot a helicopter using a night vision imaging system as meeting the standards mentioned in the Part 61 Manual of Standards for each night vision imaging system endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the night vision imaging system proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1020 Requirements for grant of night vision imaging system ratings

An applicant for a night vision imaging system rating must:

- (a) hold a commercial pilot licence or air transport pilot licence; and

- (b) meet the requirements for the grant of at least one night vision imaging system endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

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Subpart 61.P Night vision imaging system ratings

Division 61.P.2 Privileges and requirements for grant of night vision imaging system endorsements

Regulation 61.1025

Division 61.P.2—Privileges and requirements for grant of night vision imaging system endorsements

61.1025 Kinds of night vision imaging system endorsement

The kinds of night vision imaging system endorsement are set out in column 1 of table 61.1025.

Table 61.1025 Night vision imaging system endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Grade 1 night vision imaging system endorsement	Pilot a helicopter using night vision goggles	Helicopter category rating Single-engine helicopter instrument endorsement or multi-engine helicopter instrument endorsement At least 250 hours of flight time in a helicopter At least 5 hours of dual flight using night vision goggles in a helicopter At least 20 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, without using night vision goggles, of which at least 10 hours must be completed as flight time At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter

Table 61.1025 Night vision imaging system endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Grade 2 night vision imaging system endorsement	Pilot a helicopter using night vision goggles, other than during an IFR flight	Helicopter category rating Helicopter night VFR endorsement At least 250 hours of flight time in a helicopter At least 5 hours of dual flight using night vision goggles in a helicopter At least 20 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, without using night vision goggles, of which at least 10 hours must be completed as flight time At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter

61.1030 Privileges of night vision imaging system endorsements

Subject to Subpart 61.E and Division 61.P.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1025 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1035 Requirements for grant of night vision imaging system endorsements

(1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1025 must hold:

- (a) a night vision imaging system rating; and
- (b) each rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

(2) The applicant must also have:

- (a) completed flight training for the endorsement, including the training (if any) mentioned in column 3 of the item, in accordance with subregulation (3); and
- (b) met the aeronautical experience requirements mentioned in column 3 of the item; and

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Subpart 61.P Night vision imaging system ratings

Division 61.P.2 Privileges and requirements for grant of night vision imaging system endorsements

Regulation 61.1035

- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
- (d) before starting the 5 hours of dual flight using night vision goggles mentioned in column 3 of the item—complied with subregulation (4).

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2)(a), the flight training must be conducted by a Part 141 or 142 operator.
- (4) For paragraph (2)(d), the applicant must:
 - (a) hold:
 - (i) a commercial pilot licence or air transport pilot licence; and
 - (ii) each rating or endorsement mentioned in column 3 of the item; and
 - (iii) the class or type rating that covers the helicopter in which the training is to take place; and
 - (iv) each flight activity endorsement that covers an activity (if any) that is to be covered by the training; and
 - (b) have completed:
 - (i) the 250 hours of flight time mentioned in column 3 of the item; and
 - (ii) at least 10 hours of the flight time at night mentioned in column 3 of the item.

Subpart 61.Q—Low-level ratings

Division 61.Q.1—Privileges and requirements for grant of low-level ratings

61.1040 Privileges of low-level ratings

Subject to Subpart 61.E and regulations 61.1045 to 61.1060, the holder of a pilot licence with a low-level rating is authorised to conduct low-level operations.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1045 Limitations on exercise of privileges of low-level ratings—general

The holder of a low-level rating is authorised to conduct a low-level operation in an area only if, before conducting the operation, the holder conducts a risk assessment of the area.

61.1050 Limitations on exercise of privileges of low-level ratings—endorsements

The holder of a low-level rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1075 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1055 Limitations on exercise of privileges of low-level ratings—recent experience

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 6 months:
 - (a) completed at least 2 hours of low-level operations; or
 - (b) been assessed as competent to conduct low-level operations by a flight instructor who holds a low-level training endorsement.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check in low-level operations within the previous 6 months; or
 - (b) has successfully completed a flight review for the rating within the previous 6 months.

61.1060 Limitations on exercise of privileges of low-level ratings—flight review

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, successfully completed a flight review for the rating.
 - (2) The holder is taken to meet the requirements of subregulation (1) if:
-

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Division 61.Q.1 Privileges and requirements for grant of low-level ratings

Regulation 61.1070

- (a) the holder has passed a flight test for the rating within the previous 12 months; or
- (b) the holder has passed a flight test for the grant of a low-level endorsement:
 - (i) within the previous 12 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
- (c) the holder has successfully completed an aerial application proficiency check under regulation 61.1110 within the previous 12 months; or
- (d) the holder has successfully completed an operator proficiency check that covers:
 - (i) operations under the rating; or
 - (ii) operations under the aerial application rating;within the previous 12 months; or
- (e) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.1070 Requirements for grant of low-level ratings

- (1) An applicant for a low-level rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 of table 61.1075; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the low-level rating.

Note 1: For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.
- (3) The holder of an aerial application rating is taken to meet the requirements for the grant of, and to have applied for, a low-level rating.

Division 61.Q.2—Privileges and requirements for grant of low-level endorsements

61.1075 Kinds of low-level endorsement

The kinds of low-level endorsement are set out in column 1 of table 61.1075.

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—General</i>			
1	Aeroplane low-level endorsement	Conduct a low-level operation in an aeroplane, other than an operation mentioned in Part 2 of this table	Aeroplane category rating At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations
2	Helicopter low-level endorsement	Conduct a low-level operation in a helicopter, other than an operation mentioned in Part 2 of this table	Helicopter category rating At least 5 hours of dual flight in a helicopter while receiving training in low-level operations
3	Powered-lift aircraft low-level endorsement	Conduct a low-level operation in a powered-lift aircraft, other than an operation mentioned in Part 2 of this table	Powered-lift aircraft category rating At least 5 hours of dual flight in a powered-lift aircraft while receiving training in low-level operations
4	Gyroplane low-level endorsement	Conduct a low-level operation in a gyroplane, other than an operation mentioned in Part 2 of this table	Gyroplane category rating At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations
<i>Part 2—Specific low-level activities</i>			
5	Aerial mustering – aeroplane endorsement	Conduct an aerial mustering operation in an aeroplane	Aeroplane category rating Aeroplane low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in an aeroplane
6	Aerial mustering – helicopter endorsement	Conduct an aerial mustering operation in a helicopter	Helicopter category rating Helicopter low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in a helicopter

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Subpart 61.Q Low-level ratings

Division 61.Q.2 Privileges and requirements for grant of low-level endorsements

Regulation 61.1080

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Aerial mustering – gyroplane endorsement	Conduct an aerial mustering operation in a gyroplane	Gyroplane category rating At least 5 hours of dual flight while receiving training in aerial mustering in a gyroplane
8	Sling operations endorsement	Conduct a sling load operation in a helicopter	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating
9	Winch and rappelling operations endorsement	Conduct a winch or rappelling operation in a helicopter	Commercial pilot licence or air transport pilot licence with helicopter category rating

61.1080 Privileges of low-level endorsements

Subject to Subpart 61.E and Division 61.Q.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1075 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1085 Requirements for grant of low-level endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item of table 61.1075 must hold:
 - (a) a low-level rating; and
 - (b) each licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Regulation 61.1085

- (3) For paragraph (2)(b), any aeronautical experience relied on for the grant of an endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 cannot be counted towards the requirements for the grant of an endorsement mentioned in column 1 of an item in Part 2 of that table.
- (4) A person who holds a low-level rating and an aerial application endorsement for an aircraft category is taken to meet the requirements for the grant of the endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 for that aircraft category.

Subpart 61.R—Aerial application ratings

Division 61.R.1—Privileges and requirements for grant of aerial application ratings

61.1090 Privileges of aerial application ratings

Subject to Subpart 61.E and regulations 61.1100 to 61.1110, the holder of a pilot licence with an aerial application rating is authorised to conduct aerial application operations below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1100 Limitations on exercise of privileges of aerial application ratings—endorsements

The holder of an aerial application rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1120 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1105 Limitations on exercise of privileges of aerial application ratings—recent experience

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, completed at least 50 hours of aerial application operations below 500 ft AGL.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check in aerial application operations below 500 ft AGL within the 12 months before the month in which the exercise of the privileges occurs; or
 - (b) has successfully completed an aerial application proficiency check within the previous 12 months.

61.1110 Limitations on exercise of privileges of aerial application ratings—aerial application proficiency check

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has a valid aerial application proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid aerial application proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:

- (i) the holder passes the flight test for an aerial application endorsement;
and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;
the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight examiner who holds an aerial application rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if the holder successfully completes an aerial application proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid aerial application proficiency check under any of paragraphs (a) to (d) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an aerial application proficiency check;
the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an aerial application proficiency check, the holder is no longer taken to have a valid aerial application proficiency check.
- (4) For paragraphs (2)(d) and (e), the holder successfully completes an aerial application proficiency check if:
- (a) the aerial application proficiency check is conducted in an aircraft; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct aerial application operations below 500 ft AGL as meeting the standards mentioned in the Part 61 Manual of Standards for an aerial application proficiency check; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the aerial application proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
- (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

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Subpart 61.R Aerial application ratings

Division 61.R.1 Privileges and requirements for grant of aerial application ratings

Regulation 61.1115

61.1115 Requirements for grant of aerial application ratings

- (1) An applicant for an aerial application rating must:
 - (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 or 2 of table 61.1120; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the aerial application rating.

Note 1: For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245(1)(a), the flight test must be conducted in an aircraft.

Division 61.R.2—Privileges and requirements for grant of aerial application endorsements

61.1120 Kinds of aerial application endorsement

The kinds of aerial application endorsement are set out in column 1 of table 61.1120.

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Day aerial application endorsements</i>			
1	Aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 25 hours of dual flight in an aeroplane while receiving training in aerial application operations At least 5 hours of solo flight in an aeroplane while receiving training in aerial application operations
2	Helicopter aerial application endorsement	Pilot a helicopter conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 10 hours of dual flight in a helicopter while receiving training in aerial application operations

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Subpart 61.R Aerial application ratings

Division 61.R.2 Privileges and requirements for grant of aerial application endorsements

Regulation 61.1120

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Gyroplane aerial application endorsement	Pilot a gyroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot a gyroplane conducting a low-level operation	Gyroplane category rating At least 200 hours of flight time as pilot of a gyroplane At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations At least 25 hours of dual flight in a gyroplane while receiving training in aerial application operations At least 5 hours of solo flight in a gyroplane while receiving training in aerial application operations

Part 2—Firefighting endorsements

4	Aeroplane firefighting endorsement	Pilot an aeroplane conducting a firefighting operation below 500 ft AGL Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 5 hours of dual flight in an aeroplane while receiving training in firefighting operations
5	Helicopter firefighting endorsement	Pilot a helicopter conducting a firefighting operation below 500 ft AGL Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 5 hours of dual flight in a helicopter while receiving training in firefighting operations

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 3—Night aerial application endorsements</i>			
6	Night aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot an aeroplane under the VFR during a night circuit Pilot an aeroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	Aeroplane aerial application endorsement At least 750 hours of flight time as pilot in command of an aeroplane conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while receiving training in night aerial application operations
7	Night helicopter aerial application endorsement	Pilot a helicopter conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot a helicopter under the VFR during a night circuit Pilot a helicopter under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	Helicopter aerial application endorsement At least 750 hours of flight time as pilot in command of a helicopter conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while receiving training in night aerial application operations
8	Night gyroplane aerial application endorsement	Pilot a gyroplane conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot a gyroplane under the VFR during a night circuit	Gyroplane aerial application endorsement At least 750 hours of flight time as pilot in command of a gyroplane conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits

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Subpart 61.R Aerial application ratings

Division 61.R.2 Privileges and requirements for grant of aerial application endorsements

Regulation 61.1125

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
		Pilot a gyroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while training in night aerial application operations

61.1125 Privileges of aerial application endorsements

Subject to Subpart 61.E, Division 61.R.1 and regulations 61.1130 and 61.1135, the holder of an endorsement mentioned in column 1 of an item in table 61.1120 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1130 Limitations on exercise of privileges of aerial application endorsements—supervision

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 1 or 3 of table 61.1120 is authorised to exercise the privileges of the endorsement in an operation only if:
 - (a) the holder has previously conducted at least 110 hours of aerial application operations below 500 ft AGL; or
 - (b) the operation is conducted in accordance with subregulation (2) under the supervision of:
 - (i) the head of flying operations of the operator of the aircraft in which the operation is conducted; or
 - (ii) a flight examiner who holds an aerial application rating flight test endorsement; or
 - (iii) the holder of an approval under regulation 61.040 to supervise the operation.
 - (2) For paragraph (1)(b), the supervision must be:
 - (a) for a helicopter aerial application endorsement:
 - (i) for the first 10 hours—direct supervision; and
 - (ii) for the next 100 hours—direct and indirect supervision, at least 10 hours of which must be direct supervision; and
 - (b) for any other endorsement:
 - (i) for the first 10 hours—direct supervision; and
 - (ii) for the next 100 hours—direct or indirect supervision.
 - (3) In this regulation:
-

direct supervision, of a pilot conducting a flight, means doing the following:

- (a) performing the tasks involved in indirect supervision of the pilot;
- (b) being present and able to monitor and assess the safety of the flight and communicate directly with the pilot;
- (c) selecting and planning the area in which the flight is conducted;
- (d) authorising the pilot to conduct the flight;
- (e) providing direction to ensure the safety of the flight.

indirect supervision, of a pilot conducting a flight, means doing the following:

- (a) conducting frequent surveillance of the performance of the pilot;
- (b) periodically reviewing the performance of the pilot in the planning and conduct of the flight;
- (c) providing feedback on the performance of the pilot;
- (d) knowing the pilot's area of operations;
- (e) acting as a mentor to the pilot.

61.1135 Limitations on exercise of privileges of night aerial application endorsements

The holder of a night aerial application endorsement is authorised to exercise the privileges of the endorsement in an aircraft of a type covered by the endorsement only if, within the previous 45 days:

- (a) the holder has conducted a night aerial application operation below 500 ft AGL that includes a take-off and landing at night; or
- (b) the holder has, in an aircraft of the same type or an approved simulated training device for the purpose:
 - (i) completed a flight of at least 1 hour's duration that commenced no later than 20 minutes before night; and
 - (ii) practised the necessary manoeuvres involved in the operation in an unladen aircraft at night or in the simulated training device; and
 - (iii) conducted at least 3 take-offs and 3 landings at night.

61.1140 Requirements for grant of aerial application endorsements

- (1) An applicant for an aerial application endorsement mentioned in column 1 of an item of table 61.1120 must hold:
 - (a) an aerial application rating; and
 - (b) the rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and

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Division 61.R.2 Privileges and requirements for grant of aerial application endorsements

Regulation 61.1140

- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
- (d) for an endorsement mentioned in column 1 of an item in Part 1 or 2 of table 61.1120:
 - (i) met the requirements for the grant of the low-level endorsement for an aircraft of the relevant category; and
 - (ii) passed the aeronautical knowledge examination for the endorsement.

Note 1: For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For subparagraph (d)(ii), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Subpart 61.S—Flight activity endorsements

61.1145 Kinds of flight activity endorsement

The kinds of flight activity endorsement are set out in column 1 of table 61.1145.

Table 61.1145 Flight activity endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 3 000 ft AGL	Aeroplane category rating Spinning flight activity endorsement
2	Aerobatics (1 500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 1 500 ft AGL	Aeroplane category rating Aerobatics flight activity endorsement
3	Aerobatics (1 000) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 1 000 ft AGL	Aeroplane category rating Aerobatics (1 500) flight activity endorsement
4	Aerobatics (500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 500 ft AGL	Aeroplane category rating Aerobatics (1 000) flight activity endorsement
5	Aerobatics (unlimited) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane at any height	Aeroplane category rating Aerobatics (500) flight activity endorsement
6	Formation flying (aeroplane) flight activity endorsement	Conduct formation flying in an aeroplane	Aeroplane category rating
7	Formation aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane while flying in formation	Aeroplane category rating Aerobatics flight activity endorsement Formation flying (aeroplane) flight activity endorsement
8	Spinning flight activity endorsement	Conduct intentional upright spinning manoeuvres above 3 000 ft AGL	Aeroplane category rating
9	Formation flying (helicopter) flight activity endorsement	Conduct formation flying in a helicopter	Helicopter category rating

Regulation 61.1150

61.1150 Privileges of flight activity endorsements

Subject to Subpart 61.E and regulation 61.1155, the holder of an endorsement mentioned in column 1 of an item in table 61.1145 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1155 Limitations on exercise of privileges of flight activity endorsements— medical certificates

- (1) This regulation applies to the holder of any of the following endorsements:
 - (a) an aerobatics flight activity endorsement;
 - (b) an aerobatics (1 500) flight activity endorsement;
 - (ba) an aerobatics (1 000) flight activity endorsement;
 - (c) an aerobatics (500) flight activity endorsement;
 - (d) an aerobatics (unlimited) flight activity endorsement;
 - (e) a formation aerobatics flight activity endorsement;
 - (f) a spinning flight activity endorsement.
- (2) The holder is authorised to conduct an aerobatic or spinning manoeuvre only if the holder:
 - (a) holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and
 - (iii) is authorised, under this Part, to conduct the manoeuvre.

61.1160 Requirements for grant of flight activity endorsements

An applicant for an endorsement mentioned in column 1 of an item in table 61.1145 must:

- (a) hold each rating or endorsement (if any) mentioned in column 3 of the item; and
- (b) have completed flight training for the endorsement.

Note 1: For paragraph (a), paragraph (a) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Subpart 61.T—Pilot instructor ratings

Division 61.T.1—Privileges and requirements for grant of flight instructor ratings

61.1165 Privileges of flight instructor ratings

Subject to Subpart 61.E and regulations 61.1170 to 61.1180, a flight instructor is authorised:

- (a) to conduct flight training for:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than:
 - (A) cruise relief flight engineer type ratings; and
 - (B) flight examiner ratings; and
 - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
 - (i) flight examiner endorsements; and
 - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
 - (iii) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
 - (i) flight examiner ratings; and
 - (ii) cruise relief flight engineer type ratings; and
- (g) under Subdivision 61.A.3.1 (Student pilots), to approve a person to pilot an aircraft, including for a solo flight; and
- (h) to conduct dual flight checks for a student pilot; and
- (i) to approve a person mentioned in regulation 61.125 (Conducting flight activities without rating or endorsement) to pilot an aircraft for the purpose of receiving flight training; and
- (j) to approve a person mentioned in regulation 61.120 to transmit on an aviation safety radio frequency; and
- (k) to assess the standard of knowledge of an applicant for a pilot licence, or a rating on a pilot licence, in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Regulation 61.1170

61.1170 Limitations on exercise of privileges of flight instructor ratings—general

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has:
 - (a) completed the aeronautical experience; and
 - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (2) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the holder has:
 - (a) completed the aeronautical experience; and
 - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (3) A flight instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement.
- (5) A flight instructor is authorised to conduct flight training in an aircraft only if the instructor holds a medical certificate.

61.1175 Limitations on exercise of privileges of flight instructor ratings—endorsements

- (1) A flight instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A flight instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A flight instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 for a kind of aircraft only if the instructor also holds a training endorsement that authorises the instructor to conduct flight training in the aircraft.
- (4) A flight instructor is authorised to grant an endorsement, other than a recreational pilot licence endorsement, only if the instructor also holds a training endorsement required to provide flight training for the endorsement.
- (4A) A flight instructor is authorised to grant a recreational pilot licence endorsement only if the instructor also holds a grade 1 or 2 training endorsement.
- (5) A flight instructor is authorised to approve a student pilot to conduct a solo flight in an aircraft of a particular category only if the instructor also holds:

- (a) for the student pilot's first solo flight in an aircraft of that category—a grade 1 or 2 training endorsement for that aircraft category; or
 - (b) in any other case—a grade 1, 2 or 3 training endorsement for that aircraft category.
- (6) A flight instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
- (a) a grade 1 training endorsement; or
 - (b) a grade 2 training endorsement; or
 - (c) the training endorsement required to conduct flight training for the rating.
- (7) A flight instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence or rating only if the instructor also holds a grade 2 training endorsement.

**61.1180 Limitations on exercise of privileges of flight instructor ratings—
instructor proficiency check**

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
- (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a flight instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;

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Subpart 61.T Pilot instructor ratings

Division 61.T.1 Privileges and requirements for grant of flight instructor ratings

Regulation 61.1185

- (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check; the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes an instructor proficiency check if:
 - (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a flight instructor rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1185 Requirements for grant of flight instructor ratings

- (1) An applicant for a flight instructor rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the flight instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating; and

- (d) met the following aeronautical experience requirements in an aircraft of the same category as the aircraft used for the flight test:
 - (i) if the aircraft used for the flight test is a helicopter:
 - (A) at least 250 hours flight time as a pilot; and
 - (B) at least 100 hours flight time as pilot in command;
 - (ii) in any other case:
 - (A) at least 200 hours flight time as a pilot; and
 - (B) at least 100 hours flight time as pilot in command.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: For paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The applicant is taken to meet the requirements mentioned in paragraphs (2)(c) and (d) if the applicant:
 - (a) holds:
 - (i) a commercial pilot licence with a helicopter category rating; and
 - (ii) a low-level rating and a helicopter low-level endorsement; and
 - (iii) one of the following combinations:
 - (A) a night VFR rating and a helicopter night VFR endorsement;
 - (B) an instrument rating and a single-engine helicopter instrument endorsement;
 - (C) an instrument rating and a multi-engine helicopter instrument endorsement; and
 - (b) completed his or her flight training for the licence in an integrated training course; and
 - (c) has passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating in a helicopter.
- (3A) The applicant is taken to meet the requirements mentioned in subparagraph (2)(d)(ii) if the applicant has:
 - (a) completed an integrated training course for the grant of a commercial pilot licence with the aircraft category rating for the same category of aircraft as used for the flight test for the applicant's flight instructor rating; and
 - (b) met the requirements for the grant of the licence with that aircraft category rating.
- (4) The applicant must also:
 - (a) have completed an approved course of training in principles and methods of instruction; or
 - (b) hold a Certificate IV in Training and Assessment; or
 - (c) hold a tertiary qualification in teaching.

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Division 61.T.1 Privileges and requirements for grant of flight instructor ratings

Regulation 61.1185

- (5) An applicant to whom subregulation (3) or (3A) does not apply must meet the aeronautical experience requirements mentioned in paragraph (2)(d) before starting the flight training mentioned in paragraph (2)(b).

Division 61.T.2—Privileges and requirements for grant of simulator instructor ratings

61.1190 Privileges of simulator instructor ratings

Subject to Subpart 61.E and regulations 61.1195 to 61.1205, a simulator instructor is authorised:

- (a) to conduct flight training in a flight simulation training device or tethered helicopter for the grant of:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than:
 - (A) cruise relief flight engineer type ratings; and
 - (B) flight examiner ratings; and
 - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
 - (i) flight examiner endorsements; and
 - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
 - (iii) recreational pilot licence endorsements; and
 - (iv) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
 - (i) flight examiner ratings; and
 - (ii) cruise relief flight engineer type ratings; and
- (g) to approve a person mentioned in regulation 61.120 to transmit on an aviation safety radio frequency; and
- (h) to assess the standard of knowledge of an applicant for a pilot licence, or a rating on a pilot licence, in any items listed in the applicant's knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1195 Limitations on exercise of privileges of simulator instructor ratings—general

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the instructor has passed the flight test required under regulation 61.1210 for the rating in a flight simulation training device that represents an aircraft of that category.

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Division 61.T.2 Privileges and requirements for grant of simulator instructor ratings

Regulation 61.1200

- (2) A simulator instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.
- (3) A simulator instructor is authorised to conduct flight training for the grant of an endorsement mentioned in column 1 of an item in Part 2 or 3 of table 61.1235 only if the instructor has conducted at least 50 hours of flight training in the activity covered by the endorsement.

61.1200 Limitations on exercise of privileges of simulator instructor ratings—endorsements

- (1) A simulator instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A simulator instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A simulator instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 for a kind of aircraft only if the instructor also holds a training endorsement that authorises the instructor to conduct flight training in the aircraft.
- (4) A simulator instructor is authorised to grant an endorsement only if the instructor also holds the training endorsement required to provide flight training for the endorsement.
- (5) A simulator instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
 - (a) a grade 1 training endorsement; or
 - (b) a grade 2 training endorsement; or
 - (c) the training endorsement required to provide flight training for the rating.
- (6) A simulator instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence or rating only if the instructor also holds a grade 2 training endorsement.

**61.1205 Limitations on exercise of privileges of simulator instructor ratings—
instructor proficiency check**

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:

- (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a pilot instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator’s training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;
 - (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes an instructor proficiency check if:
- (a) the instructor proficiency check is conducted in an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder’s competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a simulator instructor rating; and

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Regulation 61.1210

(c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.

(5) For paragraph (4)(b), the persons are as follows:

- (a) CASA;
- (b) a flight examiner;
- (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1210 Requirements for grant of simulator instructor ratings

(1) An applicant for a simulator instructor rating must:

- (a) hold a commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

(2) The applicant must also have:

- (a) passed the aeronautical knowledge examination for the simulator instructor rating; and
- (b) completed flight training for the rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the simulator instructor rating.

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

(3) The applicant must also:

- (a) have completed an approved course of training in principles and methods of instruction; or
- (b) hold a Certificate IV in Training and Assessment; or
- (c) hold a tertiary qualification in teaching.

(4) Despite paragraph 61.245(1)(a), the flight test must be conducted in an approved flight simulation training device for the flight test.

Division 61.T.3—Obligations of pilot instructors

61.1215 Obligations of pilot instructors—training

- (1) A pilot instructor commits an offence if:
 - (a) the instructor conducts:
 - (i) flight training for an aircraft class rating, pilot type rating or cruise relief co-pilot type rating; or
 - (ii) differences training;
in an aircraft; and
 - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

61.1220 Obligations of pilot instructors—flight reviews

- (1) A pilot instructor commits an offence if:
 - (a) the instructor conducts a flight review for the holder of a pilot licence; and
 - (b) the holder successfully completes the flight review; and
 - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the flight review;
 - (b) the date on which the flight review was successfully completed;
 - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the flight review;
 - (c) the date on which the flight review was successfully completed;
 - (d) the rating for which the flight review was conducted;
 - (e) if the flight review was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (f) if the flight review was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.

Regulation 61.1225

- (4) An offence against this regulation is an offence of strict liability.

61.1225 Obligations of pilot instructors—student pilots

- (1) A flight instructor commits an offence if:
- (a) the instructor approves a person to pilot an aircraft as a student pilot; and
 - (b) the approval is to pilot the aircraft in a way that is not authorised by the following provisions:
 - (i) paragraph 61.112(1)(c) or (2)(c) (Flying as a student pilot);
 - (ii) regulation 61.113 (General requirements for student pilots);
 - (iii) regulation 61.114 (Solo flights—medical certificate requirements for student pilots);
 - (iv) regulation 61.115 (Solo flights—recent experience requirements for student pilots).

Penalty: 50 penalty units.

- (2) A flight instructor commits an offence if:
- (a) the instructor approves a person (the *student*) to conduct a solo flight as a student pilot; and
 - (b) the instructor is not satisfied that the student:
 - (i) has been briefed appropriately for the flight; and
 - (ii) is capable of conducting the flight safely; and
 - (iii) meets the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For subparagraph (2)(b)(iii), the requirement is that:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) the student has completed an approved course of training in English language proficiency.
- (4) A flight instructor commits an offence if:
- (a) the instructor approves a person (the *student*) to conduct a solo flight of a kind mentioned in subregulation (5) as a student pilot for the first time; and
 - (b) the instructor is not satisfied that the student:
 - (i) has completed the training specified by the authorising Part 141 or 142 operator for the conduct of a solo flight of that kind by a student pilot; and
 - (ii) has been assessed by the Part 141 or 142 operator as competent to conduct the solo flight; and
 - (c) for a cross-country flight or night flight—the student has not completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Penalty: 50 penalty units.

- (5) For subregulation (4), the kinds of solo flight are as follows:
- (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a night flight.
- (6) An offence against subregulation (1) is an offence of strict liability.
- (7) In this regulation:

authorising Part 141 or 142 operator, in relation to an instructor approving a solo flight, means the Part 141 or 142 operator who authorised the instructor to approve the solo flight.

61.1227 Obligations of pilot instructors—approval to operate aircraft radio

- (1) A pilot instructor commits an offence if:
- (a) the instructor approves a person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, (the *student*) to transmit on an aviation safety radio frequency; and
 - (b) the student does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) the student has completed an approved course of training in English language proficiency.
- (3) An offence against this regulation is an offence of strict liability.

61.1230 Obligations of pilot instructors—records of activities conducted independently of Part 141 or 142 operator

- (1) A pilot instructor commits an offence if:
- (a) the instructor conducts a flight review or a session of flight training for a flight crew endorsement, other than an endorsement on an operational rating; and
 - (b) the training is not conducted on behalf of a Part 141 or 142 operator; and
 - (c) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

- (2) A pilot instructor commits an offence if the instructor does not retain a record made under subregulation (1) for at least 7 years after the day the record is made.

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Regulation 61.1230

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Division 61.T.4—Privileges and requirements for grant of training endorsements

61.1235 Kinds of training endorsement

The kinds of training endorsement are set out in column 1 of table 61.1235.

Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Training for licences and aircraft ratings</i>			
1	Grade 1 training endorsement (category specific)	Activities authorised by a grade 2 training endorsement Supervise holders of grade 2 and grade 3 training endorsements in the conduct of flight training in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating Grade 2 training endorsement At least 500 hours of flight time conducting initial flight training in an aircraft of the specified category
2	Grade 2 training endorsement (category specific)	Activities authorised by grade 3 training endorsement Approve a student pilot to conduct a solo flight in an aircraft of the specified category Conduct flight training for an aircraft class rating for aircraft of the specified category Assess a knowledge deficiency report for the grant of a pilot licence or rating	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating Grade 3 training endorsement At least 200 hours of flight time conducting initial flight training in an aircraft of the specified category

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Division 61.T.4 Privileges and requirements for grant of training endorsements

Regulation 61.1235

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Grade 3 training endorsement (category specific, other than aeroplanes)	Conduct flight training for the specified aircraft category rating Conduct flight training for a recreational pilot licence, private pilot licence or commercial pilot licence, other than basic instrument flight training Conduct flight training for a recreational pilot licence endorsement Approve a student pilot to conduct a solo flight in an aircraft of the specified category, other than the student's first solo flight in an aircraft of that category Conduct flight training for a single-engine aircraft class rating for aircraft of the specified category	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating
3A	Grade 3 training endorsement (aeroplane)	Conduct flight training for the aeroplane category rating Conduct flight training for a recreational pilot licence, private pilot licence or commercial pilot licence, other than basic instrument flight training Conduct flight training for a recreational pilot licence endorsement Approve a student pilot to conduct a solo flight in an aeroplane, other than the student's first solo flight in an aeroplane Conduct flight training for a single-engine aeroplane class rating	Commercial pilot licence or air transport pilot licence with the aeroplane category rating Spinning flight activity endorsement
4	Multi-crew pilot training endorsement	Conduct flight training for a multi-crew pilot licence or air transport pilot licence Conduct training in multi-crew cooperation	Commercial pilot licence and instrument rating, or air transport pilot licence At least 100 hours of aeronautical experience in multi-crew operations

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
5	Type rating training endorsement (type specific)	Conduct flight training for the pilot type rating or cruise relief co-pilot type rating for aircraft of the specified type Conduct differences training for variants of the specified aircraft type	Commercial pilot licence or air transport pilot licence Pilot type rating for the specified aircraft type
6	Class rating training endorsement (class specific)	Conduct flight training for the aircraft class rating for the specified class	Commercial pilot licence or air transport pilot licence Aircraft class rating for the specified class At least 50 hours of aeronautical experience as pilot of an aircraft of the specified class
7	Design feature training endorsement	Conduct flight training for any design feature endorsement that the holder holds	Private pilot licence, commercial pilot licence or air transport pilot licence
<i>Part 2—Training for operational ratings</i>			
8	Instrument rating training endorsement (category specific)	Conduct flight training for an instrument rating, private instrument rating, instrument endorsement or private instrument endorsement in an aircraft of the specified category Conduct basic instrument flight training for an aircraft of the specified category	Commercial pilot licence or air transport pilot licence
9	Night VFR rating training endorsement (category specific)	Conduct flight training for a night VFR rating or night VFR endorsement in an aircraft of the specified category Conduct basic instrument flight training for an aircraft of the specified category	Commercial pilot licence or air transport pilot licence At least 20 hours of aeronautical experience at night as pilot of an aircraft
10	Night vision imaging system rating training endorsement	Conduct flight training for a night vision imaging system rating or night vision imaging system endorsement	Commercial pilot licence or air transport pilot licence Night vision imaging system rating At least 50 hours experience using a night vision imaging system

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Subpart 61.T Pilot instructor ratings

Division 61.T.4 Privileges and requirements for grant of training endorsements

Regulation 61.1235

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
11	Low-level rating training endorsement (category specific)	Conduct flight training for a low-level rating in an aircraft of the specified category Conduct flight training for a low-level endorsement, except an endorsement mentioned in item 8 or 9 of table 61.1075, for the specified aircraft category	Commercial pilot licence or air transport pilot licence Low-level rating
12	Aerial application rating (day) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 1 or 2 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Aerial application endorsement for the specified aircraft category At least 100 hours of aeronautical experience in aerial application operations below 500 ft AGL
13	Aerial application rating (night) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 3 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Night aerial application endorsement for the specified aircraft category
14	Instructor rating training endorsement (category specific)	Conduct flight training for a flight instructor rating, simulator instructor rating or training endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence
15	Multi-engine aeroplane class rating instructor training endorsement	Conduct flight training for a class rating (multi-engine aeroplane) training endorsement	Commercial pilot licence or air transport pilot licence with aeroplane category rating Grade 1 training endorsement (aeroplane) or type rating training endorsement for a type of multi-engine aeroplane

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 3—Training for flight activity and low-level endorsements</i>			
16	Sling operations training endorsement	Conduct flight training for a sling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Sling operations endorsement
17	Winch and rappelling operations training endorsement	Conduct flight training for a winch and rappelling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Winch and rappelling operations endorsement
18	Spinning training endorsement	Conduct flight training for a spinning flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement
19	Aerobatics training endorsement	Conduct flight training for any of the following endorsements: (a) aerobatics flight activity endorsement; (b) aerobatics (1 500) flight activity endorsement; (ba) aerobatics (1 000) flight activity endorsement; (c) aerobatics (500) flight activity endorsement; (d) aerobatics (unlimited) flight activity endorsement; (e) formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement Aerobatics flight activity endorsement
20	Formation (aeroplane) training endorsement	Conduct flight training for a formation flying (aeroplane) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation flying (aeroplane) flight activity endorsement
21	Formation (helicopter) training endorsement	Conduct flight training for a formation flying (helicopter) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating Formation flying (helicopter) flight activity endorsement

Part 61 Flight crew licensing

Subpart 61.T Pilot instructor ratings

Division 61.T.4 Privileges and requirements for grant of training endorsements

Regulation 61.1240

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
22	Formation aerobatics training endorsement	Conduct flight training for a formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation aerobatics flight activity endorsement

61.1240 Privileges of training endorsements

- (1) Subject to Subpart 61.E, Divisions 61.T.1 and 61.T.2 and regulations 61.1245 to 61.1247, the holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to:
 - (a) conduct the activities mentioned in column 2 of the item; and
 - (b) grant an endorsement mentioned in column 2 of the item that does not require a flight test.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

- (2) However, the holder of a grade 3 training endorsement is not authorised to grant a recreational pilot licence endorsement.

61.1245 Limitations on exercise of privileges of training endorsements—general

- (1) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in an aircraft only if the holder is authorised to exercise the privileges of each licence, rating or endorsement mentioned in column 3 of the item in the aircraft.
- (2) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in a flight simulation training device only if the holder holds each licence, rating or endorsement mentioned in column 3 of the item.

61.1246 Limitations on exercise of privileges of grade 3 training endorsements

- (1) The holder of a grade 3 training endorsement is authorised to conduct an activity mentioned in column 2 of item 3 or 3A in table 61.1235 only if the holder is acting under the supervision of the holder of a grade 1 training endorsement.
- (2) The holder of a grade 3 training endorsement is authorised to pilot an aircraft in the exercise of the privileges of the endorsement only by day under the VFR.
- (3) The holder of a grade 3 training endorsement (helicopter) is authorised to conduct flight training involving a simulated engine failure only if the holder has completed at least 100 hours of flight training under the endorsement.

61.1247 Limitations on exercise of privileges of low level training endorsements

The holder of a low-level training endorsement is authorised to conduct flight training for a low-level endorsement only if the holder:

- (a) holds the low-level endorsement; and
- (b) has at least 5 hours aeronautical experience conducting the activity authorised by the low-level endorsement.

61.1248 Limitation on exercise of privileges of helicopter grade 2 training endorsements

The holder of a grade 2 training endorsement (helicopter) that is granted on the basis of regulation 202.272 is authorised to conduct the activities mentioned in column 2 of item 2 of table 61.1235 only if the holder meets the requirements mentioned in column 3 of the item.

61.1250 Requirements for grant of training endorsements

- (1) An applicant for an endorsement mentioned in an item in table 61.1235 must hold:
 - (a) an instructor rating; and
 - (b) each other licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (b) completed flight training for the endorsement; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (d) for an applicant for a multi-crew pilot training endorsement—completed an approved course of training in multi-crew co-operation.

Note 1: For paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) Despite paragraph 61.245(1)(a), the flight test (if any) may be conducted in an approved flight simulation training device for the flight test.

Subpart 61.U—Flight examiner ratings

Division 61.U.1—Privileges and requirements for grant of flight examiner ratings

61.1255 Privileges of flight examiner ratings

Subject to Subpart 61.E and regulations 61.1265 to 61.1285, a flight examiner is authorised:

- (a) to conduct flight tests for the grant of:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than cruise relief flight engineer type ratings; and
 - (iii) endorsements on pilot licences; and
- (b) to grant to holders of pilot licences:
 - (i) ratings, other than:
 - (A) flight examiner ratings; and
 - (B) cruise relief flight engineer type ratings; and
 - (ii) endorsements, other than flight test endorsements; and
- (c) to conduct the following proficiency checks for holders of pilot licences:
 - (i) instrument proficiency checks;
 - (ii) night vision imaging system proficiency checks;
 - (iii) aerial application proficiency checks;
 - (iv) instructor proficiency checks;
 - (v) operator proficiency checks; and
- (d) to conduct assessments of English language proficiency.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1265 Limitations on exercise of privileges of flight examiner ratings—endorsements

- (1) A flight examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1310 only if the examiner also holds the endorsement mentioned in column 1 of the item.
- (2) A flight examiner is authorised to conduct a flight test for a rating or endorsement, or grant a rating or endorsement on a pilot licence, only if the examiner:
 - (a) also holds a rating or endorsement of the same kind; or
 - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight examiner is authorised to conduct an instrument proficiency check only if the examiner also holds an instrument rating flight test endorsement.

- (4) A flight examiner is authorised to conduct a night vision imaging system proficiency check only if the examiner also holds a night vision imaging system rating flight test endorsement.
- (5) A flight examiner is authorised to conduct an aerial application proficiency check only if the examiner also holds an aerial application rating flight test endorsement.
- (6) A flight examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight instructor rating flight test endorsement.
- (7) A flight examiner is authorised to conduct an activity mentioned in column 2 of item 12 of table 61.1310 only if the examiner also holds an English language assessment endorsement.

61.1270 Limitations on exercise of privileges of flight examiner ratings—professional development

A flight examiner is authorised to exercise the privileges of his or her flight examiner rating only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

61.1275 Limitations on exercise of privileges of flight examiner ratings—recent experience

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of the licence.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of the rating to which the endorsement relates.

61.1280 Limitations on exercise of privileges of flight examiner ratings—flight reviews and subject matter proficiency checks

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for a multi-crew pilot licence—has a valid instrument proficiency check, under regulation 61.650, for the aeroplane category; or

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- (b) for an air transport pilot licence—has a valid instrument proficiency check, under regulation 61.695, for the category of aircraft in which the flight test is conducted.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for an instrument rating—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is conducted; or
 - (b) for a night vision imaging system rating—has a valid night vision imaging system proficiency check under regulation 61.1015; or
 - (c) for an aerial application rating—has a valid aerial application proficiency check under regulation 61.1110; or
 - (d) for an instructor rating—has a valid instructor proficiency check under regulation 61.1180; or
 - (e) for any other rating—meets the flight review requirements for the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for an instrument endorsement—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is to be conducted; or
 - (b) for a night vision imaging system endorsement—has a valid night vision imaging system proficiency check under regulation 61.1015; or
 - (c) for an aerial application endorsement—has a valid aerial application proficiency check under regulation 61.1110; or
 - (d) for a training endorsement—has a valid instructor proficiency check under regulation 61.1180; or
 - (e) for any other endorsement—meets the flight review requirements for the rating to which the endorsement relates.

**61.1285 Limitations on exercise of privileges of flight examiner ratings—
examiner proficiency check**

- (1) The holder of a flight examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a flight examiner endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;

- (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if:
 - (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an examiner proficiency check;the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.

- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2)(c) and (d), the holder successfully completes an examiner proficiency check if:
 - (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for a flight examiner rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1290 Requirements for grant of flight examiner ratings

- (1) An applicant for a flight examiner rating must:
 - (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one flight test endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.
- (2) The applicant must also have:
 - (a) completed a course of training for the rating that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and

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- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight examiner rating; and
- (c) successfully completed an interview conducted by CASA.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2)(c), an applicant successfully completes an interview if the applicant satisfies CASA that he or she has the necessary skills and experience to be granted a flight examiner rating.

Division 61.U.2—Obligations of flight examiners

61.1295 Obligations of flight examiners—flight tests: strict liability offences

- (1) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for an applicant for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) is not nominated to conduct the flight test:
 - (i) by the applicant’s training provider under subregulation 61.245(3); or
 - (ii) by CASA under subregulation 61.245(4).

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) does not:
 - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
 - (ii) assess the applicant for the licence, rating or endorsement against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) does not:
 - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant’s training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
 - (ii) within 14 days after the day of the completion of the flight test:
 - (A) complete a report, in an approved form, setting out the result of the flight test; and
 - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) has not notified CASA of the examiner’s intention to conduct the flight test at least 24 hours before conducting the flight test.

Regulation 61.1300

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

61.1300 Obligations of flight examiners—flight tests: other offences

- (1) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the licence.

Penalty: 50 penalty units.

- (2) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for any of the following licences:
 - (i) a private pilot licence;
 - (ii) a commercial pilot licence;
 - (iii) a multi-crew pilot licence;
 - (iv) an air transport pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence in an aircraft; and
 - (b) when the test begins, the examiner is not satisfied that:
 - (i) if the test is for a licence other than a recreational pilot licence—the applicant holds:
 - (A) a current medical certificate of the class required for the exercise of the privileges of the licence; or
 - (B) a medical exemption to exercise the privileges of the licence; or
 - (ii) if the test is for a recreational pilot licence—the applicant holds:
 - (A) a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (B) a medical exemption for the exercise of the privileges of the licence.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if:

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- (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence; and
- (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) has passed the aeronautical knowledge examination for the rating or endorsement; and
 - (ii) has met the flight training requirements for the grant of the rating or endorsement; and
 - (iii) has met the aeronautical experience requirements for the rating or endorsement.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if:
 - (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence in an aircraft; and
 - (b) when the test begins, the examiner is not satisfied that the applicant holds:
 - (i) a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (ii) a medical exemption for the exercise of the privileges of the rating.

Penalty: 50 penalty units.

61.1305 Obligations of flight examiners—proficiency checks

- (1) A flight examiner commits an offence if:
 - (a) the examiner conducts a relevant proficiency check for the holder of a pilot licence; and
 - (b) the holder successfully completes the proficiency check; and
 - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the proficiency check;
 - (b) the date on which the proficiency check was successfully completed;
 - (c) the rating for which the proficiency check was conducted; and
 - (d) if the proficiency check related to a category, class or type of aircraft—the category, class or type.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the proficiency check;

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- (c) the date on which the proficiency check was successfully completed;
 - (d) the rating for which the proficiency check was conducted;
 - (e) if the proficiency check related to a category, class or type of aircraft—the category, class or type;
 - (f) if the proficiency check was conducted in an aircraft—the aircraft’s nationality and registration marks;
 - (g) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (3A) A flight examiner commits an offence if:
- (a) the examiner conducts a relevant proficiency check; and
 - (b) the examiner has not notified CASA of the examiner’s intention to conduct the proficiency check at least 24 hours before conducting the proficiency check; and
 - (c) the examiner does not hold, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA of his or her intention to conduct the proficiency check.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.
- (5) In this regulation:

relevant proficiency check means any of the following:

- (a) an aerial application proficiency check;
- (b) an instructor proficiency check;
- (c) an instrument proficiency check;
- (d) a night vision imaging system proficiency check.

Division 61.U.3—Privileges and requirements for grant of flight examiner endorsements

61.1310 Kinds of flight examiner endorsement

The kinds of flight examiner endorsement are set out in column 1 of table 61.1310.

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight test endorsements</i>			
1	Private pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) recreational pilot licence; (b) private pilot licence; (c) the specified aircraft category rating on a recreational pilot licence or private pilot licence; (d) single-engine aeroplane class rating; (e) single-engine helicopter class rating; (f) single-engine gyroplane class rating; (g) airship class rating	Grade 1 training endorsement
2	Commercial pilot licence flight test endorsement (category specific)	Conduct a flight test for an authorisation mentioned in column 2 of item 1 Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) commercial pilot licence; (b) the specified aircraft category rating on a commercial pilot licence	Grade 1 training endorsement

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Subpart 61.U Flight examiner ratings

Division 61.U.3 Privileges and requirements for grant of flight examiner endorsements

Regulation 61.1310

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Air transport pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) multi-crew pilot licence; (b) air transport pilot licence; (c) the specified aircraft category rating on an air transport pilot licence; (d) if the aeroplane category is specified—multi-engine aeroplane class ratings; (e) instrument rating	Air transport pilot licence with the specified aircraft category rating Instrument rating flight test endorsement
4	Multi-engine aeroplane class rating flight test endorsement	Conduct a flight test for a multi-engine aeroplane class rating	Multi-engine aeroplane training endorsement
5	Type rating flight test endorsement (type specific)	Conduct a flight test for either of the following ratings in an aircraft of the specified type: (a) pilot type rating; (b) cruise relief co-pilot type rating	Type rating training endorsement for the specified aircraft type
6	Instrument rating flight test endorsement (category specific)	Conduct a flight test in an aircraft of the specified category for any of the following: (a) instrument rating; (b) private instrument rating; (c) instrument endorsement; (d) private instrument endorsement Conduct an instrument proficiency check in an aircraft of the specified category	Instrument rating training endorsement for the specified aircraft category
7	Night VFR rating flight test endorsement (category specific)	Conduct a flight test for a night VFR rating or night VFR endorsement in an aircraft of the specified category	Night VFR rating training endorsement for the specified aircraft category

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
8	Night vision imaging system rating flight test endorsement	Conduct a flight test for a night vision imaging system rating or night vision imaging system endorsement Conduct a night vision imaging system proficiency check	Night vision imaging system training endorsement
9	Low-level rating flight test endorsement (category specific)	Conduct a flight test for a low-level rating or low-level endorsement in an aircraft of the specified category	Low-level training endorsement for the specified aircraft category
10	Aerial application rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) aerial application rating; (b) aerial application endorsement; (c) low-level rating; (d) low-level endorsement Conduct an aerial application proficiency check in an aircraft of the specified category	Aerial application (day) training endorsement for the specified aircraft category
11	Flight instructor rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) flight instructor rating; (b) simulator instructor rating; (c) training endorsement Conduct an instructor proficiency check in an aircraft of the specified category	Grade 1 training endorsement for the specified aircraft category
<i>Part 2—Other flight examiner endorsements</i>			
12	English language assessment endorsement	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	Any of the following endorsements: (a) private pilot licence flight test endorsement; (b) commercial pilot licence flight test endorsement; (c) pilot type rating flight test endorsement

Part 61 Flight crew licensing

Subpart 61.U Flight examiner ratings

Division 61.U.3 Privileges and requirements for grant of flight examiner endorsements

Regulation 61.1315

61.1315 Privileges of flight examiner endorsements

Subject to Subpart 61.E and Division 61.U.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1310 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1318 Limitations on exercise of privileges of flight examiner endorsements—flight tests in aircraft

The holder of a flight test endorsement is authorised to conduct a flight test under the endorsement in an aircraft only if the flight test for the examiner's flight test endorsement was conducted in an aircraft.

61.1320 Requirements for grant of flight examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1310 must hold:

- (a) a flight examiner rating; and
- (b) the licences and endorsements mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1310 must also have:

- (a) completed a course of training for the endorsement that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
 - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the grant of the endorsement.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:

- (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
- (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
- (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.

- (4) For paragraph (3)(c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

Subpart 61.V—Flight engineer licences

61.1325 Privileges of flight engineer licences

Subject to regulations 61.1330 to 61.1352, the holder of a flight engineer licence is authorised to act as flight engineer of an aircraft certificated to be operated with a minimum flight crew that includes a flight engineer.

61.1330 Limitations on exercise of privileges of flight engineer licences—ratings

- (1) The holder of a flight engineer licence is authorised to exercise the privileges of the licence in an aircraft of a particular type only if the holder also holds the flight engineer type rating for the aircraft.
- (2) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1395 (Privileges of flight engineer instructor ratings) only if the holder also holds a flight engineer instructor rating.
- (3) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1445 (Privileges of flight engineer examiner ratings) only if the holder also holds a flight engineer examiner rating.

Note: In certain circumstances, a person may act as flight engineer of an aircraft of a particular type if he or she holds a pilot licence and a cruise relief flight engineer type rating for that type of aircraft: see regulation 61.830.

61.1335 Limitations on exercise of privileges of flight engineer licences—recent experience

- (1) The holder of a flight engineer licence is authorised to act as the flight engineer of an aircraft of a particular type only if the holder has, within the previous 90 days:
 - (a) performed the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose; or
 - (b) as a member of the flight crew of an aircraft, observed a flight engineer perform the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose.
- (2) For paragraphs (1)(a) and (b), each take-off must be followed by a climb to at least 500 ft AGL.
- (3) The holder is taken to meet the requirements of subregulation (1) if:
 - (a) within the previous 90 days, in an aircraft of that type or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed an instructor proficiency check, operator proficiency check or flight review; or

- (ii) passed a flight test for a flight engineer licence or a rating on a flight engineer licence; or
- (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of that type; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type.

61.1340 Limitations on exercise of privileges of flight engineer licences—flight review

- (1) For this Part, successful completion of a flight review for a rating on a flight engineer licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 for this regulation;
 - (c) a flight engineer instructor who holds a training endorsement that authorises the person to conduct flight training for the rating.
- (3) The flight review must be conducted in an aircraft or approved flight simulator for the flight review.

61.1345 Limitations on exercise of privileges of flight engineer licences—current medical certificates

The holder of a flight engineer licence is authorised to exercise the privileges of the licence only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges of his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.1350 Limitations on exercise of privileges of flight engineer licences—carriage of documents

The holder of a flight engineer licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (ba) if the holder holds a medical exemption for the exercise of the privileges of the licence—a copy of the exemption;

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- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.

61.1352 Limitations on exercise of privileges of flight engineer licences—aviation English language proficiency

- (1) The holder of a flight engineer licence is authorised to exercise the privileges of the licence only if the holder has a current aviation English language proficiency assessment.
- (2) Subregulation (3) applies to the holder of a flight engineer licence that was granted on the basis of regulation 202.272 if the licence was granted in recognition of an old authorisation (within the meaning of regulation 202.261) that was granted on or before 4 March 2008.
- (3) Subregulation (1) does not apply to the holder in relation to the exercise of the privileges of his or her licence in Australian Territory.

61.1355 Certain holders of flight engineer licences authorised to operate aircraft radio

- (1) A person is authorised to transmit on an aviation safety radio frequency if the person holds a flight engineer licence.
- (2) For regulation 61.1345, transmitting on an aviation safety radio frequency does not constitute the exercise of the privileges of a licence.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

61.1360 Requirements for grant of flight engineer licences

- (1) An applicant for a flight engineer licence must be at least 18.
- (2) The applicant must meet the requirements for the grant of at least one flight engineer type rating.
- (3) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the flight engineer licence; and
 - (b) completed flight training for the flight engineer licence; and
 - (d) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer licence; and

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(e) at least 100 hours of aeronautical experience performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

- Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: For paragraph (d), for the conduct of flight tests, see Division 61.B.4.
- Note 4: For paragraph (e), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3A) If the applicant applies on or after 1 September 2015, the applicant must also have completed an approved course of training in multi-crew cooperation.
- (4) For paragraph (3)(e), up to 50 hours of the aeronautical experience may be completed as simulated flight engineer time.
- (5) The applicant is taken to meet the requirements of paragraph (3)(e) if:
- (a) the applicant holds:
 - (i) a commercial pilot licence with the aeroplane category rating; and
 - (ii) a pilot type rating for an aeroplane that is certificated for multi-crew operation; and
 - (b) the applicant has completed at least 50 hours of flight training performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

Subpart 61.W—Flight engineer type ratings

61.1365 Privileges of flight engineer type ratings

Subject to Subpart 61.V and regulations 61.1370 to 61.1380, the holder of a flight engineer type rating is authorised to act as the flight engineer of an aircraft covered by the rating.

Note 1: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

Note 2: The types for which flight engineer type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.1370 Limitations on exercise of privileges of flight engineer type ratings—general

- (1) This regulation applies if:
 - (a) the holder of a flight engineer type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) a flight simulator that represents the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed the differences training for the second variant.

61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent experience on aircraft models

The holder of a flight engineer type rating is authorised to exercise the privileges of the rating in an aircraft model covered by the rating only if:

- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the aircraft model; or
 - (ii) passed the flight test for the rating in the aircraft model; or
 - (iii) successfully completed a flight review in the aircraft model; or
 - (iv) if differences training is required by an instrument under regulation 61.055 or 61.060 for the aircraft model—completed the differences training; or
- (b) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in the aircraft model; and

- (ii) the operator holds an approval under regulation 61.040 for the system for this regulation and operations in aircraft of that model.

**61.1380 Limitations on exercise of privileges of flight engineer type ratings—
flight review**

- (1) The holder of a flight engineer type rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) For subregulation (1), the flight review must be conducted in:
 - (a) an aircraft of the type covered by the rating; or
 - (b) an approved flight simulator for the flight review.
- (3) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has passed a flight test for the rating within the previous 24 months; or
 - (b) has successfully completed an operator proficiency check that covers operations in aircraft of the type covered by the rating within the previous 24 months; or
 - (c) both:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation in an aircraft of the type covered by the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation and operations in aircraft of that type.

Note: For general rules in relation to flight reviews, see regulation 61.1340.

61.1385 Requirements for grant of flight engineer type ratings

- (1) This regulation applies to an applicant for a flight engineer type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.1390.
- (2) The applicant must hold a flight engineer licence.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
 - (a) completed an approved course of training for the rating, that includes:
 - (i) theory and technical training; and
 - (ii) flight training in accordance with the approved course, consisting of:
 - (A) dual flight in an aircraft of the type covered by the rating; or
 - (B) dual simulated flight in an approved flight simulator for the training; and
 - (b) passed an examination, conducted by the Part 141 or 142 operator that conducted the training mentioned in paragraph (a), testing the applicant's

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knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and

- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: For paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3)(a), the approved course of training must be conducted by:
 - (a) a Part 141 or 142 operator that is authorised to conduct the training; or
 - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

61.1390 Person taken to meet requirements for grant of flight engineer type rating—new type rating

A person is taken to meet the requirements for the grant of a flight engineer type rating (the *new type rating*) if:

- (a) the person holds a flight engineer type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) a flight simulator that represents an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.

Subpart 61.X—Flight engineer instructor ratings

Division 61.X.1—Privileges and requirements for grant of flight engineer instructor ratings

61.1395 Privileges of flight engineer instructor ratings

Subject to Subpart 61.V and regulations 61.1400 to 61.1410, a flight engineer instructor is authorised:

- (a) to conduct flight training for:
 - (i) flight engineer licences; and
 - (ii) ratings on flight engineer licences, other than flight engineer examiner ratings; and
 - (iii) endorsements on flight engineer licences, other than flight engineer flight test endorsements; and
 - (iv) cruise relief flight engineer type ratings; and
- (b) to grant flight engineer training endorsements; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct flight reviews required by this Part for flight engineer ratings, other than flight engineer examiner ratings; and
- (e) to approve a person who does not hold a flight engineer licence, or who holds a licence but does not hold a required rating or endorsement, to act as flight engineer of an aircraft for the purpose of flight training; and
- (f) to approve a person who does not hold a flight crew licence to transmit on an aviation safety radio frequency; and
- (g) to assess the standard of knowledge of an applicant for flight engineer licence in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1400 Limitations on exercise of privileges of flight engineer instructor ratings—general

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular type only if the instructor also holds a flight engineer type rating for that type of aircraft.
- (2) A flight engineer instructor is authorised to conduct flight training for a flight engineer licence or a rating on a flight engineer licence only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.

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61.1405 Limitations on exercise of privileges of flight engineer instructor ratings—endorsements

- (1) A flight engineer instructor is authorised to conduct an activity mentioned in column 2 of an item in table 61.1430 only if the instructor also holds the flight engineer training endorsement mentioned in column 1 of the item.
- (2) A flight engineer instructor is authorised to grant an endorsement only if the instructor also holds a training endorsement required to conduct flight training for the endorsement.
- (3) A flight engineer instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a licence only if the instructor also holds a flight engineer training endorsement that authorises the instructor to provide flight training for the licence.

61.1410 Limitations on exercise of privileges of flight engineer instructor ratings—instructor proficiency check

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight engineer examiner who holds a flight engineer instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is successfully participating in an operator's training and checking system for an operation under the rating; and
 - (ii) the operator holds an approval under regulation 61.040 for the system for this subregulation;the period during which the holder is successfully participating in the system;

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- (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2)(e) and (f), the holder successfully completes an instructor proficiency check if:
 - (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a flight engineer instructor rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) a flight engineer examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1415 Requirements for grant of flight engineer instructor ratings

- (1) An applicant for a flight engineer instructor rating must:
 - (a) hold a flight engineer licence; and
 - (b) meet the requirements for the grant of at least one flight engineer training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) passed an examination on the knowledge standards mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating.

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Subpart 61.X Flight engineer instructor ratings

Division 61.X.1 Privileges and requirements for grant of flight engineer instructor ratings

Regulation 61.1415

Note 1: For paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) The applicant must also:
- (a) have completed an approved course of training in principles and methods of instruction; or
 - (b) hold a Certificate IV in Training and Assessment; or
 - (c) hold a tertiary qualification in teaching.

Division 61.X.2—Obligations of flight engineer instructors

61.1420 Obligations of flight engineer instructors—training

- (1) A flight engineer instructor commits an offence if:
 - (a) the instructor conducts:
 - (i) flight training for a flight engineer type rating or a cruise relief flight engineer type rating; or
 - (ii) differences training;
in an aircraft; and
 - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

61.1425 Obligations of flight engineer instructors—flight review

- (1) A flight engineer instructor commits an offence if:
 - (a) the instructor conducts a flight review for the holder of a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) the holder successfully completes the flight review; and
 - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the flight review;
 - (b) the date on which the flight review was successfully completed;
 - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the flight review;
 - (c) the date on which the flight review was successfully completed;
 - (d) the rating for which the flight review was conducted.
- (4) An offence against this regulation is an offence of strict liability.

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61.1427 Obligations of flight engineer instructors—approval to operate aircraft radio

- (1) A flight engineer instructor commits an offence if:
- (a) the instructor approves a person who does not hold a flight crew licence (the *student*) to transmit on an aviation safety radio frequency; and
 - (b) the student is not qualified for approval.

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), a student is qualified for approval only if:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) the student has completed an approved course of training in English language proficiency.

Division 61.X.3—Privileges and requirements for grant of flight engineer training endorsements

61.1430 Kinds of flight engineer training endorsement

The kinds of flight engineer training endorsement are set out in column 1 of table 61.1430.

Table 61.1430 Flight engineer training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Flight engineer type rating training endorsement (type specific)	Conduct flight training for a flight engineer licence Conduct flight training for a flight engineer type rating for the specified aircraft type Conduct flight training for a cruise relief flight engineer type rating on a pilot licence for the specified aircraft type	At least 200 hours of flight time as a flight engineer At least 100 hours of flight time as flight engineer of an aircraft of the specified type
2	Flight engineer instructor rating training endorsement	Conduct flight training for a flight engineer instructor rating	At least 500 hours conducting flight training for the grant of a flight engineer licence or a rating on a flight engineer licence At least 200 hours conducting training for the grant of a flight engineer type rating

61.1435 Privileges of flight engineer training endorsements

Subject to Subpart 61.V and Division 61.X.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1430 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1440 Requirements for grant of flight engineer training endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1430 must hold a flight engineer instructor rating.

Note: Subregulation (1) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:

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Division 61.X.3 Privileges and requirements for grant of flight engineer training endorsements

Regulation 61.1440

- (a) met the aeronautical experience requirements mentioned in column 3 of the item; and
- (b) completed flight training for the endorsement; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: For paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: For paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for a flight engineer type rating training endorsement for a specified aircraft type must also hold the flight engineer type rating for the aircraft type.

Note: Subregulation (3) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Subpart 61.Y—Flight engineer examiner ratings

Division 61.Y.1—Privileges and requirements for grant of flight engineer examiner ratings

61.1445 Privileges of flight engineer examiner ratings

Subject to Subpart 61.V and regulations 61.1455 to 61.1470, a flight engineer examiner is authorised:

- (a) to conduct flight tests for the grant of:
 - (i) flight engineer licences; and
 - (ii) ratings or endorsements on flight engineer licences; and
 - (iii) cruise relief flight engineer type ratings; and
- (b) to grant to holders of flight engineer licences:
 - (i) ratings, other than flight engineer examiner ratings; and
 - (ii) endorsements, other than flight engineer examiner rating flight test endorsements; and
- (c) to grant cruise relief flight engineer type ratings; and
- (d) to conduct instructor proficiency checks for holders of flight engineer instructor ratings; and
- (e) to conduct training and checking of holders of flight engineer licences for AOC holders; and
- (f) to conduct flight training for flight engineer examiner ratings and flight engineer flight test endorsements; and
- (g) to conduct assessments of aviation English language proficiency.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1455 Limitations on exercise of privileges of flight engineer examiner ratings—endorsements

- (1) A flight engineer examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1495 only if the examiner also holds the flight engineer flight test endorsement mentioned in column 1 of the item.
- (2) A flight engineer examiner is authorised to conduct a flight test for a rating or endorsement only if the examiner:
 - (a) also holds a rating or endorsement of the same kind; or
 - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight engineer examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight engineer instructor rating flight test endorsement.

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Subpart 61.Y Flight engineer examiner ratings

Division 61.Y.1 Privileges and requirements for grant of flight engineer examiner ratings

Regulation 61.1460

- (4) A flight engineer examiner is authorised to conduct flight training for a flight engineer examiner rating or flight engineer flight test endorsement only if the examiner also holds a flight engineer examiner rating flight test endorsement.
- (5) A flight engineer examiner is authorised to conduct an activity mentioned in column 2 of item 4 of table 61.1495 only if the examiner also holds an English language assessment endorsement.

61.1460 Limitations on exercise of privileges of flight engineer examiner ratings—professional development

A flight engineer examiner is authorised to exercise the privileges of his or her flight engineer examiner rating only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA including the content mentioned in the Part 61 Manual of Standards for the program; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

61.1465 Limitations on exercise of privileges of flight engineer examiner ratings—recent experience

A flight engineer examiner is authorised to conduct a flight test in an aircraft of a particular type, or a flight simulation training device that represents an aircraft of a particular type only if the examiner meets the recent experience requirements mentioned in this Part for the exercise of the privileges of a flight engineer licence in an aircraft of that type.

61.1470 Limitations on exercise of privileges of flight engineer examiner ratings—examiner proficiency check

- (1) The holder of a flight engineer examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a flight engineer examiner endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;

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- (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if:
 - (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes another examiner proficiency check; the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2)(c) and (d), the holder successfully completes an examiner proficiency check if:
 - (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for a flight engineer examiner rating; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4)(b), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1475 Requirements for grant of flight engineer examiner ratings

- (1) An applicant for a flight engineer examiner rating must:
 - (a) hold:
 - (i) a flight engineer licence; and
 - (ii) a flight engineer instructor rating; and
 - (b) meet the requirements for the grant of at least one flight engineer flight test endorsement.

Note: Paragraph (a) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed a course of training for the rating that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and

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- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer examiner rating; and
- (c) successfully completed an interview conducted by CASA.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2)(c), an applicant successfully completes an interview if he or she satisfies CASA that he or she has the necessary skills and experience to be granted a flight engineer examiner rating.

Division 61.Y.2—Obligations of flight engineer examiners

61.1480 Obligations of flight engineer examiners—flight tests: strict liability offences

- (1) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) is not nominated to conduct the flight test:
 - (i) by the applicant's training provider under subregulation 61.245(3); or
 - (ii) by CASA under subregulation 61.245(4).

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence; and
 - (b) is the person who provided the certification under paragraph 61.235(2)(aa) (Flight tests for flight crew licences and ratings—prerequisites) for the person taking the flight test.

Penalty: 50 penalty units.

- (3) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) does not:
 - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
 - (ii) assess the applicant for the licence or rating against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) does not:
 - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
 - (ii) within 14 days after the day the flight test is successfully completed:
 - (A) complete a report, in an approved form, setting out the result of the flight test; and
 - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

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Penalty: 50 penalty units.

- (5) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

61.1485 Obligations of flight engineer examiners—flight tests: other offences

- (1) A flight engineer examiner commits an offence if:
- (a) the examiner conducts a flight test for a flight engineer licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the licence; and
 - (v) has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if:
- (a) the examiner conducts a flight test for a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) has passed the aeronautical knowledge examination for the rating; and
 - (ii) has met the flight training requirements for the grant of the rating; and
 - (iii) has met the aeronautical experience requirements for the rating.

Penalty: 50 penalty units.

61.1490 Obligations of flight engineer examiners—proficiency checks

- (1) A flight engineer examiner commits an offence if:
- (a) the examiner conducts an instructor proficiency check for the holder of a flight engineer licence; and
 - (b) the holder successfully completes the proficiency check; and
 - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1)(c)(i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the proficiency check;
 - (b) the date on which the proficiency check was successfully completed.
- (3) For subparagraph (1)(c)(ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the proficiency check;
 - (c) the date on which the proficiency check was successfully completed;
 - (d) if the proficiency check was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (e) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (3A) A flight engineer examiner commits an offence if:
 - (a) the examiner conducts an instructor proficiency check; and
 - (b) the examiner has not notified CASA of the examiner's intention to conduct the proficiency check at least 24 hours before conducting the proficiency check; and
 - (c) the examiner does not hold, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA of his or her intention to conduct the proficiency check.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

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Subpart 61.Y Flight engineer examiner ratings

Division 61.Y.3 Privileges and requirements for grant of flight engineer examiner endorsements

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Division 61.Y.3—Privileges and requirements for grant of flight engineer examiner endorsements

61.1495 Kinds of flight engineer examiner endorsement

The kinds of flight engineer examiner endorsement are set out in column 1 of table 61.1495.

Table 61.1495 Flight engineer examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight engineer flight test endorsements</i>			
1	Flight engineer type rating flight test endorsement (type specific)	Conduct flight test for a flight engineer licence Conduct flight test for the specified flight engineer type rating Conduct flight test for the cruise relief flight engineer type rating for the specified aircraft type	Flight engineer type rating training endorsement
2	Flight engineer instructor rating flight test endorsement	Conduct flight test for a flight engineer instructor rating or flight engineer training endorsement	Flight engineer instructor rating training endorsement
3	Flight engineer examiner rating flight test endorsement	Conduct flight test for a flight engineer examiner rating or flight engineer flight test endorsement	
<i>Part 2—Other flight engineer examiner endorsements</i>			
4	English language assessment endorsement (flight engineer)	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	

61.1500 Privileges of flight engineer examiner endorsements

Subject to Subpart 61.V and Division 61.Y.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1495 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1505 Requirements for grant of flight engineer examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1495 must hold:
 - (a) a flight engineer examiner rating; and
 - (b) the endorsement (if any) mentioned in column 3 of the item.

Note: Paragraph (a) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1495 must also have:
 - (a) completed a course of training for the endorsement that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
 - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note: For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:
 - (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
 - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
 - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.
- (4) For paragraph (3)(c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

Subpart 61.Z—Glider pilot licences

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010.

61.1510 Privileges of glider pilot licences

Subject to regulations 61.1515 to 61.1535, the holder of a glider pilot licence is authorised:

- (a) to pilot a glider as pilot in command; and
- (b) to transmit on an aviation safety radio frequency.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

61.1515 Limitations on exercise of privileges of glider pilot licences—general

- (1) The holder of a glider pilot licence is authorised to conduct an activity in the exercise of the privileges of the licence only if the activity is conducted in accordance with:
 - (a) the operations manual or exposition (whichever is applicable) of a glider organisation; or
 - (b) an approval, held by the holder, under regulation 61.040 for this paragraph.
- (2) The holder of a glider pilot licence is authorised to act as pilot in command of a glider of a particular kind only if the holder:
 - (a) has received training in the operation of gliders of that kind; and
 - (b) has been assessed as competent to operate a glider of that kind.
- (3) The holder of a glider pilot licence is authorised to act as pilot in command of a glider in a flight that begins with a launch using a particular method only if the holder:
 - (a) has received training in the launching method; and
 - (b) has been assessed as competent to pilot a glider using the launching method.
- (4) For subregulations (2) and (3), the training and assessment must be conducted by:
 - (a) a person authorised by a glider organisation to conduct training and assessment in a glider; or
 - (b) the holder of an approval under regulation 61.040 to conduct the training and assessment.

61.1520 Limitations on exercise of privileges of glider pilot licences—recent experience

The holder of a glider pilot licence is authorised to act as pilot in command of a glider carrying a passenger only if the holder meets the recent experience requirements mentioned in the operations manual or exposition (whichever is applicable) of the glider organisation that granted the certificate mentioned in subregulation 61.1540(2) to the holder.

61.1525 Limitations on exercise of privileges of glider pilot licences—flight review

- (1) The holder of a glider pilot licence is authorised to exercise the privileges of the licence only if the holder has, within the previous 24 months, successfully completed a flight review for the licence.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder was granted the licence within the previous 24 months.
- (3) For subregulation (1), successful completion of a flight review requires:
 - (a) demonstration, to the holder of an approval under regulation 61.040 to conduct the flight review, that the holder is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the licence; or
 - (b) successful completion of the flight review requirements of a glider organisation.

61.1530 Limitations on exercise of privileges of glider pilot licences—medical certificates

The holder of a glider pilot licence is authorised to pilot a glider as pilot in command only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges conferred by his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.1535 Limitations on exercise of privileges of glider pilot licences—carriage of documents

The holder of a glider pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
 - (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
 - (ba) if the holder holds a medical exemption for the exercise of the privileges of the licence—a copy of the exemption;
-

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- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
 - (i) that was issued within the previous 10 years by the government, or a government authority, of:
 - (A) the Commonwealth or a State or Territory; or
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (ii) that has not expired or been cancelled.

61.1540 Requirements for grant of glider pilot licences

- (1) An applicant for a glider pilot licence must be at least 16.
- (2) The applicant must hold a pilot certificate that:
 - (a) is granted by a glider organisation; and
 - (b) is granted on the basis of the applicant meeting competency standards that are at least equivalent to the competency standards for the glider pilot licence mentioned in the Part 61 Manual of Standards; and
 - (c) permits the holder to pilot a glider, as pilot in command.
- (3) The applicant must also have aeronautical experience that includes:
 - (a) at least 6 hours of flight time in a glider; and
 - (b) at least 2 hours of solo flight time in a glider; and
 - (c) at least 20 launches, and at least 20 landings, as pilot of a glider.

Note: For the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Part 64—Authorisations for non-licensed personnel

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Subpart 64.A—Preliminary

64.005 What Part 64 is about

This Part sets out requirements that persons other than holders of flight crew licences must satisfy to:

- (a) transmit on an aviation safety radio frequency; or
- (b) taxi an aeroplane.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 1A: Under Part 61:

- (a) holders of flight crew licences are authorised to transmit on an aviation safety radio frequency, or to taxi an aeroplane, in certain circumstances; and
- (b) people receiving training for a flight crew licence are authorised to transmit on an aviation safety radio frequency in certain circumstances.

Note 1B: For the definition of *aviation safety radio frequency*, see the Dictionary.

Note 2: A person is prohibited from taxiing an aircraft unless the person is qualified to do so: see regulation 91.415.

64.010 Definitions for Part 64

In this Part:

aeronautical radio operator certificate means a certificate granted under regulation 64.030.

certificate of competency means a certificate granted under regulation 64.055.

class : each of the following is a *class* of aeroplane:

- (a) single-engine aeroplane;
- (b) multi-engine aeroplane.

equivalent : a foreign qualification is *equivalent* to an authorisation granted under this Part or Part 61 (an *Australian authorisation*) if it allows the holder to conduct substantially the same activities as the activities authorised by the Australian authorisation.

foreign qualification means a qualification issued under the law of a Contracting State.

taxiing , for an aeroplane, means manoeuvring on the surface of an aerodrome under the aeroplane's own power except when taking off or landing.

type rating : see regulation 61.010.

64.012 Approvals by CASA for Part 64

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

Subpart 64.B—Transmission on aeronautical radio frequencies

64.015 Eligibility for aeronautical radio operator certificate

Person trained and assessed against Part 61 Manual of Standards

- (1) A person is eligible for the grant of an aeronautical radio operator certificate if the person:
 - (a) is at least 17; and
 - (b) has received the training mentioned in subregulation (2) from a person or body mentioned in subregulation (3); and
 - (c) has been assessed by a person mentioned in subregulation (4) as meeting the competency standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio; and
 - (d) has a current aviation English language proficiency assessment.
- (2) For paragraph (1)(b), the training is training in the operation of an aeronautical radio to the standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio.
- (3) For paragraph (1)(b), the persons and bodies are the following:
 - (a) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
 - (b) a registered training organisation whose scope of registration covers the training mentioned in subregulation (2);
 - (c) the holder of an approval under regulation 64.012 for this paragraph.
- (4) For paragraph (1)(c), the persons are the following:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
 - (d) the holder of an approval under regulation 64.012 for this paragraph.

Holder of equivalent foreign qualification

- (5) A person is eligible for the grant of an aeronautical radio operator certificate if:
 - (a) the person is at least 17; and
 - (b) the person holds a foreign qualification that is equivalent to:
 - (i) a private pilot licence, commercial pilot licence, multi-crew pilot licence, air transport pilot licence or flight engineer licence; or
 - (ii) a recreational pilot licence with a flight radio endorsement; or
 - (iii) an aeronautical radio operator certificate; and
 - (c) either:

- (i) the qualification includes a statement to the effect that the person meets an ICAO English language proficiency standard equivalent to the ICAO level 4, 5 or 6 aviation English language proficiency standard specified in the Part 61 Manual of Standards; or
- (ii) the person has a current aviation English language proficiency assessment.

64.020 Obligation of assessor to ensure training is completed

- (1) This regulation applies to a flight examiner, pilot instructor or approval holder (the *assessor*) who conducts an assessment of a person for paragraph 64.015(1)(c).
- (2) The assessor commits an offence if the assessor is not satisfied, before conducting the assessment, that the person has completed the training mentioned in subregulation 64.015(2).

Penalty: 50 penalty units.

64.025 Applying for aeronautical radio operator certificate

- (1) A person may apply, in writing, to CASA for the grant of an aeronautical radio operator certificate.
- (2) If the applicant is relying on the training and assessment mentioned in subregulation 64.015(1), the application must be accompanied by evidence of the applicant's aviation English language proficiency assessment.
- (3) If the applicant is relying on a foreign qualification, the application must be accompanied by:
 - (a) a certified true copy of the qualification; and
 - (b) unless the qualification includes a statement to the effect that the person meets the ICAO level 4, 5 or 6 aviation English language proficiency standard—evidence of the applicant's ICAO English language proficiency assessment.

64.030 Grant of aeronautical radio operator certificate

Subject to regulation 11.055, CASA must grant the certificate if satisfied that the applicant is eligible for the grant of the certificate.

64.035 Holder of aeronautical radio operator certificate may operate radio

- (1) The holder of an aeronautical radio operator certificate is authorised to transmit on an aviation safety radio frequency.
- (2) However, the holder is authorised to make the transmission only if the holder has a current aviation English language proficiency assessment.

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- (3) Subregulation (2) does not apply to the holder of a certificate that was granted on the basis of regulation 202.304.

64.040 Person undergoing training or assessment may operate radio

A person who does not hold an aeronautical radio operator certificate is authorised to transmit on an aviation safety radio frequency if the transmission is made:

- (a) for the purpose of receiving training or assessment in the use of an aeronautical radio; and
- (b) under the direct supervision of a person mentioned in subregulation 64.015(3) or (4).

Subpart 64.C—Taxiing aeroplanes

64.045 Persons who may taxi aeroplanes—general

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if:
 - (a) the person is at least 17; and
 - (b) the person holds a certificate of competency to taxi an aeroplane of the class, or covered by the type rating, that was issued in the previous 5 years; and
 - (c) the person has received instruction from a person mentioned in subregulation (2) on the layout and operating procedures of the aerodrome; and
 - (d) the person:
 - (i) is the operator of the aeroplane; or
 - (ii) has permission to taxi the aeroplane from the operator of the aeroplane; or
 - (iii) has permission to taxi the aeroplane from a person permitted by these Regulations, and engaged by the operator of the aeroplane or the operator's continuing airworthiness management organisation, to carry out maintenance on the aeroplane; and
 - (e) for an aerodrome mentioned in subregulation (3)—the person holds an aeronautical radio operator certificate.
- (2) For paragraph (1)(c), the persons are the following:
 - (a) the operator of the aerodrome;
 - (b) the operator of the aeroplane;
 - (c) any other person (including the holder of a flight crew licence) with knowledge of the layout and operating procedures of the aerodrome.
- (3) For paragraph (1)(e), the aerodromes are the following:
 - (a) a controlled aerodrome;
 - (b) a certified aerodrome;
 - (d) a military aerodrome;
 - (e) an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for the purposes of subparagraph 91.400(1)(a)(iv).

64.050 Persons who may taxi aeroplanes—persons undergoing training or assessment

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if the person:
 - (a) is receiving training in taxiing aeroplanes of the class or covered by the type rating; or

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- (b) is being assessed against the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class or covered by the type rating.
- (2) However, the person is authorised to taxi the aeroplane only under the direct supervision of a person who is authorised under regulation 64.045 or Part 61 to taxi the aeroplane at the aerodrome.

64.055 Grant of certificate of competency to taxi aeroplanes of a class or covered by a type rating

- (1) A person may apply, in writing, to a person mentioned in subregulation (4) (a *granting body*) for the grant of a certificate of competency for taxiing aeroplanes of a particular class, or covered by a particular type rating.
- (2) Subject to regulation 11.055, the granting body must grant the certificate if satisfied that the applicant meets the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class, or covered by the type rating.
- (3) The certificate of competency must:
 - (a) state the following:
 - (i) each class or type rating for which the person meets the competency standards;
 - (ii) the date on which it is issued; and
 - (b) be signed by the granting body.
- (4) For subregulation (1), the persons are the following:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) a pilot instructor who is authorised under Part 61 to conduct flight training for aeroplanes of the class, or covered by the type rating;
 - (d) the holder of an approval under regulation 64.012 for this paragraph.

64.060 Production of certificate of competency

- (1) CASA may direct a person who holds a certificate of competency to produce the certificate for inspection by CASA.
- (2) The person commits an offence if the person does not comply with the direction within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

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Subpart 65.A—General

65.005 Applicability of this Part

- (1) This Part applies to the performance of functions in connection with providing air traffic services (within the meaning of Annex 11 to the Chicago Convention) in Australian territory.
- (2) However, this Part does not apply to a person who is providing an air traffic service in the course of his or her duties for the Defence Force.

65.010 Definitions for this Part

In this Part:

currency requirement means the requirement referred to in regulation 65.030.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

recency requirement means the requirement referred to in regulation 65.025.

Note: **Air traffic control function** means a function described in a paragraph of subregulation 65.075(2); **flight service function** means the function described in subregulation 65.130(2)—see the Dictionary.

65.015 Meaning of *successful completion of training*

For this Part, a person has successfully completed training for a licence, rating, endorsement or qualification only if:

- (a) he or she has passed (to the standard required by the Manual of Standards) any examination required by that Manual; and
- (b) he or she has successfully completed (to the standard required by that Manual) any practical performance assessment so required.

65.020 Effect of ATS provider’s failure to comply with this Part

A failure by an ATS provider to comply with a requirement of or under this Part is not an offence but may be taken into account in deciding whether or not the provider’s certificate should be suspended or revoked.

65.025 How to satisfy recency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the **recency requirement** in relation to an endorsement at a particular time if he or she has performed the duties required by the relevant function at the aerodrome or in relation to the airspace to which the endorsement relates, for at least 5 hours within the previous 21 days.

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- (2) If an ATS provider specifies in its operations manual that 2 or more endorsements are of like type for this regulation, a licence holder who performed the duties of any of those endorsements for a total of at least 5 hours within the previous 21 days also satisfies the recency requirement.
- (3) A licence holder who does not satisfy the recency requirement at a particular time in relation to an endorsement is taken to satisfy that requirement at a later time after:
 - (a) he or she:
 - (i) has carried out the relevant function at that aerodrome, or in relation to that airspace, under supervision for at least 1 normal working day for each month that has passed since he or she last performed the function at that aerodrome or in relation to that airspace; or
 - (ii) has undergone any retraining required by the relevant ATS provider's operations manual; and
 - (b) he or she has been assessed by the ATS provider as competent in performing the function at that aerodrome or in relation to that airspace.

65.030 How to satisfy currency requirement

- (1) The holder of an ATC licence or a flight service licence satisfies the **currency requirement** in relation to an endorsement at a particular time if:
 - (a) within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the endorsement; and
 - (b) within the previous 6 months, his or her performance of the relevant function at the aerodrome, or in relation to the airspace, to which the endorsement relates, has been assessed as satisfactory.
- (2) The holder of an ATC licence or a flight service licence satisfies the **currency requirement** in relation to a rating at a particular time if, within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the rating.
- (3) The examination and assessment must be carried out in accordance with any relevant requirements and standards in the Manual of Standards.

65.033 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) the form and classification of a licence, rating, endorsement or qualification that is granted for this Part (an **ATS authorisation**);
 - (b) the requirements for, and standards to be met by, an applicant for, and the holder of, an ATS authorisation;
 - (c) the requirements and standards for training, tests and examinations for ATS authorisations;

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- (d) the duration of an ATS authorisation and the procedure for the renewal of an ATS authorisation;
- (e) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
- (f) any matter necessary or convenient to be provided for the effective operation of this Part.

Note: A Manual of Standards is a legislative instrument—see subsections 98(5A) and (5B) of the Act. It must be registered in accordance with the *Legislation Act 2003* and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275(3) or regulation 11.280) to each ATS provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 65.B—Authority to act in air traffic control and flight service

65.035 Authority to carry out air traffic control function

- (1) A person may carry out an air traffic control function in Australian territory if, at the time the person carries out the function:
 - (a) he or she holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and
 - (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating; and
 - (d) he or she holds a Class 3 medical certificate.
- (2) A person to whom subregulation (3) applies may carry out an air traffic control function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
 - (a) a person who CASA has authorised in writing to carry out the relevant function;
 - (b) a person who:
 - (ia) holds a Class 3 medical certificate; and
 - (i) holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds an ATC licence; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
 - (d) a person (other than a person who held an ATC licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of air traffic control; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of undergoing practical training for an ATC licence.

65.040 Rules applicable when a person performs ATC function under supervision

- (1) If a person to whom subregulation 65.035(3) applies (the *trainee*) is carrying out an air traffic control function under the supervision of a person who meets the requirements of subregulation 65.035(1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.

Penalty: 25 penalty units.

- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's ATC licence should be suspended or cancelled.

65.045 Offences—carrying out ATC function without authority

- (1) A person who is not authorised to do so by subregulation 65.035(1) or (2) must not carry out an air traffic control function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.035(3) applies must not carry out an air traffic control function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.035(1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
 - (a) in subregulation (1)—that the person is not authorised by subregulation 65.035(1) or (2);
 - (b) in subregulation (2)—that the person under whose supervision the air traffic control function is carried out is a person who meets the requirements of subregulation 65.035(1).

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a charge of contravening subregulation (1) or (2) that the relevant action was, in the circumstances, reasonable in the interests of the safety of air navigation.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (4).

65.050 Authority to carry out flight service function

- (1) A person may carry out a flight service function in Australian territory if, at the time he or she carries out the function:
 - (a) he or she holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and
 - (b) the licence, rating and endorsement are in force; and

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- (c) he or she:
 - (i) satisfies the recency and currency requirements in relation to the endorsement; and
 - (ii) satisfies the currency requirement in relation to the rating; and
 - (d) he or she holds a Class 3 medical certificate.
- (2) A person to whom subregulation (3) applies may carry out a flight service function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).
- (3) This subregulation applies to each of the following persons:
- (a) a person who CASA has authorised in writing to carry out the function;
 - (b) a person who:
 - (ia) holds a Class 3 medical certificate; and
 - (i) holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
 - (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
 - (c) a person who:
 - (i) holds a flight service licence; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
 - (d) a person (other than a person who held a flight service licence that has been cancelled) who:
 - (i) has completed an approved course of training in the theory of flight service; and
 - (ia) holds a Class 3 medical certificate; and
 - (ii) carries out the function in the course of undergoing practical training for a flight service licence.

65.055 Rules applicable when a person performs flight service function under supervision

- (1) If a person to whom subregulation 65.050(3) applies (the *trainee*) is carrying out a flight service function under the supervision of a person who meets the requirements of subregulation 65.050(1) (the *supervisor*), this regulation applies.
- (2) The trainee must comply with the supervisor's directions.

Penalty: 25 penalty units.

- (3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor's flight service licence should be suspended or cancelled.

65.060 Offences—carrying out flight service function without authority

- (1) A person who is not authorised to do so by subregulation 65.050(1) or (2) must not carry out a flight service function in Australian territory.

Penalty: 25 penalty units.

- (2) A person to whom subregulation 65.050(3) applies must not carry out a flight service function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.050(1).

Penalty: 25 penalty units.

- (3) Strict liability applies to the following physical elements:
- (a) in subregulation (1)—that the person is not authorised by subregulation 65.050(1) or (2);
 - (b) in subregulation (2)—that the person under whose supervision the flight service function is carried out is a person who meets the requirements of subregulation 65.050(1).

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

65.065 Authority to use ground-based radio equipment

- (1) A person to whom subregulation (2) applies is authorised to transmit on an aviation safety radio frequency if the transmission is made:
- (a) for the purpose of performing an air traffic control function or a flight service function; and
 - (b) using a radiocommunication system that is not installed in or carried on an aircraft.
- (2) This subregulation applies to the following:
- (a) a person who may, under regulation 65.035, carry out an air traffic control function or, under regulation 65.050, carry out a flight service function in Australian territory;
 - (b) a person who is engaged by an ATS provider (whether or not as an employee), and who is acting in the course of his or her duties.
- (3) For paragraph (2)(b), *ATS provider* means an ATS provider, within the meaning given by regulation 172.015, that is approved to provide a flight information service.

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

Subpart 65.C—Licensing

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for a rating or endorsement on an ATC licence or flight service licence.

Division 65.C.1—Air traffic controller licensing

65.070 Eligibility for grant of ATC licence

- (1) A person is eligible to be granted an ATC licence if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, a rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1)(e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.075 Air traffic controller ratings

- (1) The air traffic controller ratings for Australia are the following:
 - (a) aerodrome control rating;
 - (b) approach control rating;
 - (c) approach radar control rating;
 - (d) area control rating;
 - (e) area radar control rating.
- Note: The air traffic controller ratings are specified in section 4.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention. Not all the ratings specified there are in use in Australia.
- (2) The function of an ATC licence holder who holds a particular rating is as follows:
 - (a) if the rating is an *aerodrome control rating*—to provide, or supervise the provision of, aerodrome control service (including traffic information, flight information and alerting services) for the aerodrome for which the licence holder holds an endorsement;
 - (b) if the rating is an *approach control rating*—to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
 - (c) if the rating is an *approach radar control rating*—to provide, or supervise the provision of, approach control service (including traffic information,

flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement;

- (d) if the rating is an *area control rating*—to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
- (e) if the rating is an *area radar control rating*—to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement.

65.080 Grant of rating on ATC licence

- (1A) A person may apply to CASA, in writing, for an air traffic controller rating.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant who:
- (a) is eligible to be granted an ATC licence; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a rating; or
 - (b) a decision imposing a condition on a rating.
- (2) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain ratings appropriate to their duties.
- (3) That program must be in accordance with any standards and requirements set out in the Manual of Standards.
- (4) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.085 Grant of endorsement on ATC licences

- (1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.

- (1A) A person may apply to CASA, in writing, for an endorsement on an ATC licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

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(2) Subject to regulation 11.055, CASA must grant an endorsement to an applicant who:

- (a) is eligible to be granted an ATC licence with a rating; and
- (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, an endorsement; or
- (b) a decision imposing a condition on an endorsement.

(3) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain endorsements appropriate to their duties.

(4) That program must be in accordance with any standards and requirements set out in the Manual of Standards.

(5) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.090 ATS provider's obligation to provide currency and recency training and assessment

(1) An ATS provider must set up and maintain, in accordance with the Manual of Standards, programs for:

- (a) continuing assessment of its employees' competency for the purposes of ensuring that they continue to satisfy the currency requirements in relation to ratings and endorsements; and
- (b) familiarisation, retraining and assessment of any of its employees who at any time do not satisfy the currency or recency requirement in relation to an endorsement.

(2) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.095 Ancillary qualifications

(1) An ATC qualification certifies that the holder is competent to perform a particular ancillary function.

(2) The functions include the following:

- (a) classroom instructor;
- (b) on-the-job instructor;
- (c) workplace assessor.

(3) Within the limits set out in the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of an ATC qualification mentioned in paragraph (2)(a), (b) or (c).

- (4) Subregulation (3) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant ATC qualifications to, and administer ATC qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.100 Conduct of practical training

An ATS provider must ensure that practical training carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.105 Conduct of examinations

An ATS provider must ensure that an examination or assessment carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.115 Periods of validity of ratings and endorsements

- (1) Unless sooner cancelled, a rating on an ATC licence is valid for 12 months or until the licence is cancelled.
- (2) Unless sooner cancelled, an endorsement on an ATC licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time—until the licence is cancelled; or
 - (c) if the rating with which the endorsement is connected is cancelled before that time—until the rating is cancelled; or
 - (d) until the licence holder ceases to be employed by that ATS provider.
- (3) For paragraph (2)(c), an endorsement is connected with a rating if the endorsement authorises the performance, at a particular aerodrome or in relation to particular airspace, of the function of a holder of the rating.

Note: For the function of the holder of each kind of rating, see subregulation 65.075(2).

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65.120 Periods of validity of ATC qualifications

- (1) Unless sooner cancelled, an ATC qualification remains valid:
 - (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if any ATC licence, rating or endorsement on which it is dependent, is cancelled before that time—until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1)(b), an ATC qualification is dependent on a particular licence, rating or endorsement if the ATS provider or ATS training provider that grants the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Division 65.C.2—Flight service licensing

65.125 Eligibility for grant of flight service licence

- (1) A person is eligible to be granted a flight service licence with a traffic information service rating if he or she:
 - (a) has turned 18; and
 - (b) holds a Class 3 medical certificate; and
 - (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, the rating and an endorsement; and
 - (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing a flight service function.
- (3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1)(e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.130 Flight service ratings

- (1A) A person may apply to CASA, in writing, for a traffic information service rating.

Note 1: The traffic information service rating is the only flight service rating for Australia.

Note 2: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant who:
 - (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a rating; or
- (b) a decision imposing a condition on a rating.

- (2) The function of a flight service licence holder holding a traffic information service rating is to provide, or supervise the provision of, a traffic and flight information and alerting service for the flight information area for which the licence is endorsed.

65.135 Maintenance of ratings on flight service licence

- (1) An ATS provider must set up and maintain a program to ensure that its employees who hold flight service licences hold traffic information service ratings.

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- (2) The provider must include details of that program, including necessary training and tests of competency, in its operations manual.
- (3) That program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.140 Endorsements on flight service licences

- (1AA) A person may apply to CASA, in writing, for an endorsement on a flight service licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1A) Subject to regulation 11.055, CASA must grant an endorsement to an applicant who:
- (a) is eligible to be granted a flight service licence with a traffic information service rating; and
 - (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, an endorsement; or
 - (b) a decision imposing a condition on an endorsement.
- (1) An endorsement on a flight service licence certifies that the licence holder is competent to perform a flight service function in relation to an aerodrome or particular airspace.
 - (2) An ATS provider must set up and maintain a program to grant and administer endorsements on flight service licences held by its employees.
 - (3) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
 - (4) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.145 Ancillary qualifications

- (1) A flight service qualification certifies that the holder is competent to perform a particular ancillary function.
- (2) The functions are the following:
 - (a) classroom instructor;
 - (b) on-the-job instructor;
 - (c) workplace assessor.

- (3) Within the limits set by the Manual of Standards, an ATS provider may define, for the provider's organisation, the responsibilities of the holder of a flight service qualification mentioned in paragraph (2)(a), (b) or (c).
- (4) Subregulation (1) does not prevent an ATS provider defining an ancillary function for use within its own organisation.
- (5) An ATS provider must set up and maintain a program to grant flight service qualifications to, and administer flight service qualifications held by, its employees.
- (6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
- (7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.150 Conduct of training

An ATS provider must ensure that training carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.155 Conduct of examinations

An ATS provider must ensure that an examination carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

- (a) the standards and requirements set out in the Manual of Standards; and
- (b) the provider's operations manual.

65.165 Periods of validity of rating and endorsement

- (1) Unless sooner cancelled, a rating on a flight service licence is valid for 12 months or until the licence is cancelled or ceases to be valid.
- (2) Unless sooner cancelled, an endorsement on a flight service licence remains valid:
 - (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
 - (b) if the licence is cancelled before that time—until the licence is cancelled; or
 - (c) until the licence holder ceases to be employed by that ATS provider.

65.170 Period of validity of flight service qualification

- (1) Unless sooner cancelled, a flight service qualification remains valid:

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- (a) for the period specified by the ATS provider or ATS training provider that granted it; or
 - (b) if a flight service licence, rating or endorsement on which it is dependent is cancelled before that time—until the licence, rating or endorsement is cancelled; or
 - (c) until the holder ceases to be employed by that ATS provider or ATS training provider.
- (2) For paragraph (1)(b), a flight service qualification is dependent on a flight service licence, rating or endorsement if the ATS provider or ATS training provider that granted the qualification so specifies.
- (3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Subpart 65.E—Administrative functions

Division 65.E.1—Grant of licences

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for an ATC licence or a flight service licence.

65.175 Definitions for this Subpart

In this Subpart:

licence means an ATC licence or a flight service licence.

qualification means an ATC qualification or a flight service qualification.

65.180 How to apply

- (1) A person may apply to CASA, in writing, for the grant of a licence.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (3) The application must give details of the applicant's training, qualifications and experience, so far as relevant.
- (4) The application must be accompanied by:
- (a) a copy of any document that shows that the applicant has completed that training, holds that qualification or has that experience; and
 - (b) evidence that the applicant holds a Class 3 medical certificate; and
 - (c) evidence of the kind mentioned in subregulation 65.070(3) or 65.125(3), as the case requires.

65.225 Grant of licence

Subject to regulation 11.055, if a person has applied for the grant of a licence under this Part, CASA must grant the licence.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, a licence; or
- (b) a decision imposing a condition on a licence.

See also section 31 of the Act.

65.230 When decision must be made

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035 or 11.040, the time between when CASA makes the request, and when the applicant undertakes the

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test, or comes in for interview, or gives CASA the information or copy requested, does not count towards the 21 days.

- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the 21 days.
- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the 21 days.

Division 65.E.2—Ongoing proficiency and medical testing

65.250 Re-examination or re-assessment of licence or qualification holder

(1) If:

- (a) there is evidence that the holder of a licence or a qualification is not adequately performing his or her duties (whether because of lack of proficiency, injury, illness or for any other reason); and
- (b) it is necessary, in the interests of the safety of air navigation, to require the holder to demonstrate his or her proficiency or fitness to perform those duties;

CASA may, at a reasonable time and on reasonable notice, direct the holder to undertake:

- (c) an appropriate examination or performance assessment; or
- (d) a medical assessment by a designated aviation medical examiner.

(2) In paragraph (1)(d):

medical includes psychological and psychiatric.

Division 65.E.3—Suspension and cancellation of licences

65.255 Provisional suspension of licence pending examination or assessment

- (1) If under regulation 65.250 CASA directs the holder of a licence or qualification to undergo an examination, performance assessment or medical assessment, CASA may provisionally suspend the licence or a rating or endorsement on it, or the qualification, by notice in writing to the holder.
- (2) The provisional suspension has effect from the time the notice is served on the holder.
- (3) As soon as practicable after the examination or assessment, CASA must either:
 - (a) give the holder a notice under regulation 65.265 to show cause why the licence, rating, endorsement or qualification should not be cancelled or further suspended; or
 - (b) revoke the provisional suspension and tell the holder in writing that it has done so.
- (4) CASA may revoke the provisional suspension at any time by notice in writing.
- (5) If CASA gives the holder a show cause notice, the provisional suspension remains in effect (unless sooner revoked) until CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it.
- (6) However, if the holder does not comply with the direction within the time allowed by the notice to do so (or any extension of that time allowed by CASA), the licence, rating, endorsement or qualification remains suspended until the holder does so.

65.260 Provisional suspension of licence etc during investigation

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;CASA may provisionally suspend the holder's licence, or a rating, endorsement or qualification, by notice in writing to the holder.
- (2) CASA may revoke the provisional suspension at any time by notice in writing.
- (3) The provisional suspension has effect from the time notice under subregulation (1) is served on the holder, and remains in effect (unless sooner revoked) until:

- (a) if CASA gives to the holder a show cause notice—CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it; or
- (b) the end of 7 days after the time the notice under subregulation (1) is served on the holder.

65.265 Show cause procedure

- (1) If there is evidence that the holder of a licence:
 - (a) may have contravened a provision of the Act or these Regulations; or
 - (b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
 - (c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;CASA may give to the holder a notice in accordance with this regulation (a *show cause notice*).
- (2) Also, CASA may give to the holder of a licence a show cause notice if:
 - (a) under regulation 65.250, CASA has directed the holder to undertake an examination or a performance assessment or medical assessment; and
 - (b) the holder has not done so within the time allowed by the direction (or any extension of that time allowed by CASA).
- (3) The notice must be in writing.
- (4) The notice must set out the facts and circumstances that appear to justify cancellation or suspension of the licence, rating, endorsement or qualification.
- (5) The notice must invite the holder to show cause in writing, within a reasonable period stated in the notice, why the licence, rating, endorsement or qualification should not be cancelled or further suspended.

65.270 CASA's powers in respect of licence etc

CASA may cancel or suspend a licence, rating, endorsement or qualification if the holder:

- (a) has contravened a provision of the Act or these Regulations; or
- (b) does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
- (c) has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft.

65.275 Choice between cancellation and suspension

- (1) This regulation sets out how CASA decides whether to cancel a person's licence, rating, endorsement or qualification, or suspend it.

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- (2) If the person has contravened a provision of the Act or these Regulations, or has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft:
 - (a) where CASA is satisfied that the contravention or failure is not likely to recur, CASA may do either or both of the following:
 - (i) suspend the person's licence, rating, endorsement or qualification for an appropriate period;
 - (ii) direct the person to receive appropriate counselling or training; and
 - (b) where CASA is not satisfied as mentioned in paragraph (a), CASA may:
 - (i) if the contravention or failure is sufficiently serious, or has occurred before—cancel the licence, rating, endorsement or qualification; or
 - (ii) take either or both of the courses mentioned in paragraph (a).
- (3) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification, but there is a reasonable prospect that he or she will be able to do so within a reasonable time, CASA may suspend the licence, rating, endorsement or qualification:
 - (a) until the happening of a specified event; or
 - (b) until the holder successfully completes specified training; or
 - (c) for a specified period within which the holder is likely to become able to meet the requirement.
- (4) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification and there is no reasonable prospect that he or she will be able to do so within a reasonable time, CASA must cancel the licence, rating, endorsement or qualification.

65.280 Procedure for decision

- (1) When considering whether to cancel or suspend a licence, rating, endorsement or qualification, CASA must take into account any submission that the holder makes within the time allowed by the relevant show cause notice.
- (2) CASA must tell the holder in writing of its decision.
- (3) If CASA has not decided whether or not to cancel or further suspend the licence, rating, endorsement or qualification within 30 days after the end of the period allowed for submissions by the show cause notice, CASA is taken to have decided, at the end of that 30-day period, neither to cancel nor further suspend the licence, rating, endorsement or qualification.
- (4) If the licence, rating, endorsement or qualification is provisionally suspended, and CASA decides, or is taken under subregulation (3) to have decided, neither to cancel nor further suspend it, the provisional suspension ceases to have effect when CASA makes, or is taken to have made, that decision.

65.285 Effect of suspension or provisional suspension of authorisation

If CASA suspends, or provisionally suspends, a person's licence, rating or endorsement under this Division:

- (a) the person is taken not to be the holder of the licence, rating or endorsement; and
- (b) the licence, rating or endorsement is not in force during the period of suspension.

Part 66—Continuing airworthiness—aircraft engineer licences and ratings

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Subpart 66.A—General

66.005 Purpose of Part

This Part:

- (a) deals with aircraft engineer licences and ratings for:
 - (i) the performance of maintenance certification for maintenance carried out on aircraft; and
 - (ii) issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note: Under regulations 42.695, 42.735 and 42.790, a person performing maintenance certification or issuing a certificate of release to service on behalf of an approved maintenance organisation must hold a certification authorisation from the organisation that permits the person to perform the maintenance certification or issue the certificate of release to service.

66.010 Definitions for Part

In this Part:

additional practical experience, for an applicant for an aircraft engineer licence or a rating to be endorsed on a licence, means practical experience in carrying out maintenance on operating aircraft:

- (a) that the applicant carries out under the supervision of a person who holds:
 - (i) the same aircraft engineer licence as the licence applied for; or
 - (ii) the same rating as the rating applied for; and
- (b) that the applicant carries out on the kind of aircraft for:
 - (i) the licence applied for; or
 - (ii) the licence on which the rating applied for is to be endorsed.

aircraft type means:

- (a) a particular type, or type and model, of large aircraft with a particular type of aircraft engine; or
- (b) a large aircraft with a particular type of aircraft engine; or
- (c) a small aircraft with a particular type of aircraft engine.

Note: For paragraph (b), aircraft mentioned in this paragraph are known as “non-rated aircraft”.

Example 1: For paragraph (a), Airbus A310(GE CF6)

Example 2: For paragraph (a), Boeing 747-400 (RR RB211)

Example 3: For paragraph (b), non-rated aircraft (PWC PT6)

Example 4: For paragraph (b), non-rated aircraft (Honeywell TPE331)

Example 5: For paragraph (c), small aircraft (PWC PT6)

Example 6: For paragraph (c), small aircraft (Honeywell TPE331)

category A licence holder means an individual who holds a category A licence that is in force.

category B1 licence holder means an individual who holds a category B1 licence that is in force.

category B2 licence holder means an individual who holds a category B2 licence that is in force.

category C licence holder means an individual who holds a category C licence that is in force.

Defence Force aircraft means aircraft mentioned in paragraph (a) of the definition of *state aircraft* in section 3 of the Act.

Defence Force aircraft authorisation means an authorisation to perform, in relation to Defence Force aircraft, a function that is of the same nature as:

- (a) the function of performing maintenance certification; or
- (b) the function of issuing a certificate of release to service.

Defence Force aircraft rating means an authorisation that:

- (a) is of the same nature as a rating; and
- (b) relates to Defence Force aircraft.

foreign rating means an authorisation that:

- (a) is of the same nature as a rating; and
- (b) is:
 - (i) granted under a national aviation law of a foreign country, other than a foreign country that is an excluded State; or
 - (ii) issued by a foreign company, other than a foreign company incorporated or formed in an excluded State.

medical practitioner has the meaning given by subregulation 67.010(1).

practical experience in carrying out maintenance on operating aircraft includes:

- (a) simulated maintenance experience using maintenance simulation technology; and
- (b) practical maintenance experience on representative aeronautical products during maintenance training.

requalification requirement, for an aircraft engineer licence, has the meaning given by the Part 66 Manual of Standards.

safety-relevant, in relation to a medically significant condition, has the meaning given by regulation 67.015.

specialist medical practitioner has the meaning given by subregulation 67.010(1).

Note: See the Dictionary for definitions of other terms used in this Part.

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66.015 Part 66 Manual of Standards

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:
 - (a) required or permitted by these Regulations to be prescribed by the Part 66 Manual of Standards; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) Without limiting subregulation (1), the Part 66 Manual of Standards may specify the following matters:
 - (a) that a specified foreign country is an excluded State;
 - (b) that a specified foreign country is a recognised State;
 - (c) the privileges that a licensed aircraft maintenance engineer may exercise;
 - (d) the privileges that a licensed aircraft maintenance engineer whose licence is endorsed with a rating may exercise;
 - (e) that a specified aircraft type is a type rated aircraft type for an aircraft engineer licence;
 - (f) the training and experience requirements for the grant of an aircraft engineer licence;
 - (g) the required subject modules for an aircraft engineer licence;
 - (h) a list of levels of knowledge for the required subject modules;
 - (i) the required level of knowledge for each subject module, or each part of a subject module;
 - (j) the required units of competency for an aircraft engineer licence;
 - (ja) the required aircraft type training, subject modules and units of competency for a rating on an aircraft engineer licence;
 - (k) the basic knowledge examination standard for category training;
 - (l) that a specified aircraft system is designated as 1 of the following:
 - (i) avionic;
 - (ii) electrical;
 - (iii) mechanical;
 - (iv) powerplant;
 - (v) structural;
 - (m) that a specified condition or limitation applies to:
 - (i) the performance of maintenance certification by a licensed aircraft maintenance engineer in relation to maintenance carried out on a particular aircraft system; or
 - (ii) the issue of a certificate of release to service by a licensed aircraft maintenance engineer for an aircraft in relation to maintenance carried out on a particular aircraft system;
 - (n) for aircraft type training:
 - (i) the required theoretical elements for an aircraft engineer licence; and
 - (ii) the required training level for each theoretical element; and
 - (iii) requirements for practical elements; and

- (iv) standards for assessments for theoretical elements; and
- (v) standards for assessments for practical elements;
- (o) that a specified aircraft type, aircraft system or subset of an aircraft system is one for which a Part 145 organisation may provide training and assessment;
- (p) that a specified aircraft type is one for which a Part 145 organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment;
- (q) requalification requirements for an aircraft engineer licence;
- (r) the aircraft systems or subsets of aircraft systems that may be excluded from the scope of:
 - (i) a category A, B1 or B2 licence; or
 - (ii) a rating for a type rated aircraft type;
- (s) the required subject modules and units of competency for each aircraft system or subset of an aircraft system specified for subparagraph (r)(i);
- (t) the required aircraft type training for each aircraft system or subset of an aircraft system specified for subparagraph (r)(ii).

Note 1: For paragraphs (g), (h) and (i), see also section 147.A.200 of the Part 147 Manual of Standards (requirements for the conduct of maintenance training courses).

Note 2: For paragraph (n), see also section 147.A.300 of the Part 147 Manual of Standards (requirements for maintenance training course plans).

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Subpart 66.B—Aircraft engineer licences

66.018 Aircraft engineer licences and kinds of aircraft

An aircraft engineer licence specified in column 1 of an item in the following table may be granted in relation to the kind of aircraft specified in column 2 of the item.

Aircraft engineer licences and kinds of aircraft		
Item	Licence	Kind of aircraft
1	Subcategory A1	Turbine-engined fixed-wing aeroplane
2	Subcategory A2	Piston-engined fixed-wing aeroplane
3	Subcategory A3	Turbine-engined helicopter
4	Subcategory A4	Piston-engined helicopter
5	Subcategory B1.1	Turbine-engined fixed-wing aeroplane
6	Subcategory B1.2	Piston-engined fixed-wing aeroplane
7	Subcategory B1.3	Turbine-engined helicopter
8	Subcategory B1.4	Piston-engined helicopter
9	Category B2	An aircraft mentioned in another item of this table
10	Category C	Large aircraft

66.020 Applications for licences

- (1) A person may apply to CASA for an aircraft engineer licence.
- (2) The application must:
 - (a) be in writing; and
 - (b) specify the aircraft engineer licence being applied for; and
 - (ba) specify whether the application is for a licence that would be subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) if the applicant does not hold an aircraft engineer licence at the time of making the application—be accompanied by evidence of the applicant's identity; and
 - (d) be accompanied by copies of documents evidencing the qualifications and experience relevant to the licence being applied for, including any relevant foreign licence or Defence Force aircraft authorisation that the applicant holds; and
 - (e) if, at the time of making the application, the applicant has a medically significant condition that is safety-relevant:
 - (i) specify the condition; and
 - (ii) be accompanied by a report from a medical practitioner that describes the condition.

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- Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.
- Note 2: Part 11 deals with applications and decision making.

66.025 Grant of licence

- (1) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant if:
 - (a) the applicant is not a licensed aircraft maintenance engineer at the time of making the application; and
 - (b) CASA is satisfied that the applicant meets the requirements mentioned in subregulation (3).
- (2) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant if:
 - (a) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (b) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs (3)(d) and (e).
- (3) The requirements are that:
 - (a) the applicant is at least 18 at the time of making the application; and
 - (b) the applicant can read, write and converse in English to a level that is sufficient to enable the applicant to safely exercise the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (c) the applicant understands the applicant's role, as a licensed aircraft maintenance engineer, in airworthiness management; and
 - (d) if, at the time of making the application, the applicant had a medically significant condition that was safety-relevant—the applicant can safely exercise at least 1 of the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) the applicant:
 - (i) meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for; or
 - (ii) is taken, under regulation 66.030, 66.035, 66.040, 66.045, 66.050, 66.055, 66.065 or 66.070, to meet those requirements.

Note 1: For paragraph (d), CASA may grant a licence in respect of only some of the matters sought in the application—see subregulation 11.055(7).

Note 2: For paragraph (d), CASA may grant a licence subject to any condition that CASA is satisfied is necessary in the interests of the safety of air navigation—see regulation 11.056.

- (4) If:
 - (a) CASA receives a report from a maintenance training organisation under section 147.A.139 of the Part 147 Manual of Standards; and

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- (b) the report includes a statement that the applicant can read, write and converse as required by paragraph (3)(b);

CASA need consider only that report in making its decision about the requirement mentioned in paragraph (3)(b).

(5) If:

- (a) CASA receives a report from a maintenance training organisation under section 147.A.139 of the Part 147 Manual of Standards; and

- (b) the report includes a statement that the applicant has the understanding required by paragraph (3)(c);

CASA need consider only that report in making its decision about the requirement mentioned in paragraph (3)(c).

Note 1: For review of decisions about licences, see section 31 of the Act.

Note 2: For the privileges that a licensed aircraft maintenance engineer may exercise, see the Part 66 Manual of Standards.

66.026 Grant of licence subject to exclusion

Not meeting requirements for excluded system

- (1) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the licence applied for is a category B1 or B2 licence; and
 - (b) either:
 - (i) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs 66.025(3)(a) to (c); or
 - (ii) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
 - (c) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.025(3)(d); and
 - (d) the aircraft system or subset is specified in the Part 66 Manual of Standards as a system or subset that may be excluded from the scope of a category B1 or B2 licence; and
 - (e) the applicant meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for, except the requirements specified in the Part 66 Manual of Standards for the aircraft system or subset.

Partially equivalent foreign licence or Defence Force aircraft authorisation

- (2) Subject to regulation 11.055, CASA must grant an aircraft engineer licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) either:
 - (i) CASA is satisfied that the applicant meets the requirements mentioned in paragraphs 66.025(3)(a) to (c); or

- (ii) the applicant is a licensed aircraft maintenance engineer at the time of making the application; and
- (b) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.025(3)(d); and
- (c) regulation 66.030, 66.035, 66.040, 66.045, 66.050, 66.055, 66.065 or 66.070 applies to the applicant; and
- (d) the applicant is taken, under that regulation, to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for, except the requirements specified in the Part 66 Manual of Standards for the aircraft system or subset.

66.030 Recognition of foreign licences from recognised States held at time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a recognised State; or
 - (ii) a foreign company incorporated or formed in a recognised State; and
 - (b) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (c) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (d) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(c).

66.035 Recognition of foreign licences from recognised States held before time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
 - (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a recognised State; or
 - (ii) a foreign company incorporated or formed in a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
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- (c) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (d) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) CASA is satisfied that the licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(d).

66.040 Recognition of foreign licences not from recognised States held at time of application—assessment by maintenance training organisation

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the foreign licence has been assessed by a maintenance training organisation that is:
 - (i) approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (ii) approved to provide category training for the licence applied for; and
 - (c) the maintenance training organisation has given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (d) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:

- (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.045 Recognition of foreign licences not from recognised States held at time of application—assessment by CASA

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a foreign licence, that is in force, issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) there is no maintenance training organisation that is approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (c) CASA has assessed the foreign licence; and
 - (d) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(e).

66.050 Recognition of foreign licences not from recognised States held before time of application—assessment by maintenance training organisation

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a foreign country that is not a recognised State; or

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- (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) the foreign licence has been assessed by a maintenance training organisation that is:
 - (i) approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (ii) approved to provide category training for the licence applied for; and
 - (d) the maintenance training organisation has given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (e) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (f) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (g) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
 - (h) CASA is satisfied that the foreign licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.055 Recognition of foreign licences not from recognised States held before time of application—assessment by CASA

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) before the time of making the application for the licence, the applicant held a foreign licence issued by:
 - (i) a foreign country that is not a recognised State; or
 - (ii) a foreign company incorporated or formed in a foreign country that is not a recognised State; and
 - (b) the applicant does not hold the foreign licence at the time of making the application; and
 - (c) there is no maintenance training organisation that is approved to assess foreign licences issued by the foreign country or by a foreign company incorporated or formed in the foreign country; and
 - (d) CASA has assessed the foreign licence; and

- (e) the applicant exercised privileges under the foreign licence or under a foreign rating endorsed on the foreign licence; and
 - (f) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (g) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; or
 - (iii) for an applicant for a category C licence who does not hold, and is not applying for, a category B1 or B2 licence—gained experience that CASA determines, in writing, is relevant to the privileges mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (h) CASA is satisfied that the foreign licence that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination under paragraph (1)(f).

66.060 Qualifications from excluded States not recognised

- (1) This regulation applies to an applicant for an aircraft engineer licence if the applicant holds:
- (a) a licence issued by a foreign country that is an excluded State; or
 - (b) an authorisation issued by a foreign company incorporated or formed in a foreign country that is an excluded State.
- (2) The applicant is not, only because of holding the licence or authorisation, or a rating endorsed on the licence or authorisation, taken to meet any of the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the aircraft engineer licence applied for.

Note: In assessing a person, a maintenance training organisation must not give credit to the person for holding a licence (however described) that was issued to the person by an excluded State—see regulation 147.075.

66.065 Recognition of Defence Force aircraft authorisations held at time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) at the time of making the application for the licence, the applicant holds a Defence Force aircraft authorisation that is in force; and
 - (b) the applicant exercised privileges under the authorisation or under a Defence Force aircraft rating endorsed on the authorisation; and
 - (c) a maintenance training organisation that is approved to provide category training for the licence applied for has:
 - (i) assessed the Defence Force aircraft authorisation; and

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- (ii) given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (d) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (e) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience.
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.070 Recognition of Defence Force aircraft authorisations held before time of application

- (1) This regulation applies to an applicant for an aircraft engineer licence if:
- (a) before the time of making the application for the licence, the applicant held a Defence Force aircraft authorisation; and
 - (b) the applicant does not hold the authorisation at the time of making the application; and
 - (c) the applicant exercised privileges under the authorisation or under a Defence Force aircraft rating endorsed on the authorisation; and
 - (d) a maintenance training organisation that is approved to provide category training for the licence applied for has:
 - (i) assessed the Defence Force aircraft authorisation; and
 - (ii) given CASA the outcome of the assessment in a report under section 147.A.139 of the Part 147 Manual of Standards; and
 - (e) CASA determines, in writing, that at least 1 of the privileges exercised was equivalent to a privilege mentioned in the Part 66 Manual of Standards for the licence applied for; and
 - (f) in the 2 years immediately before the time of making the application, the applicant has:
 - (i) exercised the privileges for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
 - (g) CASA is satisfied that the authorisation that the applicant held was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4).
- (2) The applicant is taken to meet the requirements of sections 66.A.25 and 66.A.30 of the Part 66 Manual of Standards for the licence applied for to the extent mentioned in the determination.

66.071 Endorsement on licence of licence exclusion

If CASA grants an aircraft engineer licence that is subject to an exclusion imposed under regulation 66.026, CASA must endorse on the licence that the licence is subject to the exclusion.

66.072 Removal of exclusion from licence

- (1) The holder of an aircraft engineer licence that is subject to the exclusion of an aircraft system or a subset of an aircraft system may apply to CASA for removal of the exclusion.
- (2) Subject to regulation 11.055, CASA must remove the exclusion if CASA is satisfied, on the basis of evidence mentioned in subregulation (3), that the holder has successfully completed the training necessary for the removal of the exclusion.
- (3) For subregulation (2), CASA must receive evidence from a maintenance training organisation that the holder has successfully completed the training and assessment that is required for the aircraft system or subset under section 66.A.25 of the Part 66 Manual of Standards.
- (4) If CASA removes the exclusion from the licence, CASA must:
 - (a) amend the licence document to remove the endorsement that the licence is subject to the exclusion; and
 - (b) for each rating on the licence that is subject to the exclusion of the aircraft system or subset—endorse on the licence that the rating is subject to the exclusion.

Regulation 66.075

Subpart 66.C—Ratings

66.075 Applications for ratings

- (1) A person may apply to CASA for a rating for an aircraft type.
- (2) A person may apply for a rating only if, at the time of making the application, the person is applying for, or holds, the aircraft engineer licence for which the aircraft type is specified in the Part 66 Manual of Standards (the *relevant licence*).
- (3) The application must:
 - (a) be in writing; and
 - (b) specify the rating being applied for; and
 - (ba) for a rating for a type rated aircraft type—specify whether the application is for a rating that is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (bb) specify whether the application is for a rating in relation to a partially equivalent foreign licence or Defence Force aircraft authorisation; and
 - (c) be accompanied by copies of documents evidencing the qualifications and experience relevant to the rating applied for.
- (4) Also, the application must comply with subregulation (5) if, at the time of making the application:
 - (a) the applicant has a medically significant condition that is safety-relevant; and
 - (b) the condition was not specified in the applicant’s application for the relevant licence.
- (5) For subregulation (4), the application must:
 - (a) specify the condition; and
 - (b) be accompanied by a report from a medical practitioner that describes the condition.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

66.080 Grant of rating

- (1) Subject to regulation 11.055, CASA must grant to an applicant a rating on an aircraft engineer licence if CASA is satisfied that:
 - (a) the applicant meets the requirements specified in the Part 66 Manual of Standards for the rating applied for; and

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- (b) if subregulation 66.075(4) applies to the applicant—the applicant can safely exercise at least one of the privileges specified in the Part 66 Manual of Standards for the rating applied for; and
 - (c) if the application is for a rating that requires aircraft type training—the applicant meets the requirements mentioned in subregulation (2), (3) or (4).
- (1A) If the applicant holds a licence that is, or is applying for a licence that will be, subject to the exclusion of an aircraft system or a subset of an aircraft system, CASA must not grant the rating unless it is subject to the exclusion of the aircraft system or subset.

Successful completion of aircraft type training and assessment

- (2) The requirements are that:
- (a) at the time of making the application, the applicant has evidence of the successful completion of the aircraft type training, or an element of the aircraft type training, for the rating; and
 - (b) within the 5 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the theoretical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training; and
 - (c) within the 3 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the practical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training.

Training, assessment and experience provided by Part 145 organisations

- (3) The requirements are that:
- (a) at the time of making the application, the applicant has a notice in relation to the rating, issued under paragraph 145.A.37(d) of the Part 145 Manual of Standards by a Part 145 organisation; and
 - (b) within the 5 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the theoretical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training; and
 - (c) within the 3 years immediately before the time of making the application, the applicant has successfully completed:
 - (i) the practical elements of the aircraft type training for the rating; and
 - (ii) the assessment for the training.

Fully or partially equivalent foreign or Defence Force rating

- (4) The requirements are that, at the time of making the application, the applicant holds, or has held:
- (a) a foreign licence that is endorsed with a foreign rating that CASA determines, under regulation 66.085 or 66.090, is fully or partially equivalent to the rating applied for; or

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- (b) a Defence Force aircraft authorisation that is endorsed with a Defence Force aircraft rating that CASA determines, under regulation 66.085 or 66.090, is fully or partially equivalent to the rating applied for.

Note: For review of decisions about ratings, see section 31 of the Act.

66.085 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held at time of application

If:

- (a) at the time of making an application for a rating for an aircraft type, an applicant holds:
 - (i) a foreign licence that is endorsed with a foreign rating that relates to the aircraft type; or
 - (ii) a Defence Force aircraft authorisation that is endorsed with a Defence Force aircraft rating that relates to the aircraft type; and
- (b) in the 2 years immediately before making the application, the applicant:
 - (i) exercised privileges under the licence or authorisation for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience;

CASA must determine, in writing, whether the rating endorsed on the licence or authorisation is fully or partially equivalent to the rating applied for.

66.090 Determination of equivalence of certain ratings endorsed on certain licences and authorisations held before time of application

If:

- (a) before making an application for a rating for an aircraft type, an applicant held:
 - (i) a foreign licence that was endorsed with a foreign rating that relates to the aircraft type; or
 - (ii) a Defence Force aircraft authorisation that was endorsed with a Defence Force aircraft rating that relates to the aircraft type; and
- (b) the applicant does not hold the licence or authorisation at the time of making the application; and
- (c) in the 2 years immediately before making the application, the applicant:
 - (i) exercised privileges under the licence or authorisation for at least 6 months; or
 - (ii) gained at least 6 months additional practical experience; and
- (d) CASA is satisfied that the licence or authorisation was not cancelled or revoked for a reason involving a matter mentioned in subregulation 11.055(4);

CASA must determine, in writing, whether the rating endorsed on the licence or authorisation is fully or partially equivalent to the rating applied for.

66.095 Grant of rating subject to exclusions

Not meeting requirements for excluded system

- (1) Subject to regulation 11.055, CASA must grant a rating to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the applicant holds, or is an applicant for, a category B1 or B2 licence that is, or will be, subject to the exclusion of the aircraft system or subset; and
 - (b) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.080(1)(a); and
 - (c) CASA is satisfied that the applicant meets the requirements mentioned in subregulation 66.080(2) or (3), except the requirements for the aircraft system or subset.
- (2) Subject to regulation 11.055, CASA must grant a rating to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:
 - (a) the applicant holds, or is an applicant for, a category B1 or B2 licence other than a licence that is, or will be, subject to the exclusion of the aircraft system or subset; and
 - (b) the application specifies that the rating is to be subject to the exclusion; and
 - (c) CASA is satisfied that the applicant meets the requirement mentioned in paragraph 66.080(1)(a); and
 - (d) CASA is satisfied that the applicant meets the requirements mentioned in subregulation 66.080(2) or (3), except the requirements for the aircraft system or subset.

Partially equivalent foreign licence or Defence Force aircraft authorisation

- (3) Subregulation (4) applies if CASA has determined, under regulation 66.085 or 66.090, that:
 - (a) a foreign rating endorsed on a foreign licence that the applicant holds or has held; or
 - (b) a Defence Force aircraft rating endorsed on a Defence Force aircraft authorisation that the applicant holds or has held;is partially equivalent to the rating applied for because the foreign rating or Defence Force aircraft rating does not cover an aircraft system or a subset of an aircraft system.
- (4) Subject to regulation 11.055, CASA must grant the rating subject to the exclusion of the aircraft system or subset.

66.100 Training, assessment and experience for removal of exclusion from rating

If CASA grants a rating subject to an exclusion under regulation 66.095, CASA must decide:

- (a) whether the training and assessment that is necessary for the removal of the exclusion:

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- (i) is of a kind that must be provided by a maintenance training organisation; or
 - (ii) is of a kind that may be provided either by a Part 145 organisation or a maintenance training organisation; and
- (b) whether any practical experience is necessary for the removal of the exclusion.

66.105 Endorsement of rating on licence

If CASA grants a rating, CASA must endorse on the applicant's licence:

- (a) the rating; and
- (b) if the rating is granted subject to an exclusion imposed under regulation 66.095—the exclusion.

66.110 Removal of exclusion from rating

- (1) The holder of a rating that is subject to the exclusion of an aircraft system or a subset of an aircraft system may apply to CASA for removal of the exclusion.
- (2) Subject to regulation 11.055, CASA must remove the exclusion if:
 - (a) CASA is satisfied, on the basis of evidence received from a maintenance training organisation or a Part 145 organisation, that the holder has:
 - (i) successfully completed the aircraft type training for the aircraft type required by the Part 66 Manual of Standards for the aircraft system or subset; and
 - (ii) obtained any practical experience that, under regulation 66.100, is necessary to remove the exclusion; and
 - (b) the holder's licence is not subject to the exclusion of the aircraft system or subset.

Subpart 66.D—Conditions of licences

Note 1: For CASA's power to impose conditions, see regulations 11.056, 11.067 and 11.068.

Note 2: For other conditions that apply to licences, see regulations 11.070 to 11.075.

66.115 Conditions

It is a condition of an aircraft engineer licence that the holder of the licence must not contravene a provision of this Subpart.

66.115A Offence not to comply with licence conditions

- (1) A licensed aircraft maintenance engineer commits an offence of strict liability if he or she contravenes a provision of this Subpart (other than regulation 66.125).

Penalty: 50 penalty units.

- (2) A licensed aircraft maintenance engineer commits an offence if:
- (a) at a particular time, he or she exercises a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence; and
 - (b) at that time:
 - (i) he or she knows that he or she has a medically significant condition; and
 - (ii) the condition is safety-relevant; and
 - (iii) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an aircraft engineer licence or a rating that he or she holds; and
 - (iv) the exercise of the privilege is not permitted by subregulation (3).

Penalty: 50 penalty units.

- (3) The exercise of a privilege is permitted if:
- (a) at least 30 days have elapsed since the day the licensed aircraft maintenance engineer first knew that he or she had the condition; and
 - (b) the licensed aircraft maintenance engineer has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her ability to exercise the privilege is no longer reduced by the condition.

66.120 All licences—general

Compliance with privileges and conditions or limitations

- (1) A licensed aircraft maintenance engineer may perform maintenance certification or issue a certificate of release to service only if he or she does so in accordance with:

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- (a) the privileges mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for any ratings endorsed on the licence; and
- (b) a condition or limitation that applies to the performance of the maintenance certification or the issue of the certificate of release to service under the Part 66 Manual of Standards.

Requirement for recent qualification or experience

- (2) A licensed aircraft maintenance engineer may perform maintenance certification or issue a certificate of release to service at a particular time only if, in the 2 years immediately before that time:
 - (a) he or she was granted his or her aircraft engineer licence; or
 - (b) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for the licence or for a rating endorsed on the licence; or
 - (c) he or she has met a requalification requirement for the licence.
- (3) For subregulation (2), the holder of an aircraft engineer licence *exercises the privileges* of the licence if:
 - (a) for a category A, B1 or B2 licence—the holder performs maintenance certifications or issues certificates of release to service under the licence; and
 - (b) for a category C licence—the holder issues certificates of release to service under the licence.
- (4) For subregulation (2), a licensed aircraft maintenance engineer is taken to have had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for a licence or for a rating endorsed on a licence if:
 - (a) he or she holds another aircraft engineer licence; and
 - (b) that licence is a category A, B1 or B2 licence; and
 - (c) he or she has had at least 6 months experience of exercising the privileges mentioned in the Part 66 Manual of Standards for that licence or a rating endorsed on that licence.

66.125 All licences—medically significant conditions

- (1) This regulation applies to a licensed aircraft maintenance engineer if:
 - (a) the licensed aircraft maintenance engineer knows that he or she has a medically significant condition; and
 - (b) the condition is safety-relevant; and
 - (c) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an aircraft engineer licence or a rating that he or she holds.
- (2) The licensed aircraft maintenance engineer must not exercise a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence unless the licensed aircraft maintenance engineer:

- (a) has had the condition for more than 30 days beginning on the day that he or she first knew that he or she had the condition (the **30 day period**); and
 - (b) has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her ability to exercise the privilege is no longer reduced by the condition.
- (3) If the licensed aircraft maintenance engineer has had the condition for more than the 30 day period and cannot obtain a certificate mentioned in paragraph (2)(b), he or she must give CASA a written notice including the following information:
- (a) that he or she has the condition;
 - (b) when he or she first knew that he or she had the condition;
 - (c) that he or she cannot obtain the certificate.

66.130 Category A licences

- (1) A category A licence holder may perform maintenance certification for maintenance carried out on an aircraft of a particular aircraft type only if:
- (a) the maintenance:
 - (i) is line maintenance; and
 - (ii) is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (b) he or she carried out the maintenance; and
 - (c) he or she:
 - (i) performs the maintenance certification on behalf of a Part 145 organisation; and
 - (ii) has completed training and assessment from the organisation in performing maintenance certification for that line maintenance carried out on aircraft of that aircraft type; and
 - (iii) has a certification authorisation from the organisation to perform maintenance certification for that line maintenance carried out on aircraft of that aircraft type.
- (2) A category A licence holder may issue a certificate of release to service for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:
- (a) the maintenance:
 - (i) is line maintenance; and
 - (ii) is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (b) he or she:
 - (i) issues the certificate on behalf of a Part 145 organisation; and
 - (ii) has completed training and assessment from the organisation in issuing a certificate of release to service for an aircraft of that aircraft type in relation to that line maintenance; and
 - (iii) has a certification authorisation from the organisation to issue a certificate of release to service for an aircraft of that aircraft type in relation to that line maintenance.

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- (3) A reference in subregulation (1) or (2) to maintenance does not include supervision of maintenance.

66.135 Category B1 and B2 licences—maintenance certification on behalf of Part 145 organisation

- (1) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if subregulation (3), (4), (5) or (6) applies.
- (2) However, the holder must not perform maintenance certification on behalf of a Part 145 organisation for maintenance carried out on an aircraft system, or a subset of an aircraft system, that is excluded from the holder's licence under regulation 66.026.
- (2A) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft that is not of a type rated aircraft type only if the holder holds a licence that authorises that kind of maintenance.

Rating not subject to exclusion

- (3) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is not subject to the exclusion of an aircraft system or a subset of an aircraft system.

Rating subject to exclusion that does not apply

- (4) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the rating is subject to the exclusion of an aircraft system or a subset of an aircraft system; and
 - (c) the maintenance is not carried out on an aircraft system or subset that is excluded from the rating under regulation 66.095.

Rating subject to exclusion—certification authorisation

- (5) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is endorsed with a rating for the aircraft type; and
 - (b) the maintenance is carried out on an aircraft system or a subset of an aircraft system that is excluded from the rating under regulation 66.095 (**the *excluded system***); and
 - (c) the holder has a certification authorisation from the organisation in relation to the aircraft type and the excluded system, granted in accordance with paragraph 145.A.37(b) of the Part 145 Manual of Standards.

No rating—certification authorisation

- (6) For subregulation (1), this subregulation applies if:
- (a) the holder's licence is not endorsed with a rating for the aircraft type; and
 - (b) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with paragraph 145.A.37(b) or
 - (c) of the Part 145 Manual of Standards.

66.137 Category B1 and B2 licences—maintenance certification other than on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may perform maintenance certification other than on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if:
- (a) if carrying out of the maintenance requires the holder to hold a particular licence with a particular rating—the holder's licence is endorsed with the rating for the aircraft type; and
 - (b) the maintenance is not carried out on an aircraft system or a subset of an aircraft system that is:
 - (i) excluded from the licence under regulation 66.026; or
 - (ii) excluded from the rating under regulation 66.095.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may perform maintenance certification other than on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft that is not of a type rated aircraft type only if:
- (a) the holder holds a licence for the kind of aircraft on which the maintenance was carried out; and
 - (b) if carrying out the maintenance requires the holder to hold a particular rating—the holder's licence is endorsed with that rating.

66.138 Category B1 and B2 licences—certificate of release to service issued on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Part 145 organisation for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if:
- (a) if carrying out of the maintenance requires the holder to hold a particular rating—either:
 - (i) the holder's licence is endorsed with the rating for the aircraft type; or
 - (ii) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with the Part 145 Manual of Standards; and

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- (b) the holder has a certification authorisation from the organisation to issue a certificate of release to service for an aircraft of that aircraft type, granted under section 145.A.35 of the Part 145 Manual of Standards.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Part 145 organisation for an aircraft that is not of a type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder holds a licence for that kind of aircraft.

66.139A Category B1 and B2 licences—certificate of release to service issued other than on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of a Part 145 organisation, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder's licence is endorsed with the rating for the aircraft type.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of a Part 145 organisation, for an aircraft that is not of a type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder holds a licence for that kind of aircraft.

66.140 Category C licences

- (1) A category C licence holder may issue a certificate of release to service for an aircraft in relation to maintenance carried out on the aircraft only if:
 - (a) he or she issues the certificate on behalf of a Part 145 organisation; and
 - (b) the maintenance is base maintenance.
- (2) A category C licence holder may issue a certificate of release to service for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft type only if:
 - (a) the holder's licence is endorsed with the rating for the aircraft type; and
 - (b) the holder has a certification authorisation, from a Part 145 organisation, that:
 - (i) authorises the holder to issue a certificate of release to service for an aircraft of that aircraft type on behalf of the organisation; and
 - (ii) is granted under section 145.A.35 of the Part 145 Manual of Standards.

Subpart 66.F—Administration

66.175 CASA may ask licensed aircraft maintenance engineers for information

- (1) CASA may ask a licensed aircraft maintenance engineer to give CASA information specified in the request about himself or herself, his or her aircraft engineer licence and any ratings endorsed on the licence.
- (2) A request under subregulation (1) must:
 - (a) be in writing; and
 - (b) specify the date by which the licensed aircraft maintenance engineer must give CASA the information; and
 - (c) include a statement of the effect of regulation 66.180.
- (3) If a licensed aircraft maintenance engineer gives CASA information in accordance with a request under subregulation (1), CASA must, within 28 days after receiving the information, give the licensed aircraft maintenance engineer written notice in accordance with subregulation (4).
- (4) The notice must include a statement to the effect that CASA has confirmed the information or updated its records about the licensed aircraft maintenance engineer, the aircraft engineer licence and any ratings endorsed on the licence.

66.180 Suspension of licence for failure to provide information

If a licensed aircraft maintenance engineer does not comply with a request under subregulation 66.175(1) by the date specified in the request, his or her aircraft engineer licence is suspended on the day after the date specified in the request.

66.185 CASA must revoke suspension of licence if information provided

- (1) This regulation applies if:
 - (a) an aircraft engineer licence is suspended by regulation 66.180; and
 - (b) on or after the day that the licence is suspended, the holder of the licence gives CASA information in accordance with the request under subregulation 66.175(1).
- (2) CASA must, by notice in writing to the holder, revoke the suspension of the licence.
- (3) The notice must include the date on which the revocation takes effect.

Part 67—Medical

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Subpart 67.A—General

67.005 Applicability

This Part:

- (a) provides for the appointment of appropriately qualified persons as DAMEs or DAOs and for the cancellation of such appointments; and
- (b) sets out procedures under which CASA may make declarations that particular persons, or persons who hold or perform the duties of certain positions or offices, are to be taken to be DAMEs or DAOs; and
- (c) sets out the medical standards for the issue of medical certificates; and
- (d) provides for the issue and administrative control of medical certificates; and
- (e) sets out when a person meets the modified Austroads medical standards; and
- (f) provides for offences in relation to holders of:
 - (i) medical certificates; and
 - (ii) recreational aviation medical practitioner's certificates.

67.010 Definitions for this Part

(1) In this Part:

clinical psychologist means a person who:

- (a) is registered or licensed as a clinical psychologist under a law of a State or Territory of Australia; or
- (b) in the case of a psychologist practising as a clinical psychologist in a country other than Australia—has other qualifications in clinical psychology acceptable to CASA.

Designated Aviation Medical Examiner's Handbook means the document called 'Designated Aviation Medical Examiner's Handbook' published by CASA, as in force from time to time.

Note: The Designated Aviation Medical Examiner's Handbook is available from CASA's website at:
<http://www.casa.gov.au/manuals/htm/dame/dame.htm>.

Human Services Department means the Department administered by the Minister administering the *Human Services (Medicare) Act 1973*.

medically significant condition includes:

- (a) any of the following (no matter how minor):
 - (i) any illness or injury;
 - (ii) any bodily infirmity, defect or incapacity;
 - (iii) any mental infirmity, defect or incapacity;

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- (iv) any sequela of an illness, injury, infirmity, defect or incapacity mentioned in subparagraph (i), (ii) or (iii); and
- (b) any abnormal psychological state; and
- (c) drug addiction and drug dependence; and
- (d) for a woman—pregnancy and the physiological and psychological consequences of pregnancy or of termination of pregnancy.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory or under a law of a Contracting State.

medical standard 1 means the standard set out in table 67.150.

medical standard 2 means the standard set out in table 67.155.

medical standard 3 means the standard set out in table 67.160.

relevant examination means an examination or test of, or in relation to, a person for the purpose of finding out whether the person meets the relevant medical standard for the issue to him or her of a medical certificate.

relevant medical standard means:

- (a) for a class 1 medical certificate—medical standard 1; and
- (b) for a class 2 medical certificate—medical standard 2; and
- (c) for a class 3 medical certificate—medical standard 3.

specialist medical practitioner means a medical practitioner who has:

- (a) postgraduate qualifications in a recognised medical specialty entitling him or her to be recognised as a specialist medical practitioner by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
- (b) in the case of a medical practitioner practising in a country other than Australia—other postgraduate qualifications in the specialty acceptable to CASA.

specialist psychiatrist means a medical practitioner who has:

- (a) postgraduate qualifications in psychiatry entitling him or her to be recognised as a specialist psychiatrist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
- (b) in the case of a psychiatrist practising in a country other than Australia—other postgraduate qualifications in psychiatry acceptable to CASA.

- (2) In this Part, a mention of a medically significant condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

67.015 Meaning of *safety-relevant*

For the purposes of this Part, a medically significant condition is **safety-relevant** if it reduces, or is likely to reduce, the ability of someone who has it to exercise a

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privilege conferred or to be conferred, or perform a duty imposed or to be imposed, by a licence that he or she holds or has applied for.

67.020 Extended meaning of *convicted of an offence*

- (1) In this Part, *convicted of an offence* has, in addition to its ordinary meaning, the meaning set out in subregulation (2).
- (2) For this Part, a person is taken to have been *convicted of an offence* if:
 - (a) he or she is found guilty of the offence but is discharged without a conviction being recorded; or
 - (b) with his or her consent, the offence is taken into account in sentencing him or her for another offence.

Subpart 67.B—Designated aviation medical examiners and designated aviation ophthalmologists

67.025 Application for appointment as DAME or DAO

- (1) A medical practitioner may apply to CASA for appointment as a DAME or DAO for the purposes of this Part.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) An application must be in writing and must be accompanied by copies of the following documents:
- (a) the certificate of the applicant's registration as a medical practitioner in the State or Territory of Australia, or the Contracting State, in which he or she proposes to function as a DAME or DAO;
 - (b) if the applicant is applying for appointment as a DAME—either:
 - (i) a certificate as to his or her successful completion of a course in aviation medicine approved by CASA; or
 - (ii) documents that are evidence of his or her demonstrated competence in aviation medicine;
 - (c) if the applicant is applying for appointment as a DAO—documents that are evidence that:
 - (i) he or she is a Fellow of the Royal Australian College of Ophthalmologists or has postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
 - (ii) if the applicant is practising in a country other than Australia—he or she has postgraduate qualifications in ophthalmology that are acceptable to CASA.

Note: The documents 'Conditions of Appointment for DAMEs' and 'Conditions of Appointment for DAOs' (part of the application form for an appointment as a DAME or DAO) are available from CASA's website at:

<http://www.casa.gov.au/manuals/regulate/dame/form755.pdf>.

67.030 More information for application

- (2) If CASA gives a notice under regulation 11.040 to an applicant for appointment as a DAME or DAO, the notice must include a statement to the effect that the application will be taken to be withdrawn if the information or document is not given to CASA within 1 month or any further time allowed by CASA under paragraph (3)(b).

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- (3) The applicant must give to CASA the information or document:
 - (a) within 1 month after the date of the notice; or
 - (b) if the applicant asks CASA for an extension of time before the end of the month and CASA extends the time within which the applicant must give the information or document—before the end of the extended period.
- (4) If the applicant does not comply with subregulation (3), the application is taken to be withdrawn by the applicant.
- (5) If an applicant for appointment as a DAME or DAO is designated in a Contracting State as a medical examiner for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, CASA need not consider the application unless the applicant authorises the authority of the Contracting State that designated the applicant under that subclause to disclose to CASA information and documents about the applicant's performance and competence as a medical examiner.

67.035 Continuation of appointment until application decided

- (1) This regulation applies in relation to an appointment of a DAME or DAO that is granted by CASA for a specified period (the *old appointment*) if:
 - (a) at least 1 month before the time when the old appointment would, but for this regulation cease, its holder applies to CASA under this Subpart for a new appointment that authorises the holder to exercise the same powers or perform the same functions as the old appointment; and
 - (b) at the time when the old appointment would, but for this regulation cease, CASA has not made a decision on the application.
- (2) Despite anything else in these Regulations, but subject to subregulations (3) and (4), the old appointment continues in force until CASA makes a decision on the application.
- (3) If CASA asks for information or a document under regulation 11.040 and the holder does not provide the information or document within the period mentioned in paragraph 67.030(3)(a) or any further period allowed by CASA under paragraph 67.030(3)(b), the old appointment is taken to cease at the end of that period.
- (4) If subregulation 67.030(5) applies to the holder and the holder has not authorised the authority of the Contracting State concerned to disclose to CASA information and documents about the holder's performance and competence as a medical examiner within 1 month after the date of the application, the old appointment is taken to cease at the end of that period.

67.040 When decision must be made

- (1) Subject to this regulation, if CASA does not make a decision about an application for appointment as a DAME or DAO within 3 months after receiving it, CASA is taken to have refused the application.

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- (2) If CASA asks for information or a document under regulation 11.040, the time between when CASA asks for the information or document, and when the applicant gives CASA the information or document, does not count towards the period.
- (3) If subregulation 67.030(5) applies to the applicant, any time between when the applicant submits the application to CASA and when the applicant authorises the authority of the Contracting State concerned to disclose to CASA information and documents about the applicant's performance and competence as a medical examiner, does not count towards the period.

67.045 Appointment of DAMEs

- (1) Subject to regulation 11.055, if a medical practitioner has applied for appointment as a DAME in accordance with this Subpart, CASA must appoint the practitioner as a DAME if:
 - (a) the practitioner is registered in the State or Territory of Australia, or registered or licensed in the Contracting State, in which he or she proposes to function as a DAME; and
 - (b) either he or she:
 - (i) has received training acceptable to CASA in aviation medicine; or
 - (ii) has demonstrated competence in aviation medicine.

Note 1: The courses of training generally acceptable are set out in the *Designated Aviation Medical Examiner's Handbook*, available from CASA's website at <http://www.casa.gov.au>.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to appoint, or cancelling, suspending or varying, the appointment of, a person as a DAME; or
- (b) a decision imposing a condition on an appointment.

67.055 DAMEs—declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAME.
- (2) CASA may also declare, in writing, that a medical practitioner specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAME.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying or performing the duties of an office or position if the person is not a medical practitioner.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or

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- (b) if a period (which must not be less than 4 weeks) is specified in the declaration—until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.

67.060 DAMEs—conditions

- (1) The appointment of a DAME is subject to the following conditions:
 - (a) that he or she complies with any requirement of the Designated Aviation Medical Examiner’s Handbook that is applicable to him or her;
 - (b) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (c) that he or she undertakes continuing training in aviation medicine according to a course or system specified, or referred to, on the CASA website or otherwise approved by CASA;
 - (d) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

- (2) A declaration under subregulation 67.055(1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.
- (3) A declaration under subregulation 67.055(2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

67.065 Appointment of DAOs

- (1) Subject to regulation 11.055, if a medical practitioner has applied for appointment as a DAO in accordance with this Subpart, CASA must appoint the practitioner as a DAO if the practitioner has the qualifications mentioned in subregulation (4).

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to appoint, or cancelling, suspending or varying, the appointment of, a person as a DAO; or
- (b) a decision imposing a condition on an appointment.

- (4) The qualifications are:

- (a) in the case of a practitioner who is an ophthalmologist practising in Australia—being a Fellow of the Royal Australian College of Ophthalmologists or otherwise having postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; and
- (b) in the case of a practitioner who is an ophthalmologist practising in a country other than Australia—having postgraduate qualifications in ophthalmology that are acceptable to CASA.

67.075 DAOs—declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAO.
- (2) CASA may also declare, in writing, that a qualified person specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAO.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying, or performing the duties of, an office or position if:
 - (a) the person is not a Fellow of the Royal Australian College of Ophthalmologists, or does not have postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Human Services Department or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of an ophthalmologist practising in a country other than Australia—the person does not have postgraduate qualifications in ophthalmology that are acceptable to CASA.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration—until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.
- (6) In this regulation:

qualified person means a person who is a medical practitioner having the qualifications referred to in paragraph 67.065(4)(a) or (b).

67.080 DAOs—conditions

- (1) The appointment of a DAO is subject to the following conditions:
 - (a) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;

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- (b) that he or she undertakes continuing training in ophthalmology according to courses or systems acceptable to CASA;
- (c) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

- (2) A DAO who is a Fellow of the Royal Australian College of Ophthalmologists, and undertakes continuing education in ophthalmology according to the requirements of the College, is taken to satisfy the requirement in paragraph (1)(b) as to continuing training in ophthalmology.
- (3) A declaration under subregulation 67.075(1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
 - (a) observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

Note: For the extended meaning of *convicted of an offence*, see regulation 67.020.

- (4) A declaration under subregulation 67.075(2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

67.090 Release of information about performance of DAMEs or DAOs

- (1) CASA may disclose, to an authority referred to in subregulation (3), information about the performance and competence as a medical examiner of a person who:
 - (a) is a DAME or a DAO; or
 - (b) is performing or has performed the duties of a position referred to in a declaration under subregulation 67.055(1) or 67.075(1).
- (2) Despite subregulation (1), CASA may only disclose to the authority the information if CASA has taken all reasonable steps to ensure that that authority has given appropriate undertakings:
 - (a) for protecting the confidentiality of the information; and
 - (b) for ensuring that it is used only for the purpose of assessing the performance and competence of the person as a medical examiner.
- (3) The authority is the authority of a Contracting State that designates medical examiners for that State for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, being an authority:
 - (a) that has designated the person for that subclause; or
 - (b) to which the person has applied to be so designated.

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Note: Medical practitioners who apply to CASA for appointment as DAMEs or DAOs and persons occupying, or performing the duties of, an office or position to which a declaration under subregulation 67.055(1) or 67.075(1) relates are notified by CASA about the effect of regulation 67.090.

67.095 DAMEs and DAOs—cancellation or surrender of appointment

- (1) CASA may cancel a person's appointment as a DAME or DAO if there are reasonable grounds for believing that the person:
 - (a) has contravened a condition to which his or her appointment is subject; or
 - (b) has contravened regulation 67.125 or subregulation 67.170(1); or
 - (c) does not meet, or does not continue to meet, a requirement of, or imposed under, this Subpart for getting or holding the appointment.
- (2) Before cancelling the appointment of a person as a DAME or DAO under subregulation (1), CASA:
 - (a) must give to the person a show cause notice that:
 - (i) sets out the matters that might constitute grounds for cancellation; and
 - (ii) invites the person, within a reasonable time stated in the notice, to make representations explaining why his or her appointment should not be cancelled; and
 - (b) must take into account any written representations that the person makes within the period stated in the notice.
- (3) If CASA cancels the appointment of a person as a DAME or DAO under subregulation (1), CASA must give the person written notice of the cancellation, setting out the grounds for the cancellation.

Note: A decision by CASA to cancel a DAME's or DAO's appointment is reviewable by the Administrative Appeals Tribunal—see regulation 67.141.

67.100 DAMEs and DAOs—automatic suspension and cancellation after criminal conviction

- (1) This regulation applies to a person appointed as a DAME or DAO who is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed).

Note 1: For the extended meaning of *convicted of an offence*, see regulation 67.020.

Note 2: This regulation operates subject to the provisions of Part VIIC of the *Crimes Act 1914*.
- (2) The person's appointment is taken to be suspended at the time of the conviction.
- (3) The person's appointment is taken to be cancelled:
 - (a) if he or she appeals against the conviction and the appeal is dismissed—at the time the appeal is dismissed; or
 - (b) if he or she does not appeal against the conviction—on the last day for lodging such an appeal.

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67.105 DAMEs—automatic cancellation on ceasing to be medical practitioner

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAME who ceases to be a medical practitioner.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia, and registered as a medical practitioner in a State or Territory of Australia, if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled at the time he or she ceases to be registered or licensed as a medical practitioner.

67.110 DAOs—automatic cancellation on ceasing to be medical practitioner or ophthalmologist

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAO who ceases to be a medical practitioner or specialist ophthalmologist.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia and registered as a medical practitioner in a State or Territory of Australia if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled:
 - (a) at the time he or she ceases to be a specialist ophthalmologist; or
 - (b) if he or she ceases to be registered or licensed as a medical practitioner—at the time he or she so ceases.

67.120 Revocation of declarations

- (1) CASA may revoke a declaration made under subregulation 67.055(1) or 67.075(2) in respect of a particular office or position by written notice to the body or organisation of which the office or position forms part if there are reasonable grounds for believing that:
 - (a) a fact or circumstance exists that, had it existed and been known to CASA at the time the declaration was made, is likely to have resulted in the declaration not being made; or
 - (b) continuing the particular office or position to be declared would be likely to have an adverse effect on the safety of air navigation.
- (2) Before revoking a declaration made under subregulation 67.055(1) or 67.075(2) in respect of a particular office or position, CASA must give to the body or organisation of which the office forms part:
 - (a) written notice of the matters that might constitute grounds for the revocation of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be revoked.

- (3) Despite anything else in this Part, CASA must revoke a declaration made under subregulation 67.055(1) or 67.075(1) if the organisation or body of which the office or position specified in it forms part asks CASA in writing to revoke the declaration.

67.125 Obligation to report

If the holder of a medical certificate tells a DAME or DAO about a medical condition that is safety-relevant, the DAME or DAO must inform CASA of the condition within 5 working days.

67.130 Surrender of certificate of appointment

- (1) CASA may require, by written notice, a DAME or DAO to surrender any certificate or replacement certificate issued to the person under regulation 11.060 within a reasonable time specified in the notice.
- (2) The DAME or DAO must comply with the requirement.
Penalty: 5 penalty units.
- (3) A person who fails to comply with subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.
- (4) A person must not destroy, mutilate or deface a certificate that he or she is required to surrender to CASA under subregulation (1) with intent to evade the obligation to comply with the requirement.
Penalty: 10 penalty units.

67.140 Indemnification of medical reporting

- (1) In this regulation:

indemnified act means any of the following acts:

- (a) advising CASA that a person does not meet a relevant medical standard;
- (b) expressing to CASA, whether in writing or otherwise, an opinion that a person whom the practitioner has examined or treated may not be competent or medically fit to undertake a duty or exercise a privilege under a licence that the person holds or has applied for, because of:
 - (i) illness or bodily or mental infirmity, defect or incapacity suffered by the person; or
 - (ii) the effect on the person of treatment for any illness, infirmity, defect or incapacity;
- (c) stating to CASA, whether in writing or otherwise:
 - (i) the nature of a person's illness, infirmity, defect or incapacity; or
 - (ii) the effect on a person of treatment for any illness, infirmity, defect or incapacity.

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- (2) A DAME or DAO is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of carrying out his or her functions under this Part.
- (3) A person to whom, or an organisation to which, subregulation (4) applies is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of answering any question put to the person or organisation by CASA:
 - (a) that concerns a person who has applied for, or holds, a medical certificate; and
 - (b) that is relevant to any action CASA may take under this Part.
- (4) This subregulation applies to:
 - (a) a medical practitioner; and
 - (b) a specialist psychiatrist or clinical psychologist; and
 - (c) a person, organisation, body or authority referred to in paragraph 67.180(6)(b), (c), (d) or (e) or 67.225(6)(b), (c), (d) or (e); and
 - (d) a person, organisation, body or authority acting on behalf of a person, organisation, body or authority referred to in paragraph (c).

Subpart 67.C—Medical certificates

67.145 Kinds of medical certificate

There are 3 classes of medical certificate, as follows:

- (a) class 1 medical certificate;
- (b) class 2 medical certificate;
- (c) class 3 medical certificate.

67.150 Who meets medical standard 1

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.150 meets medical standard 1.
- (2) A person may use contact lenses to meet the criterion in item 1.35 of table 67.150 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 1.35 of table 67.150 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 1.35 and 1.36 of table 67.150 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 1.39 of table 67.150 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.150, a person who held a class 1 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.150

Table 67.150 Criteria for medical standard 1

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
1.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
1.2	Has no physical conditions or limitations that are safety-relevant
1.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
1.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
1.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
1.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Regulation 67.150

Item	Criterion
<i>Nervous system</i>	
1.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
1.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
1.9	Has no safety-relevant heart abnormality
1.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
1.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
1.12	Is not suffering from a safety-relevant condition of the respiratory system
1.13	Has full and free respiratory function without the use of drugs (other than drugs approved by CASA for this item) that act on the respiratory organs
<i>Alimentary system and metabolic disorders</i>	
1.14	Is not suffering from any safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
1.15	Is not suffering from any safety-relevant metabolic, nutritional or endocrine disorders
1.16	If suffering from diabetes mellitus—the diabetes is satisfactorily controlled without the use of any anti-diabetic drug
<i>Reticulo-endothelial system</i>	
1.17	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
1.18	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
1.19	Is not suffering from any safety-relevant disease of the genito-urinary system
1.20	Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract
1.21	Kidneys and urinary tract are free of significant obstructions
1.22	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection
<i>Gynaecological and obstetrical</i>	
1.23	Does not suffer from safety-relevant menstrual disturbances

Regulation 67.150

Item	Criterion
1.24	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
1.25	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
1.26	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
1.27	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
1.28	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing requirements</i>	
1.29	Is not suffering from any safety-relevant hearing defect
1.30	If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or (b) 50 dB at 3 000 Hz— passes a speech discrimination test, or an operational check, carried out by an approved person in an aircraft of similar ambient noise level to that in which the person being tested is or will be operationally involved
<i>Visual requirements</i>	
1.31	Eyes and their adnexae function normally
1.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
1.33	Has normal fields of vision
1.34	Has normal binocular vision
1.35	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
1.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
1.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)

Regulation 67.155

Item	Criterion
1.38	If using contact lenses to meet the visual standards set out in items 1.31 to 1.37: (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
<i>Colour perception</i>	
1.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence Note: For how to demonstrate this, see subregulation 67.150(6).

67.155 Who meets medical standard 2

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.155 meets medical standard 2.
- (2) A person may use contact lenses to meet the criterion in item 2.35 of table 67.155 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 2.35 of table 67.155 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 2.35 and 2.36 of table 67.155 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 2.39 of table 67.155 by:
 - (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.155, a person who held a class 2 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.155

Table 67.155 Criteria for medical standard 2

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
2.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
2.2	Has no physical conditions or limitations that are safety-relevant
2.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
2.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
2.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
2.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Regulation 67.155

Item	Criterion
<i>Nervous system</i>	
2.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
2.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
2.9	Has no safety-relevant heart abnormality
2.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
2.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
2.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
2.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
2.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
2.15	If suffering from diabetes mellitus: (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
2.16	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
2.17	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
2.18	Is not suffering from any safety relevant disease of the genitor-urinary system
2.19	Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract
2.20	Kidneys and urinary tract are free of significant obstructions
2.21	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection

Regulation 67.155

Item	Criterion
<i>Gynaecological and obstetrical</i>	
2.22	Does not suffer from safety-relevant menstrual disturbances
2.23	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
2.24	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
2.25	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
2.26	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
2.27	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing</i>	
2.28	Is not suffering from any safety-relevant hearing defect
2.29	With or without a hearing aid, is able to hear with both ears an average conversational voice in a quiet room while at a distance of 2 metres from the examiner, and looking away from the examiner
2.30	For somebody who fails to meet the standard in item 2.29, passes an operational check by an approved person in an aircraft having a similar ambient noise level to that in which the person is or will be operationally involved
<i>Visual requirements</i>	
2.31	Eyes and their adnexae function normally
2.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
2.33	Has normal fields of vision
2.34	Has normal binocular vision
2.35	Has a distant visual acuity of 6/12 or better in each eye separately and 6/9 or better binocular (with or without correcting lenses)
2.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
2.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)

Regulation 67.160

Item	Criterion
2.38	If using contact lenses to meet the visual standards set out in items 2.31 to 2.37: (a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
<i>Colour perception</i>	
2.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence Note: For how to demonstrate this, see subregulation 67.155(6).

67.160 Who meets medical standard 3

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.160 meets medical standard 3.
- (2) A person may use contact lenses to meet the criterion in item 3.33 of table 67.160 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 3.33 of table 67.160 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 3.33 and 3.34 of table 67.160 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) If a person applies for a class 3 medical certificate, the person must demonstrate that he or she meets the criterion in item 3.37 of table 67.160 by, in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors.
- (7) If a change is made to a criterion in an item of table 67.160, a person who held a class 3 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Regulation 67.160

Table 67.160 Criteria for medical standard 3

Item	Criterion
<i>Abnormalities, disabilities and functional capacity</i>	
3.1	Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity, or risk of incapacitation: (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation
3.2	Has no physical conditions or limitations that are safety-relevant
3.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
3.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
3.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
3.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy
Note:	In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' 'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'

Regulation 67.160

Item	Criterion
<i>Nervous system</i>	
3.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
3.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
3.9	Has no safety-relevant heart abnormality
3.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
3.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
3.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
3.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
3.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
3.15	If suffering from diabetes mellitus: (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
3.16	Is not suffering from a safety-relevant condition of any of the following kinds: (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
3.17	Is not suffering from any safety relevant disease of the genito-urinary system
3.18	Has no sequelae of disease or surgical procedures on the kidneys or urinary tract
3.19	Kidneys and urinary tract are free of significant obstructions
3.20	If there is any personal history of syphilis—provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection
<i>Gynaecological and obstetrical</i>	
3.21	Does not suffer from safety-relevant menstrual disturbances

Regulation 67.160

Item	Criterion
3.22	If pregnant—the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for Note: See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
3.23	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
3.24	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
3.25	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent disturbances of the vestibular apparatus
3.26	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing requirements</i>	
3.27	Is not suffering from any safety-relevant hearing defect
3.28	If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or (b) 50 dB at 3 000 Hz— passes a speech discrimination test, or an operational check, carried out by an approved person
<i>Visual requirements</i>	
3.29	Eyes and their adnexae function normally
3.30	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
3.31	Has normal binocular vision
3.32	Has normal fields of vision
3.33	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
3.34	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre Note: A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence—see regulation 67.200.
3.35	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
3.36	If using contact lenses to meet the visual standards set out in items 3.29 to 3.35: (a) is able to wear those lenses for twice the projected length of duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly

Regulation 67.165

Item	Criterion
<i>Colour perception</i>	
3.37	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence
Note: For how to demonstrate this, see subregulation 67.160(6).	

67.165 Directions about examinations for issue of medical certificates

- (1) If CASA has reason to believe that an applicant for the issue of a medical certificate has a condition (including a condition other than a medical condition) that may, if he or she is issued the medical certificate, endanger the safety of air navigation, CASA may direct the applicant to do either or both of the following:
 - (a) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (b) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought.
- (2) For paragraph (1)(a), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
- (3) For paragraph (1)(b), CASA may nominate a particular person who is expert in the safe performance of the activity concerned to carry out the examination.

67.170 Evidence of identity

- (1) If a person submits to a relevant examination by a DAME or DAO, the DAME or DAO must ask the person to produce evidence of his or her identity before finishing the examination.
- (2) The evidence must include a photograph of the person.

Example: The identification might take the form of a passport or any of the following that includes a photograph: a driver's licence, a workplace identification document, a student's identity card.
- (3) However, subregulation (1) does not require the DAME or DAO to ask the person to produce the evidence if the DAME or DAO knows or reasonably believes the person is who the person claims to be.
- (4) If the DAME or DAO has asked the person to produce evidence of his or her identity under subregulation (1), the DAME or DAO may refuse to carry out, or finish, the examination until the person produces the evidence.

67.175 Medical certificates—application

A person may apply to CASA for the issue of a medical certificate.

Regulation 67.180

- Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.
- Note 2: Part 11 deals with applications and decision making.

67.180 Medical certificates—issue and refusal

- (1) Subject to subregulation (7) and regulation 11.055, on receiving an application under regulation 67.175, CASA must issue a medical certificate to the applicant if the applicant meets the requirements of subregulation (2).
- (2) For subregulation (1), the requirements are:
 - (a) the applicant has undergone any relevant examinations that, in the opinion of CASA, are necessary in the particular case; and
 - (b) each relevant examination has been carried out by an examiner to whom subregulation (4) applies; and
 - (c) for each relevant examination, the applicant answers every question asked by the examiner that the examiner considers necessary to help CASA to decide whether the applicant meets the relevant medical standard; and
 - (d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information or documents about the applicant:
 - (i) that are held by a person, organisation, body or authority mentioned in subregulation (6); and
 - (ii) that may help CASA to decide whether the applicant meets the relevant medical standard; and
 - (e) either:
 - (i) the applicant meets the relevant medical standard; or
 - (ii) if the applicant does not meet that medical standard—the extent to which he or she does not meet the standard is not likely to endanger the safety of air navigation; and
 - (f) if, in addition to any relevant examinations that the applicant has undergone under paragraph (a), CASA has directed the applicant to undergo an examination under subregulation 67.165(1):
 - (i) the applicant has undergone that examination; and
 - (ii) having taken into account the result of the examination, CASA is satisfied that issuing a medical certificate to the applicant would not endanger the safety of air navigation.

Note 1: The routine examinations that an applicant for the issue of a medical certificate must undergo to establish whether he or she meets the relevant medical standard for the certificate are those set out in the Designated Aviation Medical Examiner's Handbook.

Note 2: Part VIIC of the *Crimes Act 1914* operates to prevent any requirement to disclose a spent conviction. For details, see that Part.

Note 3: A false statement in relation to the issue of a certificate is an offence punishable by imprisonment for 12 months—see the *Criminal Code*, section 137.1.

Regulation 67.180

Note 4: A person may not meet any of the medical standards if the person has a history of 'problematic use of substances'—see items 1.5 and 1.6 of table 67.150, items 2.5 and 2.6 of table 67.155 and items 3.5 and 3.6 of table 67.160.

Note 5: For the period for which a medical certificate remains in force, see regulation 67.205.

(3) This subregulation applies to an applicant:

- (a) whose medical certificate (the *old certificate*) has expired; and
- (b) who:
 - (i) applies to CASA for the issue of a new medical certificate within 3 months after the old certificate expired; and
 - (ii) in the opinion of CASA, is not required to undergo any relevant examinations for the issue of the new certificate.

Note: If a medical certificate is issued to an applicant referred to in subregulation (3), the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate—see subregulation 67.205(4).

(4) This subregulation applies to the following persons:

- (a) a DAME;
- (b) a DAO;
- (c) a specialist medical practitioner, or any other medical practitioner, who CASA has directed may carry out medical examinations for the purposes of subregulation (2);
- (d) if CASA has directed that the applicant be assessed by a specialist psychiatrist or clinical psychologist—the psychiatrist or psychologist who carried out the assessment;
- (e) if CASA has directed that the applicant be assessed by an audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist, or similar practitioner—the practitioner who carried out the assessment;
- (f) if CASA has directed that the applicant be assessed by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought—the person who carried out the assessment.

(5) An authorisation under paragraph (2)(d) does not require a person, organisation, body or authority to disclose:

- (a) information or a document that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
- (b) information or a document that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note: Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

(6) For paragraph (2)(d), the persons, organisations, bodies or authorities are as follows:

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- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information or a document of the kind referred to in paragraph (2)(d).
- (7) CASA must not issue a medical certificate to an applicant if it is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170(1).
- (8) A medical certificate issued to an applicant who does not meet the relevant medical standard for the issue of the certificate, or to whom subparagraph (2)(f)(ii) applies, must bear a note of that fact.
- (9) The fact that an applicant who does not meet the relevant medical standard in all respects has previously been issued with a medical certificate under subparagraph (2)(e)(ii) or (f)(ii) does not automatically entitle him or her to the issue of a further such medical certificate.

67.185 Notice of decision to refuse medical certificate

- (1) If:
- (a) CASA refuses to issue a medical certificate to a person; and
 - (b) the reasons for the refusal included that the person failed to meet the relevant medical standard;
- the notice given to the person under regulation 11.060 must state the respects in which the person did not meet the standard.
- (2) Failure to comply with subregulation (1) in relation to a decision does not affect the validity of the decision.

67.190 Reconsideration of decision to refuse medical certificate

- (1) A person to whom CASA has refused to issue a medical certificate, or to whom CASA has issued a medical certificate subject to a condition not sought by the person, may apply to CASA in writing for reconsideration of the decision.
- (2) The application must be made within 21 days after the day when the person is told by CASA, in writing, that it:
- (a) has refused to issue a medical certificate to the person; or

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- (b) has issued a medical certificate subject to a condition not sought by the person.
- (3) The reconsideration of an application submitted to CASA must not be carried out solely by the CASA officer who made the decision being reconsidered.

Note: A refusal to issue a medical certificate is reviewable by the Administrative Appeals Tribunal—see the Act, section 31 and regulation 201.004.

67.195 Medical certificate—conditions

- (2) Without limiting regulations 11.056 and 11.067, CASA may issue a medical certificate subject to a condition that the period during which the certificate remains in force may be extended only by CASA.

67.200 Conditions applicable to certain medical certificates—correcting lenses

- (1) In addition to any other condition imposed by or under this Part or Part 11, a medical certificate issued to a person who needs correcting lenses to satisfy the requirements of item 1.36 of table 67.150, item 2.36 of table 67.155 or item 3.34 of table 67.160 is subject to the conditions set out in subregulations (2) and (4).
- (2) The person must have those correcting lenses available for use while exercising the privileges of a licence for which the certificate is required.
- (3) If the person is the holder of, or an applicant for, a licence for which he or she is required to meet medical standard 1 or 2, the correcting lenses may be a pair of spectacles or a combination of contact lenses and a pair of spectacles.
- (4) A person to whom subregulation (3) applies must have within reach, while he or she is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that he or she requires to meet the relevant medical standard.
- (5) The holder of a medical certificate that is subject to a condition set out in subregulation (2) or (4) must not contravene the condition.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

67.205 Medical certificates—period in force

- (1) In this regulation:

appropriate day means:

- (a) for a medical certificate issued to a person who:

- (i) has never held a medical certificate, or a person who has previously held a medical certificate that has expired; and
- (ii) has undergone any relevant examinations required for the purpose of the issue of the certificate;

the day when the last relevant examination is completed; and

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- (b) for a new medical certificate issued to a person:
- (i) who holds a medical certificate that is in force (the *current certificate*); and
 - (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
 - (iii) whose last relevant examination is completed more than 28 days before his or her current certificate is due to expire;
- the day when the examination is completed; and

- (c) for a new medical certificate issued to a person:
- (i) who holds a medical certificate that is in force (the *current certificate*); and
 - (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
 - (iii) whose last relevant examination is completed 28 or fewer days before his or her current certificate is due to expire;
- the day when the current certificate is due to expire.

Example 1: A person who has never held a medical certificate has an examination for the issue of a medical certificate on 1 January 2003. The appropriate day for the certificate is 1 January 2003.

Example 2: A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 1 November 2003. The appropriate day for the new certificate is 1 November 2003.

Example 3: A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 20 December 2003. The appropriate day for the new certificate is 1 January 2004.

Example 4: A person who held a medical certificate that expired on 1 January 2003 has an examination for a new certificate on 1 March 2003. The appropriate day for the new certificate is 1 March 2003.

- (2) A medical certificate comes into force:
- (a) if the holder has undergone any relevant examinations required for the purpose of the issue of the certificate and complies with the relevant medical standard in all respects—on the certificate's appropriate day; or
 - (b) in any other case—on the day when the certificate is issued.
- (3) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has undergone any relevant examinations required for the purpose of the issue of the certificate remains in force for the period set out in the certificate, being a period of not more than:
- (a) in the case of a class 1 medical certificate—1 year after the day when the certificate comes into force; and
 - (b) in the case of a class 2 medical certificate:
 - (i) if the person is less than 40 years old when the certificate is issued to him or her—4 years after the day when the certificate comes into force; or

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- (ii) if the person is 40 years old or older when the certificate is issued to him or her—2 years after the day when the certificate comes into force; and
 - (c) in the case of a class 3 medical certificate—2 years after the day when the certificate comes into force.
- (4) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has not been required to undergo any relevant examinations for the purpose of the issue of the certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (5) Subject to subregulation (6), a medical certificate issued by a DAME remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (6) If a new medical certificate is issued to a person who holds a current medical certificate, and the new certificate comes into force before the current certificate is due to expire, the current certificate ceases to be in force at the last moment of the day before the day when the new certificate comes into force.

67.210 Medical certificates—application for extension of period in force

- (1) The holder of a current medical certificate issued by CASA may apply for an extension of the period during which the medical certificate remains in force.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) if the certificate is not subject to a condition to the effect that the period during which the certificate remains in force may be extended only by CASA—a DAME.

67.215 Medical certificates—extension of period in force by CASA

- (1) If, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force, CASA is satisfied that extending the period will not adversely affect the safety of air navigation, CASA may extend the period by:
 - (a) entering the period of the extension on the certificate; or
 - (b) giving to the holder of the certificate a written notice setting out the period of the extension.
- (2) An extension by CASA of the period during which the certificate remains in force must not be for longer than 1 year after the day when the certificate would expire if the period had not been extended.

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67.220 Medical certificates—extension of period in force by DAMEs

- (1) A DAME must, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force:
 - (a) deal with the application in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) extend the period only if the DAME is satisfied that this will not adversely affect the safety of air navigation.
- (2) If the DAME extends the period during which a medical certificate remains in force, the DAME must:
 - (a) enter the period of the extension on the certificate; or
 - (b) give to the holder of the certificate a written notice setting out the period of the extension.
- (3) A medical certificate may be extended by a DAME only once.
- (4) An extension by a DAME of the period during which the certificate remains in force must not be for longer than 2 months after the day when the certificate would expire if the period had not been extended.

67.225 Medical certificates—new medical certificates issued by DAMEs

- (1) A person whose medical certificate has expired may apply to a DAME for the issue of a medical certificate under this regulation if the medical certificate:
 - (a) was issued by CASA; and
 - (b) was not subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
- (2) An application must be made within 3 months after the medical certificate has expired.
- (3) On receiving an application under subregulation (1), a DAME must:
 - (a) deal with it in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) subject to this regulation, issue a new medical certificate to the applicant only if satisfied that:
 - (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information and documents to the DAME, being information and documents held by any of the persons, organisations, bodies or authorities mentioned in subregulation (6); and
 - (ii) issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

Note: If a medical certificate is issued to a person by a DAME, the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate—see subregulation 67.205(5).

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- (4) The DAME must not issue a medical certificate to the applicant if the DAME is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170(1).
- (5) An authorisation under subparagraph (3)(b)(i) does not require a person, organisation, body or authority to disclose:
- (a) information or a document that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information or a document that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.
- Note: Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.
- (6) For subparagraph (3)(b)(i), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information or a document of the kind referred to in subparagraph (3)(b)(i).

67.230 CASA may require medical examination of certificate holders

- (1) If it is necessary, in the interests of the safety of air navigation, for the holder of a medical certificate to demonstrate:
- (a) that he or she continues to meet the relevant medical standard; or
 - (b) that holding the certificate does not adversely affect the safety of air navigation;

CASA may direct the holder to do any 1 or more of the following:

- (c) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;

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- (d) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity to which the medical certificate relates;
 - (e) authorise the disclosure to CASA of any information or document about the holder, held by a person, organisation, body or authority referred to in subregulation (4), that may help CASA to decide whether:
 - (i) the holder continues to meet that medical standard; or
 - (ii) the holder's holding the certificate may adversely affect the safety of air navigation.
- (2) For paragraph (1)(c), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
- (3) For paragraph (1)(d), CASA may nominate a particular person who is expert in the performance of the activity concerned to carry out the examination.
- (4) For paragraph (1)(e), the persons, organisations, bodies and authorities are as follows:
- (a) a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or similar practitioner who has examined or treated the holder;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the holder;
 - (c) any other person or organisation (including a hospital) that has treated the holder for a medically significant condition;
 - (d) an employer (including a former employer) of the holder;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information or a document relevant to deciding whether the person's holding the certificate may adversely affect the safety of air navigation.

67.235 Suspension of medical certificates—pregnancy

- (1) A medical certificate held by a pregnant woman who holds, or is an applicant for, a licence is taken to be suspended:
- (a) during the period beginning immediately after the end of the 30th week of gestation and ending when a DAME certifies that she is fully recovered following delivery or the termination of the pregnancy; or
 - (b) if in a particular case CASA directs in writing that a different period should apply—during the period so directed by CASA; or
 - (c) if, before the start of the period mentioned in paragraph (a), the pregnancy ends in miscarriage or premature labour, or is terminated by medical intervention—from the time of the miscarriage, premature labour or intervention until a DAME certifies that the woman is fully recovered.

Note: This regulation does not preclude a pilot who is pregnant from undertaking or receiving instruction in a flight simulator at any stage of the pilot's pregnancy.

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- (2) Despite subregulation (1), a pregnant woman who holds an ATC licence may continue to exercise the privileges of the licence until the end of the 38th week of gestation if:
- (a) the medical practitioner who is attending the woman certifies her continued medical fitness to do so each week beginning at the 31st week of gestation; and
 - (b) a DAME certifies the woman's continuing fitness to do so each week beginning at the 31st week of gestation; and
 - (c) another person who holds an ATC licence, and is medically fit and able to take over responsibility for the function, is on duty and available at the times when she does so.

67.240 Medical certificates—suspension pending examination

- (1) If CASA directs the holder of a medical certificate to submit to an examination under regulation 67.230, or to authorise the disclosure of information to CASA under that regulation, CASA may, in writing, suspend the medical certificate.
- (2) If CASA suspends a medical certificate, CASA must give the holder of the certificate written notice of the suspension and of the reasons for the suspension.
- (3) A suspension of a medical certificate takes effect when the holder of the certificate is told of the suspension, either orally or in writing.
- (4) If:
- (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows that:
 - (i) the holder meets the relevant medical standard; and
 - (ii) the continued holding of the certificate by the holder will not adversely affect the safety of air navigation;

CASA must:

- (d) end the suspension; and
 - (e) tell the holder in writing that the suspension has ended.
- (5) If:
- (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows either or both of the following:
 - (i) the holder fails to meet the relevant medical standard;
 - (ii) the continued holding of the certificate by the holder will adversely affect the safety of air navigation;

CASA must tell the holder in writing the respect in which the holder does not meet the medical standard.

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67.245 Suspension of medical certificates—special arrangements for service in urgent cases

- (1) If there is reason to believe in a particular case that:
 - (a) the holding of a medical certificate by a person may seriously and adversely affect the safety of air navigation; and
 - (b) it is necessary, in the interests of the safety of air navigation, to suspend the certificate immediately; and
 - (c) the person is likely to attempt to evade service on him or her of the notice of suspension;CASA may give the notice to the person in any way by which it is likely to be quickly brought to the person's attention.
- (2) In particular, if no other method of giving the notice is practicable in the circumstances, the notice may be given by fixing it in a prominent position to an aircraft that the person is likely to fly.
- (3) A notice that is fixed to an aircraft is taken to have been given to the person at the time it is fixed to the aircraft.

67.250 Medical certificates—effect of suspension

If CASA suspends a medical certificate, its holder is taken not to be the holder of a medical certificate during the period of the suspension.

67.255 Medical certificates—cancellation if medical standard not met

- (1) If, after undergoing an examination for the purposes of regulation 67.180 or under regulation 67.230, the holder of a medical certificate fails to meet the relevant medical standard for the certificate (or, in the case of a person who did not, at the time the certificate was issued, meet the standard in all respects, fails to meet the standard in an additional respect), CASA must:
 - (a) by written notice given to the holder, cancel the certificate; and
 - (b) if CASA is satisfied that the holding of a medical certificate by the holder will not adversely affect the safety of air navigation—issue to the holder a medical certificate that is subject to any conditions that are necessary in the interests of the safety of air navigation.
- (2) CASA must include in the notice the reasons for the holder's failure to meet the relevant medical standard.

67.260 Medical certificates—cancellation and suspension in other cases

- (1) CASA may, by written notice given to the holder of a medical certificate, cancel the certificate, or suspend it for a specified period, if there are reasonable grounds for believing that the holder:
 - (a) has contravened a condition to which the certificate is subject; or
 - (b) has contravened subregulation 67.265(3) or (4); or
 - (c) has failed to comply with a direction under regulation 67.230.

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- (2) A notice must set out the grounds for the cancellation or suspension.
- (3) Before cancelling or suspending a medical certificate, CASA must:
 - (a) give a show cause notice to the holder of the certificate of the facts and circumstances that, in the opinion of CASA, justify consideration being given to the cancellation or suspension of the certificate; and
 - (b) allow the holder to show cause (within the time CASA sets out in that notice, being a period of not less than 14 days after the notice was given), why the certificate should not be cancelled or suspended.

Subpart 67.D—Modified Austroads medical standards

67.262 Definition of *meets the modified Austroads medical standards*

Unconditional licence under the private vehicle driver standards

- (1) A person ***meets the modified Austroads medical standards*** if the person is fit to hold an unconditional licence under the modified Austroads medical standards.

Conditional licence under the private vehicle driver standards

- (2) Also, a person ***meets the modified Austroads medical standards*** if all of the following apply to the person:
 - (a) the person is fit to hold a conditional licence under the modified Austroads medical standards;
 - (b) under the standards, the only reason that the person is not fit to hold an unconditional licence is because the person's uncorrected visual acuity does not meet the standard for the issue of an unconditional licence;
 - (c) the person's visual acuity is corrected by lenses to at least 6/12 in one eye and at least 6/18 in the other eye.

67.263 Definition of *modified Austroads medical standards* for Subpart 67.D

- (1) In this Subpart:

modified Austroads medical standards means the private vehicle driver standards in the Austroads medical standards modified to provide that a person with a medical history or condition mentioned in subregulation (2) does not meet the standards.

- (2) For subregulation (1), the medical histories and conditions are the following:
 - (a) subject to subregulation (3)—a history of cancer within the 5-year period before the day the privileges of the licence are exercised;
 - (b) a history of ECG changes, with or without symptoms;
 - (c) subject to subregulation (4)—a history of heart failure;
 - (d) inability to hear a conversational speaking voice at a distance of 2 metres, whether unaided or with the assistance of a medically prescribed hearing aid;
 - (e) any musculoskeletal disability, disorder or disease of the bones, joints, muscles or tendons that would limit or restrict the normal manipulation of aircraft controls, or would require physical modifications to the aircraft to enable appropriate manipulation of the controls;
 - (f) a history of transient ischaemic attack or stroke;
 - (g) a history of multiple sclerosis, cerebral palsy or Parkinson's disease;
 - (h) a history of one or more of the following in relation to a head injury:
 - (i) loss of consciousness;

- (ii) post-traumatic amnesia;
 - (iii) abnormal findings on head CT or MRI investigation;
 - (iv) a history of renal colic or calculi;
 - (v) active vertigo or a history of benign paroxysmal positional vertigo.
- (3) For paragraph (2)(a), a history of cancer for a person does not include a history of basal cell skin cancers if:
- (a) each basal cell skin cancer has been treated by excision with no metastasised sequelae; and
 - (b) since at least the last occurrence of a basal cell skin cancer, the person has been under active and continuous case management by a medical practitioner who is a specialist oncology physician or surgeon (the ***treating practitioner***); and
 - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's basal cell skin cancer history.
- (4) For paragraph (2)(c), a history of heart failure for a person does not include a history in which the person meets all of the following requirements:
- (a) the person has not had an episode of heart failure for at least the previous 3 years;
 - (b) since at least the last episode of heart failure, the person has been under active and continuous case management by a medical practitioner who is a specialist cardiovascular physician or surgeon (the ***treating practitioner***);
 - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's history of heart failure.
- (5) In this regulation:

Austroads medical standards means the medical standards set out in the publication *Assessing fitness to drive for commercial and private vehicle drivers*, published by Austroads in March 2012, or any later version, as in force from time to time.

Note: The text of the standards could in 2013 be viewed on Austroads' website (www.austroads.com.au/assessing-fitness-to-drive/).

Subpart 67.E—Responsibilities of holders of medical certificates and recreational aviation medical practitioner's certificates

67.265 Obligation to tell CASA of changes in medical condition—medical certificate holders

- (1) This regulation applies in relation to the following licences:
 - (a) a flight crew licence;
 - (b) a balloon flight crew licence within the meaning of subregulation 5.01(1) of CAR;
 - (c) an ATC licence.
- (2) In this regulation, a reference to a **DAME** includes, in relation to a medically significant condition that affects a person's vision, a DAO.
- (3) If:
 - (a) the holder of a class 1 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA; and
 - (b) the condition continues for longer than 7 days; and
 - (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 7 days.

Penalty: 50 penalty units.
- (4) If:
 - (a) the holder of a class 2 or class 3 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA; and
 - (b) the condition continues for longer than 30 days; and
 - (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 30 days.

Penalty: 50 penalty units.
- (5) If the holder of a medical certificate and a licence:
 - (a) knows that he or she has a medically significant condition; and
 - (b) is reckless as to whether the condition has been disclosed to CASA; and

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- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must not do the act until a DAME certifies that the holder can safely do such acts.

Penalty: 50 penalty units.

Note: If the holder of a medical certificate tells a DAME about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days—see regulation 67.125.

- (6) It is a defence to a prosecution under subregulation (5) that, in the circumstances, the relevant act was a reasonable measure to save life (including the holder's own life) or avoid damage to property.

67.270 Offence—doing act while efficiency impaired—licence holders

- (1) This regulation applies in relation to the following licences:
- (a) a flight crew licence;
 - (b) a balloon flight crew licence within the meaning of subregulation 5.01(1) of CAR;
 - (c) an ATC licence.
- (2) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) at the time of doing the act:
 - (i) the holder knows that he or she has a medically significant condition; and
 - (ii) the condition has the result that the holder's ability to do the act is impaired.

Penalty: 50 penalty units.

Class 1 medical certificates

- (3) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
 - (c) the holder's normal ability to do the act is not fully restored within 7 days after the holder first becomes aware that he or she had the condition; and
 - (d) the holder is authorised to do the act only if the holder also holds a class 1 medical certificate; and
 - (e) the holder has not been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired.

Penalty: 50 penalty units.

Part 67 Medical

Subpart 67.E Responsibilities of holders of medical certificates and recreational aviation medical practitioner's certificates

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Class 2 and 3 medical certificates

- (4) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
 - (c) the holder's normal ability to do the act is not fully restored within 30 days after the holder first becomes aware that he or she had the condition; and
 - (d) the holder is authorised to do the act only if the holder also holds a class 1, 2 or 3 medical certificate; and
 - (e) the holder has not been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired.

Penalty: 50 penalty units.

Recreational aviation medical practitioner's certificates

- (5) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
 - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
 - (c) the holder's normal ability to do the act is not fully restored within 30 days after the holder first becomes aware that he or she had the condition; and
 - (d) the holder is authorised to do the act only if the holder also holds a class 1, 2 or 3 medical certificate or a recreational aviation medical practitioner's certificate; and
 - (e) the holder does not meet the requirement in subregulation (6).

Penalty: 50 penalty units.

- (6) For paragraph (5)(e), the requirement is that:
- (a) the holder has been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired; or
 - (b) if the holder held a recreational aviation medical practitioner's certificate at the time the holder had the condition—the holder is:
 - (i) assessed by a medical practitioner as meeting the modified Austroads medical standards after having the condition; and
 - (ii) given a certificate by the medical practitioner to that effect.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

67.271 Offence—doing act while efficiency impaired—student pilots

- (1) A student pilot commits an offence if:
- (a) the student pilot conducts a solo flight or takes a flight test; and
 - (b) at the time of the solo flight or flight test:
 - (i) the student pilot knows that he or she has a medically significant condition; and

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- (ii) the condition has the result that the student pilot's ability to conduct the solo flight or take the flight test is impaired.

Penalty: 50 penalty units.

- (2) A student pilot commits an offence if:
- (a) the student pilot conducts a solo flight or undertakes a flight test; and
 - (b) the student pilot knows that he or she has had a condition mentioned in paragraph (1)(b); and
 - (c) the student pilot's normal ability to conduct the solo flight or undertake the flight test is not fully restored within 30 days after the student pilot first becomes aware that he or she had the condition; and
 - (d) the student pilot does not meet the requirement in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2)(d), the requirement is that:
- (a) the student pilot has been given a certificate by a DAME to the effect that the student pilot's ability to conduct a solo flight or undertake a flight test is no longer impaired; or
 - (b) if the student pilot held a recreational aviation medical practitioner's certificate at the time the student had the condition—the student pilot is:
 - (i) assessed by a medical practitioner as meeting the modified Austroads medical standards after having the condition; and
 - (ii) given a certificate by the medical practitioner to that effect.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

67.275 Surrender of medical certificates

- (1) CASA may require, by written notice, the holder of a medical certificate to surrender the certificate to CASA within a reasonable time specified in the notice.
- (2) The person must comply with the requirement.

Penalty: 5 penalty units.

- (3) A person who contravenes subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.
- (4) The person must not destroy, mutilate or deface the certificate with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

Part 71—Airspace

Note: This Part heading is reserved for future use.

Part 90—Additional airworthiness requirements

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Subpart 90.A—General

90.005 Purpose of Part

This Part sets out airworthiness requirements for an aircraft that are in addition to:

- (a) the type certification basis for the aircraft; and
- (b) any requirements for the issue of a certificate of airworthiness for the aircraft under Part 21.

Note: For the definition of *type certification basis*, see the Dictionary.

90.007 Application of Part

- (1) If a provision of this Part imposes a more stringent requirement (however described) in relation to an aircraft than a comparable requirement under any other provision of these Regulations, the more stringent requirement prevails.
- (2) Despite subregulation (1), this Part is not intended to limit any other provision of these Regulations that permits an aircraft to be operated with a defect or an inoperative instrument, indicator, item of equipment or system.

90.008 Definitions for Part 90

- (1) In this Part:

Class C cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force from time to time.

Class D cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force on 16 June 1986.

Class E cargo compartment has the same meaning as in FARs section 25.857, as in force from time to time.

emergency exit means an external door, hatch or window on an aircraft intended for use by passengers or crew in an emergency.

large aeroplane means an aeroplane with a maximum take-off weight of more than 5 700 kg.

non-transport category aeroplane means an aeroplane of a type that was originally certificated in a category other than the transport category.

operating has the meaning given by subregulation (2).

originally certificated has the meaning given by subregulation (3).

Part 90 Manual of Standards means the Manual of Standards issued by CASA under regulation 90.020.

Regulation 90.010

side-facing seat, for an aircraft, means a seat that faces more than 18° from the aircraft's longitudinal axis.

small aeroplane means an aeroplane with a maximum take-off weight of 5 700 kg or less.

transport category aeroplane means an aeroplane of a type that was originally certificated in the transport category.

- (2) For this Part, an aircraft is **operating** from the moment at which the aircraft first moves (whether or not under its own power) for the purpose of taking off for a flight until the moment at which it comes to rest for the purpose of disembarking any persons or cargo on board after:
 - (a) it lands; or
 - (b) the flight is aborted.
- (3) For this Part, an aircraft of a particular type is **originally certificated** as follows:
 - (a) if the aircraft's State of Design is Australia—when CASA first issues a type certificate in respect of an aircraft of that type;
 - (b) if the aircraft's State of Design is a foreign country—when the national aviation authority of the State of Design first issues a foreign type certificate in respect of an aircraft of that type.

90.010 Exclusions in relation to particular provisions

- (1) The registered operator of an aircraft may apply in writing to CASA for exclusion of the aircraft, or an aeronautical product that is part of, or used in, the aircraft, from the operation of a provision of this Part.
- (2) On receiving an application, CASA may, in writing, exclude the aircraft or aeronautical product from the operation of the provision.
- (3) In making a decision under subregulation (2), CASA must:
 - (a) regard as paramount the preservation of a level of aviation safety that is at least acceptable; and
 - (b) have regard to any reasons given in the application.
- (4) However, CASA may exclude an aircraft or aeronautical product under subregulation (2) only if CASA is satisfied that it is not practicable for the aircraft or aeronautical product to meet the requirements of the provision.
- (5) CASA may, in an instrument of exclusion under subregulation (2), provide that the exclusion is subject to 1 or more conditions.
- (6) An instrument of exclusion under subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, complies with each condition of the exclusion.

Note: See regulation 201.004 for review of an exclusion decision.

90.015 Operation of exclusions under regulation 39.004

- (1) This regulation applies if, before 1 December 2010, CASA has, under regulation 39.004, excluded (the *exclusion*):
 - (a) a particular aircraft or aeronautical product; or
 - (b) a particular kind of aircraft or aeronautical product;
 from the operation of an airworthiness directive, or a requirement of an airworthiness directive, mentioned in column 2 of an item in table 90.015 (the *item*).
- (2) Subject to subregulation (3), the provision mentioned in column 3 of the item does not apply to an aircraft or aeronautical product that, immediately before 1 December 2010, was subject to the exclusion.
- (3) Subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, continues to comply with each condition of the exclusion.

Note: On 1 December 2010, the airworthiness directives mentioned in table 90.015 were cancelled.

Table 90.015 Provisions covered by exclusions relating to each airworthiness directive

Item	Airworthiness Directive	Provision
1	AD/General/4 Amdt 4, requirement 1(a)	Regulation 90.130
2	AD/General/4 Amdt 4, requirement 2(a)	Regulation 90.205
3	AD/General/4 Amdt 4, requirements 2(b)(1) and (2)	Regulation 90.220
4	AD/General/4 Amdt 4, requirement 2(b)(3)	Regulation 90.225
5	AD/General/4 Amdt 4, requirement 2(c)	Regulation 90.220
6	AD/General/4 Amdt 4, requirement 2(d)	Regulation 90.225
7	AD/General/4 Amdt 4, requirement 2(e)	Regulation 90.215
8	AD/General/4 Amdt 4, requirement 2(f)	Regulation 90.235
9	AD/General/4 Amdt 4, requirement 2(g)	Regulation 90.240
10	AD/General/4 Amdt 4, requirement 2(h)	Regulation 90.245
11	AD/General/4 Amdt 4, requirement 2(k)	Regulation 90.210
12	AD/General/4 Amdt 4, requirement 3	Regulation 90.410
13	AD/General/4 Amdt 4, requirement 3(e)	Regulation 90.220
14	AD/General/4 Amdt 4, requirement 3(f)	Regulation 90.215
15	AD/General/4 Amdt 4, requirement 4	Regulation 90.605
16	AD/General/4 Amdt 4, requirement 5(b)	Regulation 90.135
17	AD/General/4 Amdt 4, requirement 5(c)	Regulation 90.135
18	AD/General/33 Amdt 1	Regulation 90.140
19	AD/General/48 Amdt 3	Regulation 90.270

Regulation 90.020

Item	Airworthiness Directive	Provision
20	AD/General/57 Amdt 1	Regulation 90.285
21	AD/General/60 Amdt 1	Regulation 90.105
22	AD/General/61 Amdt 2	Regulation 90.125
23	AD/General/63 Amdt 1	Regulation 90.255
24	AD/General/64 Amdt 2	Regulation 90.120
25	AD/General/66 Amdt 1	Regulation 90.230
26	AD/General/67 Amdt 3	Regulation 90.110
27	AD/General/68 Amdt 4	Regulation 90.250
28	AD/General/70 Amdt 1	Regulation 90.260
29	AD/General/71 Amdt 1	Regulation 90.115
30	AD/General/73	Regulation 90.215
31	AD/General/74 Amdt 1	Regulation 90.105
32	AD/General/76 Amdt 2	Regulation 90.265
33	AD/General/84 Amdt 2	Regulation 90.145
34	AD/General/84 Amdt 2	Regulation 90.275
35	AD/General/85	Regulation 90.280

90.020 Issue of Manual of Standards

- (1) For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:
 - (a) required or permitted by these Regulations to be prescribed by the Part 90 Manual of Standards; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) In particular, the Part 90 Manual of Standards may set out matters relating to the airworthiness of, or design standards for, aircraft, including standards for the following:
 - (a) cabin crew seats and related equipment;
 - (b) escape devices;
 - (c) access to emergency exits;
 - (d) interior and exterior emergency exit marking;
 - (e) interior and exterior emergency lighting;
 - (f) floor proximity emergency escape paths;
 - (g) over-wing escape routes;
 - (h) materials used in the interior of cabins;
 - (i) symbols identifying emergency exits;
 - (j) landing gear aural warning systems and associated devices.

Note: Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

Subpart 90.B—General provisions

90.100 Applicability

This Subpart applies to aircraft other than the following:

- (a) balloons;
- (b) airships;
- (c) sailplanes;
- (d) powered sailplanes;
- (e) an aircraft for which any of the following is in force:
 - (i) a special certificate of airworthiness mentioned in regulation 21.186, 21.189 or 21.190;
 - (ii) an experimental certificate;
 - (iii) a special flight permit;
 - (iv) a provisional certificate of airworthiness.

90.105 Flight crew restraints

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) For a large aeroplane that was originally certificated on or after 1 January 1958, each seat in the flight crew compartment must be fitted with an approved safety harness that meets the requirements in subregulations (4) and (6).
- (3) For any other aircraft, each seat that is:
 - (a) a flight crew seat; or
 - (b) a seat in the front row of seats in the aircraft's cockpit;must be fitted with an approved safety harness that meets the requirements in subregulations (5) and (6).
- (4) For subregulation (2), the safety harness must consist of:
 - (a) an approved symmetrical type harness; or
 - (b) a single shoulder strap harness that was approved and installed before 6 March 1980; or
 - (c) for an aircraft of a type prescribed by the Part 90 Manual of Standards—a single shoulder strap harness.

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- (5) For subregulation (3), the safety harness must consist of a lap belt and at least 1 shoulder strap.
 - (6) For subregulations (2) and (3), the safety harness must:
 - (a) allow any flight crew member who is occupying the seat and has the harness correctly fastened to perform his or her functions; and
 - (b) when not in use, be able to be secured so it does not:
 - (i) prevent the proper operation of the aircraft; or
 - (ii) hinder a person in the aircraft if he or she must leave the aircraft in an emergency.
- Source* FARs sections 91.205, 91.521 and 121.311 modified.
- (7) An offence against subregulation (1) is an offence of strict liability.

90.110 Occupant restraints—small aeroplanes

- (1) This regulation applies to a small aeroplane that:
 - (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 13 December 1986;other than a multi-engine aeroplane that has 10 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) A seat (other than a side-facing seat) in the aeroplane that does not have an approved seat belt and shoulder harness:
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.

Source FARs section 91.205 modified.

- (4) An offence against subregulation (2) is an offence of strict liability.

90.115 Occupant restraints—helicopters

- (1) This regulation applies to a helicopter that:
 - (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 17 September 1992.
- (2) The registered operator of the helicopter commits an offence if:
 - (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and

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(b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (3) A seat in the helicopter that does not have an approved seat belt and shoulder harness:
- (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.
- (4) There must be a means to secure each seat belt and harness when it is not in use so that it does not:
- (a) prevent the proper operation of the helicopter; or
 - (b) hinder a person in the helicopter if he or she must leave the helicopter in an emergency.

Source FARs section 91.205 modified.

- (5) An offence against subregulation (2) is an offence of strict liability.

90.120 Side-facing seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) In the aircraft, a side-facing seat that is to be used during take-off or landing must be fitted with:
- (a) an approved lap belt and an energy-absorbing rest that would support the arms, shoulders, head and spine of the occupant during an emergency landing; or
 - (b) an approved safety harness that would prevent the occupant's head being injured by striking an object during an emergency landing.

Source FARs section 121.311 modified.

- (2A) A side-facing seat in the aircraft that is not fitted with an approved lap belt or an approved safety harness as mentioned in subregulation (2):
- (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.
- (3) An offence against subregulation (1) is an offence of strict liability.

90.125 Cabin crew seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:

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- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
- (b) while the aircraft is operating, a cabin crew seat or any related equipment does not meet the standard set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs sections 91.521 and 121.311 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.130 External doors

- (1A) This regulation does not apply in relation to an external door that is only used for cargo.

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) An external door in the aircraft must be of a kind that can be opened from both inside and outside the aircraft, unless:
 - (a) the aircraft is an unpressurised small aeroplane; and
 - (b) in the aircraft's type design the door can be opened from the inside only.
- (3) The information mentioned in subregulation (4) must be clearly marked:
 - (a) on the inside of each external door; and
 - (b) if an external door can be opened from the outside—on the outside of the external door.
- (4) For subregulation (3), the information is:
 - (a) the location of the handle; and
 - (b) the operating instructions for the handle; and
 - (c) the position of the handle when the door is properly locked, or another way of showing when the door is properly locked.
- (5) In a large aeroplane or a pressurised small aeroplane, the design of an external door that, in use, initially opens outwards must allow for the locking mechanism to be visible from inside the aircraft to check whether the locking pins or latches are fully engaged.
- (6) An external door must also meet the requirements in this Part for an emergency exit.

(7) An offence against subregulation (1) is an offence of strict liability.

90.135 Emergency exits

(1) The registered operator of an aircraft to which this Subpart applies commits an offence if:

- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
- (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

(2) Subject to paragraph (6)(b), each passenger and crew member in the aircraft must have access to at least 1 emergency exit that meets the requirements prescribed by the Part 90 Manual of Standards.

(3) The location of each emergency exit must be marked so that each seated passenger can see the location of the exit nearest to the passenger.

(4) Each passenger compartment in the aircraft must have a sign showing the way to any emergency exit that is not located in the passenger compartment.

(5) Instructions showing how to open the emergency exit must be clearly marked on:

- (a) the inside of each emergency exit; and
- (b) if an emergency exit can be opened from the outside—on the outside of the emergency exit.

(6) If an aircraft has 7 or more seats, including crew seats:

- (a) each emergency exit sign and the instructions for operating each emergency exit must be self-illuminated or provided with lighting so that, if the cabin is in darkness and the cabin lighting is not operating, the sign and instructions can be read by a person attempting to open the emergency exit; and
- (b) subject to regulation 90.215, access to an emergency exit must not be blocked by a seat back, stretcher or other item of equipment fitted to the aircraft unless:
 - (i) the seat back, stretcher or other item of equipment can easily be moved out of the way; and
 - (ii) instructions for moving the seat back, stretcher or other item of equipment are clearly marked on or near the seat, stretcher or item of equipment.

(7) An offence against subregulation (1) is an offence of strict liability.

90.140 Cargo and baggage compartment lighting

(1) The registered operator of an aircraft to which this Subpart applies commits an offence if:

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- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
- (b) a requirement in subregulation (2) is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) If the aircraft has lighting within a cargo or baggage compartment, the lamps:
 - (a) must be protected against the possibility of accidental damage; and
 - (b) must be designed so that any baggage placed adjacent to the lamp is not subjected to excessive heat.
- (3) An offence against subregulation (1) is an offence of strict liability.

90.145 Thermal/acoustic insulation materials

- (1) This regulation applies to a large transport category aeroplane.
- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) If:
 - (a) the aeroplane was manufactured before 2 September 2005; and
 - (b) thermal/acoustic insulation materials have been installed in the fuselage as replacements on or after 2 September 2005; and
 - (c) the materials are:
 - (i) of a blanket construction; or
 - (ii) installed around air ducting;the materials must meet the flame propagation standards of FARs paragraph 25.856(a), as in force on 2 September 2003.
- (5) If the aeroplane was manufactured on or after 2 September 2005, any thermal/acoustic insulation materials installed in the fuselage must meet the flame propagation standards of FARs paragraph 25.856(a), as in force on 2 September 2003.

Source FARs section 121.312 modified.

- (6) An offence against subregulation (3) is an offence of strict liability.

90.150 Fire extinguishing agents

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a fire extinguisher fitted to or carried on the aircraft contains a fire extinguishing agent of a kind prescribed by the Part 90 Manual of Standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Part 90 Additional airworthiness requirements

Subpart 90.C Large aeroplanes engaged in air transport operations

Division 90.C.1 General

Regulation 90.200

Subpart 90.C—Large aeroplanes engaged in air transport operations

Division 90.C.1—General

90.200 Applicability

This Subpart applies to large aeroplanes engaged in air transport operations.

Division 90.C.2—Emergency exits

90.205 Escape devices

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) If:
 - (a) the aeroplane has an emergency exit; and
 - (b) the exit:
 - (i) is higher than 1.83 m above the ground when the aeroplane's landing gear is extended; and
 - (ii) is not positioned over the wing;

the aeroplane must be fitted with an escape device to help passengers and members of the crew reach the ground from the aeroplane's cabin in an emergency.
- (3) The escape device must meet the standard for escape devices set out in the Part 90 Manual of Standards.
- (4) However, subregulation (2) does not apply to the rear window emergency exit of a DC-3 aeroplane that is being operated with 35 occupants or fewer.

Source FARs section 121.310 modified.
- (5) An offence against subregulation (1) is an offence of strict liability.

90.210 Location of emergency exits

- (1) This regulation applies to a passenger-carrying aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) is required under its type certification basis to have 2 or more emergency exits on each side of the fuselage.

Note: For the definition of **type certification basis**, see the Dictionary.

- (2) However, this regulation does not apply to an aeroplane that:
 - (a) was in operation before 16 October 1987; and
 - (b) had an emergency exit configuration installed and approved before 16 October 1987.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:

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- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
- (b) the requirement in subregulation (4) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) The distance between any 2 adjacent emergency exits that lead from the same deck in the aeroplane must be no more than 18.3 m.
- (5) For subregulation (4), the distance between 2 adjacent emergency exits is measured between the closest edges of the 2 doors, parallel to the aeroplane's longitudinal axis.

Source FARs section 121.310 modified.

- (6) An offence against subregulation (3) is an offence of strict liability.

90.215 Access to emergency exits

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a passageway leading to, or an area providing access to, an emergency exit does not meet the standard for access to emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.220 Interior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the identification marking for an emergency exit on the aeroplane, or a location sign or instruction for opening such an emergency exit, does not meet the standard for interior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.225 Interior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the interior emergency lighting system of the aeroplane does not meet the standard for interior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.230 Floor proximity emergency escape path

- (1) This regulation applies to a passenger-carrying transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) has 20 or more passenger seats.
- (2) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a floor proximity emergency escape path that meets the standard for floor proximity emergency escape paths set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.235 Exterior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and

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- (b) while the aeroplane is operating, the outside of an emergency exit on the aeroplane is not marked so that it meets the standard for exterior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.240 Exterior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing exit on the aeroplane, or an escape device fitted to the aeroplane for regulation 90.205, is not fitted with an exterior emergency lighting system that meets the standard for exterior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

90.245 Over-wing escape routes

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing emergency exit on the aeroplane does not have an over-wing escape route that meets the standard for over-wing escape routes set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

Division 90.C.3—Fire protection

90.250 Cabin interiors—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 20 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the materials used in the interior of the cabin of the aeroplane do not meet the standard for cabin interiors set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) Subregulation (2) does not apply to a material used for a passenger seat cushion in an aeroplane to which regulation 90.255 applies.
- (4) An offence against subregulation (2) is an offence of strict liability.

90.255 Seat cushions—materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 31 or more passenger seats; and
 - (c) was originally certificated on or after 1 January 1958.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat cushion, other than a flight crew seat cushion, in the aeroplane does not comply with FARs paragraph 25.853(c), as in force on 26 November 1984.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.260 Cargo compartment liners—materials

- (1) This regulation applies to a transport category aeroplane that:
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- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958.
- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class C cargo or baggage compartment, or a Class D cargo or baggage compartment, larger than 5.66 m³, the ceiling and wall liner panels of the compartment must be:
- (a) constructed of glass fibre reinforced resin; or
 - (b) constructed of 1 or more materials that meet:
 - (i) the flame penetration test requirements of FARs Part 25, Appendix F, Part III, as in force on 16 June 1986; or
 - (ii) another approved test; or
 - (c) an aluminium liner installation approved before 20 March 1989.

Source FARs section 121.314 modified.

- (4) An offence against subregulation (2) is an offence of strict liability.

90.265 Cargo compartments for aeroplanes engaged in scheduled air transport operations

- (1) This regulation applies to a transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class D cargo or baggage compartment, the compartment must meet:
- (a) for a passenger-carrying aeroplane—the standards for a Class C cargo or baggage compartment set out in FARs paragraph 25.857(c) and section 25.858; or

- (b) for any other aeroplane—the standards for a Class E cargo compartment set out in FARs paragraph 25.857(e).

Source FARs section 121.314 modified.

- (4) An offence against subregulation (2) is an offence of strict liability.

90.270 Toilets

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Both sides of the door of each toilet in the aeroplane must have, installed above the door knob or near the door, a placard showing:
- (a) the words ‘NO SMOKING IN TOILET’ or ‘NO SMOKING’; or
 - (b) a symbol with the same meaning.
- (2A) Each waste receptacle in each toilet in an aeroplane must have installed, on or near the waste receptacle, a placard showing:
- (a) the words ‘NO CIGARETTE DISPOSAL’; or
 - (b) a symbol with the same meaning.
- (3) Each toilet in an aeroplane that has 20 or more passenger seats must be fitted with:
- (a) a smoke detector that gives a warning signal that can be seen or heard by a flight crew member or cabin crew member; and
 - (b) 1 or more fire extinguishers that will, in the event of a fire in a waste receptacle in the toilet, discharge into the receptacle.

Source FARs section 121.308 modified.

- (4) An offence against subregulation (1) is an offence of strict liability.

90.275 Thermal/acoustic insulation materials

- (1) This regulation applies to a transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was manufactured on or after 2 September 2009; and
 - (c) has 20 or more passenger seats; and
 - (d) is engaged in scheduled air transport operations.
- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.

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Subpart 90.C Large aeroplanes engaged in air transport operations

Division 90.C.3 Fire protection

Regulation 90.275

- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, any thermal/acoustic insulation materials installed in the lower half of the aeroplane's fuselage do not meet the flame penetration resistance standards of FARs paragraph 25.856(b), as in force on 2 September 2003.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (4) An offence against subregulation (3) is an offence of strict liability.

Division 90.C.4—Systems and equipment

90.280 Seats

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is manufactured on or after 27 October 2009; and
 - (d) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat for a passenger or cabin crew member does not meet the standards of FARs section 25.562, as in force on 16 June 1988.

Penalty: 50 penalty units.

Source FARs section 121.311 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.285 Pitot heat indication systems

- (1) This regulation applies to a turbine-powered transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has a flight instrument pitot heating system; and
 - (c) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) The aeroplane must have an indication system to indicate to the flight crew if the flight instrument pitot heating system is not operating.
- (4) The indication system must comply with the following requirements:
 - (a) the indication system must incorporate an amber light that is in clear view of a flight crew member;
 - (b) the indication system must be designed to alert the flight crew if either of the following conditions exists:
 - (i) the flight instrument pitot heating system is switched off;

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- (ii) the flight instrument pitot heating system is switched on and any pitot tube heating element is inoperative.

Source FARs section 121.342 modified.

- (5) An offence against subregulation (2) is an offence of strict liability.

90.290 Landing gear aural warning systems

- (1) The registered operator of an aeroplane to which this Subpart applies, other than an aeroplane that complies with FARs section 25.729 as in force on 6 January 1992, commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.289 modified.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subpart 90.D—Small aeroplanes engaged in air transport operations

90.400 Applicability

This Subpart applies to small aeroplanes engaged in air transport operations.

90.405 Cargo and baggage compartments

- (1) The registered operator of an aeroplane that has 10 or more passenger seats and to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Each compartment for cargo, baggage or both (*goods*) in the aeroplane must:
 - (a) display a placard showing the maximum load for which the compartment has been designed; and
 - (b) have a means to prevent goods creating a hazard by shifting, or by damaging the aeroplane; and
 - (c) have a means to restrain goods to protect the aeroplane's occupants from injury in the event of the aeroplane being subjected to a forward inertial load of up to 9 g when the compartment is carrying the maximum weight of goods.
- (3) If goods are in the passenger compartment of the aeroplane, the compartment must have a means to prevent the passengers being injured by the goods during the emergency landing conditions mentioned in the aeroplane's type certification basis.

Source FARs Part 135 Appendix A modified.

- (4) An offence against subregulation (1) is an offence of strict liability.

90.410 Emergency exits

- (1) This regulation applies to an aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) is engaged in scheduled air transport operations.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or

Regulation 90.415

- (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, the aeroplane's emergency exits do not meet the standard for emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.415 Landing gear aural warning systems

- (1) This regulation applies to an aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) has wing flaps and retractable landing gear; and
 - (d) is not an amphibian.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

Subpart 90.E—Helicopters engaged in scheduled air transport operations

90.600 Applicability

This Subpart applies to helicopters engaged in scheduled air transport operations.

90.605 Emergency exits

- (1) The registered operator of a helicopter to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and
 - (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (2) Each emergency exit must be marked so that its location can be seen from a distance equal to the width of the cabin.
- (3) There must be a sign on or near each exit that:
 - (a) shows the location of the exit handle; and
 - (b) gives the operating instructions for the handle; and
 - (c) can be read by a person attempting to open the exit.
- (4) The light for each emergency exit sign must:
 - (a) operate independently of the helicopter's main lighting system; and
 - (b) be able to be switched on manually; and
 - (c) remain illuminated when the helicopter makes an emergency landing, regardless of whether the light switches on automatically or must be switched on manually.
- (5) The outside of the fuselage must be marked to show:
 - (a) each emergency exit; and
 - (b) if an exit can be opened from outside—the means by which it can be opened.
- (6) An offence against subregulation (1) is an offence of strict liability.

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91.955 CASA to be notified of extensions approved by a continuing airworthiness management organisation

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Subpart 91.A—Preliminary

91.005 Application of Part 91—Australian aircraft in Australian territory

This Part applies in relation to the operation of an Australian aircraft in Australian territory.

91.010 Application of Part 91—Australian aircraft in foreign countries

- (1) This Part applies in relation to the operation of an Australian aircraft in a foreign country.
- (2) However, if a law of the foreign country applies to the operation of the aircraft in that country, the law of the foreign country prevails to the extent of any inconsistency.
- (3) For the purposes of subregulation (2), a provision of a law of a foreign country is taken not to be inconsistent with a provision of this Part to the extent that the provisions are capable of operating concurrently.

91.015 Application of Part 91—Australian aircraft over the high seas

- (1) This Part applies in relation to the operation of an Australian aircraft over the high seas.
- (2) Annex 2 of the Chicago Convention also applies in relation to the operation of Australian aircraft over the high seas.
- (3) However, a provision of Annex 2 of the Chicago Convention prevails to the extent of any inconsistency with a provision mentioned in subregulation (1).
- (4) For the purposes of subregulation (3), a provision of Annex 2 of the Chicago Convention is taken not to be inconsistent with a provision mentioned in subregulation (1) to the extent that the provisions are capable of operating concurrently.

91.020 Application of Part 91—foreign registered aircraft

- (1) This Part (other than Division 91.C.3 and Subparts 91.P and 91.T) applies in relation to the operation of a foreign registered aircraft in Australian territory.
- (2) However, this Part does not apply in relation to:
 - (a) a foreign registered aircraft that is operated in Australian territory under a foreign air transport AOC; or
 - (b) a foreign registered aircraft that is operated in Australian territory under a New Zealand AOC with ANZA privileges that is in force for Australia.

Regulation 91.025

91.025 Application of Part 91—foreign state aircraft

A provision of this Part applies in relation to the operation of a state aircraft of a foreign country in Australian territory if the provision is expressed to so apply.

91.030 Application of Part 91—aircraft to which Part 101, 103 or 131 applies

Part 101

- (1) This Part does not apply in relation to the operation of an aircraft if any provision of Part 101 applies to the operation.

Part 103

- (2) The following provisions of this Part do not apply to the operation of a Part 103 aircraft:
- (a) regulation 91.105;
 - (b) regulations 91.110 and 91.115;
 - (c) regulation 91.145;
 - (d) regulation 91.190;
 - (e) regulation 91.267;
 - (h) regulations 91.425 and 91.430;
 - (i) regulations 91.545 and 91.550;
 - (j) regulation 91.560;
 - (k) regulations 91.570 and 91.575;
 - (l) regulation 91.585;
 - (m) regulations 91.590 to 91.615;
 - (o) regulations 91.720 and 91.725;
 - (p) regulations 91.780 and 91.785;
 - (q) Subpart 91.K;
 - (r) regulation 91.915.

- (2A) If Part 103 does not apply to the operation of a touring motor glider because of the operation of subregulation 103.005(2A), then, despite subregulation (2) of this regulation, the provisions mentioned in subregulation (2) of this regulation apply to the operation of the touring motor glider.

Part 131

- (3) The following provisions of this Part do not apply to the operation of a Part 131 aircraft:
- (a) Division 91.C.3;
 - (b) regulation 91.190;
 - (c) Divisions 91.D.2 and 91.D.3;
 - (d) regulation 91.255;
 - (da) regulation 91.265;
 - (db) regulation 91.267;

Regulation 91.035

- (dc) Subdivisions 91.D.4.2 and 91.D.4.3;
- (e) regulation 91.335;
- (f) regulation 91.355;
- (g) Subdivision 91.D.4.6 (other than regulation 91.360);
- (i) regulation 91.455;
- (j) regulation 91.480;
- (k) regulation 91.510;
- (l) regulation 91.515;
- (m) Division 91.D.7 (other than regulations 91.520, 91.525, 91.600 and 91.620);
- (ma) regulation 91.630;
- (mb) regulation 91.725;
- (n) Subpart 91.F;
- (o) Subpart 91.J;
- (p) Subpart 91.K;
- (q) Subpart 91.P.

91.035 Application of Part 91—certain provisions of this Part do not apply if provisions of Part 105, 121, 133, 135 or 138 apply

- (1) A provision of Part 91 listed in column 1 of an item in the following table does not apply to an operation of an aircraft if a provision of Part 105, 121, 133, 135 or 138 listed in column 2 of that item applies to the operation.

Provisions of this Part that do not apply if provisions of Part 105, 121, 133, 135 or 138 apply		
Item	Column 1	Column 2
	Provisions of this Part	Provisions of Part 105, 121, 133, 135 or 138
1	Regulation 91.085	Regulation 133.265 Regulation 138.350
2	Division 91.C.2	Regulation 133.030 Regulation 138.210
2A	Division 91.C.3	Division 121.C.3 Division 133.C.3 Division 135.C.3
3	Regulation 91.190	Regulation 105.090 Regulation 105.095 Regulation 138.425
4	Regulations 91.195 and 91.200	Regulation 138.410
5	Regulation 91.235	Regulation 121.170
6	Regulation 91.410	Regulation 121.205
7	Regulation 91.455	Division 121.D.6 Division 133.D.6

Part 91 General operating and flight rules
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Regulation 91.040

Provisions of this Part that do not apply if provisions of Part 105, 121, 133, 135 or 138 apply

Item	Column 1	Column 2
	Provisions of this Part	Provisions of Part 105, 121, 133, 135 or 138
		Division 135.D.6
8	Regulations 91.495, 91.500 and 91.505	Regulation 138.300
9	Regulation 91.510	Regulation 121.240 Regulation 133.195 Regulation 135.220 Regulation 138.302
10	Regulation 91.555	Regulation 138.375
11	Regulation 91.565	Regulation 121.285 Regulation 133.240 Regulation 135.280
12	Regulation 91.570	Regulation 105.105
12A	Regulation 91.575	Regulation 105.110
13	Regulations 91.590 and 91.595	Regulation 121.265
14	Subpart 91.F	Subpart 121.F Subpart 133.F Subpart 135.F Subpart 138.F
15	Subpart 91.J	Subpart 121.J Subpart 133.J Subpart 135.J Subpart 138.J
16	Subpart 91.K	Subpart 121.K Subpart 133.K Subpart 135.K
17	Subpart 91.P	Subpart 121.P Subpart 133.P Subpart 135.P

(2) Subregulation (1) has effect despite any other provision of this Part.

91.040 Issue of Manual of Standards for Part 91

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 91 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Regulation 91.045

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

91.045 Approvals by CASA for Part 91

- (1) If a provision of this Part, or of the Part 91 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.
- (4) For the purposes of regulations 91.200, 91.320, 91.510, 91.600, 91.655 and 91.745, the operator of an aircraft is taken to hold an approval under this regulation for an activity if the activity is authorised under:
 - (a) the operator's AOC or another civil aviation authorisation held by the operator; or
 - (b) if the operator is required under these Regulations to have an exposition or operations manual—the exposition or operations manual.
- (5) For the purposes of regulations 91.860, 91.865, 91.870, 91.875, 91.885 and 91.920, the operator of an aircraft is taken to hold an approval under this regulation for an activity if the activity is authorised under another civil aviation authorisation held by the operator.

91.050 Approvals by authorised persons for Subpart 91.T

- (1) If a provision of Subpart 91.T refers to a person holding an approval under this regulation, a person may apply to an authorised person, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

Subpart 91.C—General

Division 91.C.1—General flight limitations

91.055 Aircraft not to be operated in manner that creates a hazard

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if the aircraft is operated in a manner that creates a hazard to another aircraft, a person or property.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.060 Unauthorised travel or placing of cargo on aircraft

- (1) A person contravenes this subregulation if the person:
 - (a) travels on an aircraft for a flight; and
 - (b) at the time of the travel, does not have the consent of the operator of the aircraft, or the pilot in command of the aircraft for the flight, to travel on the aircraft.
- (2) A person contravenes this subregulation if the person:
 - (a) places cargo on an aircraft for a flight; and
 - (b) at the time of placing the cargo on the aircraft, does not have the consent of the operator of the aircraft, or the pilot in command of the aircraft for the flight, to place cargo on the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.085 NVIS flights

- (1) The Part 91 Manual of Standards may prescribe requirements relating to the conduct of an NVIS flight.
- (2) The pilot in command of an aircraft for an NVIS flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 133.265 or 138.350 applies to the operation: see regulation 91.035.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.090 All flights—airspeed limits

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, the aircraft is not flown in accordance with the airspeed limits for the flight prescribed by the Part 91 Manual of Standards.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 91.095

Division 91.C.2—Operational documents

Note: This Division does not apply to the operation of an aircraft if regulation 133.030 or 138.210 applies to the operation: see regulation 91.035.

91.095 Compliance with flight manual etc.

- (1) This regulation applies in relation to the operation of an aircraft during the following period:
 - (a) from the earlier of:
 - (i) the time the aircraft's doors are closed before take-off; and
 - (ii) the time the flight begins;
 - (b) to the later of:
 - (i) the time the aircraft's doors are opened after landing; and
 - (ii) the time the flight ends.
- (2) The pilot in command of the aircraft contravenes this subregulation if the pilot in command does not comply with either or both of the following:
 - (a) the aircraft flight manual instructions for the aircraft;
 - (b) any conditions specified in the aircraft's certificate of airworthiness or special flight permit.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 91.C.3—Flight related documents

Note: This Division does not apply to the operation of an aircraft if Division 121.C.3, 133.C.3 or 135.C.3 applies to the operation: see regulation 91.035.

91.100 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

91.105 Carriage of documents

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight, a document mentioned in subregulation (2) is not carried on the aircraft.
- (2) The documents are as follows:
 - (a) for each flight crew member:
 - (i) the member's medical certificate; and
 - (ii) the member's flight crew licence or certificate of validation;
 - (b) for each flight crew member, either:
 - (i) a photographic identification document issued by a Commonwealth, State or Territory authority or agency; or
 - (ii) the member's passport;
 - (c) the aircraft flight manual instructions for the aircraft;
 - (d) if the aircraft is fitted with computerised navigation equipment—the operating instructions for the equipment;
 - (e) any minimum equipment list for the aircraft.
- (3) Subregulation (1) does not apply if:
 - (a) aerobatic manoeuvres will be conducted during the flight; and
 - (b) carriage of the documents on the aircraft would present a risk to the safety of the aircraft or persons on board the aircraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.110 Carriage of documents for certain flights

- (1) This regulation applies in relation to a flight of an aircraft other than:
-

Regulation 91.115

- (a) a VFR flight conducted by day and within 50 nautical miles of the aircraft's point of departure; or
 - (b) a flight conducted:
 - (i) within the flying training area for an aerodrome; and
 - (ii) if the flying training area for the aerodrome is not adjacent to the aerodrome—along the flight path between the flying training area and the aerodrome.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins, a document mentioned in subregulation (3) is not carried on the aircraft.
- (3) The documents are as follows:
- (a) the authorised aeronautical information for the flight;
 - (b) the flight technical log or maintenance release for the aircraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

91.115 Carriage of documents—flights that begin or end outside Australian territory

- (1) This regulation applies in relation to a flight of an aircraft that begins or ends at an aerodrome outside Australian territory.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins, a document mentioned in subregulation (3) is not carried on the aircraft.
- (3) The documents are as follows:
- (a) the aircraft's certificate of airworthiness;
 - (b) the aircraft's certificate of registration;
 - (c) the journey log for the flight mentioned in regulation 91.120;
 - (d) a list including the name, place of embarkation and place of destination of each passenger on the aircraft;
 - (e) if the aircraft is carrying cargo (other than passenger baggage)—a manifest and detailed declaration of the cargo;
 - (f) if the aircraft has a radio station licence that is an apparatus licence or a class licence—a copy of the licence;
 - (g) if the operator or pilot in command of the aircraft holds an approval under regulation 91.045 or holds another civil aviation authorisation that is relevant to the flight—a copy of the approval or authorisation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

91.120 Journey logs—flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of an aircraft that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the Part 91 Manual of Standards prescribes requirements relating to maintaining a journey log for the flight; and
 - (b) the requirements are not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

Part 91 General operating and flight rules

Subpart 91.C General

Division 91.C.4 Reporting and recording defects and incidents etc.

Division 91.C.4—Reporting and recording defects and incidents etc.

Note: This Division is reserved for future use.

Division 91.C.5—Search and rescue services and emergency and survival equipment

Note: This Division is reserved for future use.

Regulation 91.140

Division 91.C.6—Miscellaneous requirements for aircraft

91.140 Operating an Australian aircraft outside Australia

- (1) The operator and the pilot in command of an Australian aircraft for a flight in a foreign country each contravene this subregulation if:
 - (a) a requirement of a law of the foreign country applies in relation to the flight; and
 - (b) the aircraft is operated in a way that does not comply with the requirement.
- (2) The operator and the pilot in command of an Australian aircraft for a flight over the high seas each contravene this subregulation if:
 - (a) a requirement of Annex 2 of the Chicago Convention applies in relation to the flight; and
 - (b) the aircraft is operated in a way that does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.145 Requirements to be met before Australian aircraft may fly

- (1) The pilot in command of an Australian aircraft for a flight contravenes this subregulation if:
 - (a) a requirement in subregulation (2) is not met; and
 - (b) the flight begins.
- (2) The requirements are the following:
 - (a) if the aircraft is required to be registered—the aircraft must be registered;
 - (b) the aircraft must have a certificate of airworthiness or special flight permit;
 - (c) the aircraft must meet the requirements prescribed by the Part 45 Manual of Standards (display of nationality marks, registration marks and aircraft registration identification plates);
 - (d) if Part 42 does not apply to the aircraft:
 - (i) a maintenance release, or other document approved for use under these Regulations as an alternative to a maintenance release, must be in force for the aircraft; and
 - (ii) the flight must comply with any condition that is set out or referred to in the maintenance release or other document approved for use as an alternative to the maintenance release;
 - (e) each flight crew member required under these Regulations for the flight must be on board the aircraft.

Note: CASA or an authorised person may direct that these requirements do not apply to an aircraft with a special flight permit: see regulation 21.197.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.150 Operating aircraft with inoperative equipment—placarding

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) the aircraft begins the flight with inoperative equipment; and
 - (b) the equipment:
 - (i) is required to be fitted to, or carried on, the aircraft by the certification basis for the aircraft or by or under these Regulations; and
 - (ii) is accessible, and likely to be used, by a person during the flight; and
 - (iii) is not placarded as inoperative.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.155 Manipulating flight controls

- (1) A person contravenes this subregulation if, during a flight of an aircraft:
- (a) the person manipulates the flight controls of the aircraft; and
 - (b) any of the following apply:
 - (i) for an Australian aircraft other than a Part 103 aircraft or a Part 131 aircraft—the person is not authorised to pilot the aircraft under Part 61;
 - (ii) for a foreign registered aircraft—the person is not qualified to pilot the aircraft under the law of the aircraft's State of registry or the State of the operator;
 - (iii) for a Part 103 aircraft—the person is not authorised to pilot the aircraft by a Part 103 ASAO;
 - (iv) for a Part 131 aircraft—the person is not authorised to pilot the aircraft by a Part 131 pilot authorisation.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the pilot in command permits a person to manipulate the flight controls of the aircraft; and
 - (b) any of the following apply:
 - (i) for an Australian aircraft other than a Part 103 aircraft or a Part 131 aircraft—the person is not authorised to pilot the aircraft under Part 61;
 - (ii) for a foreign registered aircraft—the person is not qualified to pilot the aircraft under the law of the aircraft's State of registry or the State of the operator;

Part 91 General operating and flight rules

Subpart 91.C General

Division 91.C.6 Miscellaneous requirements for aircraft

Regulation 91.155

- (iii) for a Part 103 aircraft—the person is not authorised to pilot the aircraft by a Part 103 ASAO;
 - (iv) for a Part 131 aircraft—the person is not authorised to pilot the aircraft by a Part 131 pilot authorisation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 91.C.7—Firearms on aircraft

91.160 Possessing firearm on aircraft

- (1) A person contravenes this subregulation if the person:
 - (a) carries or otherwise possesses a firearm on an aircraft; and
 - (b) the aircraft is not a prescribed aircraft within the meaning of the *Aviation Transport Security Act 2004*; and
 - (c) neither the operator nor the pilot in command of the aircraft has consented to the person carrying or otherwise possessing the firearm on the aircraft.
- (2) Subregulation (1) does not apply if the person is authorised (however described) under another provision of these Regulations or another law of the Commonwealth to carry or otherwise possess the firearm on the aircraft.

Note 1: For other provisions of these Regulations that deal with firearms and aircraft, see Part 138.

Note 2: For other laws of the Commonwealth that deal with firearms and aircraft, see:

- (a) Division 3 of Part 4 of the *Aviation Transport Security Act 2004*; and
- (b) section 23 of the *Crimes (Aviation) Act 1991*.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.165 Discharging firearm on aircraft

- (1) A person contravenes this subregulation if the person discharges a firearm while on an aircraft.
- (2) Subregulation (1) does not apply if the person is authorised (however described) under another provision of these Regulations or another law of the Commonwealth to discharge the firearm on the aircraft.

Note 1: For other provisions of these Regulations that deal with firearms and aircraft, see Part 138.

Note 2: For other laws of the Commonwealth that deal with firearms and aircraft, see:

- (a) Division 3 of Part 4 of the *Aviation Transport Security Act 2004*; and
- (b) section 23 of the *Crimes (Aviation) Act 1991*.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Division 91.C.8—Portable electronic devices

91.170 Operation of portable electronic devices

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot in command permits a person to operate a portable electronic device during the flight; and
 - (b) the pilot in command does not determine that the operation of the device during the flight will not affect the safety of the aircraft.
- (2) A person on an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, the person operates a portable electronic device; and
 - (b) the person has been directed by the pilot in command, or instructed by a cabin crew member, not to operate the portable electronic device during the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.175 Operation of portable electronic devices by crew members

- (1) A crew member for a flight of an aircraft contravenes this subregulation if:
 - (a) the crew member operates a portable electronic device at a time during the flight; and
 - (b) operating the device at that time is likely to distract the crew member from performing the crew member's duties for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.C.9—Special flight operations

91.180 Air displays in Australian territory

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an air display in Australian territory; and
 - (b) the person does not hold an approval under regulation 91.045 to conduct the air display.
- (2) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the flight is in an air display in Australian territory; and
 - (b) the person conducting the air display does not hold an approval under regulation 91.045 to conduct the air display.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.185 Conducting aerobatic manoeuvres

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, the pilot in command conducts aerobatic manoeuvres in IMC.

Note: For the requirement for a pilot to hold flight activity endorsements to conduct aerobatic manoeuvres, see regulation 61.380 and table 61.1145.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the pilot in command conducts aerobatic manoeuvres:
 - (i) over a populous area; or
 - (ii) at an air display; or
 - (iii) at night; and
 - (b) the pilot in command does not hold an approval under regulation 91.045 to conduct the aerobatic manoeuvres:
 - (i) for a flight over a populous area—over the populous area; or
 - (ii) for a flight at an air display—at the air display; or
 - (iii) for a flight at night—at night.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.190 Dropping things from aircraft

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, a thing is dropped from the aircraft.

Part 91 General operating and flight rules

Subpart 91.C General

Division 91.C.9 Special flight operations

Regulation 91.195

Note: This regulation does not apply to the operation of an aircraft if regulation 138.425 applies to the operation: see regulation 91.035.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.195 Picking up or setting down people or things during flight

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a person or thing is picked up or set down by the aircraft during the flight; and
 - (b) the requirement mentioned in subregulation (2) is not met.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.410 applies to the operation: see regulation 91.035.

- (2) The requirement is that:
- (a) the pilot in command must hold an approval under regulation 91.045 for the person or thing to be picked up or set down during the flight; or
 - (b) another provision of these Regulations must permit the person or thing to be picked up or set down during the flight.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.200 Persons not to be carried in certain parts of aircraft

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) during the flight, a person is carried on or in:
 - (i) a part of the aircraft that is not designed to carry crew members or passengers; or
 - (ii) a thing attached to the aircraft; and
 - (b) neither the operator nor the pilot in command of the aircraft holds an approval under regulation 91.045 to carry the person on or in that part of the aircraft or that thing during the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.410 applies to the operation: see regulation 91.035.

- (2) Subregulation (1) does not apply to the temporary carriage of a crew member in a part of the aircraft that is not designed to accommodate crew members or passengers if:
- (a) the carriage of the crew member in that part of the aircraft is for the purpose of doing anything for the safety of the aircraft or any person or cargo carried in it; or
 - (b) both:

- (i) goods or stores are carried in that part of the aircraft; and
- (ii) there is a proper means of access for crew members to the goods or stores.

- (2A) Subregulation (1) does not apply if:
- (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) the requirements prescribed by the Part 105 Manual of Standards are met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (2A): see subsection 13.3(3) of the *Criminal Code*.

91.205 Flying in formation

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft is flying in formation; and
 - (b) the pilot in command has not pre-arranged with each pilot in command of the other aircraft making up the formation to fly as part of the formation.

Note: For the requirement for a pilot to hold flight activity endorsements to fly in formation, see regulation 61.380 and table 61.1145.

- (1A) Subregulation (1) does not apply if the requirements prescribed by the Part 91 Manual of Standards for the purposes of this subregulation are met in relation to the flight.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft is flown in formation at night; and
 - (b) the pilot in command does not hold an approval under regulation 91.045 to fly in formation at night.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft is flown in formation in IMC; and
 - (b) the pilot in command does not hold an approval under regulation 91.045 to fly in formation in IMC.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1A): see subsection 13.3(3) of the *Criminal Code*.

Regulation 91.210

91.210 Towing of things by aircraft

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) a thing is towed by the aircraft; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that:
 - (a) the pilot in command must hold an approval under regulation 91.045 to tow the thing during the flight; or
 - (b) another provision of these Regulations must permit the thing to be towed by the aircraft during the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 91.D—Operational procedures

Division 91.D.1—Operational control

91.215 Authority and responsibilities of pilot in command

- (1) This regulation applies in relation to the operation of an aircraft during the following period:
 - (a) from the earlier of:
 - (i) the time the aircraft's doors are closed before take-off; and
 - (ii) the time the flight begins;
 - (b) to the later of:
 - (i) the time the aircraft's doors are opened after landing; and
 - (ii) the time the flight ends.
- (2) The pilot in command of the aircraft:
 - (a) has final authority over:
 - (i) the aircraft; and
 - (ii) the maintenance of discipline by all persons on the aircraft; and
 - (b) must ensure:
 - (i) the safety of persons on the aircraft; and
 - (ii) the safety of cargo on the aircraft; and
 - (iii) the safe operation of the aircraft during the flight.

91.220 Actions and directions by operator or pilot in command

- (1) The operator or pilot in command of an aircraft for a flight may do a thing mentioned in subregulation (2) if the operator or pilot in command believes it is necessary for the safety of:
 - (a) the aircraft; or
 - (b) a person on the aircraft; or
 - (c) a person or property on the ground or water.
- (2) The things are as follows:
 - (a) direct a person to do something while the person is on the aircraft;
 - (b) direct a person not to do something, or to limit the doing of something, while the person is on the aircraft;
 - (c) direct a person to leave the aircraft before the flight begins;
 - (d) with such assistance and by the use of such force as is reasonable and necessary:
 - (i) remove a person or a thing from the aircraft before the flight begins; or
 - (ii) restrain a person for the duration of the flight or part of the flight; or

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- (iii) seize a thing on the aircraft for the duration of the flight or part of the flight; or
- (iv) place a person on the aircraft in custody; or
- (v) detain a person or a thing, until the person or thing can be released into the control of an appropriate authority.

Note: Under regulation 91.225, crew members of an aircraft have a limited power of arrest.

- (3) A person on an aircraft contravenes this subregulation if:
 - (a) the operator or pilot in command of the aircraft gives the person a direction mentioned in paragraph (2)(a), (b) or (c); and
 - (b) the person does not comply with the direction.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

91.225 Crew members—power of arrest

- (1) A crew member of an aircraft for a flight may, without warrant, arrest a person on the aircraft if:
 - (a) the crew member believes, on reasonable grounds, that the person is committing, is attempting to commit, is about to commit, has committed or has attempted to commit, an offence against the Act or these Regulations in relation to the aircraft; and
 - (b) the purpose of the arrest is to ensure the safety of the aircraft or of its passengers, crew or cargo or otherwise for the purposes of the Act or these Regulations; and
 - (c) if the crew member is not the pilot in command of the aircraft—the pilot in command has authorised the crew member to arrest the person without warrant.
- (2) The pilot in command of the aircraft must ensure that, as soon as practicable after the end of the flight, a person arrested under subregulation (1) is delivered into the custody of:
 - (a) if the flight ends in Australia—a constable; or
 - (b) if the flight ends in a foreign country—a person in that country who is equivalent to a constable.

Note: See also sections 3ZC (use of force in making arrest) and 3ZD (persons to be informed of grounds of arrest) of the *Crimes Act 1914*.

Division 91.D.2—Flight preparation

91.230 Flight preparation (weather assessments) requirements

- (1) The Part 91 Manual of Standards may prescribe requirements relating to flight preparation and weather assessments (the *flight preparation (weather assessments) requirements*).
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight preparation (weather assessments) requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.235 Flight preparation (alternate aerodromes) requirements

- (1) The Part 91 Manual of Standards may prescribe requirements relating to flight preparation and alternate aerodromes (the *flight preparation (alternate aerodromes) requirements*).
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight preparation (alternate aerodromes) requirement is not met for the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.170 applies to the operation: see regulation 91.035.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 91.D.3—Flight notifications and pre-flight checks

91.240 Flight notifications

- (1) The Part 91 Manual of Standards may prescribe requirements (the *flight notification requirements*) relating to flight notifications.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight notification requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.245 Matters to be checked before take-off

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft takes off for the flight, a check prescribed by the Part 91 Manual of Standards has not been carried out.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.4—Flight rules

Subdivision 91.D.4.1—General

91.255 Air traffic services—prescribed requirements

- (1) The Part 91 Manual of Standards may prescribe requirements in relation to the use by an aircraft of:
 - (a) a class of airspace or a portion of a class of airspace; or
 - (b) a controlled aerodrome; or
 - (c) a control area; or
 - (d) a control zone; or
 - (e) a prohibited area; or
 - (f) a restricted area; or
 - (g) a danger area.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.257 Air traffic control clearances and instructions

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) air traffic control gives the pilot in command an air traffic control clearance or air traffic control instructions; and
 - (b) the pilot in command does not comply with the clearance or instructions.
- (2) Subregulation (1) does not apply if:
 - (a) it is not practicable to seek authorisation for the non-compliance before it occurs; and
 - (b) the non-compliance is necessary for the safety of the aircraft or the persons on the aircraft; and
 - (c) the pilot in command informs air traffic control about the non-compliance as soon as practicable after the pilot in command is unable to comply with the clearance or instructions.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Regulation 91.260

91.260 Unauthorised entry into prohibited or restricted areas

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft:
 - (i) is in a prohibited area; or
 - (ii) is in a restricted area in contravention of a condition relating to the declaration of the area as a restricted area under regulation 7 of the *Airspace Regulations 2007*; and
 - (b) the pilot in command does not comply with subregulation (2) as soon as the pilot becomes aware that the aircraft is in the prohibited area or restricted area.
- (2) The pilot must:
 - (a) if the aircraft is fitted with, or carries, a means for the pilot in command to communicate with Air Traffic Services during the flight—inform Air Traffic Services, or the controlling authority (specified in the authorised aeronautical information for the flight) for the prohibited or restricted area, that the aircraft is in the area; and
 - (b) for an aircraft (other than a Part 131 aircraft)—fly the aircraft out of the area; and
 - (c) for a Part 131 aircraft:
 - (i) fly the aircraft out of the area; or
 - (ii) if it is not possible to fly the aircraft out of the area—land the aircraft and inform the authority controlling the area as soon as is practicable.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.263 Air defence identification zone flights

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight the aircraft enters an air defence identification zone published in the authorised aeronautical information for the flight; and
 - (b) a procedure published in the authorised aeronautical information for the flight for that zone is not complied with for the flight.
- (2) Subregulation (1) does not apply in relation to a Part 131 aircraft if the pilot in command of the aircraft lands the aircraft and informs the authority controlling the area as soon as is practicable after entering the air defence identification zone.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 91.265

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.265 Minimum height rules—populous areas and public gatherings

- (1) This regulation applies if an aircraft is flown over a populous area or a public gathering.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if, during the flight:
 - (a) the aeroplane is flown below 1,000 ft above the highest feature or obstacle within a horizontal radius of 600 m of the point on the ground or water immediately below the aeroplane; and
 - (b) none of the circumstances mentioned in subregulation (4) applies.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if, during the flight:
 - (a) the rotorcraft is flown below 1,000 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the ground or water immediately below the rotorcraft; and
 - (b) none of the circumstances mentioned in subregulation (4) applies.
- (4) The circumstances are the following:
 - (a) the aircraft is taking off or landing in circumstances prescribed by the Part 91 Manual of Standards;
 - (b) the aircraft is engaged in a missed approach;
 - (c) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice emergency procedure at an aerodrome;
 - (d) the aircraft is performing training circuits at an aerodrome;
 - (e) the pilot in command holds an approval for the purposes of regulation 91.180 (air displays in Australian territory);
 - (f) for a rotorcraft—the rotorcraft is hovering, air transiting, air taxiing or ground taxiing at an aerodrome;
 - (g) for a rotorcraft, seaplane or amphibian—the aircraft is flying within an access lane:
 - (i) that is for use by aircraft taking off from, or landing at, a particular place; and
 - (ii) details of which are published in the authorised aeronautical information for the flight;
 - (h) for a single-engine seaplane or a single-engine amphibian:
 - (i) the aeroplane is operating over water and within safe gliding distance of open water suitable for a forced landing; and

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- (ii) the aeroplane is not flown below 1,000 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the water immediately below the aeroplane;
 - (i) the aircraft is engaged in a procedure to determine the suitability of an aerodrome for a landing.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

91.267 Minimum height rules—other areas

- (1) This regulation applies if an aircraft is flown other than over a populous area or a public gathering.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft is flown below 500 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the ground or water immediately below the aircraft; and
 - (b) none of the circumstances mentioned in subregulation (3) applies.
- (3) The circumstances are the following:
- (a) the aircraft is taking off or landing in circumstances prescribed by the Part 91 Manual of Standards;
 - (b) the aircraft is engaged in a missed approach;
 - (c) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice emergency procedure at an aerodrome;
 - (d) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice forced landing procedure with the consent of the person or authority having control over the land or water above which the procedure is carried out;
 - (e) the aircraft:
 - (i) is being operated by a Part 141 operator to conduct low-flying flight training or by a Part 142 operator to conduct a low-flying activity; and
 - (ii) is being flown over an area that, with the consent of the person or authority with control of the area, has been determined by the operator to be a suitable flight training area for the training and has been surveyed by the pilot in command for obstacles before the flight; and
 - (iii) is not carrying passengers;
 - (f) the aircraft is performing training circuits at an aerodrome;

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- (g) the pilot holds an approval for the purposes of regulation 91.180 (air displays in Australian territory);
- (h) all of the following apply:
 - (i) the pilot in command of the aircraft is authorised under Part 61, or holds an approval under regulation 91.045, to fly the aircraft below the height mentioned in paragraph (2)(a);
 - (ii) the pilot in command of the aircraft conducts a risk assessment of the area to be flown over;
 - (iii) the point on the ground or water vertically below the aircraft is not within 150 m of a person, vessel, vehicle or structure or of livestock;
- (i) for a rotorcraft—the rotorcraft is hovering, air transiting, air taxiing or ground taxiing at an aerodrome;
- (j) for a rotorcraft, seaplane or amphibian—the aircraft is flying within an access lane:
 - (i) that is for use by aircraft taking off from, or landing at, a particular place; and
 - (ii) details of which are published in the authorised aeronautical information for the flight;
- (k) the aircraft is engaged in a procedure to determine the suitability of an aerodrome for a landing.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.270 Aircraft to be flown under VFR or IFR

- (1) The pilot in command of an aircraft for a flight, other than a Part 103 aircraft or a Part 131 aircraft, contravenes this subregulation if, at any time during the flight, the aircraft is not flown under the VFR or IFR.
- (2) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if any part of the flight takes place other than by day and under the VFR.
- (3) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if any part of the flight takes place other than under the VFR.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Regulation 91.273

Subdivision 91.D.4.2—Visual flight rules

91.273 VFR flights

- (1) The Part 91 Manual of Standards may prescribe requirements relating to the operation of an aircraft for a VFR flight.
- (2) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.275 Specified VFR cruising levels

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight on a track, the aircraft is flown at a cruising level that is not a specified VFR cruising level for the track.
- (2) Subregulation (1) does not apply if the aircraft is in uncontrolled airspace and any of the following apply:
 - (a) the aircraft is below 3,000 ft above mean sea level;
 - (b) the aircraft is at or above 3,000 ft above mean sea level but below 1,500 ft AGL;
 - (c) it is not practicable for the pilot in command to fly the aircraft at a specified VFR cruising level for the track;
 - (d) the aircraft is a glider in soaring flight.
- (3) Subregulation (1) does not apply if:
 - (a) the aircraft is in controlled airspace; and
 - (b) air traffic control has given the pilot in command an air traffic control instruction, or an air traffic control clearance, to fly the aircraft other than at a specified VFR cruising level for the track.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

91.277 Minimum heights—VFR flights at night

- (1) The pilot in command of an aircraft for a VFR flight at night contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown along a route or route segment at a height lower than the minimum height mentioned in subregulation (2); and

(b) none of the circumstances mentioned in subregulation (3) applies.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.

- (2) The minimum height is the lowest height of the following for the route or route segment:
- (a) the published lowest safe altitude for the route or route segment (if any);
 - (b) the minimum sector altitude published in the authorised aeronautical information for the flight (if any);
 - (c) the lowest safe altitude for the route or route segment;
 - (d) 1,000 ft above the highest obstacle on the ground or water within 10 nautical miles ahead of, and to either side of, the aircraft at that point on the route or route segment;
 - (e) the lowest altitude for the route or route segment calculated in accordance with a method prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.
- (3) The circumstances are the following:
- (a) the aircraft is taking off or landing;
 - (b) the aircraft is within 3 nautical miles of the aerodrome from which the aircraft has taken off, or at which the aircraft will land;
 - (c) the aircraft is being flown in accordance with an air traffic control clearance.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.280 VFR flights—compliance with VMC criteria

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight, the aircraft is not flown in accordance with a requirement of the VMC criteria for the aircraft and the airspace in which the flight is conducted.
- (2) Subregulation (1) does not apply to a flight of an aircraft if:
- (a) air traffic control has authorised the pilot in command of the aircraft to conduct the flight under the special VFR; and
 - (b) the pilot in command complies with the special VFR.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Regulation 91.283

91.283 VFR flights—aircraft not to exceed certain speeds

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight, the aircraft is flown at a transonic or supersonic speed.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.285 VFR flights—flights in class A airspace

- (1) The pilot in command of an aircraft for a VFR flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown in class A airspace; and
 - (b) the pilot in command does not hold an approval under regulation 91.045 to conduct a VFR flight in class A airspace.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 91.D.4.3—Instrument flight rules

91.287 IFR flights

- (1) The Part 91 Manual of Standards may prescribe requirements relating to the operation of an aircraft for an IFR flight.
- (2) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.290 Specified IFR cruising levels

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight on a track, the aircraft is flown at a cruising level that is not a specified IFR cruising level for the track.
- (2) Subregulation (1) does not apply if:
 - (a) the aircraft is in uncontrolled airspace; and
 - (b) it is not practicable for the pilot in command to fly the aircraft at a specified IFR cruising level for the track.

- (3) Subregulation (1) does not apply if air traffic control has:
- (a) given the pilot in command an air traffic control instruction to fly the aircraft at the cruising level; or
 - (b) given the pilot in command an air traffic control clearance to fly the aircraft at the cruising level.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

91.295 IFR flights at non-specified cruising levels—notifying Air Traffic Services

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight on a track:
- (a) the aircraft is flown at a cruising level that is not a specified IFR cruising level for the track; and
 - (b) before the aircraft is flown at that cruising level, the pilot in command does not notify Air Traffic Services of the cruising level.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.300 IFR flights at non-specified cruising levels—avoiding collisions with aircraft conducting VFR flights

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight on a track:
- (a) the aircraft is flown at a cruising level that is not a specified IFR cruising level for the track; and
 - (b) there is a risk of collision between the aircraft and another aircraft that:
 - (i) is conducting a VFR flight on a track; and
 - (ii) is flying at a specified VFR cruising level for the track; and
 - (c) the pilot in command does not give way to the other aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.305 Minimum heights—IFR flights

- (1) The pilot in command of an aircraft for an IFR flight contravenes this subregulation if, during the flight:
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- (a) the aircraft is flown along a route or route segment at a height lower than the minimum height mentioned in subregulation (2); and
- (b) none of the circumstances mentioned in subregulation (3) applies.

Note: This regulation does not apply to certain medical transport operations in a rotorcraft and certain aerial work operations: see regulations 133.167 and 138.275.

- (2) The minimum height is the lowest of the following for the route or route segment:
 - (a) the published lowest safe altitude for the route or route segment (if any);
 - (b) the minimum sector altitude published in the authorised aeronautical information for the flight (if any);
 - (c) the lowest safe altitude for the route or route segment.
- (3) The circumstances are the following:
 - (a) the aircraft is taking off or landing;
 - (b) the aircraft is being flown in accordance with:
 - (i) requirements relating to visual approach or departure procedures published in the authorised aeronautical information for the flight; or
 - (ii) an authorised instrument departure procedure or an authorised instrument approach procedure; or
 - (iii) an air traffic control clearance;
 - (c) the aircraft is being flown in VMC by day.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.307 IFR take-off and landing minima

- (1) The Part 91 Manual of Standards may prescribe the following:
 - (a) requirements (the *take-off minima requirements*) relating to take-off minima for an aerodrome;
 - (b) requirements (the *landing minima requirements*) relating to landing minima for an aerodrome.
- (2) The operator and the pilot in command of an aircraft for an IFR flight each contravene this subregulation if:
 - (a) the aircraft conducts a take-off at an aerodrome; and
 - (b) a take-off minima requirement for the aerodrome is not met for the flight.
- (3) The operator and the pilot in command of an aircraft for an IFR flight each contravene this subregulation if:
 - (a) the aircraft conducts a landing at an aerodrome; and
 - (b) a landing minima requirement for the aerodrome is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

91.310 Approach ban for IFR flights

- (1) The Part 91 Manual of Standards may prescribe circumstances in which an aircraft flown under the IFR must not make an approach to land at an aerodrome.
- (2) The operator and the pilot in command of an aircraft for an IFR flight each contravene this subregulation if:
 - (a) the aircraft makes an approach to land at an aerodrome; and
 - (b) the approach to land is made in circumstances mentioned in subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.315 Taking off and landing in low visibility

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft conducts a low-visibility operation at an aerodrome; and
 - (b) when the operation begins:
 - (i) if the operator is required under these Regulations to have an exposition or an operations manual—the operator does not hold an approval under regulation 91.045 to conduct the low-visibility operation; or
 - (ii) if subparagraph (i) does not apply—the pilot in command does not hold an approval under regulation 91.045 to conduct the low-visibility operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.320 Specified aircraft performance categories

- (1) The operator of an aircraft contravenes this subregulation if, while the aircraft is operating at an aerodrome:
 - (a) the aircraft does not operate in the specified aircraft performance category for the aircraft at the aerodrome; and
 - (b) the operator:
 - (i) does not hold an approval under regulation 91.045 for the aircraft to operate in a lower aircraft performance category for the aircraft at the aerodrome; or

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- (ii) holds an approval under regulation 91.045 for the aircraft to operate in a lower aircraft performance category for the aircraft at the aerodrome but does not comply with subregulation (3) of this regulation.
- (2) The operator of an aircraft contravenes this subregulation if:
 - (a) the operator holds an approval under regulation 91.045 for the aircraft to operate in a lower aircraft performance category for the aircraft at the aerodrome; and
 - (b) the aircraft does not operate in that lower aircraft performance category.
- (3) The operator must give details to the flight crew of:
 - (a) the approval; and
 - (b) the conditions (if any) imposed by CASA on the approval.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subdivision 91.D.4.4—Avoiding collisions in the air

91.325 Basic rule

A flight crew member must, during a flight, maintain vigilance, so far as weather conditions permit, to see and avoid other aircraft.

91.330 Right of way rules

- (1) The pilot in command of an aircraft contravenes this subregulation if, during a flight:
 - (a) there is a risk of collision between the aircraft and another aircraft; and
 - (b) a circumstance mentioned in column 1 of an item in the following table exists; and
 - (c) the pilot in command contravenes the right of way rule mentioned in column 2 of that item.

Right of way rules		
Item	Column 1	Column 2
	Circumstance	Right of way rule
1	An aircraft is in an emergency and compelled to land	Any other aircraft must give way to the aircraft that is compelled to land
2	An aircraft is landing	Any other aircraft (whether in flight or operating on the ground or water) must give way to the aircraft that is landing
3	Two heavier-than-air aircraft are conducting an approach to land at an aerodrome	The following rules apply: <ul style="list-style-type: none">(a) the higher aircraft must give way to the lower aircraft;(b) however, if the higher aircraft is in the final stages of an

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Right of way rules

Item	Column 1	Column 2
	Circumstance	Right of way rule
		approach to land, the lower aircraft must not take advantage of the higher aircraft's need to comply with paragraph (a) to cut in front of the higher aircraft; (c) despite paragraphs (a) and (b), a power-driven heavier-than-air aircraft must give way to an unpowered glider
4	An aircraft is overtaking another aircraft	The aircraft that is overtaking must give way to the aircraft being overtaken
5	Aircraft mentioned in column 2 are in the same vicinity	An aircraft mentioned in the following list must give way to an aircraft listed above it in the list: (a) a balloon; (b) a person descending by parachute; (c) an unpowered glider; (d) an airship; (e) an aircraft that is towing something (including another aircraft); (f) a power-driven aircraft
6	Two aircraft are on converging headings at approximately the same altitude	The aircraft that has the other aircraft on its right must give way to the other aircraft

(2) Subregulation (1) does not apply if it is necessary, in order to avoid a collision with an aircraft, not to comply with the right of way rule.

(3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.335 Additional right of way rules

Aircraft with right of way to maintain heading and speed

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) there is a risk of collision with another aircraft; and
- (b) the aircraft has right of way over the other aircraft (in accordance with regulation 91.330); and
- (c) the aircraft's heading and speed is not maintained until there is no longer a risk of collision.

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Overtaking aircraft to keep clear and to right

- (2) The pilot in command of an aircraft contravenes this subregulation if, when the aircraft is overtaking another aircraft (whether in the course of climbing, descending or in level flight), the pilot does not:
- (a) keep the aircraft out of the way of the other aircraft, even if the other aircraft alters course while being overtaken; and
 - (b) fly the aircraft so that it passes to the right of the other aircraft and remains on the right until clear of the other aircraft.

Aircraft approaching head on to alter heading to right

- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft and another aircraft are approaching in the air head on or approximately so; and
 - (b) there is a risk of collision; and
 - (c) the aircraft's heading is not altered to the right.

Aircraft giving way not to create collision risk

- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) the aircraft is required to give way to another aircraft:
 - (i) by a right of way rule in regulation 91.330; or
 - (ii) by an additional right of way rule in subregulation (1), (2) or (3) of this regulation; or
 - (iii) by an additional right of way rule in regulation 91.340; and
 - (b) the aircraft is flown so that it passes ahead of the other aircraft, or directly over or under it, so closely that there is a risk of collision.

Exceptions

- (5) Subregulation (1), (2), (3) or (4) does not apply if it is necessary, in order to avoid a collision with an aircraft, to not comply with the subregulation.
- (5A) Paragraph (2)(b) does not apply if:
- (a) the aircraft is a glider engaged in ridge or hill soaring; and
 - (b) the pilot flies the aircraft so that it passes between the ridge or hill and the other aircraft.
- (6) Subregulation (4) does not apply if, as a result of a command of the aircraft's airborne collision avoidance system, the pilot was manoeuvring the aircraft to the extent necessary to ensure the safety of the aircraft.

Offence

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (3) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5), (5A) or (6): see subsection 13.3(3) of the *Criminal Code*.

91.340 Right of way rules for take-off and landing

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during take-off or landing, the aircraft is flown in a manner that creates a risk of collision with:
 - (a) another aircraft; or
 - (b) a person, vessel, vehicle or structure.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 91.D.4.5—Avoiding collisions on water

91.345 Compliance with International Regulations

- (1) This regulation applies in relation to a requirement of the International Regulations to the extent that the requirement is not inconsistent with a requirement of regulation 91.355.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is operating on water; and
 - (b) the aircraft is not operated in accordance with the International Regulations.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.350 Giving way to vessels

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is in level flight, or is manoeuvring near the surface of water; and
 - (b) the aircraft does not, as far as possible:
 - (i) keep clear of a vessel; or
 - (ii) avoid impeding the navigation of a vessel.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 91.355

91.355 Giving way on water

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is on water; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aircraft must give way to, and keep well clear of, an aircraft or vessel converging on its right;
 - (b) the aircraft must alter its heading to the right, and keep well clear, of an aircraft or vessel that is approaching head-on or approximately head-on;
 - (c) the aircraft, if overtaking a vessel or another aircraft, must:
 - (i) give way to the vessel or aircraft being overtaken; and
 - (ii) alter its heading to keep well clear of the vessel or aircraft being overtaken.
- (3) Subregulation (1) does not apply if it is necessary, to avoid a collision with an aircraft or vessel, to not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Subdivision 91.D.4.6—Avoiding collisions at or in the vicinity of aerodromes

91.360 Meaning of *in the vicinity of a non-controlled aerodrome*

- (1) An aircraft is *in the vicinity of a non-controlled aerodrome* if it is:
 - (a) in uncontrolled airspace; and
 - (b) within 10 nautical miles of the aerodrome; and
 - (c) at a height above the aerodrome that could result in conflict with operations at the aerodrome.
- (2) For the purposes of paragraph (1)(b), if an aerodrome reference point for the aerodrome is published in the authorised aeronautical information for the flight, the distance must be measured from that point.

91.365 Taxiing or towing on movement area of aerodrome

- (1) A person contravenes this subregulation if:
 - (a) the person is taxiing or towing an aircraft on the movement area of an aerodrome; and
 - (b) a requirement mentioned in subregulation (2) is not met.

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- (2) The requirements are the following:
 - (a) the aircraft and any tow vehicle must give way, in accordance with subregulation (3), to an aircraft that is landing or on its final approach to land;
 - (b) the aircraft and any tow vehicle must give way, in accordance with subregulation (3), to an aircraft that is taking off or preparing for take-off;
 - (c) the aircraft and any tow vehicle must keep well clear of an aircraft it is overtaking;
 - (d) the aircraft and any tow vehicle must give way to an aircraft on the right if both aircraft are on a converging course;
 - (e) the aircraft and any tow vehicle must stop, or alter course to the right, so as to remain clear of an aircraft approaching head on or approximately so.
- (3) For the purposes of paragraph (2)(a) or (2)(b):
 - (a) for a runway that has a marked runway hold position for the aircraft—the aircraft giving way and any tow vehicle must hold at that position; and
 - (b) for a runway that does not have a marked runway hold position—the aircraft giving way and any tow vehicle must not encroach upon a graded runway strip.
- (4) Subregulation (1) does not apply if it is necessary, to avoid a collision with an aircraft and any tow vehicle, to not comply with the requirement.
- (5) Subregulation (1) does not apply if the aircraft and any tow vehicle are being operated in accordance with an air traffic control clearance or air traffic control instructions.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4) or (5): see subsection 13.3(3) of the *Criminal Code*.

91.370 Take-off or landing at non-controlled aerodrome—all aircraft

- (1) This regulation applies to an aircraft (the ***subject aircraft***) at a non-controlled aerodrome at which a take-off or landing of the aircraft can only occur from or to a runway.

Rules for take-off

- (2) The pilot in command of the subject aircraft (other than a glider being towed by a glider tug) for a flight contravenes this subregulation if:
 - (a) the subject aircraft commences to take-off from a runway; and
 - (b) before taking off, a requirement mentioned in subregulation (3) is not met.
- (3) The requirements are the following:

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- (a) if another aircraft is taking off before the subject aircraft from the same runway:
 - (i) the other aircraft must have crossed the upwind end of the runway; or
 - (ii) the other aircraft must have commenced a turn; or
 - (iii) the runway must be longer than 1,800 m and the other aircraft must have become airborne and be at least 1,800 m beyond the proposed point of lift-off of the subject aircraft; or
 - (iv) the other aircraft and the subject aircraft must both have a maximum take-off weight below 2,000 kg, and the other aircraft must be airborne and at least 600 m beyond the proposed point of lift-off of the subject aircraft;
- (b) if another aircraft is landing on the same runway before the subject aircraft—the other aircraft must have vacated the runway;
- (c) if another aircraft is landing before the subject aircraft and is using a crossing runway—the other aircraft must have crossed, or must have stopped short of, the runway the subject aircraft is taking off from.

Rules for landing

- (4) The pilot in command of the subject aircraft (other than a glider) for a flight contravenes this subregulation if:
 - (a) the subject aircraft continues an approach to land at an aerodrome beyond the threshold of the runway; and
 - (b) before landing, a requirement mentioned in subregulation (5) is not met.

Note: Regulation 91.055 prohibits an aircraft (including a glider) being operated in a manner that creates a hazard to another aircraft, a person or property.

- (5) The requirements are the following:
 - (a) if another aircraft is taking off using the same runway before the subject aircraft:
 - (i) the other aircraft must be airborne and must have commenced a turn; or
 - (ii) the other aircraft must be beyond the point on the runway at which the subject aircraft could be expected to complete its landing roll, and there must be sufficient distance for the subject aircraft to manoeuvre safely in the event of a missed approach;
 - (b) if another aircraft is landing on the same runway before the subject aircraft—the other aircraft must have vacated the runway or must be taxiing away from the runway;
 - (c) if another aircraft is landing before the subject aircraft and is using a crossing runway—the other aircraft must have crossed, or must have stopped short of, the runway the subject aircraft is landing on.

Application of rules where gliders or glider tugs operate

- (6) At an aerodrome where gliders or glider tugs operate to a common circuit pattern from a parallel strip outside the runway strip:

- (a) subregulations (2) and (4) apply to an aircraft taking off or landing, respectively, on either the runway or the parallel strip as if the runway and the strip were a single runway; but
- (b) aircraft taxiing or stationary on either the runway or the parallel strip are taken not to affect operations on the other.

Exception

- (7) Subregulation (2) or (4) does not apply if:
 - (a) the aircraft is taking off or landing at an aerodrome where gliders or glider tugs operate to a contra-circuit pattern on both a runway and a parallel strip outside the runway strip; and
 - (b) simultaneous operations on the runway and the parallel strip are permitted.

Offence

- (8) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (7): see subsection 13.3(3) of the *Criminal Code*.

91.375 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—general requirements

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the pilot must keep a lookout for other aircraft that are being operated on the manoeuvring area, or in the vicinity, of the aerodrome to avoid a collision;
 - (b) the pilot must ensure that the aircraft does not cause a danger to other aircraft on the manoeuvring area, or in the vicinity, of the aerodrome;
 - (c) if the pilot is flying the aircraft in the vicinity of the aerodrome—the pilot must join, or avoid, the circuit pattern for the aerodrome;
 - (d) if the aircraft is an aeroplane—the pilot must not:
 - (i) take-off from a part of the aerodrome that is outside the aerodrome landing area; or
 - (ii) land the aircraft on a part of the aerodrome that is outside the aerodrome landing area.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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91.380 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—landing and taking off into the wind

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) the pilot does not, to the extent practicable, land and take off into the wind.
- (2) Subregulation (1) does not apply if:
 - (a) the aircraft flight manual instructions for the aircraft allow the aircraft to land or take off downwind or crosswind; and
 - (b) the pilot is satisfied that traffic conditions at the aerodrome enable such a landing or take-off to be carried out safely.
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.385 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—requirements that apply after joining the circuit pattern

- (1) The pilot in command of an aircraft (other than a rotorcraft) for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) after joining the circuit pattern for a landing or while flying in the circuit pattern after take-off, the pilot does not:
 - (i) comply with instructions in the authorised aeronautical information for the flight to the effect that all turns be made in a particular direction; or
 - (ii) if there are no relevant instructions in the authorised aeronautical information for the flight—make all turns to the left.
- (2) Subregulation (1) does not apply to the pilot in command of an aircraft if:
 - (a) the aircraft is a seaplane or amphibian and the pilot in command contravenes the subregulation only to the extent necessary:
 - (i) to avoid an obstacle; or
 - (ii) to avoid undue noise over a populous area without compromising the aircraft's safety; or
 - (iii) for a single-engine seaplane or amphibian—to enable the aircraft to land on water if its engine fails; or
 - (b) the aircraft is a glider (other than a glider with an engine operating) and the pilot in command contravenes the subregulation only to the extent necessary to enable the aircraft to land safely.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.390 Operating on manoeuvring area, or in the vicinity, of non-controlled aerodrome—requirements related to maintaining the same track after take-off

- (1) The pilot in command of an aircraft (other than a rotorcraft, a glider or a powered parachute) for a flight contravenes this subregulation if:
- (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and
 - (b) the pilot does not, after take-off, maintain the same track from the take-off until the aircraft is 500 ft AGL.
- (2) Subregulation (1) does not apply to the pilot in command of a seaplane or amphibian if the pilot in command contravenes the subregulation only to the extent necessary:
- (a) to avoid an obstacle; or
 - (b) to avoid undue noise over a populated area without compromising the aircraft's safety; or
 - (c) for a single engine seaplane or amphibian—to enable the aircraft to land on water if its engine fails.
- (3) Subregulation (1) does not apply to the pilot in command of an aircraft if a change to the track is necessary to avoid the terrain.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

91.395 Straight-in approaches at non-controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft approaches a non-controlled aerodrome to land using a straight-in approach; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) before starting the approach, the pilot in command must determine:
 - (i) the wind direction at the aerodrome; and
 - (ii) the runways in use at the aerodrome;

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- (b) the aircraft must give way to any other aircraft flying in the circuit pattern for the aerodrome;
 - (c) for an approach other than an approach covered by subregulation (2A)—all manoeuvring must be carried out, to establish the aircraft on the final approach, at least 3 nautical miles from the threshold of the runway intended to be used for the landing.
- (2A) An approach is covered by this subregulation if:
- (a) the approach is carried out in IMC using an instrument approach procedure; or
 - (b) the approach is by a Part 103 aircraft prescribed by the Part 103 Manual of Standards for the purposes of this paragraph.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.400 Communicating at certified, registered, military or designated non-controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of:
 - (i) a certified aerodrome; or
 - (ii) a registered aerodrome; or
 - (iii) a military aerodrome; or
 - (iv) an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for this subparagraph; and
 - (b) the aerodrome is a non-controlled aerodrome; and
 - (c) if the aircraft is not carrying an operative radio—the requirement in subregulation (2) is not met.
- (2) The requirement is that either subregulation (3) or (4) is satisfied.
- (3) This subregulation is satisfied if:
- (a) the flight is conducted during the day in VMC; and
 - (b) the flight is conducted in company with another aircraft; and
 - (c) the other aircraft is carrying an operative radio; and
 - (d) the pilot in command of the other aircraft is:
 - (i) if the aircraft is an Australian aircraft—authorised to operate the radio under Part 61; or
 - (ii) if the aircraft is a foreign registered aircraft—authorised to operate the radio under the law of the aircraft's State of registry or the State of the operator; or
 - (iii) if the aircraft is a Part 103 aircraft—authorised to operate the radio by a Part 103 ASAO.
- (4) This subregulation is satisfied if:
-

- (a) either:
 - (i) the radio becomes inoperative during the flight; or
 - (ii) the purpose of the flight is to take the radio to a place where it can be repaired; and
 - (b) if the aircraft is flying in the vicinity of the aerodrome—each of the following is switched on:
 - (i) the aircraft's landing lights (if any);
 - (ii) the aircraft's anti-collision lights (if any);
 - (iii) the aircraft's secondary surveillance radar transponder (if any); and
 - (c) if the aircraft is arriving at the aerodrome—the aircraft joins the circuit pattern for the aerodrome on the cross-wind or down-wind leg of the circuit pattern.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.405 Aircraft in aerodrome traffic at controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is part of aerodrome traffic at a controlled aerodrome; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) a continuous watch for instructions given visually by Air Traffic Services for the aerodrome using standard visual signals must be maintained;
 - (b) if a continuous listening watch on the frequency specified in the authorised aeronautical information for the flight for communications with Air Traffic Services for the aerodrome can be maintained—the continuous listening watch must be maintained;
 - (c) authorisation to conduct a manoeuvre preparatory to, or associated with, taxiing, landing or take-off must be obtained from Air Traffic Services for the aerodrome before the manoeuvre is conducted.
- (3) The pilot in command of an aircraft (other than a Part 131 aircraft) for a flight contravenes this subregulation if:
- (a) the aircraft is part of aerodrome traffic at a controlled aerodrome; and
 - (b) a requirement mentioned in subregulation (4) is not met.
- (4) The requirements are the following:
- (a) if the aircraft takes off from the aerodrome and a change to the aircraft's track is not necessary to avoid the terrain—the aircraft must maintain the same track from the take-off until the aircraft is 500 ft AGL;
 - (b) if the aircraft joins the circuit pattern for the aerodrome for a landing—the aircraft must, after joining the circuit pattern, make all turns in the direction of the circuit pattern;

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- (c) if the aircraft takes off from the aerodrome—the aircraft must, after taking off, make all turns in the direction of the circuit pattern while the pilot is flying in the circuit pattern for the aerodrome.
- (5) Subregulation (3) does not apply if:
 - (a) Air Traffic Services for the aerodrome instructed or permitted the pilot to engage in the conduct that would otherwise result in the contravention of that subregulation; or
 - (b) the aircraft is being flown in accordance with an authorised instrument departure procedure or an authorised instrument approach procedure.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

Division 91.D.5—Taking off, landing and ground operations

91.410 Use of aerodromes

(1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:

- (a) the aircraft takes off from, or lands at, a place; and
- (b) the place does not meet the requirement in subregulation (2).

Note: This regulation does not apply to the operation of an aircraft if regulation 121.205 applies to the operation: see regulation 91.035.

(2) The requirement is that:

- (a) the place is one of the following:
 - (i) a certified aerodrome;
 - (ii) a registered aerodrome;
 - (iii) an aerodrome for which an arrangement under section 20 of the Act is in force;
 - (iv) a place that is suitable for the landing and taking-off of aircraft; and
- (b) the aircraft can land at, or take off from, the place safely having regard to all the circumstances of the proposed landing or take-off (including the prevailing weather conditions).

(3) For the purposes of the definition of *aerodrome* in the Act, a place mentioned in subparagraph (2)(a)(iv) is authorised to be used as an aerodrome.

(4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.415 Taxiing aircraft

(1) A person contravenes this subregulation if:

- (a) the person taxis an aircraft; and
- (b) any of the following apply:
 - (i) for an aeroplane that is an Australian aircraft other than a Part 103 aircraft—the person is not authorised under Part 61 or 64 to taxi the aeroplane;
 - (ii) for a rotorcraft that is an Australian aircraft other than a Part 103 aircraft—the person is not authorised under Part 61 to taxi the rotorcraft;
 - (iii) for an aeroplane that is a foreign registered aircraft—the person is not qualified to taxi the aeroplane under the law of the aeroplane's State of registry or the State of the operator, nor authorised under Part 64;
 - (iv) for a rotorcraft that is a foreign registered aircraft—the person is not qualified to pilot the rotorcraft under the law of the rotorcraft's State of registry or the State of the operator;

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(v) for a Part 103 aircraft—the person is not authorised by a Part 103 ASAO to taxi the aircraft.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.420 Parked aircraft not to create hazard

- (1) A person contravenes this subregulation if the person parks an aircraft in a place where the aircraft is a hazard to the movement of other aircraft.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

91.425 Safety when aeroplane operating on ground

- (1) A person contravenes this subregulation if:

- (a) the person starts the engine of an aeroplane, or causes the engine to be started, while the aeroplane is on the ground; and
- (b) a requirement mentioned in subregulation (2) is not met.

- (2) The requirements are the following:

- (a) the person who starts the engine or causes the engine to be started must be:
 - (i) if the aeroplane is an Australian aircraft—a person authorised to pilot the aeroplane under Part 61 or a person authorised to taxi the aeroplane under Part 64; or
 - (ii) if the aeroplane is a foreign registered aircraft—a person qualified to pilot or taxi the aeroplane under the law of the aeroplane's State of registry or the State of the operator; or
 - (iii) a person of a kind prescribed by the Part 91 Manual of Standards; and
- (b) if subparagraph (a)(iii) applies—the aeroplane must be secured from moving.

- (3) Subregulation (1) does not apply if:

- (a) the person starting the engine of the aeroplane is hand-starting the propeller of the aeroplane; and
- (b) assistance is not readily available; and
- (c) adequate provision is made to prevent the aeroplane moving forward; and
- (d) no person is on board the aircraft.

- (4) A person contravenes this subregulation if:

- (a) the person operates an aeroplane on the ground, or causes an aeroplane to be operated on the ground; and

- (b) the person permits another person to board the aeroplane or to remain on the aeroplane while a pilot seat of the aeroplane is not occupied by a person who is competent to apply the brakes and control the engine.
- (5) For the purposes of paragraph (4)(b), a person is **competent to apply the brakes and control the engine** of an aeroplane if:
- (a) the person has been given instructions on how, and assessed as competent, to apply the brakes and control the engine (including how to shut the engine down) by another person; or
 - (b) the person is authorised under Part 61 or Part 64 to taxi the aeroplane; or
 - (c) if the aeroplane is a foreign registered aircraft—the person is qualified to pilot or taxi the aeroplane under the law of the aeroplane’s State of registry or the State of the operator.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.430 Safety when rotorcraft operating on ground

- (1) A person contravenes this subregulation if:
- (a) the person operates a rotorcraft on the ground; and
 - (b) the rotorcraft is being operated other than for maintenance or maintenance training; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) that the person is:
 - (i) if the rotorcraft is an Australian aircraft—authorised under Part 61 to pilot the rotorcraft; or
 - (ii) if the rotorcraft is a foreign registered aircraft—authorised to pilot the rotorcraft by the rotorcraft’s State of registry; or
 - (iii) a person of a kind prescribed by the Part 91 Manual of Standards; and
 - (b) if subparagraph (a)(iii) applies—the rotorcraft must be secured from moving.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.6—Fuel requirements

91.455 Fuel requirements

- (1) The Part 91 Manual of Standards may prescribe requirements relating to fuel for aircraft, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether an aircraft has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board an aircraft for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.

Note: This regulation does not apply to the operation of an aircraft if Division 121.D.6, 133.D.6 or 135.D.6 applies to the operation: see regulation 91.035.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.460 Oil requirements

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins, the aircraft is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.465 Contaminated, degraded or inappropriate fuels

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if, before the flight begins, the operator or pilot in command does not ensure that the aircraft has been fuelled with fuel that is not contaminated, degraded or inappropriate.
- (2) A person contravenes this subregulation if:
 - (a) the person supplies fuel for fuelling an aircraft (other than a Part 131 aircraft); and
 - (b) the fuel is contaminated, degraded or inappropriate fuel for the aircraft.
- (3) A person contravenes this subregulation if:
 - (a) the person fuels an aircraft; and
 - (b) the fuel is contaminated, degraded or inappropriate fuel for the aircraft.

- (4) A person commits an offence if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

91.470 Fire hazards

- (1) A person contravenes this subregulation if:
- (a) an aircraft is being fuelled; and
 - (b) the person creates a fire hazard within 15 m of the aircraft or the equipment used to fuel the aircraft.

- (2) A person contravenes this subregulation if:
- (a) a fire hazard exists within 15 m of an aircraft or the aircraft's fuelling equipment; and
 - (b) the person fuels the aircraft.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.475 Fuelling aircraft—fire fighting equipment

- (1) A person who fuels an aircraft contravenes this subregulation if a requirement mentioned in subregulation (2) is not met.

- (2) The requirements are the following:
- (a) at all times during the fuelling, at least the number of fire extinguishers mentioned in subregulation (2A):
 - (i) must be on the fuelling equipment or positioned at a distance of not less than 6 m and not more than 15 m from the fuelling point; and
 - (ii) must be readily available for use by the person;
 - (b) each fire extinguisher:
 - (i) must be of a type and capacity suitable for extinguishing fuel and electrical fires; and
 - (ii) for a fuelling operation in Australian territory—must comply with Australian/New Zealand Standard AS/NZS 1841, as in force from time to time.

- (2A) For the purposes of paragraph (2)(a) the number of fire extinguishers is:
- (a) for an aircraft other than a Part 131 aircraft—2; and
 - (b) for a Part 131 aircraft—one.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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91.480 Fuelling aircraft—electrical bonding

- (1) A person contravenes this subregulation if:
 - (a) the person is fuelling an aircraft; and
 - (b) the aircraft and the equipment used to fuel the aircraft are not electrically bonded.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.485 Equipment or electronic devices operating near aircraft

Operation of equipment or electronic device near aircraft during fuelling

- (1) A person contravenes this subregulation if:
 - (a) an aircraft is being fuelled; and
 - (b) the person operates equipment or an electronic device within 15 m of a critical fuelling point for the aircraft.

Fuelling aircraft while equipment or electronic device is operated near aircraft

- (2) A person contravenes this subregulation if:
 - (a) equipment or an electronic device is being operated within 15 m of a critical fuelling point for the fuelling of an aircraft; and
 - (b) the person fuels the aircraft.

Exceptions

- (3) Subregulations (1) and (2) do not apply if:
 - (a) the equipment or electronic device being operated:
 - (i) is part of the aircraft or the aircraft's fuelling equipment; or
 - (ii) is designed for use during fuelling operations; or
 - (iii) performs an aircraft servicing function and is safe for use within 15 m of a critical fuelling point for the fuelling of the aircraft; or
 - (iv) complies with an industry standard about the safe use of equipment or electronic devices within 15 m of a critical fuelling point for the fuelling of the aircraft; or
 - (b) the equipment being operated is an auxiliary power unit of the aircraft and the following requirements are met:
 - (i) the operation of the auxiliary power unit starts before the person begins fuelling the aircraft;
 - (ii) the aircraft flight manual instructions for the aircraft permit the auxiliary power unit to be operated during fuelling; or
 - (c) the electronic device being operated:

- (i) is hazardous to the process of fuelling the aircraft only because it is designed to produce radio emissions (within the meaning of the *Radiocommunications Act 1992*); and
- (ii) is operated at least 6 m from each critical fuelling point for the fuelling of the aircraft; or
- (d) for a turbine-engine aircraft—the electronic device being operated is a low-risk electronic device and is operated in accordance with regulation 91.490.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.490 Fuelling turbine-engine aircraft—low-risk electronic devices

Use of device inside cabin of aircraft

- (1) A person on a turbine-engine aircraft for a flight contravenes this subregulation if:
- (a) the person operates a low-risk electronic device inside the cabin of the aircraft while the aircraft is being fuelled; and
 - (b) the pilot in command of the aircraft has not given the person permission to operate the device while the aircraft is being fuelled.
- (2) The pilot in command of a turbine-engine aircraft for a flight contravenes this subregulation if:
- (a) the pilot in command gives permission to a person to operate a low-risk electronic device inside the cabin of the aircraft while the aircraft is being fuelled; and
 - (b) the requirement mentioned in subregulation (3) is not met.
- (3) The requirement is that, during fuelling, each cabin door within 3 m of a critical fuelling point for the fuelling of the aircraft must be closed.

Use of device outside cabin of aircraft

- (4) A person contravenes this subregulation if:
- (a) the person operates a low-risk electronic device outside the cabin of a turbine-engine aircraft while the aircraft is being fuelled; and
 - (b) a requirement mentioned in subregulation (5) is not met.
- (5) The requirements are the following:
- (a) the device must be operated at a distance of greater than 3 m from each critical fuelling point for the fuelling of the aircraft;

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- (b) the device may also be operated at a distance of 3 m or less from a critical fuelling point for the fuelling of the aircraft if the person operating the device:
 - (i) is employed or engaged by the operator of the aircraft; and
 - (ii) has successfully completed training and has been assessed by the operator as competent to comply with the requirements of this Division in relation to operating the device in those areas and to avoid the risks associated with being distracted when operating the device.
- (6) A person commits an offence if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

91.495 Only turbine-engine aircraft to be hot fuelled

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is hot fuelled for the flight; and
 - (b) the aircraft is not a turbine-engine aircraft.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.300 applies to the operation: see regulation 91.035.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.500 Hot fuelling aircraft—general

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is hot fuelled for the flight; and
 - (b) a requirement mentioned in subregulation (2) is not met.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.300 applies to the operation: see regulation 91.035.

- (2) The requirements are that, at the time of the hot fuelling:
 - (a) it must be safe to hot fuel; and
 - (b) if the aircraft is a turbine-engine propeller-driven aeroplane:
 - (i) an aeroplane propeller must not be within 2.5 m of the fuelling point used for the hot fuelling; and
 - (ii) a person using the fuelling point must be separated from the propeller by a part of the aeroplane's structure (such as a wing) and must not be able to move directly into the propeller's arc from the fuelling point; and
 - (c) doors on the fuelling side of the aircraft must be closed; and
 - (d) at least one door on the non-fuelling side of the aircraft must be open; and
 - (e) a system of fuelling must not be used that allows fuel to be exposed to the atmosphere; and

- (f) there must be a means available to the person fuelling the aircraft to quickly cut off the fuel supply at its point of entry into the aircraft's fuel tank; and
 - (g) the person in charge of the aircraft, or the person at the aircraft's controls, must maintain communication with the person fuelling the aircraft by means of:
 - (i) an electronic communication system; or
 - (ii) visual contact and an agreed system of signals.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.505 Hot fuelling aircraft—procedures etc.

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is hot fuelled for the flight; and
 - (b) the following are not set out in the aircraft flight manual instructions for the aircraft:
 - (i) procedures for the hot fuelling of the aircraft;
 - (ii) the circumstances in which the aircraft can be hot fuelled;
 - (iii) the procedures to be followed if an emergency occurs during hot fuelling.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.300 applies to the operation: see regulation 91.035.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a requirement of a procedure mentioned in subparagraph (1)(b)(i) or (iii) is not met in relation to the fuelling of the aircraft for the flight; or
 - (b) the aircraft is fuelled in a circumstance that is not mentioned in subparagraph (1)(b)(ii).
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is hot fuelled; and
 - (b) before the hot fuelling begins, a person who is directly involved with the hot fuelling has not been briefed about compliance with the procedures and circumstances mentioned in paragraph (1)(b).

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), or (3).

Penalty: 50 penalty units.

91.510 Fuelling aircraft—persons on aircraft, boarding or disembarking

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is being fuelled for the flight with a highly volatile fuel; and

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- (b) the fuelling begins or continues when a person who is not a crew member of the aircraft is:
 - (i) on the aircraft; or
 - (ii) boarding the aircraft; or
 - (iii) disembarking from the aircraft.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is being fuelled with fuel other than a highly volatile fuel; and
 - (b) the fuelling begins or continues when a person who is not a crew member of the aircraft is:
 - (i) on the aircraft; or
 - (ii) boarding the aircraft; or
 - (iii) disembarking from the aircraft; and
 - (c) neither the operator of the aircraft nor the pilot in command holds an approval under regulation 91.045 to fuel the aircraft in those circumstances.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.240, 133.195, 135.220 or 138.302 applies to the operation: see regulation 91.035.

- (2A) Subregulation (1) or (2) does not apply in relation to the replacement of fuel cylinders on a Part 131 aircraft.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2A): see subsection 13.3(3) of the *Criminal Code*.

91.515 Fuelling aircraft if fuel vapour detected

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is being fuelled for the flight; and
 - (b) a person who is not a crew member of the aircraft is:
 - (i) on the aircraft; or
 - (ii) boarding the aircraft; or
 - (iii) disembarking from the aircraft; and
 - (c) fuel vapour is detected in the aircraft; and
 - (d) the aircraft continues to be fuelled.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.7—Safety of persons on aircraft and cargo requirements

91.520 Crew members to be fit for duty

- (1) A crew member of an aircraft for a flight contravenes this subregulation if:
 - (a) the crew member is, or is likely to be, unfit to perform a duty:
 - (i) that is a required duty for the crew member to perform during the flight; and
 - (ii) that is related to the safety of the aircraft or of the persons on the aircraft or cargo on the aircraft; and
 - (b) the crew member begins to carry out the crew member's duties for the flight.
- (2) A crew member of an aircraft for a flight contravenes this subregulation if:
 - (a) the crew member carries out a duty for the flight; and
 - (b) either:
 - (i) the crew member consumes alcohol at any time during the period of 8 hours ending when the flight begins; or
 - (ii) if a test of a body sample of the crew member to determine the level of alcohol in the sample was taken at the time of carrying out the duty—the test would reveal that the permitted level for alcohol (within the meaning of Part 99) is exceeded.
- (3) A crew member of an aircraft for a flight contravenes this subregulation if the crew member consumes alcohol while on board the aircraft.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator believes on reasonable grounds that a crew member is unfit to perform a duty on the flight; and
 - (b) the duty relates to the safety of the aircraft or of the persons on the aircraft or cargo on the aircraft; and
 - (c) the operator assigns the crew member to duty for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.
- (6) A person commits an offence if the person contravenes subregulation (4).

Penalty: 50 penalty units.
- (7) Strict liability applies to paragraphs (4)(b) and (c).
- (8) Without limiting subregulation (1) or (4), a crew member is taken to be, or is taken to be likely to be, unfit to perform a duty if:

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- (a) the crew member is fatigued to the extent that the crew member's ability to safely perform the duty is reduced or likely to be reduced; or
- (b) the crew member's ability to safely perform the duty is impaired, or likely to be impaired, because the crew member has consumed, used or absorbed a psychoactive substance.

91.525 Offensive or disorderly behaviour on aircraft

- (1) A person on an aircraft for a flight contravenes this subregulation if:
 - (a) the person behaves in an offensive or disorderly manner; and
 - (b) as a result of that behaviour, the safety of the aircraft or persons on the aircraft is endangered.
- (2) The operator or a crew member of an aircraft for a flight may refuse to allow a person to board the aircraft if there are reasonable grounds to believe that the person is likely to behave in an offensive or disorderly manner that is likely to endanger the safety of the aircraft or persons on the aircraft.
- (3) Without limiting subregulation (1) or (2), a person is taken to behave in an offensive or disorderly manner if the person:
 - (a) assaults, intimidates or threatens another person (whether the assault, intimidation or threat is verbal or physical, and whether or not a weapon or object is used); or
 - (b) intentionally damages or destroys property.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.530 When smoking not permitted

- (1) A person on an aircraft (other than a Part 103 aircraft) for a flight contravenes this subregulation if the person smokes:
 - (a) during take-off or landing; or
 - (b) during a period when the pilot in command has directed the person not to smoke.

Note: Section 37 of the *Air Navigation Regulation 2016* prohibits smoking anywhere on an aircraft if the aircraft is engaged in certain operations.

- (2) A person on an aircraft (other than a Part 103 aircraft) for a flight contravenes this subregulation if the person smokes in the aircraft's toilet.
- (3) For the purposes of paragraph (1)(b), the pilot in command is taken to have directed a person on an aircraft not to smoke if:
 - (a) a permanent "no smoking" sign is displayed in the aircraft's cabin; or
 - (b) the pilot has switched on an illuminated "no smoking" sign in the aircraft's cabin.

- (3A) A person on a Part 103 aircraft for a flight contravenes this subregulation if the person smokes on the aircraft.
- (4) For the purposes of this regulation, smoking is taken to include the use of electronic cigarettes.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3A).

Penalty: 50 penalty units.

91.535 Crew safety during turbulence

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a crew member (other than a flight crew member) is carried on the flight; and
 - (b) before the flight begins, the pilot in command has not implemented procedures for:
 - (i) the protection of such crew members during turbulence or during a period when turbulence is expected; or
 - (ii) the limiting or ceasing of crew member duties during turbulence or during a period when turbulence is expected.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.540 Means of passenger communication

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) due to the design or configuration of the aircraft, the pilot in command is unable to see all seats (and berths) on the aircraft from the pilot in command's pilot seat; and
 - (b) before the aircraft begins the flight, the aircraft is not fitted with a means to communicate with all passengers during all phases of the flight (including emergencies).
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.545 Seating for persons on aircraft

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) a person is assigned a seat (or a berth) on the aircraft for the flight; and
 - (b) the seat or berth is not fitted with a seatbelt or shoulder harness; and
 - (c) the aircraft begins the flight.

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- (2) Subregulation (1) does not apply if circumstances prescribed by the Part 91 Manual of Standards apply in relation to the carriage of the person for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.550 Seating for flight crew members

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the flight must be conducted by at least one pilot who:
 - (i) for an Australian aircraft—holds a pilot licence and is permitted under regulation 61.385 to conduct the flight; or
 - (ii) for a foreign aircraft—is qualified to pilot the aircraft under the law of the aircraft's State of registry or the State of the operator;
 - (b) at all times during the flight, such a pilot must occupy a pilot seat, with the seatbelt securely fastened;
 - (c) during take-off, landing or any other period that the pilot in command directs, each flight crew member required for the flight must occupy the flight crew member's crew station with the seatbelt and shoulder harness securely fastened;
 - (d) when occupying a crew station on the flight deck other than a flight crew member's crew station, the flight crew member must keep the flight crew member's seatbelt securely fastened.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.555 Seating for crew members other than flight crew members

- (1) A crew member (other than a flight crew member) for a flight of an aircraft contravenes this subregulation if, during take-off, landing or any other period that the pilot in command directs, the crew member is not:
 - (a) occupying the crew member's crew station; and
 - (b) wearing, securely fastened, the seatbelts and shoulder harnesses provided at that station.

Note: This regulation does not apply to the operation of an aircraft if regulation 138.375 applies to the operation: see regulation 91.035.

- (2) Subregulation (1) does not apply if:
 - (a) a direction is given by the pilot in command during turbulence; and

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- (b) the crew member occupies a seat other than the crew member's crew station; and
 - (c) the crew member is wearing, securely fastened, the seatbelts and shoulder harnesses provided at that seat.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.560 Restraint of infants and children

- (1) A passenger on an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) a direction is given to passengers under regulation 91.570 to fasten seatbelts or shoulder harnesses (as the case requires); and
 - (b) the passenger is responsible for an infant or child carried on the flight; and
 - (c) the passenger does not ensure that the infant or child is restrained in accordance with the requirements prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.565 Passengers—safety briefings and instructions

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) a passenger is not given a safety briefing and instructions in accordance with the requirements prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
 - (b) the aircraft takes off for the flight.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.285, 133.240 or 135.280 applies to the operation: see regulation 91.035.

- (2) Subregulation (1) does not apply if:
- (a) the passenger has been previously carried on the aircraft; and
 - (b) the passenger has previously been given a safety briefing and instructions in accordance with this regulation; and
 - (c) in the circumstances it is not reasonably necessary to give the same safety briefing and instructions.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.570 Passengers—safety directions by pilot in command

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, before doing a thing mentioned in subregulation (2), a passenger is not directed to do the following:
- (a) to fasten the passenger's seatbelt or shoulder harness;
 - (b) if the seat back of the seat (or berth) in which the passenger is sitting is adjustable—to ensure that the seat back is in an upright position or other position permitted by the aircraft flight manual instructions for the aircraft while the aircraft is doing a thing mentioned in subregulation (2);
 - (c) if there are attachments to or for the seat (including a tray table or footrest)—to stow the attachments or to position them as permitted by the aircraft flight manual instructions for the aircraft while the aircraft is doing a thing mentioned in subregulation (2).

Note: This regulation does not apply to the operation of an aircraft if regulation 105.105 applies to the operation: see regulation 91.035.

- (2) The things are the following:
- (a) taxiing;
 - (b) taking off;
 - (c) landing.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the pilot in command has reason to believe it is necessary, for the safety of passengers, that a passenger's seatbelt or shoulder harness is fastened; and
 - (b) the pilot in command does not direct the passenger to fasten the passenger's seatbelt or shoulder harness.
- (4) For subregulations (1) and (3), a direction that seatbelts or shoulder harnesses are to be fastened may be given by the operation of an illuminated sign.
- (5) A direction mentioned in paragraph (1)(a) does not apply to a person occupying a seat (or berth) on an aircraft if:
- (a) the person's health may suffer a detriment by being restrained by a seatbelt; and
 - (b) the pilot in command agrees that the person is otherwise safely restrained.
- (6) A direction mentioned in paragraph (1)(b) does not apply to a person occupying a seat (or berth) on an aircraft if:
- (a) the person is ill or incapacitated; and
 - (b) the pilot in command agrees to the passenger not adjusting their seat (or berth); and
 - (c) the person is otherwise safely restrained and will not affect the safety of other passengers.

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulations (5) and (6): see subsection 13.3(3) of the *Criminal Code*.

91.575 Passengers—compliance with safety directions

- (1) A passenger on an aircraft for a flight contravenes this subregulation if, during the flight:
- (a) a direction mentioned in regulation 91.570 is given to the passenger; and
 - (b) the person does not comply with the direction.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.580 Passengers—compliance with safety instructions by cabin crew

- (1) A cabin crew member of an aircraft may, during a flight, give an instruction to a passenger:
- (a) relating to the safety of the aircraft; or
 - (b) relating to the safety of a person on the aircraft.
- (2) A passenger on the aircraft contravenes this subregulation if:
- (a) a cabin crew member gives a passenger an instruction under subregulation (1); and
 - (b) the passenger does not comply with the instruction.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.585 Restraint and stowage of cargo

- (1) This regulation does not apply in relation to the following kinds of cargo on an aircraft:
- (a) an assistance animal carried in a passenger cabin;
 - (b) carry-on baggage;
 - (c) equipment that is required or permitted under these Regulations to be carried on the aircraft without being restrained or stowed;
 - (d) cargo to be dropped from the aircraft during a dropping operation.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if cargo carried on the flight is not:

Regulation 91.590

- (a) restrained using equipment that is approved under regulation 21.305 or 21.305A; or
 - (b) securely stowed in a place designed and approved for that purpose under Part 21; or
 - (c) for equipment of a foreign registered aircraft operating in Australian territory—restrained or stowed in accordance with any requirements under the law of the aircraft’s State of registry or the State of the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.590 Restraint and stowage of carry-on baggage

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) either:
 - (i) the aircraft is taking off or landing; or
 - (ii) the pilot in command has directed that carry-on baggage be securely stowed; and
 - (b) an item of carry-on baggage is not:
 - (i) securely stowed in a place designed and approved under Part 21 (or in the case of a foreign aircraft, under the law of the aircraft’s State of registry or the State of the operator) for that purpose; or
 - (ii) otherwise safely restrained.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.265 applies to the operation: see regulation 91.035.

- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.595 Restraint and stowage of certain aircraft equipment

- (1) The operator and pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) either:
 - (i) the aircraft is taking off or landing; or
 - (ii) the pilot in command has directed that passenger service equipment or galley equipment be restrained or securely stowed; and
 - (b) the passenger service equipment or galley equipment is not restrained or securely stowed in a place intended for the purpose.

Note: This regulation does not apply to the operation of an aircraft if regulation 121.265 applies to the operation: see regulation 91.035.

- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.600 Carriage of cargo—general

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) cargo must not be carried in a place where the cargo may damage, obstruct or cause the failure of:
 - (i) a control, electrical wiring or a pipeline of the aircraft; or
 - (ii) any other equipment that is essential to the safe operation of the aircraft;
 - (b) cargo must not be carried in a place where the weight of the cargo exceeds the load limitations for the floor structure or any other load bearing components of that place, as set out:
 - (i) in the aircraft flight manual instructions for the aircraft; or
 - (ii) on a placard on the aircraft;
 - (c) cargo (other than passenger service equipment or galley equipment in an aisle on a temporary basis while in use) must not obstruct an aisle;
 - (d) either:
 - (i) cargo must not obstruct, or restrict access to, an emergency exit; or
 - (ii) the operator or the pilot in command must hold an approval from CASA under regulation 91.045 for cargo to be carried in a manner that obstructs, or restricts access to, the emergency exit.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.605 Carriage of cargo—cargo compartments

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) more than one flight crew member is required for the flight; and
 - (b) cargo is carried in a cargo compartment; and
 - (c) the design of the cargo compartment is such that if a fire were to occur during the flight, a crew member would need to enter the compartment to extinguish the fire; and
 - (d) the cargo is not loaded in a manner to allow a crew member to reach, at any time during the flight, all parts of the compartment with the contents of a hand-held fire extinguisher.
- (2) A flight crew member is **required** for a flight if the flight crew member is one of the number of flight crew members required for the flight by:
 - (a) the aircraft flight manual instructions for the aircraft; or
 - (b) if a greater number is required by these Regulations—these Regulations.

Part 91 General operating and flight rules

Subpart 91.D Operational procedures

Division 91.D.7 Safety of persons on aircraft and cargo requirements

Regulation 91.610

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.610 Carriage of cargo—unoccupied seats

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:

- (a) cargo is carried on an unoccupied seat in the aircraft; and
(b) a requirement mentioned in subregulation (2) is not met.

- (2) The requirements are the following:

- (a) the cargo must not weigh more than:
(i) 77 kg; or
(ii) if the seat manufacturer permits a greater weight for the seat—that weight;
(b) the cargo, and the means of restraint of the cargo, must not interfere with the safe operation of the aircraft.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.615 Carriage of cargo—loading instructions

- (1) This regulation applies in relation to cargo other than cargo that:

- (a) is carry-on baggage that weighs less than 9 kg and is stowed under a seat or in a place designed for that purpose; or
(b) is carried on an unoccupied seat in accordance with regulation 91.610.

- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if, during the flight, cargo is not carried in the aircraft in a place that has a placard bearing the instructions for the carriage of the cargo in that place.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.620 Carriage of animals

- (1) A person contravenes this subregulation if:

- (a) the person brings an animal onto an aircraft for a flight; and
(b) the person does not have permission from the pilot in command of the aircraft to do so.

- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:

Regulation 91.620

- (a) the pilot in command of the aircraft gives permission for a person to bring an animal onto the aircraft for the flight; and
 - (b) the pilot in command does not take reasonable steps to ensure that carriage of the animal does not have an adverse effect on the safety of air navigation.
- (3) The operator or the pilot in command of an aircraft for a flight may refuse to carry an assistance animal (within the meaning of the *Disability Discrimination Act 1992*) in the aircraft for the flight if the operator or pilot in command reasonably believes that the carriage of the animal for the flight may have an adverse effect on the safety of air navigation.
- (4) Subregulation (3) has effect despite anything in the *Disability Discrimination Act 1992*.
- (5) The Part 91 Manual of Standards may prescribe requirements relating to the carriage of animals on an aircraft for a flight.
- (6) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the pilot in command is subject to a requirement mentioned in subregulation (5); and
 - (b) the requirement is not met for the flight.
- (7) The operator of an aircraft for a flight contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (5); and
 - (b) the requirement is not met for the flight.
- (8) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (6) or (7).

Penalty: 50 penalty units.

Division 91.D.8—Instruments, indicators, equipment and systems

91.625 Use of radio—qualifications

- (1) A person contravenes this subregulation if:
 - (a) the person transmits on a radio frequency published in the AIP or NOTAMs that is:
 - (i) used by Air Traffic Services; or
 - (ii) used for communications at a certified aerodrome, a registered aerodrome, a military aerodrome or an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for the purposes of subparagraph 91.400(1)(a)(iv); or
 - (iii) used in aeronautical emergencies; or
 - (iv) of a kind prescribed by the Part 91 Manual of Standards for this subparagraph; and
 - (b) the person is not authorised or qualified to do so:
 - (i) for an Australian aircraft (other than a Part 103 aircraft or a Part 131 aircraft)—under Part 61, 64 or 65; or
 - (ii) for a foreign registered aircraft—under the law of the aircraft’s State of registry or the State of the operator; or
 - (iii) for a Part 103 aircraft—by a Part 103 ASAO; or
 - (iv) for a Part 131 aircraft—by a Part 131 pilot authorisation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.630 Use of radio—broadcasts and reports

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with, or carries, a radio; and
 - (b) during the flight, the pilot in command does not make a broadcast or a report relating to the flight that is prescribed by the Part 91 Manual of Standards for this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.635 Communication monitoring in controlled airspaces

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, the aircraft is flown in controlled airspace; and

(b) the pilot in command does not continuously monitor the primary communications medium used by air traffic control while flying in that airspace.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.640 Use of radio outside controlled airspaces—listening watch of radio transmissions

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if:

- (a) the aircraft is fitted with, or carries, a radio; and
- (b) the aircraft is flown by a pilot who is qualified, eligible or authorised to use the radio:
 - (i) for an Australian aircraft (other than a Part 103 aircraft or a Part 131 aircraft)—under Part 61 or 64; or
 - (ii) for a foreign registered aircraft—under a law of the aircraft’s State of registry or the State of the operator; or
 - (iii) for a Part 103 aircraft—by a Part 103 ASAO; or
 - (iv) for a Part 131 aircraft—by a Part 131 pilot authorisation; and
- (c) the aircraft is outside controlled airspace; and
- (d) radio transmissions are not continuously monitored by:
 - (i) the pilot in command of the aircraft for the flight; or
 - (ii) another pilot who occupies a pilot seat during the flight.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.645 Availability of instructions for flight data and combination recorders

(1) The operator of an aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight:

- (a) the aircraft is required to be fitted with a flight data recorder or combination recorder by these Regulations; and
- (b) the operator does not have the instructions for the recorder available for immediate provision to the Australian Transport Safety Bureau.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 91.650

91.650 Flight recorders—preserving recordings of immediately reportable matters

- (1) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with an operative flight data recorder, operative cockpit voice recorder or operative combination recorder; and
 - (b) an immediately reportable matter occurs in relation to the aircraft; and
 - (c) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that recordings from the flight data recorder, cockpit voice recorder and combination recorder related to the occurrence of the matter, and the recorders, are preserved:
 - (a) if the Australian Transport Safety Bureau notifies the operator, within 72 hours of the matter being reported to the Australian Transport Safety Bureau under section 18 of the *Transport Safety Investigation Act 2003*:
 - (i) that the operator is not required to preserve the recordings and recorders—until the time of that notification; or
 - (ii) that the operator is required to preserve the recordings and recorders for a certain period—until the end of that period; or
 - (iii) that the operator is required to preserve the recordings for a certain period but is not required to preserve the recorders—until the end of that period for the recordings, and until the time of that notification for the recorders; or
 - (b) in any other case—until 72 hours after the matter is reported to the Australian Transport Safety Bureau under section 18 of the *Transport Safety Investigation Act 2003*.
- (3) Subregulation (1) does not apply if:
 - (a) the recordings or recorders are not preserved; and
 - (b) the operator took reasonable steps in the circumstances to preserve the recordings or recorders.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.655 RVSM airspace

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is flown in RVSM airspace; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that either or both of the following apply:
 - (a) the operator of the aircraft holds:

- (i) for an Australian aircraft—an approval under regulation 91.045; or
 - (ii) for a foreign aircraft—an approval by the national aviation authority of the aircraft's State of registry or of the State of the operator;
- for the aircraft to be flown in RVSM airspace;
- (b) the pilot in command has been given an air traffic control clearance or an air traffic control instruction for the aircraft to be flown in the RVSM airspace.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the aircraft is in RVSM airspace; and
 - (b) the aircraft becomes unable to operate with RVSM separation; and
 - (c) the pilot in command does not inform air traffic control as soon as practicable after the aircraft becomes unable to operate with RVSM separation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).
- Penalty: 50 penalty units.
- (5) A person commits an offence if the person contravenes subregulation (3).
- Penalty: 50 penalty units.

91.660 Performance-based navigation

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the flight, or any part of the flight, is conducted using a navigation specification prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
 - (b) neither the operator of the aircraft for the flight nor the pilot in command holds:
 - (i) for an Australian aircraft—an approval under regulation 91.045; or
 - (ii) for a foreign registered aircraft—an approval by the national aviation authority of the aircraft's State of registry or of the State of the operator;to use that navigation specification during the flight or part of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).
- Penalty: 50 penalty units.

Part 91 General operating and flight rules

Subpart 91.D Operational procedures

Division 91.D.9 Miscellaneous

Division 91.D.9—Miscellaneous

Note: This Division is reserved for future use.

Division 91.D.10—Signals, emergencies and hazards

91.670 Standard visual signals

- (1) A person contravenes this subregulation if:
 - (a) the person displays a signal to an aircraft other than a glider for the purposes of marshalling the aircraft; and
 - (b) the signal is not a standard visual signal.
- (2) A person contravenes this subregulation if:
 - (a) the person displays a standard visual signal to an aircraft; and
 - (b) the safety of the aircraft, or of any person or property, is likely to be endangered as a result of the display of the signal.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a standard visual signal is displayed to the aircraft during the flight; and
 - (b) the pilot in command does not comply with the signal.
- (4) Subregulation (3) does not apply if the pilot in command reasonably believes that compliance with the signal is likely to endanger the safety of the aircraft or of any person or property.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

91.675 Pilot in command to report hazards to air navigation

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot in command becomes aware that a hazard to air navigation exists; and
 - (b) information about the hazard is not published in the authorised aeronautical information for the flight; and
 - (c) the pilot in command does not, as soon as circumstances permit, report the hazard to:
 - (i) Air Traffic Services; and
 - (ii) if the hazard is on an aerodrome—the operator of the aerodrome.
 - (2) Subregulation (1) does not apply if:
 - (a) the pilot believes that the hazard has previously been reported as required by subregulation (1); and
 - (b) the belief is reasonable in the circumstances.
 - (3) A person commits an offence of strict liability if the person contravenes subregulation (1).
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Regulation 91.680

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

91.680 Pilot in command to report emergencies

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) an emergency occurs that threatens the safety of the aircraft or the persons on the aircraft; and
 - (b) the aircraft is fitted with, or carries, a means for the pilot in command to communicate with Air Traffic Services; and
 - (c) it is practicable to inform Air Traffic Services of the emergency; and
 - (d) the pilot does not inform Air Traffic Services, at the time that it is practicable to do so, of:
 - (i) the emergency; and
 - (ii) if the aircraft is carrying dangerous goods—the nature and state of the goods.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.685 Multi-engine aircraft—pilot in command to land at nearest suitable aerodrome if emergency occurs

- (1) The pilot in command of a multi-engine aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) an emergency occurs that threatens the safety of the aircraft or the persons on the aircraft; and
 - (b) the pilot does not land at the aerodrome that is, in the circumstances, the nearest suitable aerodrome for the aircraft to land at.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.690 Pilot in command to report contraventions relating to emergencies

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) during the flight, an emergency occurs that threatens the safety of the aircraft or the persons on the aircraft; and
 - (b) the emergency requires the pilot flying the aircraft to take action that involves a contravention of a provision of these Regulations; and

Regulation 91.695

- (c) neither the operator nor the pilot in command give CASA written notice, in the approved form, of the contravention and the circumstances of the contravention, within 2 business days after the day the emergency occurs.
- (2) The pilot in command is not excused from giving notice under subregulation (1) on the ground that the giving of the notice, or the information in the notice, might tend to incriminate the pilot in command or expose the pilot in command to a penalty.
- (3) The following are not admissible in evidence against the pilot in command in criminal proceedings other than proceedings for an offence against subsection 136.1(1) or (4), 137.1(1) or 137.2(1) of the *Criminal Code*:
 - (a) the information in the notice;
 - (b) any information, document or thing obtained as a direct or indirect consequence of giving the notice.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.695 Interception of aircraft

- (1) The Part 91 Manual of Standards may prescribe requirements to be met if an aircraft is intercepted by another aircraft during a flight.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is intercepted by another aircraft during the flight; and
 - (b) a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.700 Aviation distress signals

- (1) A person on an aircraft for a flight contravenes this subregulation if:
 - (a) the person has made an aviation distress signal; and
 - (b) the reason for making the signal no longer exists; and
 - (c) the state of the aircraft's radio and the location of the aircraft are such that the signal is able to be cancelled; and
 - (d) the person does not cancel the signal as soon as circumstances permit.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

Regulation 91.705

91.705 Flight in icing conditions—adherence of frost, ice or snow

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight, frost, ice or snow is adhering to any of the aircraft's wings, flaps, control surfaces, rotors, propellers, horizontal stabilisers or vertical stabilisers.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft begins a flight:
 - (a) the aircraft has frost, ice or snow adhering to the top of the aircraft's fuselage; and
 - (b) either:
 - (i) the aircraft has rear-mounted engines; or
 - (ii) the adherence of the frost, ice or snow to the top of the aircraft's fuselage is a hazard to the safe operation of the aircraft for the flight.
- (3) Subregulation (1) or (2) does not apply if the take-off for the flight is conducted in accordance with the aircraft flight manual instructions for the aircraft that relate to taking off under the conditions mentioned in that subregulation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.710 Flight in icing conditions—requirements for flight

- (1) This regulation applies to a flight of an aircraft if:
 - (a) when the flight begins, icing conditions are known or suspected for the flight path along which the aircraft will be flown; or
 - (b) both:
 - (i) during the flight, the aircraft flies into icing conditions; and
 - (ii) the pilot in command does not, as soon as practicable, change the aircraft's flight path to try and avoid the icing conditions.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight began, the aircraft was not type certificated as complying with the airworthiness standards relating to flight in icing conditions.
- (3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 91.D.11—Causing or simulating failures etc.

Subdivision 91.D.11.1—Causing or simulating instrument failure etc.

91.715 Causing or simulating failure of flight instruments

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the failure of an instrument of any of the following kinds is caused or simulated:
 - (i) an attitude indicator;
 - (ii) a gyrocompass or an equivalent instrument;
 - (iii) an airspeed indicator;
 - (iv) an altimeter; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (b) only crew members that are required for the training, checking or testing are carried on the flight;
 - (c) a person who is authorised to pilot the aircraft under Part 61, by a Part 103 ASAO or by a Part 131 pilot authorisation (or in the case of a foreign aircraft, under the law of the aircraft's State of registry or the State of the operator):
 - (i) must occupy a pilot seat fitted with a fully functioning set of flight controls; and
 - (ii) if the flight is in IMC or at night—must have a clear view of an operative instrument of the same kind as the instrument subjected to failure or simulated failure.
- (3) Subregulation (1) does not apply if the pilot in command is carrying out:
 - (a) a maintenance test flight; or
 - (b) a procedure to diagnose or isolate a failure of an instrument or system.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

91.720 Simulating IMC flying

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, IMC are simulated; and
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Regulation 91.725

(b) a requirement mentioned in subregulation (2) is not met.

(2) The requirements are the following:

(a) a pilot (the **safety pilot**) must:

- (i) occupy a pilot seat fitted with fully functioning flight controls; and
- (ii) have adequate vision forward and to each side of the aircraft;

(b) a pilot (the **second pilot**) flying the aircraft under simulated IMC must occupy a pilot seat fitted with fully functioning flight controls;

(c) the safety pilot must be authorised or qualified to pilot the aircraft:

- (i) for an Australian aircraft—under Part 61; or
- (ii) for a foreign registered aircraft—under the law of the aircraft’s State of registry or the State of the operator.

Note: If the flight manual for an aircraft requires that it be flown by 2 pilots, Part 61 requires both pilots to have a type rating for the aircraft.

(3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.725 Training flight limitations etc.

(1) In this regulation:

permitted person, in relation to an aircraft, means:

- (a) a crew member of the aircraft; or
- (b) a person authorised by the operator of the aircraft to conduct an audit of the operation involved, or to supervise it; or
- (c) an authorised officer carrying out an examination, inspection or test of the work of the aircraft’s crew under these Regulations.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) a person other than a permitted person is carried on the aircraft; and
- (b) the pilot in command permits any of the following:
 - (i) flight training for a flight crew member who does not hold a class rating or type rating for the aircraft;
 - (ii) the simulation (other than verbally) of an emergency or abnormal situation that may affect the handling characteristics of the aircraft;
 - (iii) training below 500 ft AGL (other than training for take-off and landing);
 - (iv) training mentioned in Part 61 for a low-level rating, an aerial application rating, an aerobatic endorsement or a spinning endorsement, or training for an equivalent qualification under a law of a foreign country.

(3) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight:

- (a) a person other than the following is carried on the aircraft:

- (i) a permitted person;
 - (ii) a member of the aircraft's maintenance personnel who is required, as part of the member's duties, to be on the aircraft; and
 - (b) the pilot in command permits a test of the aircraft, or any of its instruments, indicators, items of equipment or systems (other than a test of the aircraft during the course of checks associated with the normal operation of the aircraft).
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) for a flight for which the activity mentioned in subparagraph (2)(b)(i) is permitted—more than 4 permitted persons, including the pilot, are on the aircraft; or
 - (b) for a flight for which the activity mentioned in subparagraph (2)(b)(ii) or (iv) is permitted—more than 3 permitted persons, including the pilot, are on the aircraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2), (3) or (4).

Penalty: 50 penalty units.

Subdivision 91.D.11.2—Causing or simulating engine failure etc. for aeroplanes

91.730 Aeroplane flights in IMC or at night—engine not to be shut down

- (1) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) the flight is in IMC or at night; and
 - (b) an engine of the aeroplane is shut down during the flight.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.735 Single-engine aeroplane—VFR flights by day—engine not to be shut down

- (1) The pilot in command of a single-engine aeroplane for a flight contravenes this subregulation if:
- (a) the flight is a VFR flight by day; and
 - (b) the engine of the aeroplane is shut down during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (b) only flight crew members are carried on the flight;

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- (c) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of shutting down an engine;
 - (d) while the engine is shut down, the aeroplane must remain within gliding distance of a safe forced landing area.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.740 Single-engine aeroplane—simulating engine failure in IMC or at night

- (1) The pilot in command of a single-engine aeroplane for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) a failure of the aeroplane's engine is simulated during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (b) only flight crew members are carried on the flight;
 - (c) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;
 - (d) for a simulation at night:
 - (i) the simulation must commence above 1,000 ft AGL; and
 - (ii) while the engine failure is being simulated, the aeroplane must remain within gliding distance of a lighted runway available for landing;
 - (e) for a simulation in IMC:
 - (i) the simulation must commence above the lowest safe altitude for the route or route segment of the flight; and
 - (ii) VMC conditions must exist below that altitude.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.745 Multi-engine aeroplane—simulating engine failure—general

- (1) The pilot in command of a multi-engine aeroplane for a flight contravenes this subregulation if, during the flight:
- (a) an engine failure is simulated; and
 - (b) the requirement mentioned in subregulation (2) is not met.

- (2) The requirement is that one of the following must apply to the aeroplane:
- (a) the aeroplane must be type certificated to carry not more than 9 passengers, or must have a maximum take-off weight of not more than 8,618 kg;
 - (b) for an aeroplane that is type certificated to carry more than 9 passengers but not more than 19 passengers:
 - (i) there must be no flight simulator for the type of aeroplane in Australia; or
 - (ii) if subparagraph (i) does not apply—the operator must hold an approval from CASA under regulation 91.045 to simulate the failure of the engine;
 - (c) for an aircraft that is type certificated to carry more than 19 passengers:
 - (i) there must be no flight simulator for the type of aeroplane in Australia; and
 - (ii) there must be no flight simulator approved by a recognised national aviation authority in a foreign country for the type of aeroplane; and
 - (iii) if subparagraphs (i) and (ii) do not apply—the operator must hold an approval from CASA under regulation 91.045 to simulate the failure of the engine;
 - (d) the aeroplane must be conducting a flight of the following kind in accordance with the requirements in Subpart 91.T for the kind of flight:
 - (i) a test flight of an aircraft for which a provisional certificate of airworthiness is in force;
 - (ii) if a special flight permit allows the aeroplane to simulate a failure of the engine—a flight under the special flight permit;
 - (iii) if an experimental certificate allows the aeroplane to simulate a failure of the engine—a flight under the experimental certificate.
- (3) An application for an approval mentioned in subparagraph (2)(b)(ii) or (2)(c)(iii) must include a safety risk management plan.
- (4) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.750 Multi-engine aeroplane—simulating engine failures in IMC or at night

- (1) The pilot in command of a multi-engine aeroplane for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) a failure of one of the aeroplane's engines is simulated during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:

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- (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure;
 - (b) the flight must be conducted for the purpose of pilot training, checking or testing;
 - (c) only flight crew members are carried on the flight;
 - (d) the pilot in command must brief the pilot under instruction before the simulation and must supervise the simulation;
 - (e) for an aeroplane flown in IMC that is not conducting an approach to land mentioned in paragraph (f)—the aeroplane must be at or above the minimum height mentioned in subregulation 91.305(2);
 - (f) for an aeroplane conducting an asymmetric instrument approach and missed approach:
 - (i) the simulation must be initiated above the initial approach altitude; and
 - (ii) the flight must be conducted with visual reference to the terrain when below a height of 1,000 ft above the relevant minima according to the aeronautical chart in use for the approach;
 - (g) for an aeroplane flown at night in VMC—the aeroplane must be flown:
 - (i) if the aeroplane is not conducting an approach to land or within the circling area of an aerodrome—above the minimum height mentioned in subregulation 91.305(2) or 91.277(2) (as the case requires); or
 - (ii) if the aeroplane is conducting an approach to land and is not within the circling area of an aerodrome—in accordance with an authorised instrument approach procedure; or
 - (iii) within the circling area of an aerodrome (as determined in accordance with the method specified in the authorised aeronautical information for the flight for determining the circling area for the aerodrome);
 - (h) for an aeroplane flown at night in VMC—the simulation must be initiated at or above circuit height and not below 1,000 ft AGL;
 - (i) the simulation must be carried out in accordance with procedures specified in:
 - (i) the aircraft flight manual instructions for the aeroplane (if any); or
 - (ii) if procedures are not specified in the aircraft flight manual instructions for the aeroplane, and the operator of the aeroplane is required to have an exposition by these Regulations—the exposition; or
 - (iii) if procedures are not specified in the aircraft flight manual instructions for the aeroplane, and the operator of the aeroplane is not required to have an exposition by these Regulations—the operator's operations manual.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 91.D.11.3—Causing or simulating engine failure etc. for rotorcraft

91.755 Single-engine rotorcraft—engine not to be shut down

- (1) The pilot in command of a single-engine rotorcraft for a flight contravenes this subregulation if, during the flight, the engine is shut down.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.760 Single-engine rotorcraft—engine failure not to be simulated and autorotation of main rotor system not to be initiated in IMC

- (1) The pilot in command of a single-engine rotorcraft for a flight in IMC contravenes this subregulation if:
 - (a) a failure of the rotorcraft's engine is simulated during the flight; or
 - (b) an autorotation of the rotorcraft's main rotor system is initiated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.765 Single-engine rotorcraft—simulating engine failure or initiating autorotation of main rotor system at night

- (1) The pilot in command of a single-engine rotorcraft for a flight contravenes this subregulation if:
 - (a) the flight is at night; and
 - (b) during the flight, a failure of the rotorcraft's engine is simulated or an autorotation of the rotorcraft's main rotor system is initiated; and
 - (c) the rotorcraft is not:
 - (i) taxiing or hovering below the hover height for the surface specified in the aircraft flight manual instructions for the rotorcraft; or
 - (ii) at a height at or above 1,000 ft AGL; and
 - (d) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure or initiating an autorotation of the main rotor system (as the case requires);
 - (b) the flight must be carried out for the purpose of pilot training, checking or testing;
 - (c) only flight crew members are carried on the flight;

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- (d) the pilot in command must brief the pilot under instruction before the simulation or autorotation and must supervise the simulation or autorotation;
 - (e) the simulation or autorotation must be carried out in VMC; and
 - (f) power termination of the autorotation must be initiated so that full power is available before the rotorcraft goes below 100 ft AGL;
 - (g) the autorotation must be terminated using a power recovery termination or a baulked approach and climb out;
 - (h) the simulation or autorotation must be conducted at an aerodrome with omnidirectional runway lighting.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.770 Multi-engine rotorcraft—engine not to be shut down at certain altitudes in IMC or at night

- (1) The pilot in command of a multi-engine rotorcraft for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) an engine of the rotorcraft is shut down during the flight; and
 - (c) the rotorcraft is not at or above the lowest safe altitude for a route or route segment for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.775 Multi-engine rotorcraft—simulating engine failure in IMC or at night

- (1) The pilot in command of a multi-engine rotorcraft for a flight contravenes this subregulation if:
- (a) the flight is:
 - (i) in IMC; or
 - (ii) at night; and
 - (b) a failure of one of the rotorcraft's engines is simulated during the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the pilot in command must hold a flight instructor rating, flight examiner rating or other authorisation under these Regulations that authorises the activity of simulating an engine failure in a multi-engine rotorcraft;

- (b) the flight must be for the purpose of pilot training, checking or testing;
 - (c) only flight crew members are carried on the flight;
 - (d) the pilot in command must brief the pilot under instruction before the simulation and must supervise the simulation;
 - (e) for a rotorcraft flown in IMC—the rotorcraft must be established at or above the lowest safe altitude for a route or route segment for the flight;
 - (f) for a rotorcraft flown at night in VMC:
 - (i) the rotorcraft must be flown within the circling area of an aerodrome (as determined in accordance with the method specified in the authorised aeronautical information for the flight determining the circling area for the aerodrome); and
 - (ii) in the climb during take-off, the simulation must be initiated before the take-off decision point, or above 500 ft AGL; and
 - (iii) after the climb during take-off, the simulation must be initiated at or above 1,000 ft AGL;
 - (g) the simulation must be carried out in accordance with:
 - (i) procedures specified in the aircraft flight manual instructions for the rotorcraft (if any); or
 - (ii) if procedures are not specified in the aircraft flight manual instructions for the rotorcraft, and the operator of the rotorcraft is required by these Regulations to have an exposition—the exposition; or
 - (iii) if procedures are not specified in the aircraft flight manual instructions for the rotorcraft, and the operator of the rotorcraft is not required by these Regulations to have an exposition—the operator's operations manual.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.D.12—Psychoactive substances

91.780 Passengers—alcohol

- (1) A passenger on an aircraft for a flight contravenes this subregulation if:
 - (a) the passenger consumes alcohol; and
 - (b) either:
 - (i) a crew member has not provided the alcohol to the passenger; or
 - (ii) if there is no crew member other than the pilot in command on the aircraft—the pilot in command has not permitted the passenger to consume the alcohol.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.785 Crew—provision of alcohol

- (1) A crew member of an aircraft for a flight contravenes this subregulation if:
 - (a) the crew member provides alcohol to a passenger on the aircraft; and
 - (b) there are reasonable grounds to believe the passenger is affected by one or more psychoactive substances to an extent that the passenger's behaviour may present a hazard to the aircraft or to a person on the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.790 Prohibiting person affected by psychoactive substances from boarding

The operator, or a crew member, of an aircraft for a flight may prohibit a person from boarding the aircraft if there are reasonable grounds to believe that the person is affected by a psychoactive substance to an extent that may present a hazard to the aircraft or to a person on the aircraft.

Subpart 91.F—Performance

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.F, 133.F, 135.F or 138.F applies to the operation: see regulation 91.035.

91.795 Take-off performance

- (1) The Part 91 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aircraft.
- (2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the aircraft's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aircraft takes off;
 - (d) characteristics of the route flown by the aircraft;
 - (e) characteristics of the aerodrome at which the aircraft lands.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

91.800 Landing performance

- (1) The Part 91 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aircraft.
- (2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) the aircraft's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aircraft lands;
 - (d) safety factor percentages to be applied.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and

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- (b) the requirement is not met for the flight.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

Subpart 91.J—Weight and balance

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.J, 133.J, 135.J or 138.J applies to the operation: see regulation 91.035.

91.805 Loading of aircraft

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the flight begins the aircraft is loaded in a way that contravenes the aircraft's weight and balance limits.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if, during the flight, the aircraft ceases to be operated in accordance with the aircraft's weight and balance limits.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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Subpart 91.K—Equipment

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.K, 133.K or 135.K applies to the operation: see regulation 91.035.

91.810 Requirements relating to equipment

- (1) The Part 91 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to an aircraft; and
 - (b) the carrying of equipment on an aircraft; and
 - (c) equipment that is fitted to, or carried on, an aircraft.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 91.P—Cabin crew

Note: This Subpart does not apply to the operation of an aircraft if Subpart 121.P, 133.P or 135.P applies to the operation: see regulation 91.035.

91.820 Cabin crew—when required

- (1) Subject to subregulations (2) and (3), a cabin crew member must be carried on a flight of an aircraft if 20 or more passengers are carried on the flight.
- (2) Subregulation (1) does not apply if the flight involves a parachuting activity to which Part 105 applies.
- (3) Subregulation (1) does not apply if:
 - (a) the flight crew for the flight includes at least 2 pilots; and
 - (b) no more than 22 passengers are carried on the flight; and
 - (c) no more than 19 of the passengers are adults or children.

91.825 Cabin crew—number

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) under regulation 91.820, a cabin crew member must be carried on the flight; and
 - (b) when the aircraft begins the flight, the number of cabin crew members for the flight is not at least equal to the sum of one cabin crew member for each 50, or part of 50, passengers carried on the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.830 Cabin crew—knowledge of emergency and safety equipment and procedures

- (1) This regulation applies in relation to a flight of an aircraft if, under regulation 91.820, a cabin crew member must be carried on the flight.
- (2) The operator, a cabin crew member, and the pilot in command, of an aircraft for a flight each contravene this subregulation if:
 - (a) the cabin crew member is not competent to:
 - (i) operate and use emergency and safety equipment on the aircraft that is relevant to the cabin crew member's duties; and
 - (ii) implement emergency evacuation procedures for the aircraft; and
 - (b) the cabin crew member begins to carry out cabin crew member duties for the flight.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 91.T—Operations under certain special certificates of airworthiness and special flight permits

Division 91.T.1—Preliminary

91.835 Aircraft with more than one certificate of airworthiness—application of Subpart 91.T

If a certificate of airworthiness in more than one category has been issued for an aircraft, this Subpart applies in relation to the operation of the aircraft only for the category in relation to which the aircraft is being operated.

Division 91.T.2—Restricted category aircraft—operating requirements

91.840 Restricted category aircraft—general operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a special certificate of airworthiness in the restricted category has been issued for the aircraft; and
 - (b) the aircraft begins a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the certificate of airworthiness must be in force;
 - (b) if the certificate of airworthiness is granted subject to a condition or requirement—the condition or requirement must be complied with;
 - (c) the flight must not be an air transport operation;
 - (d) the flight must be an operation of a kind mentioned in regulation 91.845;
 - (e) a person may only be carried on the flight who is:
 - (i) a crew member; or
 - (ii) if the flight is a special purpose operation—a person who is needed to accomplish a work activity directly associated with the special purpose operation for which the certificate of airworthiness was issued; or
 - (iii) a person carried as part of an operation mentioned in paragraph 91.845(1)(j).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.845 Restricted category aircraft—kinds of operations permitted

- (1) For the purposes of paragraph 91.840(2)(d), the kinds of operation are as follows:
 - (a) a special purpose operation for which the special certificate of airworthiness for the aircraft was issued;
 - (b) participation in an air display;
 - (c) taking the aircraft to or from a place where a demonstration or display of the aircraft is to take place;
 - (d) practice in flying the aircraft for participation in an air display;
 - (e) taking the aircraft to a place where maintenance on the aircraft is to be done;
 - (f) taking the aircraft from a place where maintenance on the aircraft has been done;

- (g) testing the aircraft after maintenance;
 - (h) flying training (other than for the issue of a pilot licence);
 - (i) pilot proficiency training or practice in flying the aircraft;
 - (j) carrying out a demonstration or test of the aircraft for sale;
 - (k) delivering the aircraft to a person under a contract of sale.
- (2) For the purposes of paragraph (1)(a), a reference to a special purpose operation for which the special certificate of airworthiness for the aircraft was issued includes a reference to the following:
- (a) training in the special purpose operation;
 - (b) taking the aircraft to a place where the special purpose operation is to start;
 - (c) taking the aircraft from a place where the special purpose operation has ended;
 - (d) any other operation necessary to accomplish the special purpose operation.

Division 91.T.3—Provisionally certificated aircraft—operating requirements

91.850 Provisionally certificated aircraft—operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a provisional certificate of airworthiness has been issued for the aircraft; and
 - (b) the aircraft begins a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the certificate of airworthiness must be in force;
 - (b) if the certificate of airworthiness is granted subject to a condition or requirement—the condition or requirement for the flight must be complied with;
 - (c) the flight must not be an air transport operation or a balloon transport operation;
 - (d) the flight must be an operation of a kind mentioned in regulation 91.855;
 - (e) if the aircraft is being flown to obtain type certification or supplemental type certification for the aircraft—the requirements in regulation 91.860 are met;
 - (f) if paragraph (e) does not apply to the flight—the aircraft must be flown within the limitations stated in the aircraft flight manual instructions for the aircraft;
 - (g) the requirements for the carriage of people mentioned in regulation 91.865 must be complied with;
 - (h) the pilot must comply with the procedures mentioned in subregulation 91.870(1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.855 Provisionally certificated aircraft—kinds of operations permitted

For the purposes of paragraph 91.850(2)(d), the kinds of operation are as follows:

- (a) an operation that is required to obtain type certification or supplemental type certification for the aircraft;
- (b) training flight crew members, including by means of simulated air transport operations;
- (c) a demonstration flight by the aircraft's manufacturer for prospective purchasers;

- (d) an operation by the aircraft's manufacturer for the purpose of conducting a market survey;
- (e) an operation conducted for the purpose of flight checking of instruments, accessories, and items of equipment that do not affect the airworthiness of the aircraft;
- (f) service testing of the aircraft.

91.860 Provisionally certificated aircraft—operation for type certification or supplemental type certification

- (1) For the purposes of paragraph 91.850(2)(e), the requirements are as follows:
 - (a) if the aircraft's provisional certificate of airworthiness is subject to a condition limiting the area within which the aircraft may be flown—the flight must not take place outside, or partly outside, that area unless the holder of the provisional certificate of airworthiness for the aircraft holds an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (b) if the flight is over a populous area—the holder of the provisional certificate of airworthiness for the aircraft must hold an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (c) either:
 - (i) the flight must take place by day and under the VFR; or
 - (ii) the holder of the provisional certificate of airworthiness for the aircraft must hold an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph.
- (2) It is a requirement for a grant of an approval mentioned in paragraphs (1)(a) and (b) that CASA or an authorised person is satisfied that the aircraft:
 - (a) is controllable throughout its normal range of speeds and throughout all of the manoeuvres to be executed; and
 - (b) has no hazardous operating characteristics or design features.

91.865 Provisionally certificated aircraft—requirements for the carriage of people

- (1) For the purposes of paragraph 91.850(2)(g), the requirements for the carriage of people are as follows:
 - (a) each person carried on the aircraft must be notified before boarding the aircraft that only a provisional certificate of airworthiness has been issued for the aircraft;
 - (b) a person must not be carried on the aircraft unless subregulation (2) applies to the person.
- (2) This subregulation applies to a person if:
 - (a) the person has a function in the aircraft's operations; or
 - (b) both of the following apply:
 - (i) carriage of the person is authorised by the manufacturer;

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- (ii) the holder of the provisional certificate of airworthiness for the aircraft holds an approval under regulation 91.045 or 91.050 for the carriage of the person.

91.870 Provisionally certificated aircraft—additional requirements for operators

- (1) The operator of an aircraft for which a provisional certificate of airworthiness is in force must hold an approval under regulation 91.045 or 91.050 for procedures for use by flight crew and personnel who carry out a ground support duty in both:
 - (a) operating the aircraft in accordance with this Division; and
 - (b) landing at and taking off from an aerodrome if take-off or approach over a populous area is necessary.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.T.4—Experimental aircraft—operating requirements

91.875 Experimental aircraft—operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) an experimental certificate has been issued for the aircraft; and
 - (b) the aircraft begins a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the experimental certificate must be in force;
 - (b) if the experimental certificate is granted subject to a condition or requirement—the condition or requirement must be complied with;
 - (c) the flight must not be an air transport operation or a balloon transport operation;
 - (d) the flight must be either:
 - (i) for a purpose mentioned in regulation 21.191 for which the experimental certificate for the aircraft was issued; or
 - (ii) an operation of a kind mentioned in regulation 91.880;
 - (e) either:
 - (i) the flight must take place by day and under the VFR; or
 - (ii) the holder of the experimental certificate must hold an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph;
 - (f) if the flight is over a populous area—the holder of the experimental certificate must hold an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (g) if the flight is over a public gathering—the holder of the experimental certificate must hold an approval under regulation 91.045 or 91.050 for the purposes of this paragraph;
 - (h) if the aircraft's experimental certificate is subject to a condition limiting the area within which the aircraft may be flown—the flight must take place within that area;
 - (i) if the aircraft is carrying a passenger:
 - (i) the total number of persons on board the aircraft for the flight must not be more than the number of persons allowed under regulation 91.885; and
 - (ii) each passenger must be notified before boarding the aircraft that the design, manufacture and airworthiness of the aircraft are not required to meet any standards recognised by CASA; and
 - (iii) a placard that complies with the requirements prescribed by the Part 91 Manual of Standards must be displayed inside the aircraft;
 - (j) if the aircraft is carrying a person who is not a crew member whose presence is essential to the operation of the aircraft—it has been shown that the aircraft:

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- (i) is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed; and
 - (ii) has no hazardous operating characteristics or design features.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.880 Experimental aircraft—kinds of operations permitted

For the purposes of subparagraph 91.875(2)(d)(ii), the kinds of operation are as follows:

- (a) taking the aircraft to a place where maintenance on the aircraft is to be done;
- (b) taking the aircraft from a place where maintenance on the aircraft has been done;
- (c) testing the aircraft after maintenance;
- (d) flying training (other than for the issue of a pilot licence);
- (e) practice in flying the aircraft;
- (f) carrying out a demonstration or test of the aircraft for sale;
- (g) delivering the aircraft to a person under a contract of sale;
- (h) for an amateur-built aircraft or a kit-built aircraft—flying training given to the aircraft's owner.

91.885 Experimental aircraft—maximum number of persons to be carried

For the purposes of subparagraph 91.875(2)(i)(i), the number of persons allowed on board the aircraft is:

- (a) if the holder of the experimental certificate for the aircraft holds an approval under regulation 91.045—the number specified in the approval;
or
- (b) if paragraph (a) does not apply and the aircraft is a Part 103 aircraft—2; or
- (c) in any other case—the lesser of the following:
 - (i) the number of persons the aircraft was designed to carry;
 - (ii) 6.

Division 91.T.5—Primary category aircraft and intermediate category aircraft—operating requirements

91.890 Primary category aircraft and intermediate category aircraft—operating requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is a primary category aircraft or an intermediate category aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) if the aircraft is an intermediate category aircraft—a special certificate of airworthiness in the intermediate category must be in force for the aircraft;
 - (b) if the aircraft is a primary category aircraft—a special certificate of airworthiness in the primary category must be in force for the aircraft;
 - (c) the flight must not be an air transport operation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 91.T.6—Light sport aircraft—operating requirements

91.895 Light sport aircraft—operators

- (1) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) a special certificate of airworthiness for light sport aircraft has been issued for the aircraft; and
 - (b) the certificate of airworthiness is not in force for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.900 Light sport aircraft—pilots

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a special certificate of airworthiness for light sport aircraft has been issued for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are as follows:
 - (a) the certificate of airworthiness must be in force;
 - (b) the aircraft is operated for the flight:
 - (i) under Part 91 or Part 103; or
 - (ii) for flying training;
 - (c) a placard that complies with the requirements prescribed by the Part 91 Manual of Standards must be displayed inside the aircraft;
 - (d) each person who boards the aircraft must be notified of the contents of the placard mentioned in paragraph (c);
 - (e) the aircraft operating instructions issued for the aircraft (including instructions for necessary equipment in the aircraft manufacturer's equipment list for the aircraft) must be complied with;
 - (f) any safety direction or requirement issued by the aircraft's manufacturer must be complied with.
- (3) Paragraph (2)(e) or (f) does not apply if the operation of the aircraft in contravention of the instruction, direction or requirement has been approved by the aircraft's manufacturer.
- (4) For subregulations (2) and (3), if the manufacturer of the aircraft:
 - (a) no longer exists; or
 - (b) can no longer provide instructions for the continuing airworthiness of the aircraft;

references to the *manufacturer* of the aircraft include references to an authorised person appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of the aircraft.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Regulation 91.905

Division 91.T.7—Special flight permits—operating requirements

91.905 Flights under special flight permits

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) the flight is not authorised by the permit.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) a condition imposed on the special flight permit is not complied with.
- (3) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft begins the flight; and
 - (c) if the only person on the aircraft during the flight is the pilot in command—a copy of the flight permit is not carried on the aircraft; and
 - (d) if a person in addition to the pilot in command is carried on the aircraft during the flight—a requirement mentioned in subregulation (4) is not met.
- (4) The requirements are:
 - (a) a copy of the special flight permit must be displayed in the aircraft in a place where the person will see the permit; and
 - (b) before boarding the aircraft, the operator or the pilot in command must tell the person:
 - (i) that the aircraft is operated under a special flight permit; and
 - (ii) the reasons for the issue of the permit; and
 - (iii) what the permit authorises.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

Division 91.T.8—Miscellaneous

91.910 Application of Division 91.T.8

This Division applies to the operation of an aircraft for which a special certificate of airworthiness is in force.

91.915 Aircraft with special certificates of airworthiness—maintenance release etc.

- (1) This regulation does not apply to an aircraft for which a special flight permit is in force.
- (2) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft begins the flight; and
 - (b) a maintenance release or a certificate of release to service is not in force for the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

91.920 Aircraft with special certificates of airworthiness—flight tests to be conducted in certain areas

- (1) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the pilot flight tests the aircraft; and
 - (b) the flight test is not conducted over:
 - (i) open water; or
 - (ii) a sparsely populated area; or
 - (iii) an unpopulated area; or
 - (iv) for an amateur-built aircraft—over an area for which the holder of the certificate of airworthiness holds an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph.
- (2) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the pilot flight tests the aircraft; and
 - (b) the flight test is not conducted:
 - (i) in an area where, in the event of a loss of control of the aircraft, there would be minimal risk to other air traffic; or
 - (ii) for an amateur-built aircraft—in an area for which the holder of the certificate of airworthiness holds an approval under regulation 91.045 or 91.050 for the purposes of this subparagraph.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 91.Y—Minimum equipment lists

Division 91.Y.1—Preliminary

91.925 Definitions

In these Regulations:

master minimum equipment list or **MMEL**, for a type of aircraft, means the document:

- (a) that includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft; and
- (b) prepared by the holder of the type certificate for the aircraft; and
- (c) approved by the national aviation authority that issued the type certificate for the aircraft.

minimum equipment list or **MEL**, for an aircraft, means a document:

- (a) that includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft; and
- (b) prepared by the operator of the aircraft; and
- (c) approved under regulation 91.935; and
- (d) that complies with the requirements mentioned in regulation 91.930; and includes any variation to the document approved under regulation 91.940.

rectification interval, for an item in an MEL that may become inoperative, means the period within which the item must be rectified after the discovery that the item is inoperative.

91.930 Requirements for minimum equipment lists

- (1) The Part 91 Manual of Standards may prescribe requirements relating to MELs for aircraft.
- (2) Without limiting subregulation (1), the Part 91 Manual of Standards may prescribe requirements relating to the following:
 - (a) the contents of MELs;
 - (b) the calculation and specification of rectification intervals for items in an MEL;
 - (c) conditions and limitations that may or must be included in an MEL.

Division 91.Y.2—Approval of minimum equipment lists

91.935 Approval of minimum equipment lists

- (1) The operator of an aircraft may apply, in writing, for the approval of an MEL for the aircraft.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) a continuing airworthiness management organisation that is permitted, in accordance with Part 42, to approve the MEL; or
 - (c) if the aircraft is not operated for either Part 121 operations or operations to which Part 133 or 135 applies—an authorised person.
- (3) The application must include the proposed MEL.
- (4) If an application for the approval of an MEL is made under subregulation (1), CASA, the continuing airworthiness management organisation or the authorised person (as the case may be) may approve the MEL if satisfied that the MEL:
 - (a) complies with the requirements mentioned in regulation 91.930; and
 - (b) will enable the operator to operate the aircraft safely.

Note: Not all aircraft are required to have an MEL. Other provisions of these Regulations require certain aircraft to have an MEL. This regulation sets out how an MEL for an aircraft must be approved.

Division 91.Y.3—Variations of minimum equipment lists

91.940 Approval of variations

- (1) The operator of an aircraft may apply, in writing, for an approval of a variation of an MEL for the aircraft.
- (2) The application may be made to:
 - (a) CASA; or
 - (b) a continuing airworthiness management organisation that is permitted, in accordance with Part 42, to approve a variation of the MEL; or
 - (c) if the aircraft is not operated for either Part 121 operations or operations to which Part 133 or 135 applies—an authorised person.
- (3) The application must include the proposed variation of the MEL.
- (4) If an application for the approval of a variation of an MEL is made under subregulation (1), CASA, the continuing airworthiness management organisation or the authorised person (as the case may be) may approve the variation if satisfied that the MEL as proposed to be varied:
 - (a) complies with the requirements mentioned in regulation 91.930; and
 - (b) will enable the operator to operate the aircraft safely.

Division 91.Y.4—Extensions of rectification intervals

91.945 Approval of extensions of rectification intervals

Approval of extension on application

- (1) The operator of an aircraft may apply, in writing, for the approval of an extension of the rectification interval for an item specified in an MEL for the aircraft.
- (2) An application under subregulation (1) may be made to:
 - (a) if the operator is not a continuing airworthiness management organisation, and there is a continuing airworthiness management organisation for the aircraft that is permitted, in accordance with Part 42, to approve the extension—the continuing airworthiness management organisation; or
 - (b) in any case—CASA.
- (3) If an application for the approval of an extension of a rectification interval is made under subregulation (1), CASA or the continuing airworthiness management organisation (as the case may be) may, subject to subregulation (5), approve the extension.

Approval of extension without application—continuing airworthiness management organisation is the operator

- (4) A continuing airworthiness management organisation for an aircraft may, subject to subregulation (5), approve an extension of the rectification interval for an item specified in an MEL for the aircraft, if:
 - (a) the continuing airworthiness management organisation is the operator of the aircraft; and
 - (b) the continuing airworthiness management organisation is permitted, in accordance with Part 42, to approve the extension.

Requirements for approval of extension

- (5) An extension of the rectification interval (the **original rectification interval**) for an item specified in an MEL for an aircraft must not be approved under subregulation (3) or (4) unless:
 - (a) the item is inoperative; and
 - (b) the original rectification interval is a rectification interval of a kind prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
 - (c) the operator is unable to rectify the item before the end of the original rectification interval because of circumstances beyond the operator's control; and
 - (d) the original rectification interval has not previously been extended in accordance with this regulation during the same continuous period throughout which the item has been inoperative; and

- (e) the MMEL for the aircraft type does not prohibit an extension of the rectification interval for the item; and
- (f) if a provision of these Regulations (other than this Subpart) permits the aircraft to operate with the item inoperative for a maximum period—the extended rectification interval for the item will not exceed that period; and
- (g) the extended rectification interval will not exceed the period prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.

Matters to be set out in approval

- (6) An approval of an extension under subregulation (3) or (4) must:
 - (a) be in writing; and
 - (b) set out the following:
 - (i) details of the inoperative item;
 - (ii) a statement to the effect that the operation of the aircraft with the inoperative item is permitted in accordance with this regulation;
 - (iii) the day on which the extended rectification interval starts (being a day not earlier than the day the notice is given);
 - (iv) the day on which the extended rectification interval ends; and
 - (c) for an approval by a continuing airworthiness management organisation—also include the following:
 - (i) the name and approval certificate reference number of the continuing airworthiness management organisation;
 - (ii) the name and signature of the individual who approved the extension on behalf of the continuing airworthiness management organisation.

91.950 Effect of approval

- (1) If an extension of the rectification interval for an item specified in an MEL for an aircraft is approved under subregulation 91.945(3) or (4), the operation of the aircraft with the inoperative item during the extended rectification interval is taken, for the purposes of these Regulations, to be permitted by the MEL.
- (2) If Part 42 does not apply to the aircraft, subregulation (1) applies to the operation of the aircraft only if a copy of the approval of the extension is kept with the maintenance release for the aircraft throughout the period of the extension.

91.955 CASA to be notified of extensions approved by a continuing airworthiness management organisation

- (1) This regulation applies if an extension of the rectification interval for an item specified in an MEL for an aircraft is approved under subregulation 91.945(3) or (4) by a continuing airworthiness management organisation.
- (2) The operator of the aircraft must notify CASA, in writing, of the following within 10 days of the start of the extended rectification interval:
 - (a) the aircraft's registration mark;
 - (b) details of the inoperative item;

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- (c) the original rectification interval (as referred to in subregulation 91.945(5)) for the item;
 - (d) the extended rectification interval;
 - (e) the day the extended rectification interval took effect;
 - (f) the reason why the item could not be rectified before the end of the original rectification interval.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 20 penalty units.

Division 91.Y.5—Other

91.960 Operation of aircraft with multiple inoperative items not permitted in certain circumstances

- (1) This regulation applies if:
 - (a) an aircraft begins a flight with more than one inoperative item, in accordance with an MEL for the aircraft; and
 - (b) the number and kinds of inoperative items for the flight, or the relationship between the items:
 - (i) reduces the level of safety of the operation of the aircraft; or
 - (ii) increases the flight crew's workload;
to the extent that it is unsafe for the flight to be conducted.
- (2) For the purposes of these Regulations, the operation of the aircraft for the flight with the inoperative items is not permitted by the MEL for the aircraft.

Subpart 91.Z—Foreign aircraft

91.965 Foreign registered aircraft—Chicago Convention

- (1) The operator and the pilot in command of a foreign registered aircraft each contravene this subregulation if:
 - (a) the aircraft is flown in Australian territory; and
 - (b) the aircraft does not comply with a requirement of the Chicago Convention relating to:
 - (i) the nationality mark and registration mark of the aircraft; or
 - (ii) the aircraft's certificate of airworthiness; or
 - (iii) the number and description of, and the holding of, licences and ratings by the crew members of the aircraft; or
 - (iv) the documents to be carried by the aircraft; or
 - (v) the flight and manoeuvre of the aircraft; or
 - (vi) radio equipment carried by, or fitted to, the aircraft.

- (2) Subparagraph (1)(b)(ii) does not apply if a special flight authorisation has been granted and is in force.

Note: The requirements of the Chicago Convention about certificates of airworthiness relate to aircraft with a standard certificate of airworthiness. Foreign aircraft with the equivalent of a special certificate of airworthiness or a special flight permit require a special flight authorisation to be flown in Australian territory: see regulation 91.970.

- (3) Subparagraphs (1)(b)(iv), (v) and (vi) do not apply in relation to a requirement of the Chicago Convention to the extent that the requirement is inconsistent with a requirement under another provision of this Part.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note 1: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also sections 25, 26 and 27A of the Act for conditions that may be imposed by CASA on the operation of foreign registered aircraft in Australian territory.

91.970 Foreign registered aircraft—special flight authorisations

- (1) A person may apply to CASA for a special flight authorisation in respect of a foreign registered aircraft to fly the aircraft in Australian territory without the certificate of airworthiness required by subparagraph 91.965(1)(b)(ii).
- (2) Subject to regulation 11.055, CASA must grant the authorisation.
- (3) The pilot in command of a foreign registered aircraft contravenes this subregulation if:

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- (a) the aircraft is flown in Australian territory; and
 - (b) a special flight authorisation is in force in respect of the aircraft; and
 - (c) the pilot in command fails to comply with a condition of the special flight authorisation for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

91.975 Foreign state aircraft—approval to fly in Australian territory

- (1) The operator and the pilot in command of a state aircraft of a foreign country for a flight each contravene this subregulation if:
- (a) the aircraft is flown in Australian territory; and
 - (b) the operator does not hold an approval under regulation 91.045 for the flight.
- (2) The pilot in command of a state aircraft of a foreign country for a flight contravenes this subregulation if:
- (a) the aircraft is flown in Australian territory; and
 - (b) the pilot in command fails to comply with a condition of the approval held by the operator under regulation 91.045 for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

91.980 Foreign registered aircraft—major defect—CASA direction

- (1) If CASA is satisfied that a foreign registered aircraft in Australian territory has a major defect, CASA may issue a written direction to a person imposing conditions on the operation of the aircraft that:
- (a) for an aircraft registered in a Contracting State—are requested by the national aviation authority of the State; or
 - (b) CASA is satisfied are necessary for the safety of air navigation.
- (2) A person contravenes this subregulation if the person contravenes a direction issued under subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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91.985 Foreign registered aircraft—CASA to notify Contracting State of direction

If CASA issues a direction under regulation 91.980 in relation to an aircraft that is registered in a Contracting State, CASA must give the national aviation authority of the State:

- (a) notice in writing of the action taken by CASA, together with a copy of the direction; and
- (b) a report, in writing, of the defect.

91.990 Foreign registered aircraft—CASA may revoke direction

Revocation following notification by Contracting State

- (1) CASA may revoke, in writing, a direction issued under regulation 91.980 in relation to an aircraft registered in a Contracting State, if the national aviation authority of the State tells CASA, in writing, that it:
 - (a) has revoked any suspension of the certificate of airworthiness of the aircraft that the authority had imposed; or
 - (b) considers that the defect giving rise to the direction is not of such a nature as to prevent the aircraft from fulfilling the minimum safety requirements adopted by the Contracting State under the Chicago Convention; or
 - (c) considers that, in the circumstances of the case, the aircraft should be permitted to fly, with no persons on the aircraft other than crew members, to a place where the defect can be repaired.
- (2) However, CASA must not revoke the direction if it is satisfied that doing so would adversely affect the safety of air navigation.

Revocation if CASA satisfied direction no longer necessary

- (3) CASA may revoke, in writing, a direction issued under regulation 91.980 if CASA is satisfied that the direction is no longer necessary for the safety of air navigation.

91.995 Foreign registered aircraft—when direction or revocation takes effect

- (1) A direction issued under regulation 91.980 does not have effect in relation to a person until it has been served:
 - (a) on the person; or
 - (b) by affixing the direction to the aircraft to which it relates.
- (2) Revocation of a direction under regulation 91.990 has effect when:
 - (a) it is served on the person on whom the direction was served; or
 - (b) if the direction was affixed to the aircraft to which the direction relates—CASA affixes the revocation to the aircraft.

Note: For service of documents on a person, see section 28A of the *Acts Interpretation Act 1901*.

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Subpart 92.A—General

92.005 Applicability

- (1) This Part applies in relation to the operation of:
 - (a) all Australian aircraft; and
 - (b) all foreign aircraft (other than state aircraft) operating in Australian territory.
- (2) This Part sets out:
 - (a) for section 23 of the Act—the conditions under which an aircraft may carry dangerous goods and a person may carry dangerous goods, or consign dangerous goods for carriage, on an aircraft; and
 - (b) for section 23A of the Act—the requirements for the statement to be made in respect of cargo consigned for carriage on an aircraft; and
 - (c) for section 23B of the Act—the requirements for training of persons involved in handling cargo carried or consigned for carriage on an aircraft.

92.010 Definitions for Part 92

- (1) In this Part:

accept, used in relation to a package or consignment, has the same meaning as in the Technical Instructions.

Australian aircraft operator means an operator of an Australian aircraft.

commercial operator means an operator engaging in commercial air transport operations or commercial aerial work operations.

dangerous goods accident means an event involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and results in:

- (a) a fatal or serious injury to a person; or
- (b) serious damage to the aircraft or any cargo carried on the aircraft.

dangerous goods incident means an event (other than a dangerous goods accident) involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and that:

- (a) results in:
 - (i) the escape of smoke or flames from the container or package in which the goods are contained; or
 - (ii) breakage of the container or package in which the goods are contained; or
 - (iii) any escape of the goods or part of them from the container or package in which they are contained; or

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- (iv) leakage of fluid or radiation from the container or package in which the goods are contained; or
- (b) seriously jeopardises, or is likely to seriously jeopardise, the aircraft or its occupants.

dangerous goods manual means a manual kept by an operator in accordance with regulation 92.045 or 92.050.

freight forwarder means a person who offers the service of arranging the transport of cargo by air.

ground handling agent means a person who performs, on behalf of an operator, the service of accepting, handling, loading, unloading, transferring or otherwise processing cargo, passengers or baggage.

shipment means shipment by air.

shipper of dangerous goods means a person who consigns dangerous goods for carriage on an aircraft.

Technical Instructions means, at a particular time, the edition that is valid at that time of the document entitled *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, issued by the International Civil Aviation Organization.

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Note 2: General industry practice is to follow the IATA Dangerous Goods Regulations, which are issued more frequently than the Technical Instructions. The requirements of the IATA Regulations are either the same as, or more stringent than, the requirements of the Technical Instructions. If that is so, compliance with the IATA Regulations will automatically result in compliance with the Technical Instructions.

- (2) An expression used in both this Part and the Technical Instructions has, unless the contrary intention appears, the same meaning in this Part as in the Technical Instructions.

92.015 What are dangerous goods?

For the purposes of subparagraph (b)(ii) of the definition of **dangerous goods** in subsection 23(3) of the Act, the things specified in the Dangerous Goods List contained in the Technical Instructions are declared to be dangerous goods.

Note: Explosives are dangerous goods whether or not they are mentioned in the Dangerous Goods List—see the Act, subsection 23(3).

Subpart 92.B—Conditions for carriage etc of dangerous goods

Note: Subpart 92.D sets out certain exemptions from requirements of this Subpart.

92.020 Compliance with Technical Instructions generally

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage, and consignment for carriage, of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be consigned for carriage on an aircraft.

Note: For details of where to obtain copies of the Technical Instructions, see the note following the definition of *Technical Instructions* in regulation 92.010.

- (3) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be carried on an aircraft.
- (4) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be consigned for carriage on a passenger aircraft.
- (5) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be carried on a passenger aircraft.
- (6) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be consigned for carriage by air except in those circumstances.
- (7) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be carried by air except in those circumstances.

92.025 Compliance with Technical Instructions—operators

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (2) It is a condition of the carriage of dangerous goods on an aircraft that the operator of the aircraft complies with:
 - (a) the requirements (if any) of the Technical Instructions limiting the quantity of such goods that may be carried on the aircraft; or

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- (b) the requirements of those Instructions concerning the following matters:
- (i) the loading of the goods;
 - (ii) the separation of the goods from passengers, animals or other cargo on board the aircraft;
 - (iii) the replacement of lost, damaged or detached labels;
 - (iv) the labelling of unit load devices (such as containers or pallets) that contain the goods;
 - (v) segregation of the goods from other dangerous goods;
 - (vi) acceptance procedures for the goods;
 - (vii) dealing with undeliverable consignments;
 - (viii) dealing with damaged packages;
 - (ix) inspection of the aircraft or the goods;
 - (x) decontamination of the aircraft;
 - (xi) giving information to the aircraft's crew;
 - (xii) action to be taken by the crew in an emergency;
 - (xiii) giving information to an emergency service such as a fire service or police service;
 - (xiv) documentation;
 - (xv) providing notices and information.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.030 Compliance with Technical Instructions—passengers and crew

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft by a person, whether a passenger or a member of the aircraft's crew.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), it is a condition of the carriage of dangerous goods on an aircraft by a person that the person complies with the requirements (if any) of the Technical Instructions:
- (a) concerning the type of dangerous goods that a person may carry on board an aircraft; or
 - (b) as to whether the dangerous goods may be carried in the person's carry-on baggage or in checked baggage; or
 - (c) limiting the quantity of such goods that may be carried on the aircraft, or in checked or carry-on baggage; or
 - (d) requiring the aircraft operator's approval before the goods are carried.

Note: The relevant provisions of the Technical Instructions are set out at the end of this regulation.

- (3) A person who is a passenger is taken not to contravene the condition in subregulation (2) if the person carries dangerous goods in contravention of that

condition, or carries such goods in a way that would, but for this subregulation, contravene that condition, if:

- (a) the person carries the goods, or carries the goods in that way, in reliance on a statement, made by the operator or an employee of the operator, to the effect that the carriage of the goods, or the carriage of goods in that way, is permissible or does not contravene the Technical Instructions; and
- (b) it is reasonable for the person to rely on that statement.

Note 1: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

Note 2: Section 1.1 of the Technical Instructions, regarding dangerous goods carried by passengers or crew, is as follows:

1.1 DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

1.1.1 Except as otherwise provided in 1.1.2 below, dangerous goods must not be carried by passengers or crew members, either as or in carry-on baggage or checked baggage or on their person. Security type equipment such as attaché cases, cash boxes, cash bags, etc. incorporating dangerous goods, for example lithium batteries or pyrotechnic material, are totally forbidden; see entry in Table 3-1.

1.1.2 The provisions of these Instructions do not apply to the following when carried by passengers or crew members or in baggage, transported by the operator, that has been separated from its owner during transit (e.g. lost baggage or improperly routed baggage):

- a) when in retail packagings, alcoholic beverages containing more than 24 per cent but not more than 70 per cent alcohol by volume, in receptacles not exceeding 5 L, with a total net quantity per person of 5 L for such beverages;
Note.—Alcoholic beverages containing not more than 24 per cent alcohol by volume are not subject to any restrictions.
- b) non-radioactive medicinal or toilet articles (including aerosols). Also aerosols in Division 2.2, with no subsidiary risk, for sporting or home use in checked baggage only. The total net quantity of all such articles carried by each person must not exceed 2 kg or 2 L and the net quantity of each single article must not exceed 0.5 kg or 0.5 L. The term “medicinal or toilet articles (including aerosols)” is intended to include such items as hair sprays, perfumes, colognes and medicines containing alcohols;
- c) with the approval of the operator (s), small gaseous oxygen or air cylinders required for medical use;
- d) small carbon dioxide gas cylinders worn for the operation of mechanical limbs, also spare cylinders of a similar size if required to ensure an adequate supply for the duration of the journey;
- e) with the approval of the operator (s), as checked baggage only, securely boxed cartridges for sporting purposes, in Division 1.4S, in quantities not exceeding 5 kg gross mass per person for that person’s own use, excluding ammunition with explosive or incendiary projectiles. Allowances for more than one person must not be combined into one or more packages;
- f) dry ice in quantities not exceeding 2 kg per person, when used to pack perishables not subject to these Instructions, provided the package permits the release of carbon dioxide gas:
 - in carry-on baggage; or
 - with the approval of the operator (s), in checked baggage;
- g) safety matches or a lighter intended for use by an individual when carried on the person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel and lighter refills are not permitted on one’s person or in checked or carry-on baggage;

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Note.—“*Strike anywhere*” matches are forbidden for air transport.

- h) radioisotopic cardiac pacemakers or other devices, including those powered by lithium batteries, implanted into a person, or radio-pharmaceuticals contained within the body of a person as the result of medical treatment;
 - i) with the approval of the operator (s), wheelchairs or other battery-powered mobility aids with non-spillable batteries (see Packing Instruction 806 and Special Provision A67), as checked baggage provided the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid;
 - j) with the approval of the operator (s), wheelchairs or other battery-powered mobility aids with spillable batteries as checked baggage, provided that the wheelchair or mobility aid can be loaded, stowed, secured and unloaded always in an upright position and that the battery is disconnected, the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid. If the wheelchair or mobility aid cannot be loaded, stowed, secured and unloaded always in an upright position, the battery must be removed and the wheelchair or mobility aid may then be carried as checked baggage without restriction. The removed battery must be carried in strong, rigid packagings as follows:
 - these packagings must be leaktight, impervious to battery fluid and be protected against upset by securing to pallets or by securing them in cargo compartments using appropriate means of securement (other than by bracing with freight or baggage) such as by use of restraining straps, brackets or holders;
 - batteries must be protected against short circuits, secured upright in these packagings and surrounded by compatible absorbent material sufficient to absorb their total liquid contents; and
 - these packagings must be marked “Battery, wet, with wheelchair” or “Battery, wet, with mobility aid” and be labelled with a “Corrosive” label (Figure 5-21) and with a package orientation label (Figure 5-25).
- The pilot-in-command must be informed of the location of a wheelchair or mobility aid with an installed battery or the location of a packed battery.
- It is recommended that passengers make advance arrangements with each operator; also unless batteries are non-spillable they should be fitted, where feasible, with spill-resistant vent caps;
- k) hair curlers containing hydrocarbon gas, no more than one per person, provided that the safety cover is securely fitted over the heating element. Gas refills for such curlers must not be carried;
 - l) with the approval of the operator (s), as carry-on baggage only, a mercurial barometer or mercurial thermometer carried by a representative of a government weather bureau or similar official agency. The barometer or thermometer must be packed in a strong outer packaging, having a sealed inner liner or a bag of strong leak-proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the barometer or thermometer;
 - m) with the approval of the operator (s), no more than two small carbon dioxide cylinders of carbon dioxide or another suitable gas in Division 2.2 per person fitted into a self-inflating life-jacket for inflation purposes, plus no more than two spare cartridges;
 - n) with the approval of the operator (s), heat producing articles (i.e. battery-operated equipment such as underwater torches and soldering equipment which, if accidentally activated, will generate extreme heat and can cause fire) may be carried in carry-on baggage only. The heat producing component, or the energy source, must be removed so as to prevent unintentional functioning during transport;
 - o) one small medical or clinical thermometer which contains mercury, for personal use, when in its protective case;
 - p) with the approval of the operator (s), one avalanche rescue backpack per person equipped with a pyrotechnic trigger mechanism containing not more than 200 mg net of Division 1.4S and not more than 250 mg of compressed gas in Division 2.2. The backpack must be packed in such a manner that it cannot be accidentally

activated. The airbags within the backpack must be fitted with pressure relief valves; and

- q) consumer electronic devices (watches, calculating machines, cameras, cellular phones, laptop computers, camcorders, etc.) containing lithium or lithium ion cells or batteries when carried by passengers or crew for personal use. Spare batteries must be individually protected so as to prevent short circuits and carried in carry-on baggage only. In addition, each spare battery must not exceed the following quantities:

for lithium metal or lithium alloy batteries, a lithium content of not more than 2 grams; or

for lithium ion batteries, an aggregate equivalent lithium content of not more than 8 grams.

Lithium ion batteries with an aggregate equivalent lithium content of more than 8 grams but not more than 25 grams may be carried in carry-on baggage if they are individually protected so as to prevent short circuits and are limited to two spare batteries per person.

92.035 Compliance with Technical Instructions—persons who consign dangerous goods

- (1) This regulation makes provision, for the purposes of subsections 23(1), (2) and (2A) of the Act, about the consignment for carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be consigned for carriage on an aircraft except in accordance with these Regulations.

- (2) It is a condition of the consignment for carriage of dangerous goods on an aircraft that the consignor of the goods complies with the requirements of the Technical Instructions:

- (a) concerning the classification of the goods; and
- (b) limiting the quantity of such goods that may be carried in the one consignment; and
- (c) concerning:
 - (i) the packing of the goods; and
 - (ii) the marking of the goods; and
 - (iii) the labelling of the goods; and
 - (iv) segregation of the goods from other dangerous goods; and
 - (v) the documentation for the goods; and
 - (vi) the provision of information about the goods; and
 - (vii) empty packaging.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.040 Commercial Australian aircraft operators—conditions for carriage of dangerous goods—dangerous goods manual

- (1) This regulation sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

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Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial Australian aircraft operator may carry dangerous goods (other than dangerous goods to which subregulation (3) applies) on an Australian aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
- (a) has a dangerous goods manual in accordance with regulation 92.045; and
 - (b) complies with regulation 92.055.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

- (3) This subregulation applies to:
- (a) dangerous goods required to be carried on board the aircraft by a law in force in Australia (including the Civil Aviation Orders); and
 - (b) dangerous goods carried on board the aircraft for use or sale on the aircraft during a flight;
- but does not apply to any of the following kinds of dangerous goods:
- (c) goods of the operator intended as replacements for dangerous goods referred to in paragraph (a) or (b); or
 - (d) the operator's goods, of a kind referred to in paragraph (a) or (b), that have been removed for replacement;
 - (e) dangerous goods permitted, under these Regulations, to be carried in passengers' checked baggage or carry-on baggage;
 - (f) goods intended to be used to provide, during flight:
 - (i) medical aid to a patient; or
 - (ii) veterinary aid or a humane killer for an animal; or
 - (iii) aid in connection with search and rescue operations;
 - (g) goods for dropping in connection with forestry, horticultural, or pollution-control activities.

92.045 Dangerous goods manual—Australian aircraft operators

- (1) An Australian aircraft operator's dangerous goods manual must:
- (a) set out the procedures and instructions for the handling and carriage of dangerous goods on the operator's aircraft; or
 - (b) specify where those procedures and instructions can be found.
- (2) The operator must have, and must use, an appropriate amendment system to keep all the copies of the manual up-to-date.

92.050 Commercial foreign aircraft operators—conditions to which carriage of dangerous goods is subject

- (1) This regulation sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

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Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) A commercial foreign aircraft operator may carry dangerous goods (other than goods required to be carried on board the aircraft by the law of the Contracting State in which the aircraft is registered, or goods carried on board the aircraft for use or sale during flight) on a foreign aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:
- (a) has a dangerous goods manual in accordance with:
 - (i) the Technical Instructions; or
 - (ii) if the law of the Contracting State in which the aircraft is registered imposes requirements about a dangerous goods manual—that law; and
 - (b) complies with regulation 92.055.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.055 Dangerous goods manual—requirements applicable to all operators

- (1) An operator's dangerous goods manual may be incorporated in the operator's operations manual or any other manual maintained by the operator that deals with the handling or carriage of cargo.
- (2) Subregulations (3), (4) and (5) set out, for the purposes of subsections 23(1), (2) and (2A) of the Act, conditions of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (3) An operator must make a copy of its dangerous goods manual available, in a readily accessible place:
- (a) in the case of an Australian operator—to each of the operator's employees whose duties and responsibilities are related to the handling or carriage of cargo; or
 - (b) in any other case—to:
 - (i) any of the operator's employees in Australia whose duties and responsibilities are related to the handling or carriage of cargo; and
 - (ii) any employees of its ground handling agent in Australia whose duties and responsibilities are related to the handling or carriage of cargo.
- (4) An operator must take all reasonable steps to ensure that the handling and carriage of dangerous goods is in accordance with the procedures and instructions in, or referred to in, its dangerous goods manual.
- (5) An operator must take all reasonable steps to ensure that each of the operator's employees is made aware of the contents of the operator's dangerous goods manual so far as it is applicable and relevant to the employee's duties before the employee first performs those duties.

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92.065 Commercial operators—reporting of dangerous goods incidents

- (1) Subregulation (2) sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

- (2) Subject to subregulation (3), the carriage of dangerous goods by an aircraft operated by a commercial operator is subject to the condition that, if a dangerous goods incident occurs, the operator must report the incident to CASA in writing within 2 working days after the incident occurs.

Note: An accident or serious incident involving dangerous goods carried on an aircraft must also be reported to the Australian Transport Safety Bureau under section 19BA of the *Air Navigation Act 1920*.

- (3) Subregulation (2) does not require an operator to report a dangerous goods incident involving dangerous goods that have not been accepted by the operator for carriage by air.

92.070 Dangerous goods statement (Act s 23A)

- (1) A person who, in the circumstances specified in subregulation (3), consigns cargo for carriage on board an aircraft (including a freight forwarder that does so in the course of business as a freight forwarder) must make and sign a written statement that:

- (a) is to the effect that the cargo does not contain dangerous goods; or
- (b) describes the contents of the cargo.

Note: Consigning cargo without making the required statement is an offence—see the Act, subsection 23A(2). Knowingly making a false or misleading statement is also an offence—see the *Criminal Code*, section 137.1.

- (2) The reference in subregulation (1) to consigning cargo for carriage on board an aircraft includes consigning cargo in circumstances such that there is a possibility that the cargo may, during its journey, be carried on an aircraft.
- (3) For subsection 23A(1) of the Act and subregulation (1), all circumstances other than those mentioned in subregulation (4) are specified.
- (4) The circumstances in which subregulation (1) does not apply are the following:
- (a) the cargo was consigned from a place outside Australia;
 - (b) the cargo is checked baggage that is to be carried on the same aircraft as the person who checked the baggage;
 - (c) the cargo is:
 - (i) a postal article (within the meaning of the *Australian Postal Corporation Act 1989*) that is in the course of carriage by air; or
 - (ii) a document being sent between service centres of a document exchange service (within the meaning given by that Act);and:
 - (iii) weighs no more than 500 grams; and
-

- (iv) is no more than 20 millimetres thick; and
 - (v) is no longer than 360 millimetres; and
 - (vi) is no wider than 260 millimetres;
 - (d) the cargo is dangerous goods that have been marked and documented in accordance with this Part.
- (5) Subregulation (6) sets out, for the purposes of subsections 23(1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note: Under subsections 23(1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

- (6) Except in the circumstances mentioned in subregulation (4), the operator of an aircraft must not allow an item of cargo to be placed on board the aircraft unless the operator has been given a statement about the item in accordance with subregulation (1).

92.075 Dangerous goods statement in reliance on statement already made

- (1) If, in the course of cargo being consigned for carriage on an aircraft, a person delivers the cargo to the Australian Postal Corporation or a freight forwarder and gives to the Corporation or the forwarder a signed written statement that acknowledges that the cargo will or may be carried by air, and:
- (a) is to the effect that the cargo does not contain dangerous goods; or
 - (b) describes the contents of the cargo;
- the Corporation or the forwarder may, in making a statement to the operator of the kind required by regulation 92.070, rely on the person's statement.
- (2) If an aircraft operator hands cargo to another operator for carriage on an aircraft operated by the second operator, and a statement of the kind required by regulation 92.070 was given to the first operator, the first operator may, in making a statement to the second operator of the kind required by that regulation, rely on the statement given to the first operator.

Subpart 92.C—Training

92.085 Definitions for Subpart 92.C

(1) In this Subpart:

cargo does not include carry-on baggage or checked baggage.

deemed employee means a person who, although not employed by an aircraft operator, ground handling agent, freight forwarder, screening authority or shipper of dangerous goods, performs for the operator, ground handling agent, freight forwarder, screening authority or shipper any of the following services:

- (a) accepting cargo consigned for transport on an aircraft, or supervising someone whose duties include accepting such cargo at any time after it leaves the custody of the original consignor;
- (b) acting as a member of an aircraft's flight crew or as a load planner;
- (c) acting as a member of an aircraft's cabin crew;
- (d) handling cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor, or supervising someone whose duties include handling such cargo;
- (e) handling passengers' checked or carry-on baggage, or supervising someone whose duties include handling such baggage;
- (f) packing dangerous goods, or supervising someone whose duties include packing such goods, in the course of the goods' being consigned for carriage on an aircraft.

group A employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo known or believed to contain dangerous goods consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

group B employee means:

- (a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo consigned for transport on an aircraft (other than cargo known or believed to contain dangerous goods) at any time after it leaves the custody of the original consignor; or
- (b) a deemed employee whose function includes those duties.

group C employee means:

- (a) an employee who is a member of an aircraft's flight crew or a load planner;
or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's flight crew or a load planner

group D employee means:

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- (a) an employee who is a member of an aircraft's cabin crew; or
- (b) a deemed employee whose function includes performing the duties of a member of an aircraft's cabin crew.

group E employee means:

- (a) any employee of an operator, ground handling agent, freight forwarder or screening authority who is not a group A, B, C or D employee and whose duties involve handling:
 - (i) cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
 - (ii) passengers' checked or carry-on baggage; or
- (b) a deemed employee whose function includes those duties.

group F employee means:

- (a) an employee of a shipper of goods whose duties include packing dangerous goods, or supervising someone else whose duties include packing dangerous goods, in the course of the goods being consigned for transport on an aircraft; or
- (b) a deemed employee whose function includes those duties.

load planner, in relation to dangerous goods, means a person nominated by an operator to be responsible for any 1 or more of the following:

- (a) specifying where dangerous goods may be stowed on an aircraft;
- (b) specifying the necessary segregation of the goods from other dangerous goods, other cargo, or passengers on the aircraft;
- (c) preparing information for the use of the pilot-in-command;
- (d) providing dangerous goods emergency response information for the pilot-in command.

Note: A person who performs those functions is known by many different titles: for example, *load controller*. Not all the functions are necessarily performed by the same person. Some or all of the functions may be the responsibility of the pilot-in-command or another crew member.

screening authority has the same meaning as in the *Air Navigation Act 1920*.

- (2) For the definitions of **deemed employee** and **group F employee** in subregulation (1), a person **packs** dangerous goods if he or she does any of the following in relation to the goods:
 - (a) enclosing the goods in packaging;
 - (b) marking or labelling the package or consignment;
 - (c) preparing a dangerous goods transport document for the consignment.

92.090 Extended meaning of *every 2 years* for this Subpart

For the purposes of this Subpart, if an employee completes a training course within 3 months before the second anniversary of the day on which he or she last completed, or is taken under a previous application of this regulation to have

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completed, a similar training course, he or she is taken to have completed the later course on that second anniversary.

Example: Suppose John Smith and Mary Jones each complete a course on 1 July 2003. Under the other provisions of this Subpart, each needs to complete the course again on 1 July 2005.

Suppose John completes the course again on 1 May 2005 (that is, less than 3 months before the second anniversary of the last time he did so). He is taken to have done so on 1 July 2005, and needs to complete the course again on 1 July 2007. However, Mary completes the course again on 15 March 2005 (that is, more than 3 months before the second anniversary of the last time she did so). She would need to complete the course yet again on 15 March 2007.

Suppose John completes the course again on 1 May 2007. He is taken to have done so on 1 July 2007, and needs to complete the course again on 1 July 2009. However, if Mary were to complete the course again on 15 January 2007, she would need to complete the course again on 15 March 2009.

92.095 Training—certain employees of Australian aircraft operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an Australian aircraft operator, and to a group C or D employee outside Australia of an Australian operator, but not to such an employee who is engaged only in 1 or more of the following:
 - (a) private operations;
 - (b) agricultural (including horticultural), forestry, or pollution-control operations;
 - (c) search and rescue operations;
 - (d) balloon operations;
 - (e) scenic or joy-flight operations;
 - (f) flying training operations.
- (2) An Australian aircraft operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.100 Training—certain employees of Australian ground handling agents

- (1) A ground handling agent must ensure that each of its employees in Australia who is a group A, B, C or E employee undertakes training in accordance with regulation 92.110:
 - (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

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- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.105 Training—certain employees of Australian freight forwarders

- (1) Subject to subregulation (3), a freight forwarder must ensure that each of its employees in Australia who is a group A, B or E employee undertakes training in accordance with regulation 92.110:
- (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subregulation (1) does not apply to a freight forwarder's employee who handles or accepts only cargo of the kind mentioned in paragraph 92.070(4)(c).

92.110 Required standard of training for regulations 92.095, 92.100 and 92.105

The training that an employee to whom regulation 92.095, 92.100 or 92.105 applies must undertake is a training course that meets the relevant requirements of regulation 92.135 and:

- (a) for a group A employee—is approved by CASA as being appropriate for group A employees; and
- (b) for a group B employee—is approved by CASA as being appropriate for group B employees; and
- (c) for a group C employee—is approved by CASA as being appropriate for group C employees; and
- (d) for a group D employee—is approved by CASA as being appropriate for group D employees; and
- (e) for a group E employee—is appropriate for group E employees.

Note: A training course for group E employees does not require approval by CASA.

92.115 Training—certain employees of screening authorities

- (1) This regulation applies to an employee in Australia of a screening authority if the employee's duties include handling, or supervising anyone who handles, checked baggage or carry-on baggage.
- (2) The screening authority must ensure that each of its employees to whom this regulation applies undertakes training in accordance with subregulation (4):
- (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

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Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The training that such an employee must undertake is a training course appropriate for such employees that meets the requirements of regulation 92.135.

Note: A training course for employees of screening authorities does not require approval by CASA.

92.120 Training—certain employees of shippers of dangerous goods

- (1) Subject to subregulation (2), a person who ships dangerous goods must ensure that each of its group F employees undertakes training in accordance with subregulation (4):
- (a) before the employee first performs the relevant duties; and
 - (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

- (2) Subregulation (1) does not apply to an individual who consigns dangerous goods within Australian territory for his or her own private, non-commercial purposes.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) The training that such an employee must undertake is a training course approved by CASA as being appropriate for group F employees and as meeting the requirements of regulation 92.135.

92.125 Training—certain employees of non-Australian operators

- (1) This regulation applies to a group A, B, C, D or E employee in Australia of an aircraft operator that is not an Australian operator.
- (2) The operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with:
- (a) the requirements of the law of the place in which the operator's aircraft are registered; or
 - (b) if there are no such requirements, or the operator's aircraft are registered in more than 1 country, the requirements of the Technical Instructions; before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

- (4) An offence against subregulation (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.130 Training—Australian operators’ employees outside Australia

- (1) This regulation applies to a group A, B or E employee of an Australian operator who performs duties outside Australia.
- (2) The operator must ensure that each employee to whom this regulation applies undertakes training in accordance with:
 - (a) the requirements of the law of the place in which he or she carries out those duties; or
 - (b) if there are no such requirements, the requirements of the Technical Instructions;before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

- (3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

- (4) The operator must also ensure that the training is evaluated at least every second year and the evaluation process is included in the operator’s audit program.

Maximum penalty: 10 penalty units.

- (5) The operator must also ensure that if a deemed employee’s services are provided to the operator under a contract, the contract contains provisions for the necessary resources, competence, procedures and management systems, to ensure that the service to the operator is a safe one.

Maximum penalty: 10 penalty units.

- (6) An offence against subregulation (2), (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92.135 Requirements for training course

- (1) A dangerous goods training course that is required to be approved by CASA must include training in:
 - (a) the subject mentioned in item 20 of Table 92.135-1; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee’s duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.

Note: Tables 92.135-1 and 92.135-2 follow this regulation.

- (2) A dangerous goods training course that is not required to be so approved must include training in:

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- (a) the subject mentioned in item 12 of Table 92.135-2; and
 - (b) each of the other subjects mentioned in that table that is relevant to the employee's duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.
- (3) A dangerous goods training course must provide for a test of the employee's knowledge of the relevant subjects based on the training.
- (4) A dangerous goods training course must be of a standard that will enable the employee, on completing it satisfactorily, to carry out those duties and responsibilities effectively.
- (5) A dangerous goods training course must provide for the issue, to each person who successfully completes the course, of a certificate stating that he or she has done so.

Table 92.135-1 Syllabus for training courses requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>Cargo/passenger acceptance procedures—the kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.1 of the Technical Instructions (<i>Dangerous goods forbidden for transport by air under any circumstance</i>)
8	Parts 1;1.1 and 1;1.2 of the Technical Instructions (<i>General applicability and General transport requirements</i>)
9	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
10	Part 1;2.3 of the Technical Instructions (<i>Dangerous goods in air mail</i>)
11	Part 1;2.4 of the Technical Instructions (<i>Dangerous goods in excepted quantities</i>)
12	Part 3;4 of the Technical Instructions (<i>Dangerous goods in limited quantities</i>)
13	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
14	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
15	Parts 3;1 and 3;2, Table 3-1 and Part 3;3 of the Technical Instructions (respectively <i>General, Arrangement of the Dangerous Goods List, The Dangerous Goods List and Special Provisions</i>)
16	Part 4 of the Technical Instructions (<i>Packing instructions</i>)
17	Part 5 of the Technical Instructions (<i>Shipper's responsibilities</i>)

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Item	Subject
18	Part 7 of the Technical Instructions (<i>Operator's responsibilities</i>)
19	Part 6 of the Technical Instructions (<i>Packaging nomenclature, marking requirements and tests</i>)
20	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
21	Attachment 1 to the Technical Instructions (<i>Lists of proper shipping names</i>)
22	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

Table 92.135-2 Syllabus for training courses not requiring approval

Item	Subject
1	The requirements of the Act and these Regulations relating to consignment and carriage of dangerous goods
2	If the course is to be undertaken by an operator's employee or deemed employee, the purpose, contents and distribution requirements of the operator's dangerous goods manual
3	Parts 7;1.4, 7;5 and 7;6 of the Technical Instructions (<i>The kinds of cargo/passenger's baggage that are likely to be, or contain, dangerous goods</i>)
4	Methods used to identify cargo containing dangerous goods
5	The manner in which the dangerous goods in each class of dangerous goods mentioned in the Technical Instructions could jeopardise the safety of an aircraft or anyone in it
6	The matters in the Foreword to the Technical Instructions
7	Part 1;2.2 of the Technical Instructions (<i>Exceptions for dangerous goods of the operator</i>)
8	Part 1;3.1 of the Technical Instructions (<i>Definitions</i>)
9	Part 2 of the Technical Instructions (<i>Classification of dangerous goods</i>)
10	Part 5;3 of the Technical Instructions (<i>Labelling</i>)
11	Part 7;2 of the Technical Instructions (<i>Storage and loading</i>)
12	Part 8 of the Technical Instructions (<i>Provisions concerning passengers and crew</i>)
13	Attachment 3 to the Technical Instructions (<i>Notified variations from the Instructions</i>)

92.140 Who may conduct training

(1) In this regulation:

approved training course means a training course required under this Part that is required to be approved by CASA.

(2) A person must not give, or offer to give, instruction that purports to be, or to form part of, a training course that is required to be approved by CASA if the course is not approved.

Maximum penalty: 10 penalty units.

(3) A person must not give instruction that is part of an approved training course if he or she is not approved for that purpose.

Maximum penalty: 10 penalty units.

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- (4) If an approved training course is conducted by distance education methods (including correspondence, video or computer network) a person must not:
- (a) prepare material for; or
 - (b) supervise;
- the course if he or she is not approved for that purpose.

Maximum penalty: 10 penalty units.

- (5) A person must not:
- (a) give instruction that is part of a training course for group E employees, or employees of a screening authority, required under this Part; or
 - (b) prepare material for such a training course that is, or is to be, given by a distance education method (including by correspondence, video or computer network); or
 - (c) supervise such a training course that is, or is to be, given by such a method; if the person has not, within the previous 2 years, undertaken an approved training course for group A or B employees.

Maximum penalty: 5 penalty units.

- (6) For paragraph (5)(a), strict liability applies to the circumstance that a training course is required under this Part.
- (7) For this regulation, strict liability applies to the circumstance that a training course is required to be approved under this Part.

92.145 Records about training—Australian operators etc

- (1) This regulation applies to:
- (a) an Australian aircraft operator that has any group A, B, C, D or E employees in Australia; and
 - (b) an Australian aircraft operator that has any group C or D employees outside Australia; and
 - (c) a person in Australia who:
 - (i) ships dangerous goods for carriage by aircraft; and
 - (ii) has any group F employees in Australia; and
 - (d) a ground handling agent or a freight forwarder that has any group A, B, C or E employees in Australia; and
 - (e) a screening authority.
- (2) A person or organisation to whom or to which this regulation applies must maintain an up-to-date record of:
- (a) the name of each employee who has undertaken dangerous goods training in accordance with this Subpart; and
 - (b) for each such employee:
 - (i) the names of the person and the organisation providing the training and the date on which the training was undertaken; and

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- (ii) a reference (for example, by CASA approval number) to the training material used to meet the training requirements.

Maximum penalty: 30 penalty units.

- (3) A person or organisation to whom or to which this regulation applies must:
 - (a) keep a copy of any certificate issued to an employee on the completion of a course of training required by this Part; and
 - (b) give a copy of any such certificate to CASA if CASA so requests.

Maximum penalty: 30 penalty units.

- (4) A reference in this regulation to an employee includes a deemed employee only if the deemed employee:
 - (a) is self-employed; or
 - (b) is employed by an employer that is not required to keep records under this regulation.

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Subpart 92.D—Limitations on application of Subparts 92.B and 92.C

92.160 Aircraft operated by law enforcement authorities

- (1) Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft, or by a person on an Australian aircraft, operated by an Australian law enforcement authority if:
 - (a) the aircraft is performing an operation solely for law enforcement purposes within Australian territory; and
 - (b) the goods are not of a kind that is forbidden for transport by air under any circumstances by the Technical Instructions; and
 - (c) the goods are in a proper condition for carriage by air and are stowed and secured safely in the aircraft, and the aircraft's pilot-in-command is told before the flight what the goods are and where they are on board the aircraft; and
 - (d) the authority has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the authority's operations manual contains detailed instructions in relation to those procedures; and
 - (e) only persons essential to the operation are carried on the aircraft while the goods are on board the aircraft.
- (2) For subregulation (1), the Australian law enforcement authorities are the following:
 - (a) the Australian Federal Police;
 - (b) the Australian Border Force (within the meaning of the *Australian Border Force Act 2015*);
 - (c) the Department administered by the Minister administering Part 1 of Chapter 8 of the *Biosecurity Act 2015*;
 - (d) the police force or police service of a State or the Northern Territory.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.165 Goods carried by external load

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft that is a rotorcraft if:

- (a) the rotorcraft is operating in Australian territory; and
- (b) the goods:
 - (i) are carried as an external load; and
 - (ii) are in a proper condition for carriage by air; and

- (iii) are segregated in accordance with the Technical Instructions, or, if they are likely to react dangerously with one another, are not carried in the same load; and
- (iv) are not of a kind that the Technical Instructions forbid the transport of by air under any circumstances; and
- (v) are packed and stowed to prevent leakage or damage during the flight; and
- (vi) are not fireworks, pyrotechnics or other explosives intended to be activated during the flight; and
- (c) only crew members and persons associated with the goods are carried on board the rotorcraft; and
- (d) the rotorcraft's pilot-in-command is told before the load is carried what the goods are and the quantity of them in the load; and
- (e) the rotorcraft is being used to conduct an external load operation in accordance with the requirements of these Regulations that apply in relation to the rotorcraft.

Note: See Part 133 in relation to requirements that apply to external load operations that are part of a medical transport operation and Part 138 in relation to requirements that apply to external load operations that involve an aerial work operation.

92.170 Cargo carried in main deck cargo compartments

- (1) In this regulation:

Class B cargo compartment and ***Class C cargo compartment*** have the same respective meanings as in ICAO Document 9481, *Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods*, as in force on 1 January 2004.

UN followed by a 4-digit number is the number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or group of substances.

Note: The numbers are set out in the UN Classification, which is available as a PDF file from:

<http://www.unece.org/trans/danger/publi/unrec/English/part3.pdf>.

UN Classification means Part 3 of the *United Nations Model Regulations on the Transport of Dangerous Goods*, published by the United Nations Economic Commission for Europe, as adapted by the International Civil Aviation Organization and set out in the Technical Instructions.

- (2) Subregulations 92.020(6) and (7) and subparagraph 92.025(2)(b)(i) do not apply to the carriage of dangerous goods in the main deck cargo compartment of an aircraft if:
- (a) the aircraft:
 - (i) is operating in Australian territory; and
 - (ii) does not have an underfloor cargo compartment; and

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- (b) in the case of an aircraft engaged in passenger-carrying operations, the compartment is not a class B or class C cargo compartment; and
- (c) the cargo compartment is separated from the passenger cabin by a bulkhead or other barrier that will prevent fire and hazardous quantities of smoke or toxic gases from entering the passenger cabin or crew compartment; and
- (d) the goods meet all of the packing, labelling, marking, documentation, stowage and segregation requirements of the Technical Instructions; and
- (e) the goods do not have a subsidiary risk; and
- (f) either:
 - (i) the proper shipping name for the goods given by the UN Classification does not include the letters ‘n.o.s.’; or
 - (ii) the labelling rules set out in the UN Classification do not require the technical name of the goods to be used as well as the proper shipping name; and
- (g) the goods are of any of the following kinds:
 - (i) goods classified in Division 1.4 and compatibility group S (certain explosives);
 - (ii) aerosols that contain gases classified in Division 2.1 (flammable gases);
 - (iii) gases classified in Division 2.2 (non-flammable and non-toxic gases) (except UN 2037, UN 2073 and UN 2857);
 - (iv) flammable liquids (Class 3) in Packing Group III in combination packagings (except UN 1112, UN 2047, UN 2059, UN 2332, UN 3054 and UN 3269);
 - (v) flammable solids (Division 4.1) in Packing Group III (except UN 1309, UN 1313, UN 1314, UN 1318, UN 1324, UN 1330, UN 1338, UN 1353, UN 1869, UN 2000, UN 2213, UN 2714, UN 2715, UN 2878, UN 3089 and UN 3241);
 - (vi) oxidizing substances (Division 5.1) in Packing Group III (except UN 1458, UN 1459, UN 1467, UN 1481, UN 1482, UN 1483, UN 2427, UN 2428, UN 2429, UN 2469, UN 2726, UN 2984, UN 3210, UN 3211, UN 3213, UN 3215, UN 3216, UN 3218 and UN 3219);
 - (vii) toxic substances (Division 6.1) in Packing Group III in combination packagings (except UN 1549, UN 1550, UN 1551, UN 1556, UN 1557, UN 1593, UN 1599, UN 1655, UN 1686, UN 1690, UN 1710, UN 1812, UN 1887, UN 1888, UN 1897, UN 1935, UN 2024, UN 2025, UN 2074, UN 2077, UN 2233, UN 2501, UN 2505, UN 2515, UN 2609, UN 2655, UN 2656, UN 2674, UN 2713, UN 2747, UN 2785, UN 2788, UN 2821, UN 2831, UN 2853, UN 2854, UN 2855, UN 2856, UN 2871, UN 2874, UN 3141, UN 3144, UN 3146, UN 3286 and UN 3293);
 - (viii) infectious substances (Division 6.2);
 - (ix) diagnostic specimens (UN 3373) packed in accordance with Packing Instruction 650 of the Technical Instructions;
 - (x) radioactive material (Class 7) but only excepted packages and packages assigned category I – White only;

- (xi) corrosives (Class 8) in Packing Group III in combination packagings (except UN 1731, UN 1740, UN 1755, UN 1757, UN 1783, UN 1787, UN 1788, UN 1789, UN 1814, UN 1819, UN 1824, UN 1908, UN 2430, UN 2496, UN 2508, UN 2564, UN 2578, UN 2585, UN 2586, UN 2672, UN 2677, UN 2679, UN 2681, UN 2693, UN 2790, UN 2803, UN 2809, UN 2837, UN 2869, UN 3145, UN 3253 and UN 3320);
- (xii) dangerous goods classified in Class 9 (except UN 1931, UN 1941, UN 1990, UN 2211, UN 2590, UN 3268, UN 3314, UN 3316, UN 3363 and UN 8000);
- (xiii) dangerous goods permitted by the Technical Instructions to be carried in excepted quantities.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

- (3) Subregulations 92.020(6) and (7) and subparagraph 92.025(2)(b)(i) do not apply in relation to the carriage of UN 1072 (oxygen, compressed) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2)(a) to (d).
- (4) Subregulations 92.020(6) and (7) and subparagraph 92.025(2)(b)(i) do not apply in relation to the carriage of UN 1993 (flammable liquid, n.o.s.) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2)(a) to (d).

92.175 Goods carried by private operators

Subparts 92.B and 92.C do not apply to the carriage of dangerous goods by an aircraft operated by an operator engaged in private (non-commercial) operations if:

- (a) the aircraft is operating in Australian territory and:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
- (b) the goods:
 - (i) are in a proper condition for carriage by air; and
 - (ii) are identified by class in accordance with the Technical Instructions; and
 - (iii) are permitted by the Technical Instructions to be carried on a passenger or cargo aircraft; and
 - (iv) are stowed and secured on the aircraft to prevent movement and damage, and segregated in accordance with the requirements of the Technical Instructions if they are likely to react dangerously with one another; and

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- (c) the pilot-in-command of the aircraft ensures that every person on board the aircraft knows, before boarding the aircraft, that the dangerous goods are on board.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.180 Goods carried for parachute operations

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage, on an aircraft, of dangerous goods classified in Division 1.4 if:

- (a) the aircraft is operating in Australian territory; and
- (b) the person carrying the goods intends to jump from the aircraft by parachute, and to use the goods during the parachute descent; and
- (c) the goods are not used until after the person jumps from the aircraft; and
- (d) the pilot-in-command of the aircraft:
 - (i) knows what the goods are; and
 - (ii) before the flight begins, briefs everybody intending to board the aircraft on what to do if any of the goods are activated during the flight; and
- (e) where the flight is being undertaken by a commercial operator—the operator establishes safety and emergency procedures for the operation and sets out those procedures in the operator’s dangerous goods manual.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.185 Carriage of fuel in large containers

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, on a cargo aircraft in Australian territory of:

- (a) petrol (whether called petrol, gasoline or motor spirit) (UN 1203) of packing group II; or
 - (b) aviation turbine fuel (UN 1863) of packing group II;
- if the petrol or aviation turbine fuel:
- (c) is documented, labelled, stowed and segregated on the aircraft in accordance with the Technical Instructions; and
 - (d) is contained in 1A1 non-removable-head steel drums or 1B1 non-removable-head aluminium drums with a capacity of no more than 220 litres.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.190 Goods for use in emergency services

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, of dangerous goods on an aircraft if:

- (a) the aircraft:
 - (i) is unpressurised; and
 - (ii) has an approved passenger seat configuration of less than 10 seats; and
 - (iii) is operating in Australian territory; and
 - (iv) is operating for the sole purpose of carrying people engaged in emergency services work and their essential equipment (including the goods) to a place where they intend to undertake emergency service work, or of recovering them from such a place; and
- (b) where the aircraft is a helicopter—any static electric charge that it carries is discharged before the people or their equipment are loaded or unloaded; and
- (c) the goods:
 - (i) are limited to dangerous goods of the following kinds:
 - (A) goods classified in Division 1.4 (certain explosives);
 - (B) gases classified in Division 2.1 or 2.2;
 - (C) flammable liquids (Class 3);
 - (D) goods classified in Division 4.1 (flammable solids);
 - (E) goods classified in Class 9 (miscellaneous dangerous goods);
 - (F) corrosives (Class 8); and
 - (ii) are in a proper condition for carriage by air; and
 - (iii) are not used on the aircraft; and
 - (iv) if classified in Class 3:
 - (A) are packaged in accordance with the Technical Instructions; and
 - (B) are stowed and secured on the aircraft to prevent leakage or damage during the flight; and
- (d) the aircraft's pilot-in-command is told that the goods are on board, and where they are on the aircraft, and consents to them being carried on the aircraft; and
- (e) only the aircraft's crew and persons associated with the goods are carried on board the aircraft; and
- (f) the operator establishes safety and emergency procedures for the carriage of the dangerous goods; and
- (g) where the flight is being conducted by a commercial operator—the operator has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the operator's operations manual contains detailed instructions in relation to those procedures.

Note: This regulation creates a defence to the offences created by subsections 23(2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential

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burden in relation to the matters set out in this regulation—see subsection 13.3(3) of the *Criminal Code*.

92.195 Carriage of ammunition by air security officers

- (1) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (a) of the definition of ***air security officer***; and
 - (b) the officer is on duty in a prescribed aircraft (within the meaning of section 9 of the *Aviation Transport Security Act 2004*); and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by the Australian Federal Police to the officer; and
 - (iii) is for use by the officer.
- (2) Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:
 - (a) the officer is an officer mentioned in paragraph (b) of the definition of ***air security officer***; and
 - (b) the officer is on duty in a prescribed aircraft (within the meaning of section 9 of the *Aviation Transport Security Act 2004*); and
 - (c) the dangerous goods:
 - (i) is an amount of ammunition that is reasonably required in the performance of that duty; and
 - (ii) is issued by a responsible foreign government to the officer; and
 - (iii) is ammunition of the kind agreed to under an arrangement between the responsible foreign government and the Australian Government; and
 - (iv) is for use by the officer.
- (3) For subparagraphs (2)(c)(ii) and (iii):

responsible foreign government, in relation to an air security officer mentioned in paragraph (2)(a), means the foreign government referred to in the definition of ***air security officer*** that is a party to an arrangement with the Australian Government in relation to the officer operating.

Subpart 92.E—Information to passengers

92.200 Information in passenger terminals

- (1) The owner or operator of an airport terminal must comply with the provisions of the Technical Instructions concerning information that must be given to passengers about the carriage of dangerous goods on aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of a sufficient number of notices, prominently displayed at each of the places at an airport where tickets are issued, passengers checked in and aircraft boarding areas maintained, and at baggage collection areas.

92.205 Information with tickets

- (1) A person (other than an aircraft operator) who issues a passenger ticket must ensure that the person to whom the ticket is issued is given information about the kinds of dangerous goods that must not be transported on an aircraft.

Penalty: 10 penalty units.

- (2) The information required by subregulation (1) must at least be given by means of information with the ticket and notices, visible to persons to whom tickets are issued, in each place where tickets are issued.



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Dictionary and Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 11 April 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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99.005 Purposes of Part

- (1) This Part provides for:
- (a) the development, implementation and enforcement of drug and alcohol management plans covering persons who perform, or are available to perform, an applicable SSAA; and
 - (b) drug and alcohol tests for persons who perform, or are available to perform, an applicable SSAA, including the following:
 - (i) the approval of testers to conduct drug and alcohol tests;
 - (ii) the approval of devices for use in conducting drug and alcohol tests;
 - (iii) identity cards for approved testers;
 - (iv) the conduct of drug and alcohol testing;
 - (v) the variation, suspension and cancelling of civil aviation authorisations and authorisations of approved testers; and
 - (c) offences relating to drug and alcohol management plans and drug and alcohol testing.

Note 1: Under this Part, a SSAA employee may be drug or alcohol tested by his or her DAMP organisation or by CASA under Subpart 99.C.

Note 2: Under Subpart 99.C, CASA may also test persons who are performing or available to perform an applicable SSAA and who are not covered by a DAMP organisation.

- (2) Unless otherwise stated, this Part is made for the purposes of Part IV of the Act, particularly sections 34, 35 and 36.

Subpart 99.A—General

99.010 Definitions for Part 99

(1) In this Part:

accident means an occurrence that arises out of a person performing or being available to perform an applicable SSAA if either or both of the following applies:

- (a) the occurrence results in the death of, or serious harm to, a person;
- (b) the occurrence results in serious damage to an aircraft or property.

aerodrome testing area means:

- (a) any surface in a certified aerodrome over which an aircraft is able to be moved while in contact with the surface of the aerodrome, including any parking areas; and
- (b) any part of the surface of a certified aerodrome:
 - (i) that is not covered by paragraph (a); and
 - (ii) that does not have a building on it; and
 - (iii) from which access to a surface mentioned in paragraph (a) may be had; and
- (c) a building located on a certified aerodrome that is used:
 - (i) for maintenance of an aircraft or an aeronautical product; or
 - (ii) for the manufacture of aircraft or aeronautical products; or
 - (iii) by an air traffic service provider to control air traffic; or
 - (iv) by the holder of an AOC for flying training; or
 - (v) by a Part 141 operator conducting flying training in an aircraft; and
- (d) any part of an aircraft, aerobridge or other moveable structure in a certified aerodrome.

airport security guard has the meaning given in section 9 of the *Aviation Transport Security Act 2004*.

allocated number, in relation to an approved tester, means the number allocated to the tester under subregulation 99.445(5).

applicable SSAA means a safety-sensitive aviation activity to which this Part applies under regulation 99.015.

appropriately qualified alcohol and other drug professional means a person who:

- (a) materially works as a provider of clinical drug and alcohol treatment services; and
- (b) holds a bachelor degree, or postgraduate degree, in at least 1 of the following fields:
 - (i) health sciences;

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- (ii) medical science;
- (iii) social sciences;
- (iv) behavioural sciences.

approved breathalyser means a breathalyser approved by CASA under paragraph 99.130(a) for alcohol testing.

approved drug testing device means a device approved by CASA under paragraph 99.130(b) for testing for testable drugs.

approved laboratory means a person authorised under subregulation 99.450(3) to conduct confirmatory drug tests for Subpart 99.C.

approved person, in relation to an approved laboratory, means a person who is authorised under the laboratory's National Association of Testing Authorities accreditation to declare the results of drug tests conducted by that laboratory.

approved tester means a person who is authorised to:

- (a) take body samples for drug or alcohol tests under subregulation 99.450(1); and
- (b) conduct initial drug tests or alcohol tests under subregulation 99.450(2).

ASIC has the meaning given in the *Aviation Transport Security Regulations 2005*.

CASA medical review officer means a medical practitioner who for drug and alcohol testing under Subpart 99.C, and for Subparts 99.E and 99.H has:

- (a) been appointed by CASA under subregulation 99.390(1) for the purposes of Subpart 99.C; and
- (b) training and competence in the field of interpreting drug and alcohol test results; and
- (c) knowledge of substance use disorders; and
- (d) knowledge of the contents of this Part.

commencement date means the date on which this Part commences.

comprehensive assessment, in relation to a person's drug or alcohol use, means an examination of the person's physiological and psychosocial indicators carried out:

- (a) by a psychiatrist; or
- (b) by a medical practitioner who is a Fellow of the Australasian Chapter of Addiction Medicine; or
- (c) jointly by:
 - (i) a person entitled to practice as a medical practitioner under a law of a State or Territory; and
 - (ii) an appropriately qualified drug and alcohol professional.

confirmatory alcohol test means an alcohol test given in respect of an initial alcohol test to determine the presence and level of alcohol in a body sample.

Note: See paragraph (b) of the definition of drug or alcohol test in subsection 33(1) of the Act.

confirmatory drug test means a drug test given in respect of an initial drug test to determine the presence and level of a testable drug in a body sample.

Note: See paragraph (b) of the definition of drug or alcohol test in subsection 33(1) of the Act.

DAMP or **drug and alcohol management plan** means a drug and alcohol management plan that complies, or purports to comply, with the requirements of regulation 99.045.

DAMP contact officer, in relation to a DAMP organisation, means a person appointed by the DAMP organisation to liaise with CASA in relation to the organisation's responsibilities under this Part.

DAMP contractor means a person, or the employee of a person, who is:

- (a) a party to an ongoing written or ongoing oral contract with a DAMP organisation; or
- (b) a DAMP subcontractor to an ongoing written or ongoing oral contract with a DAMP organisation.

DAMP medical review officer means a medical practitioner who for drug or alcohol testing under a DAMP has:

- (a) competence in the field of interpreting drug and alcohol test results; and
- (b) knowledge of substance use disorders; and
- (c) knowledge of the contents of this Part.

DAMP organisation means a person that is required to have a DAMP under subregulation 99.030(1).

DAMP reporting period, for a DAMP organisation, means the period of 6 months immediately before each:

- (a) 1 March; and
- (b) 1 September.

DAMP subcontractor, means a person who is a party to:

- (a) an ongoing written or oral contract with a DAMP contractor within the meaning of paragraph (a) of the definition of **DAMP contractor**; or
- (b) an ongoing written or oral contract with another DAMP subcontractor (under a previous application of this definition).

DAMP supervisor, in relation to a DAMP organisation, means a person who:

- (a) has had relevant training to form an opinion as to whether a person may be adversely affected by a testable drug or under the influence of alcohol; and
- (b) is authorised by the organisation to do so for the purposes of paragraph 99.050(2)(c).

donor means a person who is asked to give, or has given, a body sample to an approved tester.

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drug and alcohol education program, for a DAMP organisation, means a program that includes the following components:

- (a) for SSAA employees—awareness of:
 - (i) the organisation’s policy on drug and alcohol use; and
 - (ii) drug and alcohol testing in the workplace; and
 - (iii) support and assistance services for people who engage in problematic use of drugs and alcohol; and
 - (iv) information about the potential risks to aviation safety from problematic use of drugs and alcohol;
- (b) for DAMP supervisors—education and training to manage people who engage in problematic use of drugs or alcohol.

drug or alcohol intervention program, in relation to a person who has a drug or alcohol problem, means a program that includes any of the following measures for that problem:

- (a) assessment;
- (b) treatment, including any of the following:
 - (i) education;
 - (ii) counselling;
 - (iii) consultation with health care professionals;
 - (iv) pharmacotherapy;
 - (v) residential or non-residential treatment programs;
- (c) monitoring and follow-up action.

employee, in relation to a DAMP organisation, includes a DAMP contractor of the DAMP organisation.

foreign operator means:

- (a) the holder of a foreign aircraft AOC; or
- (b) the operator of an aircraft operating in Australia in accordance with a permission granted by CASA under section 26 of the Act; or
- (c) the operator of an aircraft operating under a permission granted under section 27A of the Act; or
- (d) the holder of a New Zealand AOC with ANZA privileges; or
- (e) the operator of an aircraft that is operating in Australia in accordance with section 14 of the *Air Navigation Act 1920*.

initial alcohol test means an alcohol test to determine the presence of alcohol in a body sample.

Note: See paragraph (a) of the definition of drug or alcohol test in subsection 33(1) of the Act.

initial drug test means a drug test to determine the presence of a testable drug in a body sample.

Note: See paragraph (a) of the definition of drug or alcohol test in subsection 33(1) of the Act.

nominated drug or alcohol intervention program, in relation to a person who has undergone a comprehensive assessment, means a drug or alcohol intervention program considered suitable for the person by:

- (a) if the person is an employee of a DAMP organisation—a DAMP medical review officer; or
- (b) in any other case—a CASA medical review officer.

passport means an Australian passport within the meaning of the *Australian Passports Act 2005*, or a passport issued by the Government of a country other than Australia.

permitted level means:

- (a) for a testable drug—a level of the drug specified in subregulation (2A) for the purposes of this paragraph; and
- (b) for alcohol—a level of alcohol of less than 0.02 grams of alcohol in 210 litres of breath.

positive result means the following:

- (a) for an initial drug test—a test result within the meaning of paragraph (a) of the definition of positive test result in subsection 33(1) of the Act;
- (b) for a confirmatory drug test—a test result within the meaning of paragraph (b) of the definition of positive test result in subsection 33(1) of the Act;
- (c) for an initial alcohol test—a test result within the meaning of paragraph (a) of the definition of positive test result in subsection 33(1) of the Act;
- (d) for a confirmatory alcohol test—a test result within the meaning of paragraph (b) of the definition of positive test result in subsection 33(1) of the Act.

regular SSAA employee means a SSAA employee who is reasonably likely to perform an applicable SSAA at least 2 or more times every 90 days.

relevant Standard means:

- (a) AS 3547, *Breath alcohol testing devices for personal use*; and
- (b) NMI R 126, *Pattern Approval Specifications for Evidential Breath Analysers*; and
- (c) AS 4760, *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid*; and
- (d) AS/NZS 4308, *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*.

sample identifier means a number allocated to a body sample using the method specified in a legislative instrument made by CASA under regulation 99.150.

screening officer has the meaning given in the *Aviation Transport Security Act 2004*.

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serious incident means an occurrence that arises out of a person performing or being available to perform an applicable SSAA if either or both of the following applies:

- (a) the occurrence gives rise to a danger of death or serious harm to a person;
- (b) the occurrence gives rise to a danger of serious damage to an aircraft or property.

SSAA means a safety-sensitive aviation activity.

SSAA employee, in relation to a DAMP organisation, means an employee of the DAMP organisation who performs or is available to perform an applicable SSAA.

substantial compliance, in relation to a drug or alcohol test, has the meaning given in subregulation 99.020(2).

suitable test conditions has the meaning given by subregulation (3).

Note 1: A number of other expressions used in this Part have the meanings given in the Act. For example:

- aeronautical product
- AOC
- body sample
- civil aviation authorisation
- drug or alcohol test
- foreign aircraft AOC
- New Zealand AOC with ANZA privileges
- positive test result
- safety-sensitive aviation activities
- testable drug.

Note 2: **Testable drugs** are specified in a legislative instrument made by the Minister under subsection 33(2) of the Act.

References to Standards and reports

(2) In this Part:

AS followed by a number is a reference to the Australian Standard so numbered or identified, as in force or existing from time to time, published by Standards Australia.

AS/NZS followed by a number is a reference to the Australian/New Zealand Standard so numbered or identified, as in force or existing from time to time, published jointly by Standards Australia and Standards New Zealand.

NMI R followed by a number is a reference to the document with that designation and number, as in force from time to time, published by the National Measurement Institute established under the *National Measurement Act 1960*.

Permitted level

(2A) For paragraph (a) of the definition of **permitted level**, the permitted level for each testable drug is specified in the following table.

Testable Drug	Concentration - ng/mL
Δ 9-tetrahydrocannabinol	10
6-Acetyl morphine	10
Amphetamine	25
Benzoylcegonine	25
Cocaine	25
Codeine	25
Ecgonine methyl ester	25
Methylamphetamine	25
Methylenedioxyamphetamine	25
Methylenedioxymethylamphetamine	25
Morphine	25

Suitable test conditions

- (3) ***Suitable test conditions*** means conditions that exist after an accident or serious incident if:
- (a) testing can be conducted within:
 - (i) for drug testing—32 hours after the accident or incident occurred; and
 - (ii) for alcohol testing—8 hours after the accident or incident occurred; and
 - (b) it is practicable to conduct a test.

99.015 SSAAs to which this Part applies

- (1) This Part applies to the SSAAs specified in this regulation.
- (2) The specified SSAAs are:
- (a) any activity undertaken by a person, other than as a passenger, in an aerodrome testing area; and
 - (b) calculation of the position of freight, baggage, passengers and fuel on aircraft; and
 - (c) the manufacture or maintenance of any of the following:
 - (i) aircraft;
 - (ii) aeronautical products;
 - (iii) aviation radionavigation products;
 - (iv) aviation telecommunication products;
 - (v) reserve parachutes or emergency parachutes; and
 - (d) the certification of maintenance of a kind mentioned in paragraph (c); and
 - (da) the issuing of a certificate of release to service for an aircraft or aeronautical product in relation to maintenance carried out on the aircraft or aeronautical product; and

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- (e) the fuelling and maintenance of vehicles that will be used to fuel aircraft on aerodrome testing areas; and
 - (f) activities undertaken by an airport security guard or a screening officer in the course of the person's duties as a guard or officer; and
 - (g) activities undertaken by a member of the crew of an aircraft in the course of the person's duties as a crew member; and
 - (h) the loading and unloading of trolleys containing baggage for loading onto aircraft and the driving of such trolleys; and
 - (i) activities undertaken by a holder of an ATC licence in the course of the person's duties as a controller; and
 - (j) activities undertaken by the supervisor of a holder of an ATC licence in the course of the person's duties as such a supervisor; and
 - (k) providing flight information and search and rescue alert services:
 - (i) to a pilot or operator of an aircraft immediately before the flight of the aircraft; or
 - (ii) to a pilot or operator of an aircraft, during the flight of the aircraft; or
 - (iii) as an intermediary for communications between a pilot or operator of the aircraft, and an air traffic controller; and
 - (l) providing aviation fire fighting services; and
 - (m) undertaking parachute descents; and
 - (n) supervising parachute descents.
- (3) This Part applies to the safety-sensitive aviation activities specified in paragraphs (2)(b) to (n) even if those activities do not occur in an aerodrome testing area.

99.020 Substantial compliance with requirements of Part required

- (1) A reference in this Part, other than in Subpart 99.B, to a test result for a drug or alcohol test is a reference to a test result that resulted from strict or substantial compliance with the requirements of this Part, including the following:
- (a) requirements relating to the taking of a body sample for the test;
 - (b) requirements relating to the dealing with the body sample by the approved tester who took the sample;
 - (c) requirements relating to the storage of the body sample (if applicable);
 - (d) requirements relating to the conduct of the drug or alcohol test;
 - (e) requirements relating to the giving of notice in respect of a positive result;
 - (f) a requirement that a person must not interfere with the integrity of a body sample.
- (2) For subregulation (1), there is taken to be **substantial compliance** with the requirements of this Part in relation to a drug or alcohol test that results in a test result if there is no reasonable doubt as to the accuracy of the test result even though one or more of the requirements of this Part may not have been strictly complied with in relation to that drug or alcohol test.

Example: If an approved tester fails to initial a specimen tube containing a part of a body sample that is to be the subject of a confirmatory drug test, the test result is likely to be one that

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resulted from substantial compliance with the requirements of this Part as there will be no reasonable doubt as to the accuracy of the test result. However, if a person interferes with the integrity of a body sample, the test result for that sample is unlikely to be one that resulted from substantial compliance with the requirements of this Part as there will be a reasonable doubt as to the accuracy of the test result.

- (3) In this regulation, the ***requirements of this Part*** include the following:
- (a) the requirements of any legislative instruments made under this Part;
 - (b) a relevant Standard.

Part 99 Drug and alcohol management plans and testing

Subpart 99.B Drug and alcohol management plans

Division 99.B.1 Purposes of Subpart

Regulation 99.025

Subpart 99.B—Drug and alcohol management plans

Division 99.B.1—Purposes of Subpart

99.025 Purposes of Subpart

This Subpart provides for the following:

- (a) the persons required to have a DAMP;
- (b) the matters required to be included in a DAMP;
- (c) the implementation of a DAMP;
- (d) requirements associated with a DAMP;
- (e) offences relating to a DAMP.

Division 99.B.2—Persons required to have a DAMP

99.030 Who must develop and maintain a DAMP

- (1) An organisation must develop a DAMP that complies with regulation 99.045 if:
 - (a) the organisation:
 - (i) has an employee; or
 - (ii) has a contractor (including the employee of, or a subcontractor for, the contractor);who performs or is available to perform a SSAA; and
 - (b) the organisation is listed in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the organisations are as follows:
 - (a) an AOC holder;
 - (b) a person issued with a production certificate under regulation 21.134;
 - (c) the holder of an aerodrome certificate;
 - (d) a person approved as an ARFFS under Division 139.H.5;
 - (e) an ATS training provider within the meaning of Part 143;
 - (f) an ATS provider within the meaning of Part 172;
 - (g) the provider of any of the following services within the meaning of Part 171:
 - (i) a telecommunication service;
 - (ii) a radionavigation service;
 - (i) the holder of a certificate of approval within the meaning of subregulation 2(1) of CAR;
 - (j) a Part 145 organisation;
 - (k) a Part 141 operator conducting flying training in aircraft;
 - (l) a screening authority within the meaning of the *Aviation Transport Security Regulations 2005*.

- (3) The DAMP must be developed within the time required for implementation of a DAMP under subregulation 99.035(2).

Penalty: 50 penalty units.

- (4) A person who, under subregulation (1), is required to develop a DAMP must continue to have a DAMP that complies with regulation 99.045 for the period the person has SSAA employees performing an applicable SSAA or available to perform an applicable SSAA.

Penalty: 50 penalty units.

- (5) An offence against subregulation (1), (3) or (4) is an offence of strict liability.

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99.035 DAMP must be implemented

- (1) A person who is required to develop a DAMP must implement a DAMP by:
 - (a) giving effect to regulation 99.080; and
 - (b) making the DAMP available to the person's SSAA employees as required by this Subpart.

Timeframe and implementation

- (2) The DAMP must be implemented:
 - (a) if the person:
 - (i) is a DAMP organisation on the commencement date; or
 - (ii) becomes a DAMP organisation within the period of 6 months after the commencement date (the *transition period*);
by the end of the transition period; or
 - (b) if the person becomes a DAMP organisation after the end of the transition period—immediately upon becoming a DAMP organisation.

99.040 DAMP must be made available to SSAA employees

- (1) Subject to subregulation (2), a DAMP organisation must ensure that its DAMP is made available to each of its SSAA employees before the employee begins to perform or becomes available to perform an applicable SSAA.

Penalty: 50 penalty units.

- (2) If a person is a SSAA employee of a DAMP organisation on the day the organisation implements its DAMP, the organisation must make the DAMP available to the employee by the end of the day the employee next performs or is available to perform an applicable SSAA for the DAMP organisation.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Division 99.B.3—Content and implementation of DAMP

Subdivision 99.B.3.1—Content of DAMP

99.045 Content of DAMP

A DAMP organisation's DAMP must:

- (a) apply to all SSAA employees of the organisation, and state each category of the organisation's SSAA employees covered by the DAMP; and
- (b) include the following:
 - (i) a drug and alcohol education program;
 - (ii) a drug and alcohol testing program, that meets the requirements specified in regulations 99.050, 99.055 and 99.060;
 - (iii) a drug and alcohol response program that meets the requirements specified in regulations 99.065, 99.070 and 99.075;and set out details of those programs; and
- (c) identify, and provide the contact details for, each person in the DAMP organisation who has any of the following roles:
 - (i) DAMP contact officer;
 - (ii) DAMP supervisor; and
- (d) be implemented as required by regulation 99.080 and set out the details of those requirements.

Note: A drug and alcohol education program includes the matters set out in the definition of drug and alcohol education program in subregulation 99.010(1).

Subdivision 99.B.3.2—Drug and alcohol testing program

99.050 Requirements for drug and alcohol testing

- (1) For subparagraph 99.045(b)(ii), the DAMP must meet the following requirements:
 - (a) that any testing done under the organisation's DAMP will be conducted as follows:
 - (i) for breath alcohol testing—using a device that meets the Standard mentioned in paragraph (a) of the definition of relevant Standard, or a device that meets the Standard mentioned in paragraph (b) of that definition;
 - (ii) for oral fluid testing—in accordance with the Standard mentioned in paragraph (c) of the definition of relevant Standard;
 - (iii) for urine testing—in accordance with the Standard mentioned in paragraph (d) of the definition of relevant Standard;
 - (b) that drug and alcohol testing of SSAA employees under the DAMP will be conducted in the circumstances set out in subregulation (2).
- (2) For paragraph (1)(b), the circumstances in which drug and alcohol testing will be conducted on SSAA employees are as follows:

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- (a) when a person first joins the DAMP organisation, if the person will be working as a regular SSAA employee, or when an employee whose role in the organisation is to change to that of a regular SSAA employee on or after the commencement date, unless:
 - (i) the employee has been drug and alcohol tested; and
 - (ii) the tests were conducted less than 90 days before the employee is required to begin performing or being available to perform an applicable SSAA; and
 - (iii) each of the test results was not a positive result;
- (b) after an accident or serious incident involving a SSAA employee that occurs while he or she is performing, or available to perform, an applicable SSAA, if suitable test conditions exist;
- (c) if a DAMP supervisor has reasonable grounds to believe that a SSAA employee may be adversely affected by a testable drug or by alcohol while performing, or available to perform, an applicable SSAA;
- (d) if a SSAA employee is returning to work after a period during which the employee was not permitted, under paragraph 99.065(1)(c), (d) or (e), to perform or be available to perform an applicable SSAA because of testable drug use.

Drug test results under DAMP

- (3) A positive result for a confirmatory drug test conducted on a body sample under a drug and alcohol testing program mentioned in subparagraph 99.045(b)(ii), is taken not to be a positive result for the sample if a DAMP medical review officer has determined that the test result for the sample could be the result of legitimate therapeutic treatment or some other innocuous source.

99.055 Requirements relating to DAMP medical review officer

For subparagraph 99.045(b)(ii), the DAMP must include the requirement that the DAMP organisation must consult a DAMP medical review officer:

- (a) if a drug test conducted under the DAMP returns a confirmatory drug test result for a SSAA employee of the organisation that is a positive result—to determine if the presence and level of a testable drug detected by the test could be the result of legitimate therapeutic treatment or some other innocuous source; and
- (b) to review medical information concerning a person's failure to give a body sample for drug or alcohol testing because of a medical condition; and
- (c) to determine if the employee is fit to resume performing or being available to perform a SSAA.

99.060 Requirements relating to use of testing devices

For subparagraph 99.045(b)(ii), the DAMP must include the requirement that any devices used in drug or alcohol testing done under the DAMP must be used in a way that is not inconsistent with the instructions of the manufacturer of those devices.

Subdivision 99.B.3.3—Drug and alcohol response program

99.065 Requirements relating to SSAA employees ceasing SSAAs

- (1) For subparagraph 99.045(b)(iii), the DAMP must include the requirement that the DAMP organisation must not permit an employee to perform, or be available to perform, an applicable SSAA in any of the following circumstances:
 - (a) if the organisation is aware that a positive result for an initial drug test has been recorded for the employee and the employee has not, in respect of that test result, recorded a test result for a confirmatory drug test that is not a positive result;
 - (b) if the organisation is aware that a positive result for an initial alcohol test has been recorded for the employee and the employee has not, in respect of that test result, recorded a test result for a confirmatory alcohol test that is not a positive result;
 - (c) if the organisation is aware that:
 - (i) a positive result for a confirmatory drug test or a confirmatory alcohol test conducted under a drug and alcohol testing program mentioned in subparagraph 99.045(b)(ii) has been recorded for the employee; and
 - (ii) a DAMP medical review officer has not determined that the result recorded could be as a result of legitimate therapeutic treatment or some other innocuous source;
 - (d) if the organisation is aware that:
 - (i) a positive result for a confirmatory drug test or a confirmatory alcohol test conducted under Subpart 99.C has been recorded for the employee; and
 - (ii) a CASA medical review officer has not determined that the result recorded could be as a result of legitimate therapeutic treatment or some other innocuous source;
 - (e) if the organisation is aware that a SSAA employee after having been required to take a drug or alcohol test:
 - (i) refused to take the test; or
 - (ii) interfered with the integrity of the test.
- (2) For subparagraph 99.045(b)(iii), a DAMP must include the requirement that the DAMP organisation must not permit a SSAA employee to perform or be available to perform an applicable SSAA in the following circumstances:
 - (a) if a DAMP supervisor suspects the employee's faculties may be impaired due to the person being under the influence of a testable drug or of alcohol;
 - (b) if an accident or serious incident has occurred involving the employee while he or she is performing or available to perform an applicable SSAA and either of the following apply:
 - (i) for the period that suitable test conditions exist for conducting drug or alcohol tests on the employee—a test has not been conducted;
 - (ii) if tests have been conducted under suitable test conditions—the DAMP organisation has not been notified of the test results.

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99.070 Requirements relating to returning to SSAAs

- (1) For subparagraph 99.045(b)(iii), the DAMP must include the requirement that if:
 - (a) the DAMP organisation has not permitted a SSAA employee to perform, or be available to perform, an applicable SSAA; and
 - (b) the non-performance is a result of a circumstance mentioned in paragraph 99.065(1)(c), (d) or (e) (a *suspension event*),the organisation must only permit the employee to again begin performing or being available to perform an applicable SSAA if the circumstances set out in subregulation (2) apply.
- (2) For subregulation (1), the circumstances that must apply are as follows:
 - (a) the employee has undergone a comprehensive assessment for drug or alcohol use;
 - (b) if the comprehensive assessment recommended the employee commence a drug or alcohol intervention program—the employee has begun participating in a nominated drug or alcohol intervention program;
 - (c) the employee is considered fit to resume performing, or being available to perform, an applicable SSAA by:
 - (i) a DAMP medical review officer; and
 - (ii) the employee's treating clinician, if any;
 - (d) if the suspension event related to a drug test—at the time the employee was considered fit under paragraph (c), the employee receives a confirmatory drug test and records, for the test, a result that:
 - (i) was not a positive result; and
 - (ii) a DAMP medical review officer is satisfied indicates the absence of testable drug use.

99.075 Requirements relating to intervention programs

- (1) Subject to subregulation (2), for subparagraph 99.045(b)(iii) the DAMP must include the requirement that a DAMP organisation must permit a SSAA employee of the organisation time to attend a nominated drug or alcohol intervention program, if:
 - (a) a DAMP medical review officer has advised the DAMP organisation that the employee should attend the program; and
 - (b) the employee is returning to work after a period during which the employee was not permitted, under regulation 99.340 or 99.345, to perform or be available to perform an applicable SSAA because of testable drug use or alcohol use.
- (2) A reference to a SSAA employee in the requirement under subregulation (1) is a reference to a SSAA employee that the DAMP organisation intends to allow to continue to perform or be available to perform a SSAA.

Subdivision 99.B.3.4—Implementing a DAMP

99.080 Implementing a DAMP

- (1) For paragraph 99.045(d), the DAMP organisation, in implementing its DAMP, must ensure the following:
 - (a) that the organisation's SSAA employees and DAMP supervisors attend the organisation's drug and alcohol education program:
 - (i) for persons who begin work for the organisation after the commencement date—before commencing duties as a SSAA employee or DAMP supervisor; or
 - (ii) for persons working for the organisation as SSAA employees or DAMP supervisors on or before the commencement date—within 6 months of the commencement date; or
 - (iii) for persons working for the organisation as SSAA employees or DAMP supervisors who, after the commencement date, have attended the program—within 30 months of the person's last attendance at the program;
 - (b) that each SSAA employee of the DAMP organisation is informed that he or she must not perform, or be available to perform, an applicable SSAA if aware that he or she is adversely affected by a testable drug or by alcohol, until the employee is no longer adversely affected;
 - (c) that each SSAA employee of the DAMP organisation is subject to drug and alcohol testing under the DAMP while performing, or available to perform, a SSAA of the DAMP organisation.
- (2) The DAMP organisation must also do the following:
 - (a) encourage each of the organisation's SSAA employees to disclose if he or she has consumed a level of alcohol, or is taking any drug, that may affect his or her ability to carry out an applicable SSAA;
 - (b) inform each SSAA employee of the organisation that drug and alcohol testing under this Subpart will require a person who is to be tested to provide a body sample;
 - (c) record the policy and procedures of the organisation's DAMP using a controlled document protocol.

Division 99.B.4—Review and audit of DAMP

99.085 Review of DAMP by DAMP organisation

- (1) A DAMP organisation must review its DAMP to ensure compliance with the requirements of this Subpart:
 - (a) every 5 years, beginning on the date on which the DAMP was developed; and
 - (b) at any other time CASA directs.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

99.090 Audit of DAMP organisation by CASA

- (1) CASA may audit the operation of a DAMP organisation to ensure appropriate development, implementation and enforcement of a DAMP.
- (2) For the audit, CASA may require the DAMP organisation to provide to CASA:
 - (a) information and records, as specified by CASA, demonstrating that the organisation has:
 - (i) developed a DAMP; and
 - (ii) implemented the DAMP; and
 - (b) a copy of the DAMP that is being implemented; and
 - (c) any other information and records specified by CASA that are relevant to the audit.
- (3) The DAMP organisation must comply with the requirement.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

99.095 CASA may direct changes to DAMP

- (1) CASA may at any time, for the purpose of ensuring compliance by a DAMP organisation with the requirements of regulation 99.045, direct the organisation to do any of the following:
 - (a) make a change specified by CASA to a provision in the organisation's DAMP;
 - (b) prepare a new DAMP that complies with the requirements of this Subpart;
 - (c) submit any proposed changes to the organisation's DAMP or submit a newly prepared DAMP, as the case may be, to CASA.
- (2) The DAMP organisation must comply with the direction.

Penalty: 50 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

Division 99.B.5—Provision of Information

99.100 DAMP organisation or DAMP contractor to provide information

Information to be provided to CASA

- (1) A DAMP organisation that has implemented a DAMP must provide the following information to CASA in respect of each DAMP reporting period, or part of a reporting period, during which the DAMP was implemented:
 - (a) the number of the organisation's employees who performed an applicable SSAA at least 2 or more times in the 90 days preceding the end of the reporting period;
 - (b) the number of the organisation's SSAA employees who attended a drug and alcohol education program during the period, including the number of employees who attended such a program:
 - (i) for the first time; and
 - (ii) for a second or subsequent time;
 - (c) the number and type of drug or alcohol tests undergone by SSAA employees under the DAMP during the period;
 - (d) the results of the tests, including the number of positive test results that a DAMP medical review officer has determined could be as a result of legitimate therapeutic treatment or some other innocuous source;
 - (e) the date and time that the tests under the DAMP were conducted;
 - (f) the role that each SSAA employee tested was undertaking at the time of being tested;
 - (g) the applicable SSAA that each SSAA employee tested was performing or available to perform at the time that he or she was tested;
 - (h) if testing was conducted following an accident or serious incident—information about the date, time and location of:
 - (i) the accident or serious incident; and
 - (ii) the testing conducted following the accident or serious incident;
 - (i) follow-up action taken by the organisation under the DAMP in respect of SSAA employees:
 - (i) who were drug or alcohol tested under this Subpart; and
 - (ii) whose test results were positive results;
 - (j) follow-up action taken by the organisation under the DAMP in respect of any SSAA employees:
 - (i) who were tested under Subpart 99.C; and
 - (ii) whose test results were positive results;
 - (k) follow-up action taken by the organisation under the DAMP in respect of any SSAA employees who refused to take a drug or alcohol test, or interfered with the integrity of a drug or alcohol test, under this Subpart or Subpart 99.C;
 - (l) the number of SSAA employees referred to a nominated drug or alcohol intervention program;

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- (m) any other information relating to the implementation of a DAMP, or a drug or alcohol test under this Part, that CASA requests of the organisation in writing.

Penalty: 50 penalty units.

- (2) The information must be given in writing within 21 days after the end of the reporting period to which it relates.
- (3) The information must not include any information, other than that listed in subregulation (1), in respect of a SSAA employee that might identify the employee.

Penalty: 50 penalty units.

- (4) A DAMP organisation that has implemented a DAMP must provide the name and contact details of the organisation's current DAMP contact officer to CASA.

Penalty: 50 penalty units.

Information to approved testers

- (5) If a DAMP organisation or a DAMP contractor is required to provide information by an approved tester in the circumstances specified in paragraph 99.125(2)(b), the organisation or contractor must comply with the requirement within 1 hour of being given notification by the tester of the requirement.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (3), (4) or (5) is an offence of strict liability.

99.105 DAMP record-keeping

- (1) A DAMP organisation must keep the records used to provide information to CASA under regulation 99.100 for 5 years from the date the information was provided to CASA.

Penalty: 50 penalty units.

- (2) The records must be kept in a secure location.

Penalty: 50 penalty units.

- (3) Within 6 months after the end of the 5 year period, the organisation must destroy or delete:
- (i) the records; or
 - (ii) the parts of the records that relate to the results of drug or alcohol testing.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Subpart 99.C—Drug and alcohol testing by CASA

Division 99.C.1—Preliminary

99.110 Purposes of Subpart

- (1) This Subpart provides for drug and alcohol testing by CASA.
- (2) The Subpart sets out the following matters:
 - (a) who may be tested (Subdivision 99.C.1.1);
 - (b) certain powers of approved testers (Subdivision 99.C.1.2);
 - (c) approved drug testing devices and breathalysers (Subdivision 99.C.1.3);
 - (d) the conduct of initial drug tests and confirmatory drug tests (Division 99.C.2);
 - (e) the conduct of initial alcohol tests and confirmatory alcohol tests (Division 99.C.3).

Subdivision 99.C.1.1—Who may be drug or alcohol tested

99.115 Who may be drug or alcohol tested

- (1) An approved tester may require a body sample for the purposes of a drug or alcohol test under this Subpart from a person who is performing or available to perform an applicable SSAA.
- (2) However, an approved tester must not, for drug or alcohol testing under this Subpart, require a body sample from a passenger.

99.120 Body samples may only be taken if person consents

An approved tester is not authorised to use force to take a body sample from a person.

Subdivision 99.C.1.2—Powers of approved testers

99.125 Powers of approved testers

- (1) In addition to any other powers set out in this Part, an approved tester has the powers specified in subregulation (2) in respect of taking a body sample from a donor for the following purposes:
 - (a) conducting an initial drug test;
 - (b) conducting an initial alcohol test or a confirmatory alcohol test (an *alcohol test*).
- (2) For subregulation (1), the powers are the following:
 - (a) the approved tester may require the donor to:

- (i) produce identification of the kind mentioned in subregulation (3) to the tester; and
- (ii) inform the tester of the donor's date of birth, address and telephone number;
- (b) the tester may require from the donor's employer the donor's name, date of birth, address and telephone number if:
 - (i) on being required to produce identification, the donor is unable to produce identification of a kind set out in subregulation (3) to the tester; and
 - (ii) the donor's employer is a DAMP organisation or a DAMP contractor;
- (c) the tester may require the donor to give a body sample for the drug or alcohol test;
- (d) the tester may require the donor to stop performing, or stop being available to perform, an applicable SSAA, for the time it takes to take a body sample for testing and to conduct an initial drug test or alcohol test on the sample;
- (e) the tester may require the donor to remain in the tester's presence for the time it takes to take a body sample and conduct an initial drug test or alcohol test on the sample.

Note: An approved tester may also ask for a body sample for a confirmatory drug test—see regulation 99.170.

- (3) For subregulation (2), the kinds of identification are:
 - (a) identification that:
 - (i) contains a photograph of the donor and sets out the donor's name, date of birth and address; and
 - (ii) was issued by a Commonwealth, State, Territory or local government body; or
 - (b) identification that is issued by a DAMP organisation that contains a photograph of the donor and the donor's name; or
 - (c) an ASIC; or
 - (d) a passport.

Subdivision 99.C.1.3—CASA to approve testing devices

99.130 Approved drug and alcohol testing devices

For drug and alcohol testing under this Subpart, CASA may by legislative instrument approve the following:

- (a) breathalysers for use in alcohol testing;
- (b) drug testing devices for use in initial drug testing.

Note: All approved breathalysers may be used for an initial alcohol test. Only some approved breathalysers may be used for a confirmatory alcohol test—see regulation 99.250.

Division 99.C.2—Drug testing

Subdivision 99.C.2.1—General

99.135 Which body samples may be drug tested

An approved tester may only take a sample of a person's oral fluid for drug testing under this Subpart.

99.140 How samples are taken and tested

An approved tester must take and prepare a body sample for drug testing in accordance with the procedures set out in a legislative instrument made by CASA for the purposes of this regulation.

99.145 Approved drug testing devices to be used for initial drug tests

- (1) If an approved tester is conducting an initial drug test under this Subpart, the tester must use an approved drug testing device to do the test.
- (2) The approved tester must ensure that the device is stored, tested, maintained and operated in accordance with the legislative instrument made by CASA for the purposes of this subregulation.

99.150 Method for determining sample identifiers

CASA must by legislative instrument specify a method for determining sample identifiers that are to be allocated to body samples that approved testers take under this Subpart and send for confirmatory drug tests.

Subdivision 99.C.2.2—Initial drug tests

99.155 Taking samples

- (1) For the purposes of obtaining a body sample for drug testing, an approved tester may require a donor to do any or all of the following:
 - (a) swallow or otherwise remove substances from his or her mouth;
 - (b) demonstrate to the tester that the donor's mouth is free from foreign substances;
 - (c) in the tester's presence, rehydrate by drinking up to 300 ml of water within 15 minutes of being required to do so by the tester.
- (2) If the approved tester has required the donor to drink water, the tester:
 - (a) must not take the body sample sooner than the period of 10 minutes after the donor finishes drinking; and
 - (b) must take the body sample as soon as practicable after the end of the period referred to in paragraph (a).

- (3) For the purposes of obtaining the body sample, the approved tester may require the donor to:
- (a) abstain from smoking, eating, drinking or chewing for 10 minutes prior to the taking of sample; and
 - (b) remain in the tester's presence for that period.

99.160 Initial drug test

As soon as practicable after the approved tester has taken a body sample from a donor for a drug test, the tester must conduct an initial drug test on the sample.

99.165 If initial drug test result is not positive

If the result of an initial drug test is not a positive result, the approved tester must, as soon as practicable after the result is returned:

- (a) discard the body sample, or deal with the body sample in such a way that the sample cannot be identified as being given by the donor of it; and
- (b) tell the donor the approved tester's name and allocated number, if requested by the donor.

99.170 If initial drug test result is positive

Further body sample may be taken

- (1) If the result of an initial drug test is a positive result, the approved tester may take a further body sample from the donor for a confirmatory drug test.
- (2) The further body sample, if any, must be taken as soon as practicable after the initial body sample was taken.
- (3) The approved tester may send either the initial body sample or the further body sample for a confirmatory drug test.
- (4) The approved tester must:
 - (a) inform the donor which body sample will be used for the confirmatory drug test; and
 - (b) discard the body sample that is not being used.

Notice to be given

- (5) If the result of an initial drug test is a positive result, the approved tester must, as soon as practicable:
 - (a) give the donor a notice that includes the information specified in subregulation 99.175(1) in respect of the test; and
 - (b) give the approved laboratory to whom the body sample will be sent for a confirmatory drug test a notice that includes the information specified in subregulation 99.175(3); and
 - (c) give CASA a notice that includes the information given to:
 - (i) the donor under the notice given under paragraph (a); and

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(ii) the laboratory under paragraph (b).

- (6) The notice to the approved laboratory under paragraph (5)(b) must accompany the body sample to the laboratory.

99.175 Notices of initial drug test

Notice to donor

- (1) The notice given to the donor under paragraph 99.170(5)(a) must contain the following:
- (a) the donor's name, date of birth, gender, residential address and telephone number, and an indication of whether those details were provided by the donor or the donor's DAMP organisation (if any) or a DAMP contractor;
 - (b) the date and time that the donor was asked by the approved tester to stop performing or being available to perform SSAAs for the purposes of giving a body sample for a drug test;
 - (c) the applicable SSAA that the donor was performing or available to perform at the time the donor was tested;
 - (d) the date, time and location of the place that an initial drug test was conducted on the donor's body sample;
 - (e) the test result for the initial drug test;
 - (f) the initials of the tester and his or her allocated number;
 - (g) the details of any photographic identification provided by the donor;
 - (h) the make, model and serial number of the approved drug testing device used to conduct the initial drug test;
 - (i) the sample identifier allocated to the body sample taken for a confirmatory drug test by the approved tester (see paragraph 99.180(1)(a));
 - (j) a certification by the tester about whether the body sample has been taken and tested in accordance with the requirements of the Regulations and any applicable legislative instrument made by CASA under regulation 99.140;
 - (k) a certification by the tester about whether the device has been stored, tested, maintained and operated in accordance with the legislative instrument made by CASA under subregulation 99.145(2).

Note: Subregulation 99.180(7) may also require the notice to contain certain things.

Notice to approved laboratory

- (3) For paragraph 99.170(5)(b), the notice must contain the following:
- (a) the sample identifier allocated to the body sample by the approved tester;
 - (b) the date time that the body sample was given;
 - (c) the results of the initial drug test;
 - (d) the list of testable drugs that the tester wants the approved laboratory to test for in the confirmatory drug test;
 - (e) the name of the approved tester.

99.180 Dealing with samples for confirmatory drug test

- (1) If the result of an initial drug test is a positive result, as soon as practicable after the result is known, the approved tester must:
 - (a) allocate to the body sample a sample identifier; and
 - (b) divide the body sample into approximately equal lots to be known as Sample A and Sample B; and
 - (c) place Sample A and Sample B into separate specimen tubes; and
 - (d) place both tubes into a single container.
- (2) In allocating the sample identifier under paragraph (1)(a), the approved tester must use the method specified in a legislative instrument made by CASA under regulation 99.150.
- (3) The amount of body sample in Sample A and Sample B must be sufficient for a confirmatory drug test to be conducted.
- (4) Immediately before the body sample is placed in them, the tubes must:
 - (a) be in the packages provided by the manufacturer; and
 - (b) not have been used for any purpose; and
 - (c) be in such a condition that they do not affect the quality of the body sample taken.
- (5) As soon as practicable after placing Sample A and Sample B into separate specimen tubes, the approved tester must:
 - (a) securely seal each tube with tamper-evident seals; and
 - (b) label each tube with the following information:
 - (i) the tester's initials;
 - (ii) the sample identifier for the body sample;
 - (iii) information about whether the tube contains Sample A or Sample B.
- (6) The approved tester must ask the donor to:
 - (a) witness the tester's actions under this regulation in respect of the body sample; and
 - (b) initial the tamper-evident seals on the tubes; and
 - (c) sign the notice given to the donor under regulation 99.175.
- (7) If the donor refuses a request made by the approved tester under subregulation (6), the tester must, in the notice given under paragraph 99.170(5)(a), set out that fact.

99.185 Transporting samples

- (1) As soon as practicable after placing a body sample into specimen tubes, the approved tester must cause the tubes to be sent to an approved laboratory for confirmatory drug testing.

Regulation 99.190

- (2) The approved tester must send the specimen tubes in a way that results in the tubes arriving at the approved laboratory as soon as practicable after the tester places the body sample into the tubes.

Note: Under subregulation 99.170(6), a notice from the approved tester must accompany the samples to the approved laboratory.

- (3) The specimen tubes must be stored prior to transport and transported in such a way that the integrity of the body sample is preserved.

Subdivision 99.C.2.3—Receipt and storage of samples by approved laboratories

99.190 Receipt of samples

- (1) If an approved laboratory receives a body sample divided into Sample A and Sample B for a confirmatory drug test, the laboratory must, as soon as practicable after receiving the specimen tubes:
- (a) inspect each tube for damage; and
 - (b) check that the seals on the tubes are intact.
- (2) If a seal on a specimen tube is not intact, or a specimen tube is damaged in such a way that the integrity of the body sample may have been compromised, the laboratory must:
- (a) not test the part of the body sample contained in the tube; and
 - (b) discard the contents of the tube.
- (3) If the laboratory discards the contents of both of the specimen tubes, as soon as practicable after the day the laboratory received the tubes, the laboratory must send to CASA a dated, written notice that includes the following information:
- (a) the date and time of receipt of the body sample at the laboratory;
 - (b) the sample identifier for the body sample;
 - (c) a statement about why both tubes were discarded.
- (4) As soon as practicable after CASA receives the notice from the laboratory, CASA must give a written notice to the donor that includes the following:
- (a) the sample identifier for the body sample;
 - (b) a statement:
 - (i) that neither Sample A nor Sample B could be tested because the integrity of the body samples had been compromised; and
 - (ii) that both Sample A and Sample B were discarded by the laboratory.

99.195 Storage of samples

If neither Sample A nor Sample B is discarded

- (1) Subregulations (2), (3) and (4) apply if:
- (a) an approved laboratory receives a body sample for a confirmatory drug test that is divided into Sample A and Sample B; and

- (b) neither Sample A nor Sample B is discarded under subregulation 99.190(2) or (3).
- (2) Sample A and Sample B must be stored in a secured refrigeration unit until Sample A is tested.
- (3) If the test result for the confirmatory drug test on Sample A is a positive result, Sample B must be:
 - (a) stored in a secure freezer; and
 - (b) kept for 100 days from the date of the positive result and then discarded.
- (4) If the test result for Sample A is not a positive result, Sample B must be discarded.

If one of the specimen tubes is discarded

- (5) If:
 - (a) an approved laboratory receives a body sample for a confirmatory drug test that is divided into Sample A and Sample B; and
 - (b) either Sample A or Sample B is discarded under subregulation 99.190(2);then the remaining specimen tube must be stored in a secured refrigeration unit until it is tested.

Subdivision 99.C.2.4—Conduct of drug tests by approved laboratories

99.200 Testing Sample A

- (1) An approved laboratory must test Sample A of a body sample it receives for confirmatory drug testing if the laboratory is satisfied that Sample A retains its integrity.
- (2) If the integrity of Sample A of a body sample may have been compromised, or the Sample A is for some reason unavailable for confirmatory drug testing, the approved laboratory must deal with Sample B of the body sample as if it were Sample A.
- (3) These Regulations apply to the Sample B accordingly.
- (4) If Sample B of the body sample is to be dealt with as if it were Sample A, Sample B is to be known as Sample A from the time that Sample B, under this regulation, is required to be dealt with as Sample A.

99.205 Samples to be tested in accordance with National Association of Testing Authorities' accreditation

An approved laboratory must test body samples received under this Subpart in accordance with the laboratory's accreditation by the National Association of Testing Authorities.

Regulation 99.210

99.210 Notices of Sample A results

Laboratory to CASA

- (1) As soon as practicable after a confirmatory test is conducted on Sample A of a body sample by an approved laboratory, the laboratory must send to CASA a dated, written notice that includes the following:
 - (a) the date and time of receipt of the body sample at the laboratory;
 - (b) the sample identifier for the body sample;
 - (c) a statement as to whether the tamper-evident seals on the specimen tubes containing the body sample were intact on receipt by the laboratory;
 - (d) the list of testable drugs that the approved tester of the initial drug test asked to be tested;
 - (e) the date and time that Sample A was tested;
 - (f) the method used for the testing;
 - (g) the target concentrations of the testing;
 - (h) the result of the test;
 - (i) a statement about whether the body sample has been tested in accordance with these Regulations, and any conditions attached to the laboratory's National Association of Testing Authorities accreditation;
 - (j) the name of the person who declared the results of the test.
- (2) The notice must be signed by the laboratory's approved person.

CASA to donor—oral notice

- (3) As soon as practicable after CASA receives the notice from the laboratory, CASA must give oral notice to the donor of the body sample of the confirmatory test result on Sample A.

CASA to donor—written notice

- (4) As soon as practicable after CASA gives the oral notice, CASA must give a written notice to the donor that includes the following:
 - (a) the sample identifier for Sample A and Sample B;
 - (b) the list of testable drugs that were tested for;
 - (c) a statement as to whether the tamper-evident seals on the specimen tubes containing the body sample were intact on receipt by the approved laboratory that tested them;
 - (d) the date and time that Sample A was tested;
 - (e) the method used for the testing;
 - (f) the target concentrations of the testing;
 - (g) the result of the test;
 - (h) a statement about whether the body sample has been tested in accordance with these Regulations and any conditions attached to the laboratory's National Association of Testing Authorities accreditation;
 - (i) if the result of the test is a positive result:

- (i) information about the donor's rights to have Sample B tested; and
- (ii) information about how the donor gets Sample B tested and the costs associated with that testing.

99.215 Donor may request testing of Sample B

- (1) If the test result for Sample A of a body sample is a positive result, the donor of the body sample may apply to CASA to either:
 - (a) have conducted on Sample B of the body sample a further confirmatory drug test by the approved laboratory (the ***original laboratory***) that tested Sample A; or
 - (b) have Sample B transferred to another approved laboratory (the ***second laboratory***) for a further confirmatory drug test.

Note: If the integrity of either Sample A or Sample B of a body sample has been compromised, the compromised specimen tube will have been discarded. There will not be a Sample B to be tested because, under regulation 99.200, Sample B will become known as Sample A.

- (2) The application must be made within 90 days of the date of the written notice of the test result for the confirmatory drug test on Sample A being given to the donor.
- (3) The donor is liable to pay the costs of testing Sample B and any transportation costs associated with transporting Sample B to the second laboratory (if any).

Original laboratory to test Sample B

- (4) If the original laboratory is advised by CASA to test Sample B, it must do so.

Second laboratory to test Sample B

- (5) If the original laboratory is notified by CASA to transport Sample B to a specified second laboratory for testing, the original laboratory must package and transport Sample B as provided for in regulation 99.185 as if the original laboratory were the approved tester for the body sample.
- (6) The original laboratory must send the specimen tube in a way that results in the tube arriving at the approved laboratory as soon as practicable.
- (7) The specimen tubes must be stored prior to transport and transported in such a way that the integrity of the body sample is preserved.
- (8) CASA must notify the second laboratory of the matters specified in subregulation 99.175(3) in respect of Sample B.
- (9) On receipt of Sample B, the second laboratory must:
 - (a) test the sample in accordance with the notice; and
 - (b) deal with the sample as if it were the original laboratory and these Regulations apply to that second laboratory accordingly.

Regulation 99.220

99.220 Approved laboratory to keep Sample B

- (1) This regulation applies if:
 - (a) an approved laboratory receives a body sample for a confirmatory drug test that is divided into Sample A and Sample B; and
 - (b) the test result for the confirmatory drug test on Sample A is a positive result; and
 - (c) there is a Sample B remaining after Sample A is tested.
- (2) The approved laboratory must keep Sample B for the 100-day period specified in paragraph 99.195(3)(b), unless the donor:
 - (a) applies to CASA to have a confirmatory drug test conducted on Sample B; and
 - (b) applies within 90 days of the date of the written notice of the test result for the confirmatory drug test on Sample A being given to the donor.
- (3) If the donor does not apply to CASA within the 90-day period mentioned in subregulation (2), the approved laboratory must discard Sample B at the end of the 100-day period specified in paragraph 99.195(3)(b).

99.225 Notices of Sample B results

- (1) If a confirmatory drug test is conducted on Sample B of a body sample, the notices specified in subregulation 99.210(1) and (3) must be given in respect of that test.
- (2) The notices must be given in the form and within the timeframes required by regulation 99.210.
- (3) The written notice to the donor must contain the following:
 - (a) the sample identifier for Sample A and Sample B;
 - (b) a statement that Sample B was tested;
 - (c) a statement as to whether the tamper-evident seals on the specimen tubes containing the body sample were intact on receipt by the approved laboratory that tested them;
 - (d) the list of testable drugs that were tested for;
 - (e) the date and time that Sample B was tested;
 - (f) the method used for the testing;
 - (g) the target concentrations of the testing;
 - (h) the result of the test;
 - (i) a statement about whether the sample has been tested in accordance with these Regulations and any conditions attached to the laboratory's National Association of Testing Authorities accreditation.

99.230 Test results

- (1) If a confirmatory drug test is conducted on Sample A of a body sample and the result is not a positive result, then the test result for the body sample is taken not to be a positive result.
- (2) Subject to subregulations (4) and (5), if a confirmatory drug test is conducted on Sample A of a body sample and the result is a positive result, then the test result for the body sample is taken to be a positive result.
- (3) Subject to subregulation (5), if:
 - (a) a confirmatory drug test is conducted on Sample A of a body sample and the result is a positive result; and
 - (b) the donor applies to CASA to have a confirmatory drug test conducted on Sample B of a body sample before the expiry of the period mentioned in subregulation 99.215(2); and
 - (c) the result of the test on Sample B is a positive result;then the test result for the body sample is taken to be a positive result.
- (4) If:
 - (a) a confirmatory drug test is conducted on Sample A of a body sample and the result is a positive result; and
 - (b) the donor applies to CASA to have a confirmatory drug test conducted on Sample B of the sample before the expiry of the period mentioned in subregulation 99.215(2); and
 - (c) the result of the test on Sample B is not a positive result, or Sample B is not available to be tested;then, despite the positive result for Sample A, the test result for the body sample is taken not to be a positive result.

Note: Under regulation 99.200, Sample B may have been dealt with as if it were Sample A. In that case, there will not be a Sample B to test.
- (5) A positive result for a confirmatory drug test on either Sample A or Sample B of a body sample is taken not to be a positive result for the sample if a CASA medical review officer has determined that the test result for the sample could be the result of legitimate therapeutic treatment or some other innocuous source.

Subdivision 99.C.2.5—Record-keeping

99.235 Approved laboratory to keep records

- (1) An approved laboratory must keep a copy of a notice sent under regulation 99.210 for 7 years from the date the notice was sent.

Penalty: 50 penalty units.
- (2) The laboratory must keep the copy in a secure location.

Penalty: 50 penalty units.

Part 99 Drug and alcohol management plans and testing

Subpart 99.C Drug and alcohol testing by CASA

Division 99.C.2 Drug testing

Regulation 99.235

- (3) During the 7-year period, the laboratory must provide a copy of the notice to CASA if required to.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.
- (5) Subject to any requirement in any other Commonwealth, State or Territory law, the copy must be destroyed at the end of the 7-year period.

Division 99.C.3—Alcohol testing

99.240 Which body samples may be alcohol tested

An approved tester conducting an alcohol test under this Subpart may only take a sample of a person's breath for testing.

99.245 How samples are taken and tested

An approved tester must take body samples for alcohol testing in accordance with the procedures set out in a legislative instrument made by CASA for the purposes of this regulation.

99.250 Approved breathalysers to be used in alcohol tests

- (1) If an approved tester is conducting an initial alcohol test under this Subpart, the tester must only use an approved breathalyser to conduct the test.
- (2) If the approved tester is conducting a confirmatory alcohol test under this Subpart, the tester must only use a breathalyser that:
 - (a) is an approved breathalyser; and
 - (b) meets the requirements of NMI R 126, *Pattern Approval Specifications for Evidential Breath Analysers*.
- (3) The approved tester must ensure that the breathalyser is stored, tested, maintained and operated in accordance with a legislative instrument made for the purposes of this subregulation.

99.255 Alcohol tests

- (1) To conduct an initial alcohol test, an approved tester must take a breath sample.
- (3) If the result of the initial alcohol test is a positive result, the approved tester must take a further breath sample from the donor for a confirmatory alcohol test.
- (4) The further sample must be taken as soon as practicable, but not sooner than 15 minutes, after the initial alcohol test sample was taken.
- (5) After the result of the confirmatory alcohol test is available, the approved tester must give the donor a notice that includes the information specified in subregulation 99.265(1).

99.260 Test results

- (1) If an initial alcohol test is conducted on a body sample and the result is not a positive result, then the test result for the body sample is taken not to be a positive result.
- (2) If:

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- (a) an initial alcohol test is conducted on a body sample and the result is a positive result; and
 - (b) a confirmatory alcohol test in respect of the initial alcohol test is conducted on a body sample; and
 - (c) the result of the confirmatory alcohol test is a positive result;
- then the test result for the body sample is taken to be a positive result.
- (3) If:
- (a) an initial alcohol test is conducted on a body sample and the result is a positive result; and
 - (b) a confirmatory alcohol test is conducted on the body sample and the result of the test is not a positive result;
- then, despite the positive result for the initial alcohol test, the result for the body sample is taken not to be a positive result.

99.265 Notice of alcohol test

- (1) The notice given to the donor under subregulation 99.255(5) must contain the following:
- (a) the donor's name, date of birth, gender, residential address and telephone number, and an indication of whether those details were provided by the donor or the donor's DAMP organisation (if any);
 - (b) the date and time that the donor was asked by the approved tester to stop performing or being available to perform SSAAs for the purposes of giving a body sample for an alcohol test;
 - (c) the date, time and location of the place that the donor's body sample was taken and tested;
 - (d) the test result;
 - (e) the applicable SSAA that the donor was performing or available to perform at the time the donor was tested;
 - (f) the make, model and serial number of the approved breathalyser used to conduct the testing of the body sample;
 - (g) the details of any photographic identification provided by the donor;
 - (h) a certification by the approved tester about whether the body sample has been taken and tested in accordance with the requirements of the Regulations and any applicable legislative instrument made under regulation 99.245;
 - (i) a certification by the tester about whether the breathalyser has been stored, tested, maintained and operated in accordance with the legislative instrument made under subregulation 99.250(3);
 - (j) the initials of the tester and his or her allocated number.
- (2) The approved tester must ask the donor to sign the notice at the time the approved tester gives the notice to the donor.

Subpart 99.D—Evidentiary certificates and prescribed proceedings

Division 99.D.1—Purposes of Subpart

99.275 Purposes of Subpart

This Subpart provides for the following:

- (a) evidentiary certificates (Division 99.D.2);
- (b) prescribed proceedings for paragraph 36(4)(d) of the Act (Division 99.D.3).

Division 99.D.2—Evidentiary certificates

99.280 Certificates by approved tester

Matters relating to samples for initial drug tests

- (1) A certificate that under subsection 36(4) of the Act is admissible in proceedings concerning an initial drug test must:
 - (a) be signed by an approved tester; and
 - (b) be in respect of a body sample taken by the tester for an initial drug test; and
 - (c) be in respect of a body sample that the tester conducted an initial drug test on; and
 - (d) state one or more of the matters set out in subregulation (3).
- (2) Subject to regulation 99.305, if subregulation (1) is complied with, then the certificate is admissible as evidence of the matters stated in the certificate in any proceedings under the Act, these Regulations or the *Criminal Code*.

Note: Regulation 99.315 prescribes proceedings under the *Criminal Code* for the purposes of paragraph 36(4)(d) of the Act.

- (3) For paragraph (1)(d), the matters are as follows:
 - (a) the approved tester's allocated number;
 - (b) that the tester who signed the certificate was an approved tester at the time the body sample was taken;
 - (c) when the body sample was taken;
 - (d) from whom the body sample was taken;
 - (e) the applicable SSAA that the donor was performing or available to perform at the time the body sample was taken;
 - (f) the make, model and serial number of the approved drug testing device used to conduct the test on the body sample;
 - (g) a description of the method of sampling;
 - (h) whether the test conducted on the body sample was an initial drug test;
 - (i) the result of the test conducted;
 - (j) the sample identifier, if any, for the body sample.

Matters relating to alcohol tests

- (4) A certificate that under subsection 36(4) of the Act is admissible in proceedings concerning an alcohol test under Subpart 99.C must:
 - (a) be signed by an approved tester; and
 - (b) be in respect of a body sample taken by the tester for an alcohol test; and
 - (c) state one or more of the matters set out in subregulation (6).

- (5) Subject to regulation 99.305, if subregulation (4) is complied with, then the certificate is admissible as evidence of the matters stated in the certificate in any proceedings under the Act, these Regulations or the *Criminal Code*.

Note: Regulation 99.315 prescribes proceedings under the *Criminal Code* for the purposes of paragraph 36(4)(d) of the Act.

- (6) For paragraph (4)(c), the matters are as follows:
- (a) the approved tester's allocated number;
 - (b) that the tester who signed the certificate was an approved tester at the time the body sample was taken;
 - (c) when the body sample was taken;
 - (d) from whom the body sample was taken;
 - (e) the applicable SSAA that the donor was performing or available to perform at the time the body sample was taken;
 - (f) the make, model and serial number of the approved breathalyser used to take the body sample and conduct the test;
 - (g) a description of the method of sampling;
 - (h) the alcohol test conducted on the body sample;
 - (i) the result of the test conducted.

99.285 Certificates by approved laboratory

- (1) A certificate that under subsection 36(4) of the Act is admissible in proceedings concerning a confirmatory drug test must:
- (a) be signed by an approved laboratory; and
 - (b) be in respect of a body sample on which a confirmatory drug test was conducted by the laboratory; and
 - (c) state one or more of the matters set out in subregulation (3).

- (2) Subject to regulation 99.305, if subregulation (1) is complied with, then the certificate is admissible as evidence of the matters stated in the certificate in any proceedings under the Act, these Regulations or the *Criminal Code*.

Note: Regulation 99.315 prescribes proceedings under the *Criminal Code* for the purposes of paragraph 36(4)(d) of the Act.

- (3) For paragraph (1)(c), the matters are as follows:
- (a) the sample identifier for the body sample;
 - (b) that the person who signed the certificate was an approved laboratory or the laboratory's approved person at the time the certificate was signed;
 - (c) when the body sample was received;
 - (d) what, if any, labels or other means of identifying the body sample accompanied the body sample when it was received;
 - (e) what container or containers the body sample was contained in when it was received;
 - (f) the state of the seals on the container or containers when the body sample was received;
 - (g) the state of the container or containers when the body sample was received;
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- (h) when the body sample was tested;
- (i) a description of the way in which the body sample was stored by the laboratory;
- (j) a description of the method of testing;
- (k) the testable drugs tested for;
- (l) the result of the test conducted.

99.290 Document taken to be a certificate unless contrary intention established

For the purposes of this Subpart, a document purporting to be a certificate referred to in regulation 99.280 or 99.285 is, unless the contrary intention is established, taken to be such a certificate and to have been duly given.

99.295 Certificate not to be admitted unless copy given

A certificate must not be admitted in evidence under regulation 99.280 or 99.285 in any proceedings under the Act, these Regulations or the *Criminal Code* unless:

- (a) the person charged with the offence; or
- (b) a barrister or solicitor who has appears for the person in those proceedings; has, at least 14 days before the certificate is sought to be so admitted, been given a copy of the certificate together with reasonable notice of the intention to produce the certificate as evidence in the proceedings.

99.300 Person signing the certificate may be called to give evidence

- (1) Subject to subregulation (2), if, under regulation 99.280 or 99.285, a certificate is admitted in evidence in proceedings, the person charged with the offence may require the person who signed the certificate to be called as a witness for the prosecution and cross-examined as if he or she had given evidence of the matters stated in the certificate.
- (2) Subregulation (1) does not entitle the person charged to require the person who signed the certificate to be called as a witness for the prosecution unless:
 - (a) the prosecutor has been given at least 4 days notice of the person's intention to require the person who signed the certificate to be so called; or
 - (b) the Court, by order, grants the person's application to require the calling of the witness.

99.305 Rebuttal evidence

- (1) Any evidence given in support, or in rebuttal, of a matter stated in a certificate given under regulation 99.280 or 99.285 must be considered on its merits, and the credibility and probative value of such evidence must be neither increased nor diminished because of this Subpart.
- (2) The evidential burden in rebutting a matter stated in a certificate given under regulation 99.280 or 99.285 is on the balance of probabilities.

99.310 CASA may ask for full certificate

- (1) CASA may, by notice in writing, ask:
 - (a) an approved tester to provide a certificate, under subregulation 99.280(1) or (4); or
 - (b) an approved laboratory to provide a certificate, under regulation 99.285; that contains all of the matters listed in the particular provision.
- (2) The approved tester or approved laboratory must comply with the notice within 7 days of receiving it.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Division 99.D.3—Prescribed proceedings

99.315 Prescribed proceedings

For paragraph 36(4)(d) of the Act, proceedings under the *Criminal Code* are prescribed.

Subpart 99.E—Offences for Subpart 99.C

Division 99.E.1—Purposes of Subpart

99.320 Purposes of Subpart

This Subpart provides for the following:

- (a) offences relating to Subpart 99.C (Division 99.E.2);
- (b) CASA medical review officers (Division 99.E.3).

Division 99.E.2—Offences

Subdivision 99.E.2.1—Offences relating to giving a body sample

99.325 Failing to carry identification whilst undertaking applicable SSAA

- (1) If:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) as part of the process of taking a body sample for a drug or alcohol test under Subpart 99.C, an approved tester requires the person to produce identification of a kind set out in subregulation (2);
- the person must either:
- (c) immediately produce to the tester the identification; or
 - (d) produce to the tester the identification within 1 hour after being required to do so.

Penalty: 10 penalty units.

- (2) For subregulation (1), the kinds of identification are as follows:
- (a) identification that:
 - (i) contains a photograph of the person and sets out the person's name, date of birth and address; and
 - (ii) was issued by a Commonwealth, State, Territory or local government body;
 - (b) identification that is issued by a DAMP organisation that contains a photograph of the person and the person's name;
 - (c) an ASIC;
 - (d) a passport.
- (3) An offence against subregulation (1) is an offence of strict liability.

99.330 Refusing or failing to give a body sample

- (1) A person must not refuse or fail to give a body sample to an approved tester for a drug or alcohol test under Subpart 99.C if:
- (a) the person is performing or available to perform an applicable SSAA; and
 - (b) at the time the person is performing or available to perform the applicable SSAA, the person is required to give a body sample for a drug or alcohol test by the approved tester; and
 - (c) the approved tester, in requiring and taking or seeking to take the body sample, complies with the requirements of this Part or any legislative instrument made under this Part.

Penalty: 50 penalty units.

- (2) It is a defence to subregulation (1) if a person failed to give a body sample because the person had a medical condition that rendered the person unable to give the body sample.
- (3) An offence against subregulation (1) is an offence of strict liability.

99.335 Continuing to perform applicable SSAA after refusing a drug or alcohol test or failing to give a body sample

- (1) This regulation applies if:
 - (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person is required by an approved tester to provide a body sample for a drug or alcohol test under Subpart 99.C; and
 - (c) the person:
 - (i) refuses to provide a body sample to be tested; or
 - (ii) fails to provide a body sample to be tested.
- (2) The person must not again perform or be available to perform an applicable SSAA until the person is drug or alcohol tested under this Part.

Penalty: 50 penalty units.

Note 1: If the person receives a confirmatory drug test and the result is a positive result, the person may be liable to an offence if the person contravenes regulation 99.380.

Note 2: It is an offence for the person to contravene regulation 99.345 or 99.380 in respect of the drug test.

- (3) An offence against subregulation (2) is an offence of strict liability.

99.340 Failing to stop performing an applicable SSAA

- (1) If an approved tester requires a person to stop performing or being available to perform an applicable SSAA for the time it takes for the tester to take a body sample from the person and conduct a drug or alcohol test under Subpart 99.C on the body sample, the person must comply with the requirement.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

99.345 Failing to remain in approved tester's presence

- (1) If an approved tester requires a person to remain in the tester's presence for the time it takes for the tester to take a body sample from the person and conduct a drug or alcohol test under Subpart 99.C on the body sample, the person must comply with the requirement.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Regulation 99.350

99.350 Person must not interfere with integrity of body sample

- (1) If a person is giving, or has given, a body sample for a drug or alcohol test under this Part, a person must not interfere with the integrity of that sample.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Subdivision 99.E.2.2—Offences occurring after positive test result

99.355 Continuing to perform applicable SSAA between having initial drug test and confirmatory drug test

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial drug test; and
 - (c) the result of the initial drug test is a positive result; and
 - (d) the person's body sample in respect of the initial drug test is being subjected to confirmatory drug testing by an approved laboratory.
- (2) The person must not again perform or become available to perform an applicable SSAA until the person has received a confirmatory drug test in respect of the initial drug test.

Penalty: 50 penalty units

Note: Regulation 99.360 provides an offence for performing or being available to perform an applicable SSAA after a confirmatory drug test has been given and before the results of that confirmatory drug test are returned.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) It is not an offence against subregulation (2) for a person to perform or become available to perform an applicable SSAA if the person's body sample cannot be subjected to confirmatory drug testing by an approved laboratory.

99.360 Continuing to perform applicable SSAA after having confirmatory drug test and before result returned

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial drug test; and
 - (c) the result of the initial drug test is a positive result; and
 - (d) the person receives a confirmatory drug test in respect of the initial drug test; and
 - (e) the test result for the confirmatory drug test has not been returned to the person.

Regulation 99.365

- (2) The person must not again perform or be available to perform an applicable SSAA until the result of the confirmatory drug test has been returned to the person.

Penalty: 50 penalty units.

Note: If the returned test result is a positive result, then the person may be liable to an offence if the person contravenes regulation 99.380.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) It is not an offence against subregulation (2) for a person to perform or become available to perform an applicable SSAA if a test result for the confirmatory drug test cannot be returned to the person because it was not possible to conduct the confirmatory drug test.

99.365 Continuing to perform applicable SSAA before confirmatory alcohol test result returned

- (1) This regulation applies if:
- (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial alcohol test; and
 - (c) the initial alcohol test result is a positive result.
- (2) The person must not again perform or be available to perform an applicable SSAA until the person has:
- (a) received a confirmatory alcohol test in respect of the initial alcohol test; and
 - (b) the test result for the confirmatory alcohol test has been returned to the person.

Penalty: 50 penalty units

Note: If the returned test result is a positive result, then the person may be liable to an offence if the person contravenes regulation 99.385.

- (3) An offence against subregulation (2) is an offence of strict liability.

99.370 Performing applicable SSAA showing positive result for testable drug

- (1) A person must not perform or be available to perform an applicable SSAA if:
- (a) while the person is performing or available to perform an applicable SSAA, the person gives a body sample for an initial drug test under Subpart 99.C; and
 - (b) a confirmatory drug test in respect of the initial drug test is conducted on Sample A of the person's body sample; and
 - (c) the result of the confirmatory drug test on Sample A is a positive result.

Penalty: 50 penalty units.

Note: Regulation 99.230 deals with how you determine the results of confirmatory drug tests.

Regulation 99.375

- (2) It is a defence to subregulation (1) if Sample B of the person's body sample is tested within the period specified in subregulation 99.215(2) and returns a result that is not positive.
- (3) Subregulation (1) applies to create an offence in respect only of the applicable SSAA that the person was performing or available to perform at the time that the body sample for the initial drug test was taken.
- (4) An offence against subregulation (1) is an offence of strict liability.

99.375 Performing applicable SSAA while showing positive result for a confirmatory alcohol test

- (1) A person must not perform or be available to perform an applicable SSAA if:
 - (a) while the person is performing or available to perform an applicable SSAA, the person gives a body sample for an initial alcohol test under Subpart 99.C; and
 - (b) the person gives a body sample for a confirmatory alcohol test in respect of the initial alcohol test; and
 - (c) the result of the confirmatory alcohol test is a positive result.

Penalty: 50 penalty units.

Note: Regulation 99.260 deals with how you determine the results of alcohol tests.

- (2) Subregulation (1) applies to create an offence in respect only of the applicable SSAA that the person was performing or available to perform at the time that the body sample for the initial alcohol test was taken.
- (3) An offence against subregulation (1) is an offence of strict liability.

Subdivision 99.E.2.3—Offences relating to returning to SSAAs after positive test result

99.380 Continuing to perform applicable SSAA after having confirmatory drug test

- (1) This regulation applies if:
 - (a) a person is performing or available to perform an applicable SSAA; and
 - (b) the person receives an initial drug test; and
 - (c) the initial drug test result is a positive result; and
 - (d) the person receives a confirmatory drug test in respect of the initial drug test; and
 - (e) the test result for the confirmatory drug test is a positive result.
- (2) The person must not again perform or be available to perform an applicable SSAA until all of the following have occurred:
 - (a) the person has undergone a comprehensive assessment;

Regulation 99.385

- (b) if the comprehensive assessment recommended the person commence a drug or alcohol intervention program—the person has begun participating in a nominated drug or alcohol intervention program;
- (c) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by:
 - (i) if the person is an employee of a DAMP and the DAMP was notified of the test result for the confirmatory drug test by CASA—a DAMP medical review officer; or
 - (ii) in any other case—a CASA medical review officer;
- (d) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by the person’s treating clinician, if any;
- (e) at the time the person was considered fit under paragraphs (c) and (d), the person receives a confirmatory drug test and records, for the test, a result that was not a positive result.

Penalty: 50 penalty units.

Note: Regulation 99.230 deals with test results for body samples that are drug tested.

- (3) An offence against subregulation (2) is an offence of strict liability.

99.385 Continuing to perform applicable SSAA after confirmatory alcohol test

- (1) This regulation applies if:
 - (a) a person was performing or available to perform an applicable SSAA; and
 - (b) the person has had an initial alcohol test; and
 - (c) the test result for the initial alcohol test was a positive result; and
 - (d) the person has had a confirmatory alcohol test in respect of the initial alcohol test; and
 - (e) the test result for the confirmatory alcohol test was again a positive result.
- (2) The person must not again perform or become available to perform an applicable SSAA until all of the following have occurred:
 - (a) the person has undergone a comprehensive assessment;
 - (b) if the comprehensive assessment recommended the person commence a drug or alcohol intervention program—the person has begun participating in a nominated drug or alcohol intervention program;
 - (c) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by:
 - (i) if the person is an employee of a DAMP and the DAMP was notified of the test result for the confirmatory alcohol test by CASA—a DAMP medical review officer; or
 - (ii) in any other case—a CASA medical review officer;
 - (d) the person is considered fit to resume performing, or being available to perform, an applicable SSAA by the person’s treating clinician, if any.

Penalty: 50 penalty units.

Note: Regulation 99.260 deals with test results for body samples that are alcohol tested.

Part 99 Drug and alcohol management plans and testing

Subpart 99.E Offences for Subpart 99.C

Division 99.E.2 Offences

Regulation 99.385

- (3) An offence against subregulation (2) is an offence of strict liability.

Division 99.E.3—CASA medical review officers

99.390 CASA medical review officers

- (1) CASA may, in writing, appoint a person entitled to practice as a medical practitioner under a law of a State or Territory to be a CASA medical review officer for the purposes of Subpart 99.C.
- (2) A CASA medical review officer must review:
 - (a) a positive result for a drug or alcohol test; and
 - (b) medical information concerning a person's failure to give a body sample for drug or alcohol testing because of a medical condition;before the result or failure is referred for action for an offence under this Subpart, or for other action under the Act or these Regulations.
- (3) CASA must take into account the results of a review carried out by a CASA medical review officer under subregulation (2) before it makes a decision to refer a positive result for action for an offence under this Subpart or for other action under the Act or these Regulations.

Part 99 Drug and alcohol management plans and testing

Subpart 99.F Provision of information

Division 99.F.1 Purposes of Subpart

Regulation 99.395

Subpart 99.F—Provision of information

Division 99.F.1—Purposes of Subpart

99.395 Purposes of Subpart

This Subpart provides for the exchange of information about drug and alcohol tests between CASA and DAMP organisations, and CASA and foreign operators.

Division 99.F.2—Information

99.400 Drug or alcohol test information given or required by CASA

- (1) If:
- (a) a drug or alcohol test is conducted on a person under Subpart 99.C; and
 - (b) the person is a SSAA employee of a DAMP organisation or an employee of a foreign operator; and
 - (c) the result of the test is a positive result;

CASA may notify the organisation or foreign operator of the matters set out in a notice given to the person under Subpart 99.C.

If CASA notifies a DAMP organisation

- (2) If CASA notifies a DAMP organisation under subregulation (1) of the results of the test, CASA may require the organisation, by notice in writing, to provide CASA with the information set out in subregulation (3) in respect of the employee.
- (2A) If, under subregulation (2), CASA requires a DAMP organisation to provide CASA with information, the DAMP organisation must, in writing, provide CASA with that information.

Penalty: 50 penalty units.

- (3) CASA may require:
- (a) information about what, if any, action was taken by the DAMP organisation under its DAMP in respect of the employee and the test result; and
 - (b) information about when, after the result of the test became known, the employee again performed or became available to perform a SSAA; and
 - (c) if the employee ceases to be a SSAA employee of the organisation—information about whether the employee so ceased:
 - (i) before the employee had completed attending a nominated drug or alcohol intervention program; or
 - (ii) before the employee had been approved by the organisation to again perform or be available to perform a SSAA.

If CASA notifies foreign operator

- (4) If CASA notifies the foreign operator under subregulation (1) of the results of the test, CASA may require the operator, by notice in writing, to provide CASA with the information relating to the test result specified in the notice.
- (5) If, under subregulation (4), CASA requires a foreign operator to provide CASA with information, the operator must, in writing, provide CASA with that information.

Regulation 99.405

Penalty: 50 penalty units.

- (6) An offence against subregulation (2A) or (5) is an offence of strict liability.

99.405 Information that must be given to CASA following drug or alcohol test

- (1) This regulation applies if:
- (a) CASA notifies a DAMP organisation of a person's test results in accordance with subregulation 99.400(1); and
 - (b) the person is a SSAA employee of the DAMP; and
 - (c) the person ceases to be a SSAA employee of the DAMP organisation for any reason; and
 - (d) the cessation occurs after the test and before the employee:
 - (i) resumes performing or being available to perform an applicable SSAA with the organisation; or
 - (ii) satisfactorily completes a nominated drug or alcohol intervention program.
- (2) The DAMP organisation must, in writing, provide CASA with the information set out in subregulation (3) in respect of the employee.

Penalty: 50 penalty units.

- (3) The information is the following:
- (a) the employee's name and address;
 - (b) the employee's ARN, if any;
 - (c) the date the employee ceased to work for the DAMP organisation.
- (4) An offence against subregulation (2) is an offence of strict liability.

Subpart 99.G—CASA's powers in relation to civil aviation authorisations

Division 99.G.1—Purposes of Subpart

99.410 Purposes of Subpart

This Subpart provides for CASA to vary, suspend or cancel a person's civil aviation authorisation in certain circumstances.

Note: CAR 269 allows CASA to vary, suspend or cancel a licence, certificate or authority, but under that regulation CASA must give the holder of the licence, certificate or authority notice and allow the holder an opportunity to show cause why the licence, certificate or authority should not be varied, suspended or cancelled.

99.415 When CASA may vary, suspend or cancel a civil aviation authorisation

- (1) CASA may, in writing, vary, suspend or cancel a person's civil aviation authorisation in the interests of aviation safety in the following circumstances:
 - (a) if:
 - (i) the person gives a body sample for drug or alcohol testing under Subpart 99.C; and
 - (ii) a confirmatory alcohol test or confirmatory drug test is conducted on the sample; and
 - (iii) the test result is a positive result;
 - (b) if a person refuses to give a body sample for drug or alcohol testing under Subpart 99.C.
- (2) If CASA determines that a person has contravened the requirements of a regulation in Division 99.E.2 (other than subregulation 99.325(1)), CASA may, in writing, vary, suspend or cancel the person's civil aviation authorisation in the interests of aviation safety.
- (3) If:
 - (a) CASA determines that a person has contravened the requirements of a regulation in Subpart 99.B or 99.F; and
 - (b) the person holds a civil aviation authorisation;CASA may, in writing, vary, suspend or cancel the person's civil aviation authorisation in the interests of aviation safety.
- (4) Before making a decision to vary, suspend or cancel a person's civil aviation authorisation under subregulation (3), CASA must:
 - (a) give the person a notice setting out the reasons why CASA is considering making the decision; and
 - (b) allow the person to show cause, within such reasonable time as CASA specifies in the notice, why CASA should not make the decision.

Note: See section 31 of the Act for review of a decision under this regulation.

Regulation 99.420

99.420 When variation, suspension or cancellation takes effect

A variation, suspension or cancellation of a civil aviation authorisation under regulation 99.415 takes effect from the date and time (if any) specified in the variation, suspension or cancellation.

99.425 Notice

- (1) If CASA varies, suspends or cancels a person's civil aviation authorisation under regulation 99.415, CASA must, as soon as practicable after the variation, suspension or cancellation, give the person a notice of the variation, suspension or cancellation that contains the following information:
 - (a) whether the person's authorisation is varied, suspended or cancelled;
 - (b) the authorisation that is so varied, suspended or cancelled;
 - (c) the reason for the variation, suspension or cancellation;
 - (d) the time (if any) and date that the variation, suspension or cancellation takes effect.
- (2) If the notice given under subregulation (1) is not a written notice, CASA must, within 48 hours after giving the notice under that subregulation, give the person a written notice of the matters specified in that subregulation.

99.430 Effect of effluxion of time in relation to the suspension of civil aviation authorisation

- (1) If a civil aviation authorisation is suspended under this Subpart, the authorisation has no force or effect for the duration of the suspension, but the period of currency of the authorisation continues to run.
- (2) If the period for which the authorisation is suspended is a period expiring after the expiration of the current period of the authorisation, the holder of the authorisation is not eligible for renewal of the authorisation until the period of suspension has expired.

99.435 Effect of suspension of civil aviation authorisation

If CASA suspends a civil aviation authorisation under this Subpart, its holder is taken not to be the holder of the authorisation during the period of the suspension.

Subpart 99.H—Approved testers and authorisations to conduct drug and alcohol tests

Division 99.H.1—Purposes of Subpart

99.440 Purposes of Subpart

This Subpart provides for the following:

- (a) approvals and authorisations of persons to take body samples and conduct drug and alcohol tests (Division 99.H.2);
- (b) obligations on approved testers, and protection of approved testers from liability in certain cases (Division 99.H.3);
- (c) powers of approved testers (Division 99.H.4);
- (d) identity cards for approved testers (Division 99.H.5);
- (e) notices for approved testers (Division 99.H.6).

Division 99.H.2—Approvals and authorisations

99.445 CASA may approve persons to take body samples and conduct tests

- (1) A person may apply to CASA, in writing, for approval to take body samples for the purposes of Part IV of the Act.
 - (1A) Subject to regulation 11.055, CASA must grant the approval.
 - (2) A person may apply to CASA, in writing, for approval to conduct alcohol tests and initial drug tests for the purposes of Part IV of the Act.
 - (2A) Subject to regulation 11.055, CASA must grant the approval.
 - (2B) A person may apply to CASA, in writing, for approval to conduct confirmatory drug tests for the purposes of Part IV of the Act.
 - (3) Subject to regulation 11.055, CASA must grant the approval if the National Association of Testing Authorities accredits the person:
 - (a) to AS 4760, *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid*; or
 - (b) another Standard that is declared by CASA in a legislative instrument made for the purposes of this paragraph.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:
 - (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (5) If CASA approves a person under subregulation (1) or (2), CASA must allocate to the person a unique identifying number (an **allocated number**) for the purposes of this Subpart.
- (6) The allocation must be in accordance with a method approved by CASA for the purposes of this subregulation.
- (7) The allocated number may include a numeral, letter or other character.

99.450 Persons authorised to take body samples and conduct tests

- (1) For subsection 36(2) of the Act, a person is authorised to take body samples for drug or alcohol tests under Subpart 99.C if the person is approved by CASA to do so under subregulation 99.445(1).
- (2) For subsection 36(3) of the Act, a person is authorised to conduct alcohol tests or initial drug tests under Subpart 99.C if the person is approved by CASA to do that under subregulation 99.445(2).

- (3) For subsection 36(3) of the Act, a person is authorised to conduct confirmatory drug tests under Subpart 99.C if the person is approved by CASA to do that under subregulation 99.445(3).

Division 99.H.3—Obligations on approved testers and protection from liability

99.455 Obligations on approved testers

- (1) An approved tester who wants to take a body sample from a donor must comply with the requirements of this Part in requiring, taking and dealing with the body sample.
- (2) Before taking a body sample from a donor, an approved tester must give the donor notice, in relation to any information about the donor that is collected by the tester, that meets the requirements of Information Privacy Principle 2 of the *Privacy Act 1988*.
- (3) The tester must ensure that he or she does not delay the donor for longer than is necessary to take the body sample and to conduct the test.

99.460 Approved testers not liable in certain cases

An approved tester is not liable to an action, suit or proceeding for or in relation to an act done or omitted to be done, in good faith in the performance or exercise, or the purported performance or exercise, of a function or power conferred by this Part.

Division 99.H.4—Powers of approved testers

99.465 Approved testers' powers to access premises

- (1) Subject to any aviation security requirements, an approved tester must, at all reasonable times, have access to any place to which access is necessary for the purposes of carrying out any of the approved tester's powers and functions under this Part.
- (2) A person must not prevent, or hinder, access by an approved tester to any place to which access is necessary for the purposes of carrying out any of the approved tester's powers or functions under this Part.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) An approved tester must produce his or her identity card for inspection if asked to do so by the occupier or person in charge, or apparently in charge, of the place to which the tester seeks access.
- (5) If an approved tester:
 - (a) is acting as an approved tester; and
 - (b) seeks or is allowed access to a place specified in subregulation (1); and
 - (c) fails to produce his or her identity card for inspection when asked to do so;the tester is not authorised to access the place under that subregulation and, if access has been given to the tester, the tester must leave the place.

Regulation 99.470

Division 99.H.5—Identity cards

99.470 Identity cards

- (1) CASA must issue an approved tester with an identity card for the purposes of this Part.
- (2) The identity card is valid for the period that the person has been approved under regulation 99.445, or until that approval is suspended or revoked.
- (3) The card must:
 - (a) contain a recent photograph of the person; and
 - (b) specify whether the person is authorised to take body samples for drug or alcohol tests, or both; and
 - (c) specify that the person is authorised to conduct alcohol tests or initial drug tests, or both; and
 - (d) state the person's allocated number; and
 - (e) state the period for which the person is authorised to be an approved tester.

99.475 Return of identity card

- (1) If:
 - (a) a person has been issued with an identity card; and
 - (b) either:
 - (i) the person ceases to be an approved tester; or
 - (ii) the person's approval under regulation 99.445 is suspended;the person must return the card to CASA within 7 days of the person ceasing to be an approved tester, or of the person's approval being suspended, as the case may be.

Penalty: 10 penalty unit.

- (2) An offence against subregulation (1) is an offence of strict liability.

99.480 Display and production of identity cards

- (1) If an approved tester is performing functions or exercising powers under this Part, the tester must:
 - (a) wear his or her identity card so that it can be readily seen; and
 - (b) upon request, show his or her identity card to a person from whom the approved tester intends to take a body sample for a drug or alcohol test.
- (2) A donor who has been required by an approved tester to give a body sample for a drug or alcohol test may refuse to give the body sample if:
 - (a) the donor requests the tester to show the donor the tester's identity card; and
 - (b) the tester does not show the donor the card.

99.485 Suspension or revocation of authorisation

- (1) This regulation applies if an approved tester:
 - (a) breaches a condition of the tester's approval given under regulation 99.445;
or
 - (b) does not comply with the requirements of this Part in performing functions or exercising powers under this Part.
- (2) CASA may do any or all of the following in respect of the breach:
 - (a) impose a further condition of approval;
 - (b) suspend the approved tester's authorisation under regulation 99.450;
 - (c) revoke the tester's authorisation under regulation 99.450.
- (3) If:
 - (a) CASA takes an action mentioned in paragraph (2)(a) or (b) because of a breach of a condition (the **first breach**); and
 - (b) CASA later becomes satisfied that the approved tester is not complying with a condition of the approval under regulation 99.445;CASA may revoke the tester's authorisation even if the period for fulfilling any condition, or the period of any suspension for the first breach, has not ended.

99.490 Notices

- (1) If CASA imposes on an approved tester a further condition of approval under paragraph 99.485(2)(a), CASA must give the tester notice in writing of the imposition of the condition, the terms of the condition and the date from which the condition takes effect.
- (2) If CASA suspends the approved tester's authorisation under paragraph 99.485(2)(b), CASA must give the tester notice in writing of the suspension, the date that the suspension takes effect and the period of the suspension.
- (3) If CASA revokes the approved tester's authorisation under paragraph 99.485(2)(c), CASA must give the tester notice in writing of the revocation and the date from which the revocation takes effect.
- (4) The date under this regulation must not be a date before the day the notice is given.
- (5) A notice under this regulation must also include a statement setting out the reason that the condition was imposed or that the authorisation was suspended or revoked, as the case may be.

Part 99 Drug and alcohol management plans and testing

Subpart 99.H Approved testers and authorisations to conduct drug and alcohol tests

Division 99.H.6 Notices to approved testers

Regulation 99.495

Division 99.H.6—Notices to approved testers

99.495 Notice to approved testers

If a provision of these Regulations requires CASA to give a notice to an approved tester, the requirement is met if CASA gives that notice to the person who, as CASA's delegate, approved the tester as an approved tester.

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Subpart 101.A—Preliminary

101.005 Applicability of this Part

- (1) This Part sets out the requirements for the operation of unmanned aircraft (including model aircraft), and (to the extent that the operation of rockets and fireworks affects or may affect the safety of air navigation) the operation of rockets and the use of certain fireworks.
- (2) Nothing in this Part applies to the operation of a manned balloon or a hot air balloon.
- (3) Subparts 101.C to 101.I do not apply to the operation of:
 - (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
 - (b) a model aircraft indoors; or
 - (c) an unmanned airship indoors; or
 - (d) a small balloon within 100 metres of a structure and not above the top of the structure; or
 - (e) an unmanned tethered balloon that remains below 400 feet AGL; or
 - (f) a firework rocket not capable of rising more than 400 feet AGL.

Note: Subpart 101.B applies to the operation of all unmanned aircraft (including model aircraft) and rockets, including firework rockets.

- (4) For paragraph (3)(c), a flight does not take place indoors if the building in which it takes place has the roof, or 1 or more walls, removed.

101.010 Application to rocket-powered unmanned aircraft

This Part applies to a rocket-powered unmanned aircraft, and to the operation of such an aircraft, unless the contrary intention appears.

101.020 Exemption from certain provisions of CAR

Parts 4, 4A, 4B, 4C, 5, 9, 10 and 14 of CAR do not apply to an aircraft to which this Part applies, nor to a micro RPA.

101.021 Meaning of *RPA*

An *RPA* is a remotely piloted aircraft, other than the following:

- (a) a balloon;
- (b) a kite;
- (c) a model aircraft.

Regulation 101.022

101.022 Types of RPA

The defined terms listed in the following table have the meaning indicated in the table.

Types of RPA		
Item	The term ...	means ...
1	<i>micro RPA</i>	an RPA with a gross weight of not more than 250 g.
2	<i>very small RPA</i>	an RPA with a gross weight of more than 250 g, but not more than 2 kg.
3	<i>small RPA</i>	an RPA with a gross weight of more than 2 kg, but not more than 25 kg.
4	<i>medium RPA</i>	(a) an RPA with a gross weight of more than 25 kg, but not more than 150 kg; or (b) a remotely piloted airship with an envelope capacity of not more than 100 m ³ .
5	<i>large RPA</i>	(a) a remotely piloted aeroplane with a gross weight of more than 150 kg; or (b) a remotely piloted powered parachute with a gross weight of more than 150 kg; or (c) a remotely piloted rotorcraft with a gross weight of more than 150 kg; or (d) a remotely piloted powered-lift aircraft with a gross weight of more than 150 kg; or (e) a remotely piloted airship with an envelope capacity of more than 100 m ³ .

Note: For the meaning of *excluded RPA*, see regulation 101.237.

101.023 Meaning of *model aircraft*

- (1) A *model aircraft* is an aircraft (other than a balloon or a kite) that does not carry a person:
- (a) if the aircraft:
 - (i) is being operated for the purpose of sport or recreation; and
 - (ii) has a gross weight of not more than 150 kg; or
 - (b) if the aircraft has a gross weight of not more than 7 kg, and is being operated in connection with the educational, training or research purposes of:
 - (i) a school in relation to which there is an approved authority under the *Australian Education Act 2013*; or
 - (ii) a higher education provider within the meaning of the *Higher Education Support Act 2003*.

Regulation 101.024

- (2) However, paragraph (1)(b) does not apply in relation to education, training or research conducted by or on behalf of an entity other than a school or higher education provider mentioned in subparagraph (1)(b)(i) or (ii).

Note: A model aircraft is not an RPA (see the definition of **RPA** in regulation 101.021).

101.024 Types of model aircraft

The defined term listed in the following table has the meaning indicated in the table.

Types of model aircraft		
Item	The term ...	means ...
1	<i>giant model aircraft</i>	a model aircraft that has a take-off weight (excluding fuel) of more than 25 kilograms.

101.025 Meaning of *populous area*

For this Part, an area is a ***populous area*** in relation to the operation of an unmanned aircraft if the area has a sufficient density of population for some aspect of the operation, or some event that might happen during the operation (in particular, a fault in, or failure of, the aircraft) to pose an unreasonable risk to the life, safety or property of somebody who is in the area but is not connected with the operation.

101.028 Issue of Manual of Standards for Part 101

For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 101 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

101.029 Approvals for Part 101

- (1) If a provision in this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval if:
 - (a) for an approval relating to a training course:
 - (i) the course covers the units of competency (if any) prescribed by the Part 101 Manual of Standards for the course; and
 - (ii) the course meets the standards (if any) prescribed by the Part 101 Manual of Standards for the course; or

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- (b) for an approval relating to any other thing for which requirements are prescribed by the Part 101 Manual of Standards—the prescribed requirements are met.

101.030 Approval of areas for operation of unmanned aircraft or rockets

- (1) A person may apply to CASA for the approval of an area as an area for the operation of:
 - (a) unmanned aircraft generally, or a particular class of unmanned aircraft; or
 - (b) rockets.
- (2) For paragraph (1)(a), the classes of unmanned aircraft are the following:
 - (a) tethered balloons and kites;
 - (b) unmanned free balloons;
 - (c) RPA;
 - (d) model aircraft.
- (3) In considering whether to approve an area for any of those purposes, CASA must take into account the likely effect on the safety of air navigation of the operation of unmanned aircraft in, or the launching of rockets in or over, the area.
- (4) An approval has effect from the time written notice of it is given to the applicant, or a later day or day and time stated in the approval.
- (5) An approval may be expressed to have effect for a particular period (including a period of less than 1 day), or indefinitely.
- (6) CASA may impose conditions on the approval in the interests of the safety of air navigation.
- (7) If CASA approves an area under subregulation (1), it must publish details of the approval (including any condition) in NOTAM or on an aeronautical chart.
- (8) CASA may revoke the approval of an area, or change the conditions that apply to such an approval, in the interests of the safety of air navigation, but must publish details of any revocation or change in NOTAM or on an aeronautical chart.
- (9) CASA must also give written notice of the revocation or change:
 - (a) to the person who applied for the approval of the area; or
 - (b) if that person applied for that approval as an officer of an organisation concerned with unmanned aircraft or rockets, and no longer holds that office—to the person who now holds the office.
- (10) In the case of an approval of an area as an area for the operation of model aircraft:
 - (a) subregulation (7) does not apply; and
 - (b) subregulation (8) does not require the publication of any details of a revocation or change in NOTAM or on an aeronautical chart.

101.035 Requirements in this Part to give information to CASA

- (1) If a provision of this Part requires a person to give information to CASA about the operation, launching or release of an unmanned aircraft or rocket, then, unless the provision says otherwise, the person may do so by giving the information to:
 - (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
 - (b) an appropriate approved aviation administration organisation.
- (2) However, subregulation (1) does not apply in relation to the release of small balloons, or in relation to a firework display.
- (3) The information need not be given in writing unless:
 - (a) CASA or the authority to which it is given asks for it to be given in writing in the particular case; or
 - (b) another provision of these Regulations requires it to be given in writing.
- (4) If a person gives the information to an authority mentioned in paragraph (1)(a) or (b), then, subject to subregulation (6), the person is taken, for all purposes, to have complied with the requirement to give the information.
- (5) If in a particular case CASA or the authority to which the information is given reasonably requires extra information about the operation, launching or release, CASA or the authority may ask the person for the extra information.
- (6) If CASA or an authority asks for more information under subregulation (5), the person is not taken to have complied with the requirement mentioned in subregulation (1) to give the information until the person gives to CASA or the authority the extra information.
- (7) If a day is not a working day for the office of CASA or an authority to which notice of an event is given or an application made, that day does not count for the purpose of working out how many working days' notice of the event has been given, or how many working days before an event the application has been made.
- (8) In subregulation (7):

working day, in relation to an office of CASA or an authority, means a day on which that office is open for business.

Subpart 101.AB—Authorisations for sections 20AA and 20AB of the Act

101.046 Flying without a certificate of airworthiness

For the purposes of paragraph 20AA(3)(b) of the Act, a flight of an RPA (other than a large RPA) is authorised without a certificate of airworthiness.

Note: For requirements in relation to large RPA, see regulation 101.255.

101.047 Performance of duties during flight time—balloons, kites and model aircraft

- (1) This regulation applies to an Australian aircraft that is an unmanned aircraft if it is:
 - (a) a balloon; or
 - (b) a kite; or
 - (c) a model aircraft.
- (2) For the purposes of paragraph 20AB(1)(b) of the Act, a person performing a duty that is essential to the operation of the aircraft during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act.

101.048 Performance of duties during flight time—remotely piloted aircraft

- (1) For the purposes of paragraph 20AB(1)(b) of the Act, a person performing a duty that is essential to the operation of an RPA during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act.

Operating excluded RPA and micro RPA

- (2) Subregulation (1) applies to a person operating an RPA only if:
 - (a) the RPA is an excluded RPA or a micro RPA; and
 - (b) the operation is of a kind mentioned in subregulation 101.374B(4) (which covers supervised operation by a person under the age of 16).

Note: These Regulations allow a person to operate an RPA other than an excluded RPA or micro RPA only if the person holds a remote pilot licence. A person is allowed to operate an excluded RPA or micro RPA if the person is accredited or holds a remote pilot licence, or in the circumstance mentioned in paragraph (2)(b) of this regulation. See regulation 101.252 and subregulations 101.374B(1) and (4).

Subpart 101.B—General prohibition on unsafe operation

101.050 Applicability of this Subpart

This Subpart applies to the operation of all unmanned aircraft and rockets that are not aircraft, whether or not any of Subparts C to I applies.

101.055 Hazardous operation prohibited

- (1) A person must not operate an unmanned aircraft in a way that creates a hazard to another aircraft, another person, or property.

Penalty: 50 penalty units.

- (2) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to an aircraft.

Penalty: 50 penalty units.

- (3) A person must not launch a rocket that:

- (a) is not an aircraft; and
- (b) is not a high power rocket within the meaning of the *Space (Launches and Returns) Act 2018*; and
- (c) is not a space object or part of a space object within the meaning of that Act;

in a way that creates a hazard to another person or to property.

Penalty: 50 penalty units.

Note: Hazards from high power rockets and space objects are regulated under the *Space (Launches and Returns) Act 2018*.

- (3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is not a defence to a charge of contravening subregulation (1), (2) or (3) that the relevant unmanned aircraft was being operated, or the relevant rocket was launched, in a way that complied with the operations manual of an approved aviation administration organisation.

- (5) In subregulations (2) and (3):

rocket includes a firework rocket.

Subpart 101.C—Provisions applicable to unmanned aircraft generally

101.060 Applicability of this Subpart

This Subpart applies to the operation of unmanned aircraft of all kinds, except operation mentioned in subregulation 101.005(3).

Note: Rockets that are not aircraft are dealt with separately in Subpart 101.H.

101.065 Operation in prohibited or restricted area

- (1) A person may operate an unmanned aircraft in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

Note: Details of prohibited and restricted areas are published in the AIP or NOTAMS.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) In subregulation (1):

authority controlling the area means:

- (a) in the case of a prohibited area—the Secretary of the Department administered by the Minister administering section 1 of the *Defence Act 1903*; and
- (b) in the case of a restricted area—the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

- (3) For subregulation (1):

- (a) the authority controlling the area must give a written statement of any condition so imposed to the person who applied for the permission; and
- (b) unless the authority gives the statement to the person, the person is not bound by the condition.

101.066 Operation in prescribed area—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of unmanned aircraft in an area prescribed by the Part 101 Manual of Standards.
- (2) A person commits an offence of strict liability if:
- (a) the person operates an unmanned aircraft in an area prescribed under subregulation (1); and

- (b) the person is subject to a requirement under subregulation (1) in relation to the operation; and
- (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.070 Operation in controlled airspace above 400 ft AGL

- (1) A person may operate an unmanned aircraft above 400 feet AGL in controlled airspace only:
 - (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same kind as the aircraft, and in accordance with any conditions of the approval; and
 - (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.072 Operation in controlled airspace—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of unmanned aircraft in controlled airspace.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates an unmanned aircraft in controlled airspace; and
 - (b) the person is subject to a requirement under subregulation (1) in relation to the operation; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.073 Operation must generally be within visual line of sight

Unmanned aircraft must be operated within visual line of sight

- (1) A person commits an offence of strict liability if:
 - (a) the person operates an unmanned aircraft; and
 - (b) the aircraft is not operated within the person's visual line of sight.

Penalty: 50 penalty units.

Exception—CASA approval

- (2) Subregulation (1) does not apply if:
 - (a) the person holds an approval under regulation 101.029 to operate the unmanned aircraft beyond the person's visual line of sight; and

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(b) the conditions (if any) imposed on the approval are complied with.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Meaning of operated within visual line of sight

- (3) An unmanned aircraft is being ***operated within the visual line of sight*** of the person operating the aircraft if the person can continually see, orient and navigate the aircraft to meet the person's separation and collision avoidance responsibilities, with or without corrective lenses, but without the use of binoculars, a telescope or other similar device.

101.075 Operation near aerodromes

- (1) A person may operate an unmanned aircraft at an altitude above 400 feet AGL within 3 nautical miles of an aerodrome only if:
- (a) the operation is permitted by another provision of this Part; or
 - (b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

- (2) A person may operate an unmanned aircraft over an area mentioned in paragraph (3)(a) or (b) only if:
- (a) the operation is permitted by another provision of this Part; or
 - (b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

- (3) The areas for subregulation (2) are:
- (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (4) A person must not operate an unmanned aircraft in such a manner as to create an obstruction to an aircraft taking off from, or approaching for landing at, a landing area or a runway of an aerodrome.

Penalty: 25 penalty units.

- (5) An offence against subregulation (1), (2) or (4) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

101.080 Permission for operation of unmanned aircraft near aerodrome

- (1) The authority from which permission must be obtained for the purposes of regulation 101.075 is:
- (a) if the aerodrome concerned is a controlled aerodrome—the air traffic control service for the aerodrome; or
 - (b) in the case of any other aerodrome—CASA.

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- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.080, so far as relevant to the proposed operation.

Table 101.080 Details of operation of unmanned aircraft to be given to CASA or ATC

Item	Information to be provided
1	In all cases: (a) the name, address, email address and telephone number of the person who will operate the aircraft or (if the aircraft concerned is an unmanned free balloon) release the balloon (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the operation); and (b) the date and time the operation or release is to begin and how long it is to last; and (c) where it is to be carried out; and (d) if more than 1 unmanned aircraft is to be operated at a time, how many unmanned aircraft are to be operated at that time
2	In the case of the operation of a tethered balloon or a kite: (a) a brief description of the balloon or kite, including its predominant colour; and (b) the height to which it is to be operated; and (c) its mass
3	In the case of the release of an unmanned free balloon: (a) how many balloons are to be released; and (b) the estimated size and mass of the balloon's payload
4	In the case of the release of a medium or heavy balloon: (a) the balloon's flight identification or its project code name; and (b) the balloon's classification, or a description of the balloon; and (c) the balloon's SSR code or NDB frequency, and its Morse identification; and (d) the expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb; and (e) the balloon's float level (given as pressure altitude); and (f) when the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so; and (g) when the flight is expected to end, and where the balloon and its payload are expected to fall

Note: For **free balloon** and **heavy balloon**, see regulation 101.145. For **tethered balloon**, see regulation 101.105.

- (3) If more than 1 aircraft is to be operated at a time, such a requirement is a requirement to give the information about each such aircraft.
- (4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035(1)(a) or (b).
- (5) If the authority grants the permission, it may impose conditions on the permission in the interests of the safety of air navigation.

Regulation 101.085

- (6) A person must not contravene a condition imposed under subregulation (5).

Penalty: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.085 Maximum operating height

- (1) A person may operate an unmanned aircraft above 400 feet AGL only:
- (a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same class as the aircraft concerned, and in accordance with any conditions of the approval; or
 - (b) as otherwise permitted by this Part.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.090 Dropping or discharging of things

- (1) A person must not cause a thing to be dropped or discharged from an unmanned aircraft in a way that creates a hazard to another aircraft, a person, or property.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.095 Weather and day limitations

- (1) A person may operate an unmanned aircraft:
- (a) in or into cloud; or
 - (b) at night; or
 - (c) in conditions other than VMC;
- only if permitted by another provision of this Part, or in accordance with an air traffic control direction.

Penalty: 25 penalty units.

- (1A) Subregulation (1) does not apply if the person holds an approval under regulation 101.029 for the purposes of this subregulation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (1A): see subsection 13.3(3) of the *Criminal Code*.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.097 Autonomous aircraft—launch or release without approval prohibited

- (1) This regulation:
 - (a) applies to an unmanned aircraft (an *autonomous aircraft*) that does not allow pilot intervention during all stages of the flight of the aircraft; but
 - (b) does not apply to balloons, kites or model aircraft.
- (2) A person commits an offence of strict liability if the person causes an autonomous aircraft to be launched or released.

Penalty: 50 penalty units.

- (3) Subregulation (2) does not apply if:
 - (a) the person holds an approval under regulation 101.029 to launch or release the autonomous aircraft; and
 - (b) the conditions (if any) imposed on the approval are complied with.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

101.098 Identification of certain RPA—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the identification of RPA required to be registered under Division 47.C.2.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an RPA required to be registered under Division 47.C.2; and
 - (b) the person is subject to a requirement prescribed for the purposes of subregulation (1) in relation to that operation or conduct; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.099 Foreign registered RPA and model aircraft—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the operation of, or the conduct of operations using, RPA or model aircraft registered under a law of a foreign country.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates, or conducts an operation using, an RPA, or a model aircraft, within Australian territory; and
 - (b) the person is subject to a requirement prescribed under subregulation (1) in relation to that operation or conduct; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

Regulation 101.099AA

101.099AA Foreign registered RPA—unmanned aircraft levy

Payment of unmanned aircraft levy

- (1) An application under Chapter 13 of the *Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019* for permission to operate, or to conduct operations using, an RPA registered under a law of a foreign country must be accompanied by the unmanned aircraft levy (if any) for the application.

Waiver or refund of unmanned aircraft levy

- (2) CASA may, on behalf of the Commonwealth, waive the payment of unmanned aircraft levy under subregulation (1), or refund levy that has been paid under that subregulation, if CASA is satisfied that there are exceptional circumstances justifying the waiver or refund.
- (3) The waiver or refund:
 - (a) may be of the whole or part of the levy; and
 - (b) may be made by CASA on its own initiative, or on written application in the approved form by the applicant for the registration.

101.099A Modifications of certain RPA—requirements prescribed by the Part 101 Manual of Standards

- (1) The Part 101 Manual of Standards may prescribe requirements relating to the modification of an RPA registered under Division 47.C.2, including the extent to which modifications may be made to such an aircraft before the aircraft is considered to be no longer the aircraft to which the aircraft's registration applies.
- (2) A person commits an offence of strict liability if:
 - (a) the RPA is registered under Division 47.C.2; and
 - (b) the aircraft is modified after it is registered under that Division; and
 - (c) the person operates the modified aircraft, or conducts an operation using the modified aircraft; and
 - (d) the person is subject to a requirement prescribed for the purposes of subregulation (1) in relation to that operation or conduct; and
 - (e) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.099B Test flights of certain RPA—circumstances and requirements prescribed by the Part 101 Manual of Standards

Circumstances in which aircraft may be operated for test flights while not registered for the flights

- (1) The Part 101 Manual of Standards may prescribe the circumstances in which an RPA that is not required to be registered under Division 47.C.1, and is not

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registered under Division 47.C.2, may be operated for the purposes of a test flight.

- (2) For the purposes of subregulation (1), circumstances in which an aircraft may be operated for the purposes of a test flight may be prescribed only if the circumstances are relevant to the development, manufacture, repair or maintenance of the aircraft or of equipment associated with the aircraft.

Requirements for aircraft operated for test flights while not registered for the flights

- (3) The Part 101 Manual of Standards may prescribe requirements relating to the operation of an aircraft mentioned in subregulation (1) for the purposes of a test flight.
- (4) A person commits an offence of strict liability if:
- (a) the person operates, or conducts an operation using, an RPA for the purposes of a test flight; and
 - (b) the person is subject to a requirement prescribed for the purposes of subregulation (3) in relation to that operation or conduct; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

Subpart 101.D—Tethered balloons and kites

101.100 Applicability of this Subpart

This Subpart applies to the operation of tethered balloons and kites.

- Note: This Subpart does not apply to:
- (a) the shielded operation (that is, operation within 100 metres of a structure and not above the top of the structure) of a small balloon; or
 - (b) the operation of an unmanned tethered balloon or kite below 400 feet AGL.
- See subregulation 101.005(3).

101.105 Definitions for Subpart

- (1) In this Subpart:

tethered balloon means an unmanned balloon that is attached to the ground, or an object on the ground, by a cable.

- (2) For this Subpart, the height of a tethered balloon is taken to be the height above ground or water level of the topmost part of its envelope.

101.110 Tethered balloons and kites that may be operated outside approved areas

- (1) A person may operate a tethered balloon or a kite above 400 feet AGL outside an area approved under regulation 101.030 as an area for the operation of unmanned balloons or kites (as the case requires) only if:
- (a) the mass of the balloon or kite is no more than 15 kilograms; and
 - (b) the horizontal visibility at the time is at least 5 kilometres; and
 - (c) the person gives to CASA the information required by table 101.110 about the proposed operation at least 1 working day before it is due to start.

Penalty: 10 penalty units.

- Note 1: A person can comply with this requirement by telling:
- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
 - (b) the appropriate approved aviation administration organisation.
- See regulation 101.035.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) If more than 1 tethered balloon or kite is to be operated at a time, such a requirement is a requirement to give the information about each such balloon or kite.

Table 101.110 Details of operation of tethered balloon or kite to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will operate the balloon or kite (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the operation)
2	The date and time the operation is to begin, and how long it is to last
3	Where it is to be carried out
4	A brief description of the balloon or kite, including its predominant colour
5	The height to which it is to be operated
6	Its mass
7	If more than 1 tethered balloon or kite is to be operated at a time, how many tethered balloons or kites are to be operated at the time

101.115 Mooring-line marking

- (1) A person may operate a tethered balloon only if:
 - (a) each mooring line has coloured streamers attached at intervals of no more than 15 metres along it, with the first streamer no more than 150 feet AGL; and
 - (b) the streamers would be visible in normal daylight for at least 1.5 kilometres.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.120 Operation of tethered balloon or kite under cloud

- (1) A person may operate a tethered balloon or kite under cloud only if he or she keeps the balloon or kite at least 500 feet (measured vertically) below the cloud.

Penalty: 10 penalty units.

Note: For *tethered balloon*, see regulation 101.105.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.125 Tethered balloon to be lit at night

- (1) A person may operate a tethered balloon at night at or above 400 feet AGL only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

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Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.

101.130 Rapid deflation device required

- (1) A person may operate a tethered balloon only if it is fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.135 What to do if tethered balloon escapes

- (1) If a tethered balloon escapes from its mooring, and the deflation device does not cause it to deflate, the person operating it must tell Airservices Australia as soon as possible:
 - (a) where the balloon was launched; and
 - (b) what time it broke free; and
 - (c) the direction it was headed when last seen.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Subpart 101.E—Unmanned free balloons

101.140 Applicability of this Subpart

This Subpart applies to the operation of an unmanned free balloon.

101.145 Kinds of unmanned free balloons

- (1) There are 4 kinds of unmanned free balloon. These are defined (in order of ascending size) in the following 4 subregulations.
- (2) A **small balloon** is an unmanned free balloon that:
 - (a) has a diameter of 2 metres or less at launch; and
 - (b) either:
 - (i) is not carrying a payload; or
 - (ii) is carrying a payload with a combined mass of 50 g or less.
- (3) A **light balloon** is an unmanned free balloon that:
 - (a) carries a payload to which all of the following apply:
 - (i) the payload does not include a heavy package;
 - (ii) the payload has a combined mass of more than 50 g but less than 4 kg;
 - (iii) if a rope or other device has been used for the suspension of the payload—an impact force of less than 230 N is required to separate the suspended payload from the balloon; or
 - (b) has a diameter of greater than 2 metres at launch and either:
 - (i) is not carrying a payload; or
 - (ii) is carrying a payload with a combined mass of 50 g or less.
- (4) A **medium balloon** is an unmanned free balloon that carries a payload to which all of the following apply:
 - (a) the payload includes at least 2 packages but no heavy packages;
 - (b) the payload has a combined mass of at least 4 kg but less than 6 kg;
 - (c) if a rope or other device has been used for the suspension of the payload—an impact force of less than 230 N is required to separate the suspended payload from the balloon.
- (5) A **heavy balloon** is an unmanned free balloon that carries a payload to which any of the following apply:
 - (a) the payload includes a heavy package;
 - (b) the combined mass of the payload is at least 6 kg;
 - (c) if a rope or other device has been used for the suspension of the payload—an impact force of 230 N or more is required to separate the suspended payload from the balloon.
- (6) A **heavy package** means a package that:

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- (a) weighs at least 3 kg; or
 - (b) weighs at least 2 kg and has an area density of more than 13 g per cm².
- (7) For paragraph (6)(b), the area density of a package is worked out by dividing the total mass in grams of the package by the area in square centimetres of its smallest surface.

101.150 Definition for Subpart—*approved area*

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation or release of unmanned free balloons.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(7).

101.155 Releasing small balloons

- (1) A person may release a small balloon only if the person has first complied with any requirements as to approval or notice set out in table 101.155-1.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply if no more than 100 balloons are to be released at once.

Table 101.155-1 Requirements for release of small balloons

Item	Number of balloons to be released at once	Distance from place of release to nearest aerodrome			
		less than 3 nautical miles	3–6 nautical miles	6–12 nautical miles	over 12 nautical miles
1	101–1 000	approval required	NOTAM	no approval required	no approval required
2	1 001–10 000	approval required	approval required	NOTAM	no approval required
3	Over 10 000	approval required	approval required	approval required	NOTAM

- (3) In the table, for a combination of a number of balloons to be released and a distance to an aerodrome:

approval required means that an approval under subregulation (5) is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

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no approval required means that no such approval is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.

NOTAM means that CASA's approval is not required, but the person intending to release that number of balloons at a place that distance from the nearest aerodrome must give to CASA the information about the proposed release required by table 101.155-2.

Table 101.155-2 Details of release of small balloons to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will release the balloons (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin, and how long it will take
3	Where it is to be carried out
4	How many balloons are to be released
5	The estimated size and mass of any payload

Note: CASA will tell the NOTAM Office about the release.

- (4) A person may apply to CASA, in writing, for approval to release small balloons.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (5) Subject to regulation 11.055, if approval is required under subregulation (1) to release small balloons, CASA must grant the approval.

Note 1: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Note 2: CASA will tell the NOTAM Office about the release.

101.160 Light balloons that may be released outside approved areas

- (1) A person may release a light balloon outside an approved area only if the person gives to CASA the information required by table 101.160 at least 1 working day before the proposed release.

Penalty: 10 penalty units.

Note 1: A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

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(1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

(2) If more than 1 balloon is to be released at a time, such a requirement is a requirement to give the information about each such balloon.

Table 101.160 Details of release of light balloon to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

(3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a light balloon if:

- (a) the release is part of the Bureau's normal meteorological procedures; and
- (b) the release location has been notified in AIP or NOTAM.

101.165 Release of medium and heavy balloons outside approved areas

(1) Subject to subregulation (3), a person may release a medium or heavy balloon outside an approved area only if the person gives to CASA the information required by table 101.165 at least 2 working days before the proposed release.

Penalty: 10 penalty units.

Note 1: A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

(2) If more than 1 balloon is to be operated at a time, such a requirement is a requirement to give the information about each such balloon.

Table 101.165 Details of release of medium or heavy balloon to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the release)
2	The date and time the release is to begin

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Table 101.165 Details of release of medium or heavy balloon to be given to CASA

Item	Information to be provided
3	Where it is to be carried out
4	The estimated size and mass of the balloon's payload
5	The balloon's flight identification or the project code name
6	The balloon's classification, or a description of the balloon
7	The balloon's SSR code or NDB frequency, and its Morse identification
8	The expected horizontal direction of the balloon's ascent, and the balloon's expected rate of climb
9	The balloon's planned float level (given as pressure altitude)
10	The time the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so
11	The time the flight is expected to end, and where the balloon and its payload are expected to fall
12	If more than 1 balloon is to be released at a time, how many balloons are to be released at the time

- (3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a medium balloon if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.
- (4) Subject to subregulation (5), the person must also confirm the details of the proposed release to the air traffic control service that has responsibility for the airspace within which the balloon will be released no later than the earlier of:
- (a) 6 hours before the expected release time; or
 - (b) the time the balloon begins to be inflated.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) Subregulation (4) does not require the Bureau of Meteorology to confirm the details of the release of a medium balloon with an air traffic control service if:
- (a) the release is part of the Bureau's normal meteorological procedures; and
 - (b) the release location has been notified in AIP or NOTAM.

101.170 Medium and heavy balloons not to be flown low

- (1) A person who is operating a medium or heavy balloon must not allow it to go below 3 000 feet AGL while it is over a populous area.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

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101.175 Medium and heavy balloons to be flown in clear sky

- (1) Subject to subregulations (3) and (4), a person must not operate a medium or heavy balloon below 60 000 feet pressure altitude if, at the altitude at which the balloon is being operated, the horizontal visibility is less than 8 kilometres.

Penalty: 10 penalty units.

- (2) Subject to subregulations (3) and (4), a person who is operating a medium or heavy balloon must not allow it to remain at an altitude below 60 000 feet pressure altitude at which cloud, fog or mist obscures more than half the sky.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subregulations (1) and (2) do not apply to operation outside controlled airspace if CASA approves the operation and the operation is carried out in accordance with the approval.

- (4) Those subregulations also do not apply to operation in controlled airspace in accordance with an air traffic control clearance.

101.180 How payload must be supported—medium and heavy balloons

- (1) A person may operate a medium or heavy balloon only if the means by which the payload is attached to the balloon can support at least 10 times the mass of the payload.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.185 Equipment that must be carried—medium and heavy balloons

- (1) A person may operate a medium or heavy balloon only if:
- (a) the balloon is fitted with at least 2 independent ways (either automatic or remotely-operated) of releasing its payload; and
 - (b) if the balloon is not a zero-pressure balloon, it has at least 2 independent ways of ending the flight of the balloon envelope; and
 - (c) either:
 - (i) the balloon envelope carries a radar reflector, or radar-reflective material, that will return an echo to a surface radar operating in the frequency range 200 megahertz to 2 700 megahertz; or
 - (ii) the balloon is fitted with a device to allow it to be continuously tracked by the operator beyond the range of ground-based radar; and
 - (d) if the balloon is operated in an area in which ground-based secondary surveillance radar is in use, it is fitted with an SSR transponder (with

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altitude-reporting capability) that either operates continuously or can be turned on by the operator if an air traffic control service so requires.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.190 Lighting—medium and heavy balloons

- (1) A person may operate a medium or heavy balloon below 60 000 feet pressure altitude at night only if both the balloon and its payload are lit (whether or not they become separated during the operation) so as to be visible, under the prevailing conditions, for at least 4 kilometres in all directions.

Penalty: 25 penalty units.

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.

- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.195 Marking—unmanned free balloons generally

- (1) A person may operate an unmanned free balloon that carries a trailing antenna that requires a force of more than 230 newtons to break it only if the antenna has coloured streamers or pennants attached to it every 15 metres.

Penalty: 25 penalty units.

- (2) A person may operate an unmanned free balloon that carries a payload only if the payload has fixed to it a durable identification plate carrying sufficient information:

- (a) to identify the payload; and
- (b) to enable somebody who finds the payload to contact the person who released the balloon.

Penalty: 10 penalty units.

- (3) Subregulation (2) does not apply to a light or medium balloon operated by the Bureau of Meteorology.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.200 Marking by day—heavy balloons

- (1) A person may operate a heavy balloon (being a heavy balloon that has its payload suspended more than 15 metres below the envelope) above 60 000 feet pressure altitude by day only if:

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- (a) the payload's suspension is coloured in alternate bands of conspicuous colours, or has coloured pennants attached to it; or
- (b) the balloon has a conspicuous payload-recovery parachute suspended under the envelope, or the balloon is suspended beneath a conspicuous open parachute.

Penalty: 25 penalty units.

- (2) For subregulation (1), a balloon is being operated by day if the sun is above the balloon's horizon.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.205 Lighting by night—heavy balloons

- (1) A person may operate a heavy balloon above 60 000 feet pressure altitude at night only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 25 penalty units.

- (2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon's horizon.
- (3) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.
- (4) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.210 Obligation to stay in communication with ATC—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must establish and maintain communication with the relevant air traffic control service from the time the balloon begins to be inflated until the flight ends.

Penalty: 25 penalty units.

- (2) The operator must tell the relevant air traffic control service at least 1 hour before the balloon is launched.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.215 Tracking of flight—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must track its flight continuously.

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Penalty: 10 penalty units.

- (2) While the balloon is below 60 000 feet pressure altitude, if it cannot be tracked visually from the ground or by radar, the operator must ensure that a tracking aircraft accompanies it continuously.

Penalty: 10 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.220 Flight reporting—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must report the progress of the balloon's flight to the relevant air traffic control service as follows:
- (a) the operator must tell the service immediately when the balloon is released;
 - (b) the operator must tell the service when the balloon leaves each 10 000-foot level up to 60 000 feet (pressure altitude);
 - (c) the operator must report the balloon's position to the relevant air traffic control service periodically, as follows:
 - (i) when required to do so by the service;
 - (ii) while the balloon is below 60 000 feet pressure altitude—every 10 minutes;
 - (iii) while the balloon is at or above 60 000 feet pressure altitude—every 2 hours;
 - (d) if the operator loses the balloon's position, the operator must tell the service immediately that tracking has been lost and the balloon's last known position;
 - (e) after having re-established tracking of the balloon, the operator must tell the service immediately that tracking has been re-established and the balloon's position at that time.

Penalty: 10 penalty units.

- (2) If the balloon is being accompanied by a tracking aircraft, the operator must ensure that the crew of the aircraft maintains continuous 2-way communication with the relevant air traffic control service.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

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101.225 Ending flight and recovery—medium and heavy balloons

- (1) The operator of a medium or heavy balloon must give to the relevant air traffic control service at least 1 hour's notice of the time the flight is planned to end, and when doing so must also give to the air traffic control service the following information:
 - (a) the balloon's current position and altitude;
 - (b) the estimated time at which, and the estimated location over which, the balloon will pass through 60 000 feet pressure altitude during its descent;
 - (c) the estimated time when, and place where, the payload will fall.

Penalty: 10 penalty units.

- (2) The operator may command the balloon to end its flight only:
 - (a) in an emergency; or
 - (b) if cleared to do so by the relevant air traffic control service.

Penalty: 50 penalty units.

- (3) If the operator commands the balloon to end its flight when not cleared by air traffic control to do so, the operator must tell the relevant air traffic control service immediately, and when doing so must also give to it the following information:
 - (a) the balloon's current position and altitude;
 - (b) the estimated time when and place where the payload will fall.

Penalty: 10 penalty units.

- (4) The operator must tell the relevant air traffic control service as soon as possible after the balloon's payload falls.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

101.230 Direction by ATC to end flight in certain circumstances

- (1) If a balloon is in controlled airspace and an air traffic control service considers that it poses a hazard to other aircraft, or to people or property on the ground, that service may direct the balloon's operator to end the balloon's flight immediately.
- (2) The operator must comply with the direction by ending the balloon's flight by the fastest possible method.

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Penalty: 50 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Subpart 101.F—Remotely piloted aircraft

Division 101.F.1—General

101.235 Application of Subpart 101.F

This Subpart applies to the operation of the following:

- (a) very small RPA;
- (b) small RPA;
- (c) medium RPA;
- (d) large RPA.

Note 1: This Subpart does not apply to model aircraft, as they are not RPA—see the definitions of *RPA* in regulation 101.021 and *model aircraft* in regulation 101.023.

Note 2: This Subpart also does not apply to micro RPA—see the definition of *micro RPA* in regulation 101.022.

101.236 Meaning of *approved area*

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of RPA.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAMS or on an aeronautical chart: see subregulation 101.030(7).

101.237 Meaning of *excluded RPA*

- (1) This regulation sets out what is an *excluded RPA*.

Note: A remote pilot licence is not required to operate an excluded RPA. An accreditation is sufficient—see regulation 101.252 and Subpart 101.FA.

- (3) A very small RPA is an *excluded RPA* if it is being operated in standard RPA operating conditions.
- (4) A small RPA is an *excluded RPA* if it is being operated:
- (a) by or on behalf of the owner of the RPA; and
 - (b) over land owned or occupied by the owner of the RPA; and
 - (c) in standard RPA operating conditions; and
 - (d) for the purposes of one or more of the following:
 - (i) aerial spotting;
 - (ii) aerial photography;
 - (iii) agricultural operations;
 - (iv) aerial communications retransmission;
 - (v) the carriage of cargo;
 - (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; and

for which no remuneration is received by the operator or the owner of the RPA, the owner or occupier of the land or any person on whose behalf the activity is being conducted.

- (6) A small RPA is an **excluded RPA** if it is being operated in standard RPA operating conditions by:
- (a) a person for the sole purpose of meeting the experience requirement mentioned in paragraph 101.295(2)(c) for the grant of a remote pilot licence; or
 - (b) the holder of a remote pilot licence for the sole purpose of getting practical experience and gaining competency in the operation of an RPA of a category that is specified in the licence.

Note: For paragraph (b), for example, if a remote pilot licence states that the holder is authorised to operate a small RPA with a gross weight of not more than 7 kg that is an aeroplane, a small RPA with a gross weight of 10 kg that is an aeroplane may be an excluded RPA when operated by that holder. However, a small RPA (of any weight) that is a helicopter cannot be an excluded RPA when operated by that holder, because an aeroplane is not of the same category of RPA as a helicopter (see the definition of **category** in Part 1 of the Dictionary).

- (7) A medium RPA is an **excluded RPA** if it is being operated:
- (a) by or on behalf of the owner of the RPA; and
 - (b) by a person who holds a remote pilot licence that authorises the person to operate the RPA; and
 - (c) over land owned or occupied by the owner of the RPA; and
 - (d) in standard RPA operating conditions; and
 - (e) for the purposes of one or more of the following:
 - (i) aerial spotting;
 - (ii) aerial photography;
 - (iii) agricultural operations;
 - (iv) aerial communications retransmission;
 - (v) the carriage of cargo;
 - (vi) any other activity that is similar to an activity mentioned in the subparagraphs above; andfor which no remuneration is received by the operator or owner of the RPA, the owner or occupier of the land or any person on whose behalf the activity is being conducted.
- (8) An RPA is an **excluded RPA** if it is being operated:
- (a) by a person solely for the purpose of the person receiving training from an RPA operator who holds a certificate under Division 101.F.4 that authorises the operator to conduct operations using the RPA; and
 - (b) in accordance with the operator's documented training procedures.

101.238 Meaning of standard RPA operating conditions

An RPA is operated in **standard RPA operating conditions** if, at all times during the operation:

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- (aa) the RPA is operated in Australian territory; and
- (a) the RPA is operated within the visual line of sight of the person operating the RPA; and
- (b) the RPA is operated at or below 400 ft AGL by day; and
- (c) the RPA is not operated within 30 m of a person who is not directly associated with the operation of the RPA; and
- (d) the RPA is not operated:
 - (i) in a prohibited area; or
 - (ii) in a restricted area that is classified as RA3; or
 - (iii) in a restricted area that is classified as RA2 or RA1 otherwise than in accordance with regulation 101.065; or
 - (iv) over a populous area; or
 - (v) within 3 nautical miles of the movement area of a controlled aerodrome; and
- (e) the RPA is not operated over an area where a fire, police or other public safety or emergency operation is being conducted without the approval of a person in charge of the operation; and
- (f) the person operating the RPA operates only that RPA.

Division 101.F.2—Operation of RPA generally

101.245 Operation near people

- (1) Subject to subregulations (2) and (3), a person must not operate an RPA within 30 metres of a person (the *second person*) who is not directly associated with the operation of the RPA.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply if the second person is standing behind the RPA while the RPA is taking off.

- (3) Subregulation (1) does not apply if:

- (a) the RPA is a very small RPA, small RPA or medium RPA; and
- (b) the second person has consented to the RPA operating within 30 m of him or her; and
- (c) the RPA is operated no closer than 15 m of him or her.

- (4) Subregulation (1) does not apply if:

- (a) the RPA is an airship; and
- (b) the airship approaches no closer to the second person than 10 m horizontally and 30 ft vertically.

- (5) Subregulation (1) does not apply if the person holds an approval under regulation 101.029 for the purposes of this subregulation.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) to (5): see subsection 13.3(3) of the *Criminal Code*.

101.250 Where very small, small and medium RPA may be operated

- (1) A person may operate a very small RPA, a small RPA or a medium RPA outside an approved area only if:

- (a) where the RPA is operated above 400 feet AGL, the operator has CASA's approval to do so; and
- (b) the RPA stays clear of populous areas.

Penalty: 10 penalty units.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

Note 3: This Subpart only applies to the operation of certain RPA: see regulation 101.235.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

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101.252 Certain RPA—requirement for remote pilot licence

- (1) This regulation does not apply in relation to the operation of an excluded RPA.
- (2) A person commits an offence of strict liability if:
 - (a) the person operates an RPA; and
 - (b) the person does not hold a remote pilot licence that authorises the person to operate the RPA.

Penalty: 50 penalty units.

- (3) A person (the *offender*) commits an offence of strict liability if:
 - (a) the offender operates an RPA; and
 - (b) one of the following persons demands the offender to produce, for inspection by the person, a remote pilot licence that authorises the offender to operate the RPA:
 - (i) an authorised person;
 - (ii) a member or special member of the Australian Federal Police;
 - (iii) a member of a police force or a police service of a State or Territory;
 - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

- (4) Subregulation 302(1) of CAR does not apply in relation to a remote pilot licence.

101.255 Large RPA—requirement for certificate

- (1) A person may operate a large RPA only if either a special certificate of airworthiness (restricted category), or an experimental certificate, has been issued for it under Subpart 21.H of Part 21.

Penalty: 50 penalty units.

Note 1: For *large RPA*, see regulation 101.022.

Note 2: A large RPA is required to carry a manufacturer's data plate and an aircraft registration identification plate—see respectively regulation 21.820 and Subpart 45.D of Part 45.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.260 Maintenance of large RPA

- (1) Subdivision 2 of Division 2 of Part 4A of CAR applies to large RPA.

Note: That is, a large RPA must be maintained as a Class B aircraft.

- (2) A person who carries out maintenance on a large RPA must comply with any directions given in writing by CASA in relation to the maintenance of the RPA, or the maintenance of RPA of a class that includes the RPA.

101.265 Large RPA—persons permitted to carry out maintenance

- (3) For subsection 20AB(2) of the Act, and despite anything in regulation 42ZC of CAR 1988, a person may carry out maintenance on:
- (a) a large RPA that is an Australian aircraft; or
 - (b) an aircraft component for such an RPA; or
 - (c) aircraft material for such an RPA;
- if the person:
- (d) holds an airworthiness authority that authorises the maintenance; or
 - (e) carries out the maintenance under the supervision of a person who holds such an authority.

101.270 Certain RPA—requirement for RPA operator’s certificate

- (1) This regulation does not apply in relation to the operation of an excluded RPA.
- (2) A person commits an offence of strict liability if:
- (a) the person conducts operations using RPA; and
 - (b) the person does not hold a certificate as an RPA operator under Division 101.F.4 that authorises the person to conduct the operations.

Penalty: 50 penalty units.

101.272 Certain RPA—requirement to keep records or give information to CASA

- (1) The Part 101 Manual of Standards may require a person who operates, or proposes to operate, RPA to do either or both of the following:
- (a) keep records, in accordance with the requirements prescribed by the Part 101 Manual of Standards;
 - (b) give information to CASA, in accordance with the requirements prescribed by the Part 101 Manual of Standards.
- (2) A person commits an offence of strict liability if:
- (a) the person is subject to a requirement under subregulation (1); and
 - (b) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.275 Approval of operation of large RPA

- (1) A person may operate a large RPA only with CASA’s approval.

Penalty: 50 penalty units.

- (1A) A person may apply to CASA, in writing, for approval to operate a large RPA.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

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Note 2: Part 11 deals with applications and decision making.

- (1B) Subject to regulation 11.055, CASA must grant the approval if:
- (a) the person is certified as an operator of large RPA; and
 - (b) the operation would not contravene any condition of the certification.

Note 1: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Note 2: For certification as an operator of RPA, see Division 101.F.4.

- (3) Without limiting regulations 11.056 and 11.067, CASA may impose conditions on an approval:
- (a) prohibiting the operation of the relevant RPA at night or in conditions other than VMC; or
 - (b) restricting the extent to which the RPA may be operated at night or in conditions other than VMC; or
 - (c) requiring the RPA to stay within a specified area, or
 - (d) requiring the operator to make specified broadcasts.
- (6) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.280 RPA not to be operated over populous areas

- (1) In this regulation:

certificated RPA means an RPA for which a certificate of airworthiness has been issued.

- (2) A person must not operate an RPA that is not a certificated RPA over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

Note 1: For **populous area**, see regulation 101.025. For **RPA**, see regulation 101.022.

Note 2: For the kinds of RPA operation to which this Subpart applies, see regulation 101.235.

- (3) Without the approval of CASA, a person must not operate a certificated RPA over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) In considering whether to give an approval under subregulation (3), CASA must take into account:

- (a) the degree of redundancy in the RPA's critical systems; and
 - (b) any fail-safe design characteristics of the RPA; and
 - (c) the security of its communications and navigation systems.
- (5) Before giving an approval under subregulation (3), CASA must be satisfied that the person who intends to operate the RPA will take proper precautions to prevent the proposed flight being dangerous to people and property.

101.285 Use of aeronautical radio

- (1) A person may operate an RPA (other than a very small RPA) in controlled airspace only if he or she:
- (a) holds a relevant qualification; and
 - (b) maintains a listening watch on a specified frequency or frequencies; and
 - (c) makes broadcasts on a specified frequency or frequencies at the specified interval giving the specified information.

Penalty: 25 penalty units.

Note: This Subpart only applies to the operation of certain RPA: see regulation 101.235.

- (2) In this regulation:

relevant qualification means any of the following qualifications:

- (a) an aeronautical radio operator certificate;
- (b) a flight crew licence;
- (c) an ATC licence;
- (d) a military qualification equivalent to a licence mentioned in paragraph (b) or (c);
- (e) a flight service licence.

specified frequency for particular airspace means a frequency specified from time to time in AIP or by ATC as a frequency for use in the airspace.

specified information for particular airspace means information specified from time to time in AIP or by ATC as information that must be broadcast in the airspace.

specified interval for particular airspace means the interval specified from time to time in AIP or by ATC as the interval at which broadcasts must be made while in that airspace.

- (3) CASA may direct that a particular person must not operate an RPA unless the person:
- (a) holds a relevant qualification; and
 - (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
 - (c) makes broadcasts:
 - (i) on a frequency or frequencies; and
 - (ii) at intervals; and

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(iii) giving information—
specified in the direction.

(4) The person must comply with the direction.

Penalty: 50 penalty units.

(5) CASA may direct, in regard to a particular RPA or type of RPA, that a person must not operate the RPA, or an RPA of that type, unless he or she:

(a) holds a relevant qualification; and

(b) maintains a listening watch on a frequency or frequencies specified in the direction; and

(c) makes broadcasts:

(i) on a frequency or frequencies; and

(ii) at intervals; and

(iii) giving information—
specified in the direction.

(6) The person must comply with the direction.

Penalty: 50 penalty units.

(7) For subregulations (3) and (5), CASA may specify that a frequency is to be a frequency prescribed by the Part 91 Manual of Standards for the purposes of subregulation 91.255(1) or paragraph 91.630(1)(b).

(8) An offence against subregulation (1), (4) or (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Division 101.F.3—Remote pilot licences

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for a remote pilot licence.

101.290 Application for remote pilot licence

- (1A) An individual may apply to CASA, in writing, for a licence (a *remote pilot licence*) to operate an RPA.

Note: For the kinds of RPA to which this Subpart applies, see regulation 101.235.

- (1) An application for a remote pilot licence must include the following information:
- (a) details of any flight crew licence, ATC licence or flight service licence that the applicant holds (including details of ratings, endorsements and qualifications);
 - (aa) details of any military qualification the applicant holds that is equivalent to a licence mentioned in paragraph (a);
 - (b) details of any aeronautical experience that the applicant has;
 - (c) details of any of the following examinations the applicant has passed (other than any examination passed in the course of gaining a licence mentioned in paragraph (a)):
 - (i) an aeronautical examination (within the meaning of Part 61);
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of a flight crew licence under regulation 202.274;
 - (d) if the applicant does not hold a licence mentioned in paragraph (a), details of any aeronautical radio operator certificate that the applicant holds;
 - (e) details of the applicant's experience in operating RPA;
 - (f) evidence of the completion of any training course in RPA operation that the applicant has undertaken.

101.295 Eligibility for remote pilot licence

- (2) Subject to regulation 11.055, CASA must grant a remote pilot licence to the applicant if he or she:
- (a) has passed:
 - (i) an aeronautical knowledge examination (within the meaning of Part 61) for a flight crew licence under Part 61; or
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of a flight crew licence under regulation 202.274; or
 - (iii) the theory component of an RPL training course; or
 - (iv) the theory component of a course conducted in a foreign country which CASA is satisfied is equivalent to the theory component of an RPL training course; and
 - (b) has completed:

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- (i) an RPL training course in the manual or automated operation of a category of RPA that he or she proposes to operate; or
 - (ii) before 1 June 2017, a training course in the operation of a category of RPA that he or she proposes to operate, conducted by the RPA's manufacturer or an agent of the manufacturer; or
 - (iii) a flight test conducted by CASA for the purposes of this subparagraph; and
- (c) has at least 5 hours experience in operating an RPA under standard RPA operating conditions.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a licence; or
- (b) a decision imposing a condition on a licence.

See also section 31 of the Act.

- (3) A person who holds or has held:
- (a) a flight crew licence; or
 - (b) a military qualification equivalent to a flight crew licence; or
 - (c) an ATC licence, or a military qualification equivalent to an ATC licence;
- is taken to satisfy the condition in paragraph (2)(a).

101.300 Conditions on remote pilot licences

- (2) Without limiting regulations 11.056 and 11.067, a condition may:
- (a) allow the person to operate RPA of only specified kinds; or
 - (b) limit the areas where he or she may operate RPA; or
 - (c) allow him or her to operate RPA only in VMC.
- (3) It is a condition of a remote pilot licence that the licence holder must not operate an RPA above 400 ft AGL in controlled airspace, or within 3 nautical miles of the movement area of a controlled aerodrome, unless he or she holds at least one of the following qualifications:
- (a) an aeronautical radio operator certificate;
 - (b) a flight crew licence;
 - (c) an ATC licence;
 - (d) a military qualification equivalent to a licence mentioned in paragraph (b) or (c);
 - (e) a flight service licence.
- (4) It is a condition of a remote pilot licence that an RPA must be operated within the visual line of sight of the licence holder unless he or she:
- (a) has passed:
 - (i) an aeronautical knowledge examination (within the meaning of Part 61) for the grant of an instrument rating under Part 61; or
 - (ii) an aviation licence theory examination before 1 September 2014 that is taken to be an equivalent requirement for the grant of an instrument rating under regulation 202.274; or

- (iii) an approved examination; and
- (b) either:
 - (i) holds both a certificate as an RPA operator under Division 101.F.4 and an approval under regulation 101.029 to operate the RPA beyond the person's visual line of sight; or
 - (ii) is a member of an RPA operator's personnel and the RPA operator holds both a certificate as an RPA operator under Division 101.F.4 and an approval under regulation 101.029 for the operator's personnel to operate RPA beyond their visual line of sight.
- (5) It is a condition of a remote pilot licence that the licence holder must not operate more than 1 RPA at a time unless:
 - (a) he or she holds an approval under regulation 101.029 to operate more than 1 RPA at a time; and
 - (b) the conditions (if any) imposed on the approval are complied with.
- (6) The holder of a remote pilot licence commits an offence of strict liability if the holder contravenes a condition mentioned in subregulation (3), (4) or (5).

Penalty: 50 penalty units.

101.315 Notice to holder of remote pilot licence to show cause

Show cause notice—variation, cancellation or suspension

- (1) CASA may give a show cause notice to the holder of a remote pilot licence if there are reasonable grounds for believing that there are facts or circumstances that would justify the variation, suspension or cancellation of the licence under regulation 101.320.
- (2) A show cause notice must:
 - (a) tell the holder of the licence of the facts and circumstances that, in CASA's opinion, would justify the variation, suspension or cancellation of the licence under regulation 101.320; and
 - (b) invite the holder of the licence to show in writing, within a reasonable time stated in the notice, why the licence should not be varied, suspended or cancelled.

Immediate suspension if serious risk to the safety of air navigation

- (3) The remote pilot licence is suspended from the time the show cause notice is given to the holder, if:
 - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the licence were not suspended; and
 - (b) the show cause notice states that the licence is suspended for that reason.
- (5) CASA may at any time revoke the suspension.
- (6) If the licence is suspended under subregulation (3):

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- (a) the holder is taken not to be the holder of a remote pilot licence during the period of suspension; and
- (b) the licence is not in force while suspended; and
- (c) if CASA has not dealt with the suspension under regulation 101.320 within 90 days after the day the licence is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (5) of this regulation or subregulation 101.320(2)).

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.320 Variation, suspension or cancellation of remote pilot licence

- (1) CASA may vary, suspend or cancel a remote pilot licence by written notice to the holder of the licence, if:
 - (a) CASA has given to the holder a show cause notice under regulation 101.315 in relation to it; and
 - (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (c) there are reasonable grounds for believing that the holder:
 - (i) has operated an RPA in contravention of these Regulations, an instrument under these Regulations or a condition of the licence; or
 - (ii) has operated an RPA negligently or carelessly; or
 - (iii) in operating an RPA, has recklessly endangered human life or property; or
 - (iv) at the time of the grant of the licence did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time of the grant.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

Notice of decision

- (2) If CASA has given a show cause notice under regulation 101.315 to the holder of a remote pilot licence:
 - (a) in the event that CASA decides to vary, suspend or cancel the licence—CASA must give the holder notice of the decision, including (in the case of a decision to suspend the licence) notice of the period of suspension; and
 - (b) in the event that CASA decides not to vary, suspend or cancel the licence—CASA must, in writing:
 - (i) give the holder notice accordingly; and
 - (ii) if the licence was suspended under subregulation 101.315(3)—revoke the suspension.

Effect of suspension

- (3) If a remote pilot licence is suspended under this regulation:

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- (a) the holder is taken not to be the holder of a remote pilot licence during the period of suspension; and
- (b) the licence is not in force during the period of suspension stated in the notice under paragraph (2)(a).

Note 1: CASA may also impose a condition on the licence, or vary an existing condition of the licence—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Division 101.F.4—Certification of RPA operators

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for certification as an RPA operator.

101.330 Application for certification as RPA operator

(1A) A person may apply to CASA, in writing, for certification as an RPA operator.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (1) An application for certification as an RPA operator must include:
- (a) details of:
 - (i) the applicant's structure and organisation; and
 - (ii) its staff and their qualifications and experience (including, in particular, the names, qualifications, experience, duties and functions of the persons who are to be the applicant's chief remote pilot and maintenance controller); and
 - (iii) its facilities and equipment; and
 - (iv) its practices and procedures; and
 - (b) a general description of the proposed operations, including the type or types of RPA to be used; and
 - (c) if the applicant proposes to conduct an RPL training course—details of the proposed training.
- (2) The application must be accompanied by a copy of each of the applicant's manuals relevant to the operation of RPA.

101.335 Eligibility for certification as RPA operator

(1A) Subject to regulation 11.055, CASA must certify an applicant as an RPA operator if the applicant is eligible to be certified as an RPA operator in accordance with this regulation.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant, or cancelling, suspending or varying, a certificate; or
- (b) a decision imposing a condition on a certificate.

See also section 31 of the Act.

- (1) A person is eligible to be certified as an RPA operator if:
- (a) the person has an organisation and structure that is appropriate for safe operation of RPA; and
 - (b) the person has enough qualified and experienced personnel to undertake the proposed operations safely; and
 - (c) the person has facilities and equipment appropriate to carry out the proposed operations using RPA of the type to be used; and

- (d) the person has suitable documented practices and procedures to do so, including practices and procedures for the maintenance of the operator's RPASs; and
 - (f) the person has nominated suitable persons to be its chief remote pilot and maintenance controller.
- (2) A body that is not a legal person is not eligible to be certified as an RPA operator.
- (3) Two or more persons cannot be certified jointly as an RPA operator.

101.340 Conditions on certification

- (1) It is a condition of the certification of a person as an RPA operator that the person:
- (a) maintains within its organisation a position of chief remote pilot having at least the functions and duties set out in regulation 101.342; and
 - (b) employs as its chief remote pilot a person who holds a remote pilot licence under Division 101.F.3 and who is competent to carry out those duties and perform those functions; and
 - (c) either:
 - (i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in an advisory circular issued by CASA from time to time; or
 - (ii) has an arrangement with another qualified and competent person to carry out those functions and duties; and
 - (d) if it maintains within its organisation a position of maintenance controller—employs as its maintenance controller a person who is competent to carry out the duties and perform the functions of a maintenance controller; and
 - (e) complies with the operator's documented practices and procedures.
- (4) Without limiting regulations 11.056 and 11.067, a condition may:
- (a) allow the person to operate RPA of only specified kinds; or
 - (b) allow the person to operate RPA only for specified purposes; or
 - (c) limit the areas where the person may operate RPA; or
 - (d) allow the person to operate RPA only in VMC; or
 - (e) limit the number of RPA that an RPA operator may operate.

101.342 Functions and duties of chief remote pilot

For paragraph 101.340(1)(a), the functions and duties of a chief remote pilot are as follows:

- (a) ensuring the operator's RPA operations are conducted in accordance with the civil aviation legislation;
- (b) maintaining a record of the qualifications held by each person operating RPA for the operator;

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- (c) monitoring the operational standards and proficiency of each person operating RPA for the operator;
- (d) maintaining a complete and up-to-date reference library of operational documents required by CASA under subregulation 101.335(1) for the types of operations conducted by the operator.

101.360 Notice to certified RPA operator to show cause

Show cause notice—variation, cancellation or suspension

- (1) CASA may give a show cause notice to a certified RPA operator if there are reasonable grounds for believing that there are facts or circumstances that would justify the variation, suspension or cancellation of the certification under regulation 101.365.
- (2) A show cause notice must:
 - (a) tell the operator of the facts and circumstances that, in CASA's opinion, would justify the variation, suspension or cancellation of the certification under regulation 101.365; and
 - (b) invite the operator to show in writing, within a reasonable time stated in the notice, why the certification should not be varied, suspended or cancelled.

Immediate suspension if serious risk to the safety of air navigation

- (3) The certification is suspended from the time the show cause notice is given to the operator, if:
 - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the certification were not suspended; and
 - (b) the show cause notice states that the certification is suspended for that reason.
- (5) CASA may at any time revoke the suspension.
- (6) If the certification of a person as an RPA operator is suspended under subregulation (3):
 - (a) the operator is taken not to be a certified RPA operator during the period of suspension; and
 - (b) the certification is not in force while suspended; and
 - (c) if CASA has not dealt with the suspension under regulation 101.365 within 90 days after the day the certification is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (5) of this regulation or subregulation 101.365(2)).

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.365 Variation, suspension or cancellation of RPA operator's certification

- (1) CASA may vary, suspend or cancel a certified RPA operator's certification by written notice to the operator, if:
-

- (a) CASA has given to the operator a show cause notice under regulation 101.360 in relation to it; and
- (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the operator; and
- (c) there are reasonable grounds for believing that:
 - (i) the operator has operated an RPA in contravention of these Regulations, an instrument under these Regulations or a condition of the certification; or
 - (ii) a person engaged or employed by the operator has operated an RPA negligently or carelessly; or
 - (iii) a person engaged or employed by the operator, in operating an RPA, has recklessly endangered human life or property; or
 - (iv) at the time the operator was certified the operator did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time of certification.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

Notice of decision

- (2) If CASA has given a show cause notice under regulation 101.360 to a certified RPA operator:
 - (a) in the event that CASA decides to vary, suspend or cancel the certification—CASA must give the operator notice of the decision, including (in the case of a decision to suspend the certification) notice of the period of suspension; and
 - (b) in the event that CASA decides not to vary, suspend or cancel the certification—CASA must, in writing:
 - (i) give the operator notice accordingly; and
 - (ii) if the certification was suspended under subregulation 101.360(3)—revoke the suspension.

Effect of suspension

- (3) If the certification of a person as an RPA operator is suspended under this regulation:
 - (a) the operator is taken not to be a certified RPA operator during the period of suspension; and
 - (b) the certification is not in force during the period of suspension stated in the notice under paragraph (2)(a).

Note 1: CASA may also impose a condition on the certification, or vary an existing condition of the certification—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Regulation 101.370

101.370 Compliance with RPA operator's practices and procedures

A person commits an offence of strict liability if the person:

- (a) is a member of an RPA operator's personnel; and
- (b) is subject to a requirement under the RPA operator's documented practices and procedures; and
- (c) does not comply with the requirement.

Penalty: 50 penalty units.

Division 101.F.5—Operation of certain RPA for hire or reward

101.371 Application of Division 101.F.5

- (1) This Division applies in relation to the first operation of a very small RPA, a small RPA or a medium RPA while the RPA is an excluded RPA under any of the following provisions:
 - (a) subregulation 101.237(3) (a very small RPA being operated in standard RPA operating conditions);
 - (b) subregulation 101.237(4) (a small RPA being operated in certain circumstances);
 - (c) subregulation 101.237(7) (a medium RPA being operated in certain circumstances).
- (2) The *first operation* of an RPA while it is an excluded RPA under a provision mentioned in subregulation (1) is its first operation, while it is such an excluded RPA, in each period during which it is registered under Subpart 47.C.

101.372 Notice of certain operations

- (1) Before the first operation of an RPA to which this Division applies (whether by the registration holder for the RPA or another person), the registration holder must notify CASA of the operation, in writing, in a form and manner approved by CASA.
- (2) A registration holder for an RPA commits an offence of strict liability if:
 - (a) the registration holder is subject to the requirement under subregulation (1) in relation to the RPA; and
 - (b) the registration holder fails to comply with the requirement.

Penalty: 50 penalty units.

- (3) Subregulations (1) and (2) do not apply if the registration holder, or another person, is certified under Division 101.F.4 to conduct the operation.

Note: A defendant bears an evidential burden in relation to the matter in this subregulation—see subsection 13.3(3) of the *Criminal Code*.

101.373 Notification of changes in relation to operating very small RPA for hire or reward etc.

- (1) If:
 - (a) a person has given CASA a notice under regulation 101.372; and
 - (b) a change, event or other matter of a kind prescribed by the Part 101 Manual of Standards occurs;the person must notify CASA of the change, event or matter within 21 business days of the change, event or matter occurring.

Regulation 101.374

- (2) The notification must be given in the form, and in the manner or way, approved by CASA.
- (3) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subregulation (1); and
 - (b) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.374 Database of notifications

- (1) CASA may establish and maintain a database of information that relates to notifications given under regulations 101.372 and 101.373.
- (2) Without limiting subregulation (1), the database may contain the following information in relation to each notification:
 - (a) the name of the person who gave the notification;
 - (b) the person's contact details;
 - (c) the locations at which the operations will take place;
 - (d) the types of RPA covered by the notification.
- (3) The database may be made publicly available.
- (4) The database may be kept and made publicly available in electronic form.

Subpart 101.FA—Excluded RPA and micro RPA accreditation

Division 101.FA.1—General

101.374A Application of this Subpart

This Subpart applies to the operation of excluded RPA and micro RPA.

Note 1: See the definition of *excluded RPA* in regulation 101.237.

Note 2: This Subpart does not apply to model aircraft, as they are not RPA—see the definitions of *RPA* in regulation 101.021 and *model aircraft* in regulation 101.023.

Division 101.FA.2—Accreditation requirements

101.374B Excluded RPA and micro RPA—requirement for accreditation or remote pilot licence

Excluded RPA and micro RPA

- (1) A person commits an offence of strict liability if:
 - (a) the person operates an excluded RPA or a micro RPA; and
 - (b) the person holds neither of the following:
 - (i) an accreditation authorising the person to operate excluded RPA and micro RPA;
 - (ii) a remote pilot licence.

Penalty: 50 penalty units.

General exception—excluded RPA operated by child under adult supervision

- (4) Subregulation (1) does not apply to a person under 16 years old (the *child*) operating an excluded RPA or a micro RPA if:
 - (a) when the aircraft is being operated, the child is being supervised by another person (the *supervisor*); and
 - (b) the supervisor is at least 18 years old; and
 - (c) the supervisor holds:
 - (i) an accreditation authorising the supervisor to operate excluded RPA and micro RPA; or
 - (ii) a remote pilot licence.

Note: A defendant bears an evidential burden in relation to the matters in this subregulation—see subsection 13.3(3) of the *Criminal Code*.

101.374C Excluded RPA and micro RPA—requirement to produce accreditation or remote pilot licence

General requirement

- (1) A person who operates an excluded RPA or micro RPA must produce an accreditation or licence covered by subregulation (2) that authorises the person to do so, or a copy of such an accreditation or licence, for inspection on a demand made by a person covered by subregulation (3).

Accreditations and licences covered

- (2) The following accreditations and licences are covered by this subregulation:
 - (a) an accreditation authorising the operation of excluded RPA and micro RPA;
 - (b) a remote pilot licence.

Persons who may demand production of accreditations and licences

- (3) The following persons are covered by this subregulation:
- (a) an authorised person;
 - (b) a member or special member of the Australian Federal Police;
 - (c) a member of a police force or a police service of a State or Territory.

Offence for failing to comply with demand

- (4) A person (the **offender**) commits an offence of strict liability if:
- (a) the offender operates an excluded RPA or micro RPA; and
 - (b) a person makes a demand of the offender under subregulation (1); and
 - (c) the offender fails to comply with the demand.

Penalty: 5 penalty units.

Operation permissible without an accreditation or licence

- (5) Subregulations (1) to (4) do not apply to a person operating an excluded RPA or micro RPA if:
- (a) such operation by the person without an accreditation or licence covered by subregulation (2) of this regulation does not constitute an offence under regulation 101.374B; or
 - (b) subregulation (4) applies in relation to such operation.

Supervised operations

- (6) A person who supervises the operation by another person of an excluded RPA or micro RPA must produce an accreditation or licence covered by subregulation (2) for that RPA, or a copy of such accreditation or licence, for inspection on a demand made by a person covered by subregulation (3).
- (7) A person (the **supervisor**) commits an offence of strict liability if:
- (a) the supervisor supervises the operation by another person of an excluded RPA or micro RPA; and
 - (b) the other person is under 16 years old; and
 - (c) a person makes a demand of the supervisor under subregulation (6); and
 - (d) the supervisor fails to comply with the demand.

Penalty: 5 penalty units.

Regulation 101.374D

Division 101.FA.3—Grant of accreditation to operate excluded RPA and micro RPA

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for accreditation under this Division.

101.374D Accreditation—application

An individual may apply to CASA, in writing, for accreditation authorising the holder to operate excluded RPA and micro RPA.

101.374E Accreditation—grant

- (1) Subject to regulation 11.055, CASA must give an applicant under regulation 101.374D the accreditation applied for if the applicant is eligible for that accreditation under this regulation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal. See also section 31 of the Act.

- (2) The applicant is eligible for the accreditation mentioned in regulation 101.374D if the applicant:
 - (a) is at least 16 years old; and
 - (b) has completed an online training course provided by CASA for that accreditation, to the standard required by CASA, in accordance with any conditions for completing the course required by CASA; and
 - (c) has achieved a standard required by CASA in an examination (including an online examination) for that accreditation, administered by CASA, in accordance with any conditions for undertaking that examination required by CASA.
- (3) However, the applicant is not eligible for the accreditation:
 - (a) if an accreditation formerly held by the applicant has been cancelled within the 12 months before the date of the application; or
 - (b) while an accreditation currently held by the applicant is suspended under regulation 101.374H or 101.374J.

- (3A) An applicant may undertake a course or an examination mentioned in subsection (2) only if the applicant is at least 16 years old at that time.
- (4) Two or more persons cannot jointly hold the accreditation.
- (5) The accreditation authorises the holder to operate excluded RPA and micro RPA as stated in the accreditation.

Note: Any conditions imposed on the accreditation under regulation 11.056 must also be set out in, or attached to, the accreditation.

101.374F Accreditation—conduct of online courses and examinations

- (1) The Part 101 Manual of Standards may prescribe requirements in relation to the following:
 - (a) the completion of an online training course under paragraph 101.374E(2)(b) (including conditions relating to cheating in such a course);
 - (b) the conduct of an online examination under paragraph 101.374E(2)(c) (including conditions relating to cheating in such an examination);
 - (c) the disclosure and use of information or documents which form part of, or are related to, such a training course or examination.
- (2) A person commits an offence if:
 - (a) the person completes, or attempts to complete:
 - (i) an online training course under paragraph 101.374E(2)(b); or
 - (ii) an online examination under paragraph 101.374E(2)(c); and
 - (b) the person is subject to a requirement under subregulation (1) of this regulation in relation to completing the course or examination; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

- (3) A person commits an offence if:
 - (a) the person discloses or uses information or a document which forms part of, or is related to:
 - (i) an online training course under paragraph 101.374E(2)(b); or
 - (ii) an online examination under paragraph 101.374E(2)(c); and
 - (b) the person is subject to a requirement under subregulation (1) of this regulation in relation to disclosing or using the information or document; and
 - (c) the person does not comply with the requirement.

Penalty: 50 penalty units.

101.374G Accreditation—cessation

An accreditation ceases at the start of the earlier of the following days (unless sooner cancelled):

- (a) if the person holding the accreditation is granted a remote pilot licence—the day after the licence is granted;
- (b) the day after the end of the period of 3 years beginning on the day the accreditation comes into effect.

Note 1: For when an accreditation comes into effect, see regulation 11.065.

Note 2: For cancellation, see regulation 101.374J.

Regulation 101.374H

101.374H Notice to accreditation holder to show cause

Show cause notice—cancellation or suspension

- (1) CASA may give a show cause notice to a person who holds an accreditation (the **accreditation holder**) if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the accreditation under regulation 101.374J.
- (2) A show cause notice must:
 - (a) tell the accreditation holder of the facts and circumstances that, in CASA's opinion, would justify the suspension or cancellation of the accreditation; and
 - (b) invite the accreditation holder to show in writing, within a reasonable time stated in the notice, why the accreditation should not be suspended or cancelled.

Immediate suspension if serious risk to the safety of air navigation

- (3) The accreditation is suspended from the time the show cause notice is given to the accreditation holder, if:
 - (a) CASA reasonably considers that there may be a serious risk to the safety of air navigation if the accreditation were not suspended; and
 - (b) the show cause notice states that the accreditation is suspended for that reason.
- (4) CASA may at any time revoke the suspension.
- (5) If the accreditation is suspended under subregulation (3):
 - (a) the accreditation holder is taken not to be the holder of an accreditation during the period of suspension; and
 - (b) the accreditation is not in force while suspended; and
 - (c) the period of the accreditation under paragraph 101.374G(b) continues to run; and
 - (d) if CASA has not dealt with the suspension under regulation 101.374J within 90 days after the day the accreditation is suspended, the suspension lapses at the end of that period (if it is not earlier revoked under subregulation (4) of this regulation or subregulation 101.374J(2)).

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.374J Suspension or cancellation of accreditation

Suspension or cancellation of accreditation

- (1) CASA may suspend or cancel an accreditation by written notice to the accreditation holder, if:
 - (a) CASA has given the accreditation holder a show cause notice under regulation 101.374H; and

- (b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the accreditation holder; and
- (c) there are reasonable grounds for believing that the accreditation holder:
 - (i) has operated an RPA in contravention of these Regulations, an instrument under these Regulations or a condition of the accreditation; or
 - (ii) has operated an RPA negligently or carelessly; or
 - (iii) in operating an RPA, has recklessly endangered human life or property; or
 - (iv) at the time the accreditation was given did not meet, or now no longer meets, the criteria for eligibility under regulation 11.055 as they applied at the time the accreditation was given.

Note: For subparagraph (iv), in determining whether the criteria for eligibility were or are met, CASA may take into account the matters mentioned in subregulation 11.055(4).

Notice of decision

- (2) If CASA has given a show cause notice under regulation 101.374H to an accreditation holder:
 - (a) in the event that CASA decides to suspend or cancel the accreditation—CASA must give the accreditation holder notice of the decision, including (in the case of a decision to suspend the accreditation) notice of the period of suspension; and
 - (b) in the event that CASA decides not to suspend or cancel the accreditation—CASA must, in writing:
 - (i) give the accreditation holder notice accordingly; and
 - (ii) if the accreditation was suspended under subregulation 101.374H(3)—revoke the suspension.

Effect of suspension

- (3) If an accreditation is suspended under this regulation:
 - (a) the accreditation holder is taken not to be the holder of an accreditation during the period of suspension; and
 - (b) the accreditation is not in force during the period of suspension stated in the notice under paragraph (2)(a); and
 - (c) the period of the accreditation under paragraph 101.374G(b) continues to run.

Note 1: CASA may also impose a condition on the accreditation, or vary a condition of the accreditation—see regulation 11.067.

Note 2: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

Subpart 101.G—Model aircraft

101.375 Applicability of this Subpart

This Subpart applies to the operation of model aircraft weighing more than 250 g (except operation mentioned in paragraph 101.005(3)(a) or (b)).

Note 1: For *model aircraft*, see regulation 101.023.

Note 2: This Subpart does not apply to:

- (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
- (b) a model aircraft flown indoors.

See subregulation 101.005(3).

101.380 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of model aircraft.

101.385 Visibility for operation of model aircraft

- (1) A person may operate a model aircraft only if the visibility at the time is good enough for the person operating the model to be able to see it continuously.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.390 Operating model aircraft at night

- (1) A person may operate a model aircraft at night only in accordance with the written procedures of an approved aviation administration organisation.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.395 Keeping model aircraft away from people

- (1) A person must not operate a model aircraft over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

Regulation 101.400

Note: For *populous area*, see regulation 101.025.

- (2) Subject to subregulations (3) and (4), somebody who is operating a powered model aircraft must ensure that, while the model aircraft is in flight, or is landing or taking off, it stays at least 30 metres away from anyone not directly associated with the operation of model aircraft.

Penalty: 50 penalty units.

- (3) Subregulation (2) is not contravened if somebody stands behind the model aircraft while it is taking off.
- (4) Subregulation (2) is also not contravened if, as part of a model flying competition, a model aircraft is flown within 30 metres of somebody who is judging the competition.
- (5) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.400 Operation of model aircraft outside approved areas

- (1) A person may operate a model aircraft outside an approved area above 400 feet AGL only if he or she:
 - (a) keeps it in sight; and
 - (b) keeps it clear of populous areas.

Penalty: 10 penalty units.

Note 1: For *populous area*, see regulation 101.025.

Note 2: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.405 Giant model aircraft

- (1) A person may operate a giant model aircraft only in accordance with:
 - (a) the rules and procedures of an approved aviation administration organisation; or
 - (b) an approval given by CASA.

Penalty: 50 penalty units.

Note: For *giant model aircraft*, see regulation 101.024.

- (2) CASA may impose a condition on the operation of a giant model aircraft if the condition is reasonably necessary in the circumstances in the interests of aviation safety.
- (3) The operator of a giant model aircraft must comply with any condition imposed under subregulation (2).

Regulation 101.410

Penalty: 50 penalty units.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.410 Model flying displays

- (1) A person may conduct a model aircraft flying display only in compliance with subregulation (2) or (3).

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) A person complies with this subregulation if the display is conducted:

- (a) in an approved area; and
- (b) in accordance with the rules and procedures of an approved aviation administration organisation.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

- (3) A person complies with this subregulation if the display is conducted in accordance with the following conditions and any other conditions imposed by CASA under subregulation (4):
- (a) at least 21 days before the display, somebody is nominated as the organiser of the display;
 - (b) at least 21 days before the display, he or she gives to CASA the following information:
 - (i) his or her name, address, email address and telephone number;
 - (ii) the proposed program of flying;
 - (iii) where the display will be held, and how big the intended flying field is;
 - (iv) how many spectators are expected, and where they will be;
 - (c) he or she ensures that:
 - (i) having regard to the events making up the display, proper precautions are taken for the safety of the participants and spectators; and
 - (ii) the operators participating in the display are competent to carry out each proposed manoeuvre safely.
- (4) CASA may impose a condition on the conduct of a model flying display if in the circumstances the condition is reasonably necessary in the interests of aviation safety.

Subpart 101.H—Rockets

101.415 Applicability of this Subpart

This Subpart applies to the operation of rockets of all kinds, except rockets mentioned in paragraph 101.005(3)(f).

Note 1: That is, this Subpart does not apply to a firework rocket not capable of rising more than 400 feet AGL. See paragraph 101.005(3)(f).

Note 2: **Rocket** in this Subpart does not include a rocket-powered aircraft—see regulation 101.425.

101.420 Application of State and Territory laws about rockets

- (1) If a law of a State or Territory deals with the operation or use of rockets, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.425 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of rockets.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(7).

model rocket means a rocket that:

- (a) weighs no more than 1 500 grams; and
- (b) carries no more than 125 grams of propellant; and
- (c) produces no more than 320 newton-seconds of impulse; and
- (d) is made of balsa, wood, paper or plastics or a combination of those materials, but contains no metal as structural parts.

rocket does not include a rocket-powered or rocket-assisted aircraft.

101.430 Launching rocket in or over prohibited or restricted area

- (1) A person may launch a rocket (including a model rocket) in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

Note: Details of prohibited and restricted areas are published in the AIP or NOTAMS.

Regulation 101.435

- (2) In subregulation (1):

authority controlling the area means:

- (a) in the case of a prohibited area—the Secretary of the Department administered by the Minister administering section 1 of the *Defence Act 1903*; and
- (b) in the case of a restricted area—the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

101.435 Launching rockets into controlled airspace

- (1) A person may launch a rocket (including a model rocket) to higher than 400 feet AGL in controlled airspace only:

- (a) in an approved area; or
- (b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(5).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

101.440 Launching rockets near aerodromes

- (1) A person may launch a rocket that is not a small model rocket to higher than 400 feet AGL within 3 nautical miles of an aerodrome only if:

- (a) doing so is permitted by another provision of this Part; or
- (b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

Note 1: For **model rocket**, see regulation 101.425.

Note 2: Some special provisions apply to model rockets—see regulation 101.470.

- (2) In subregulation (1):

small model rocket means a model rocket that weighs less than 500 grams and either:

- (a) uses no more than 25 grams of propellant; or
- (b) produces no more than 20 newton-seconds of impulse.

- (3) A person may launch a rocket (including both a small model rocket and any other model rocket) from or over an area mentioned in paragraph (4)(a) or (b) only if:

- (a) doing so is permitted by another provision of this Part; or

Regulation 101.445

(b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

- (4) The areas for subregulation (3) are:
- (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (5) An offence against subregulation (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.445 Getting permission for launch of rocket near aerodrome

- (1) The authority that must give permission for regulation 101.440 is:
- (a) if the aerodrome concerned is a controlled aerodrome—the air traffic control service for the aerodrome; or
 - (b) in the case of any other aerodrome—CASA.
- (2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.445, so far as relevant to the proposed launch:

Table 101.445 Details of launching of rocket to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will launch the rocket (or, if several people will be involved, the name, address, email address and telephone number of the person who will coordinate the launching)
2	The date and time the rocket is to be launched
3	Where it is to be carried out
4	The size and mass of the rocket
5	The estimated greatest altitude or flight level that the rocket will reach
6	If more than 1 rocket is to be launched at a time, how many rockets are to be launched at the time

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such launch.
- (4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035(1)(a) or (b).
- (5) An authority mentioned in subregulation (1) may impose conditions on a permission in the interests of the safety of air navigation.
- (6) A person must not contravene a condition imposed under subregulation (5).
- Penalty: 50 penalty units.
- (7) An offence against subregulation (6) is an offence of strict liability.

Regulation 101.450

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.450 Rockets other than model rockets must be launched in approved area

- (1) A person may launch a rocket that is not a model rocket, or permit such a rocket to be launched, only in an approved area.

Penalty: 10 penalty units.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(7).

- (2) A person may launch a rocket that is not a model rocket, or permit such a rocket to be launched, only if the person gives the details listed in the table following subregulation 101.445(2) to CASA at least 1 working day before the intended time of the launch.

Penalty: 10 penalty units.

Note: A person can comply with this requirement by telling:

- (a) if the person is an approved aviation administration organisation—the Australian NOTAM Office; or
- (b) the appropriate approved aviation administration organisation.

See regulation 101.035.

- (3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such rocket.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.455 Maximum operating height of rockets

- (1) A person may launch a rocket that is not a model rocket to higher than 400 feet AGL only:

- (a) in an approved area; or
- (b) as permitted by another provision of this Part.

Penalty: 10 penalty units.

Note: CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart—see subregulation 101.030(7).

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.460 Dropping or discharging of things from rockets

- (1) A person must not cause anything to be dropped or discharged from a rocket in a way that creates a hazard to an aircraft.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
-

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.465 Weather and day limitations—rockets other than model rockets

- (1) A person may launch a rocket that is not a model rocket:
- (a) in or into cloud; or
 - (b) at night; or
 - (c) in conditions other than VMC;
- only as permitted by another provision of this Part, or in accordance with an air traffic control clearance.

Penalty: 10 penalty units.

Note: For *model rocket*, see regulation 101.425.

- (2) However, subregulation (1) does not prevent rockets being operated as part of a firework display.
- (3) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.470 Model rockets

- (1) A person must not launch a model rocket into cloud.

Penalty: 10 penalty units.

Note: For *model rocket*, see regulation 101.425.

- (2) A person must not launch a model rocket to higher than 400 feet AGL within 5 nautical miles of an aerodrome.

Penalty: 10 penalty units.

- (2A) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subject to subregulations (1) and (2) and Subpart 101.B, a person may launch a model rocket outside an approved area, or at night.

Subpart 101.I—Firework displays

101.475 What this Subpart does

This Subpart regulates the conduct of certain firework displays, to the extent necessary to prevent them being a hazard to the safety of air navigation.

101.480 Application of State and Territory laws about fireworks

- (1) If a law of a State or Territory deals with the use of fireworks, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.
- (2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.485 Meaning of *operate a firework display*

For this Subpart, a person *operates a firework display* if the person places the fireworks for the display, or fires them off.

101.490 Certain projectiles prohibited in firework displays

- (1) A person may use, in a firework display, a projectile that is capable of reaching more than 400 feet AGL only if CASA so approves.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101.495 Firework displays not permitted near aerodromes

- (1) A person may operate a firework display in or over an area mentioned in paragraph (2)(a) or (b) only if subregulation (3) or (4) applies to the display.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) The areas for subregulation (1) are:
 - (a) a movement area or runway of an aerodrome; and
 - (b) the approach or departure path of a runway of an aerodrome.
- (3) This subregulation applies to a firework display if:
 - (a) permission for the display has been given by:

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- (i) if the aerodrome is a controlled aerodrome—the air traffic control service for the aerodrome; and
 - (ii) in the case of any other aerodrome—CASA; and
 - (b) the person who proposes to operate the display has, before doing so, given to CASA the details required by table 101.500.
- (4) This subregulation applies to a firework display if the fireworks are set off on or near domestic premises by or for somebody who lives there.

101.500 Notice to CASA of certain firework displays

- (1) A person may operate a firework display at a place within 3 nautical miles of an aerodrome only if the person has given at least 2 working days' notice to CASA.

Penalty: 10 penalty units.

- (2) However, subregulation (1) does not apply if:
- (a) the fireworks are set off on or near domestic premises by or for somebody who lives there; and
 - (b) either:
 - (i) if a law of a State or Territory allows fireworks to be set off in that place only on a particular day or days—the fireworks are set off on such a day; or
 - (ii) if there is no such law in that place—the fireworks are set off on a day on which fireworks are customarily set off on domestic premises in that place.
- (3) When the person tells CASA, the person must also give to CASA the information required by table 101.500.

Table 101.500 Details of firework display to be given to CASA

Item	Information to be provided
1	The name, address, email address and telephone number of the person who will operate the display (or, if several people will be involved in its operation, the name, address, email address and telephone number of the person who will coordinate it)
2	The date the display is to begin, the starting time, and how long it is to last
3	Where it is to be given
4	How many projectiles capable of reaching more than 400 feet AGL are to be used in the display
5	A general description of the pyrotechnic characteristics of each such projectile
6	The estimated highest altitude that any projectile can reach
7	The maximum burst radius of the pyrotechnics in a projectile

- (4) CASA may impose a condition on the operation of a firework display if the condition is reasonably necessary in the circumstances in the interests of the safety of air navigation.

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- (5) A person operating a display must comply with any condition imposed under subregulation (4).

Penalty: 50 penalty units.

- (6) An offence against subregulation (1) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Part 103—Sport and recreation aircraft

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- 103.130 Towing of Part 103 aircraft by other aircraft

Subpart 103.A—Preliminary

103.005 Application of Part 103

- (1) This Part (other than Subpart 103.Z) applies to Part 103 aircraft.
- (2) Despite subregulation (1), this Part does not apply to the operation of a Part 103 aircraft if Part 132, 133, 135 or 137 applies to the operation.
- (2A) Despite subregulation (1), this Part does not apply to the operation of a touring motor glider if:
 - (a) the touring motor glider is registered; and
 - (b) the touring motor glider is being operated solely under Part 91 during a flight; and
 - (c) either:
 - (i) the pilot in command for the flight is exercising the privileges of a pilot licence with an aeroplane category rating; or
 - (ii) the pilot in command for the flight holds an approval under regulation 61.040 for paragraph 61.1515(1)(b).
- (3) Subpart 103.Z applies in relation to the towing of a Part 103 aircraft by an aircraft that is not a Part 103 aircraft.

Meaning of Part 103 aircraft

- (4) An aircraft is a **Part 103 aircraft** if:
 - (a) the aircraft is not registered; and
 - (b) the aircraft is any of the following:
 - (i) a powered parachute;
 - (ii) a gyroglider;
 - (iii) a hang glider or powered hang glider;
 - (iv) a paraglider or powered paraglider;
 - (iva) a touring motor glider;
 - (v) a rotorcraft prescribed by the Part 103 Manual of Standards for the purposes of this subparagraph;
 - (vi) a weight-shift-controlled aeroplane prescribed by the Part 103 Manual of Standards for the purposes of this subparagraph;
 - (vii) any other aeroplane prescribed by the Part 103 Manual of Standards for the purposes of this subparagraph.
- (5) A sailplane is a **Part 103 aircraft**.

Note: This subregulation applies to all sailplanes, including sailplanes registered under Part 47 and sailplanes that are foreign registered aircraft. Sailplanes are required to be registered under Part 47, unless an exception in subregulation 47.015(1) applies.

- (6) Despite subregulations (4) and (5), neither of the following aircraft are **Part 103 aircraft**:
- (a) an RPA;
 - (b) a model aircraft.

103.010 Other key definitions for Part 103

In these Regulations:

Part 103 activity means any of the following:

- (a) operating a Part 103 aircraft;
- (b) maintaining, or ensuring the airworthiness of, a Part 103 aircraft or aeronautical products for Part 103 aircraft;
- (c) providing training in an activity covered by paragraph (a) or (b).
- (d) carrying on a business or undertaking involving the provision of services or equipment for undertaking an activity covered by paragraph (a) or (b);
- (e) the towing of a Part 103 aircraft by another Part 103 aircraft;
- (f) an activity prescribed by the Part 103 Manual of Standards.

Part 103 ASAO means an ASAO whose approved function is or includes administering a Part 103 activity.

103.015 Issue of Manual of Standards for Part 103

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 103 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

103.020 Approvals by CASA for Part 103

- (1) If a provision of this Part, or of the Part 103 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

Subpart 103.B—Aircraft listing, certification and markings

103.025 Listing with a Part 103 ASAO

- (1) A Part 103 aircraft is listed with a Part 103 ASAO for the purposes of this regulation if the aircraft is listed with the Part 103 ASAO in accordance with the requirements prescribed by the Part 103 Manual of Standards for the purposes of this subregulation.

Certain Part 103 aircraft must be listed

- (2) The owner of a Part 103 aircraft contravenes this subregulation if:
 - (a) the aircraft is an aircraft other than a sailplane, hang glider, powered hang glider, paraglider, powered paraglider or registered touring motor glider; and
 - (b) the aircraft has an empty weight of more than 70 kg; and
 - (c) a person operates the aircraft; and
 - (d) the aircraft is not listed with a Part 103 ASAO.

Other Part 103 aircraft may be listed

- (3) If paragraphs (2)(a) and (b) do not apply to a Part 103 aircraft, the aircraft may be listed with a Part 103 ASAO.

Listing with more than one ASAO prohibited

- (4) The owner of a Part 103 aircraft contravenes this subregulation if:
 - (a) a person operates the aircraft; and
 - (b) the aircraft is listed with more than one Part 103 ASAO at the same time.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

103.030 Flying without a certificate of airworthiness—airworthiness standards for certain kinds of Part 103 aircraft

- (1) The Part 103 Manual of Standards may make provision in relation to one or more of the following:
 - (a) airworthiness standards for specified kinds of Part 103 aircraft;
 - (b) for Part 103 ASAOs whose approved functions include administering Part 103 aircraft:
 - (i) the kinds of aircraft for which the Part 103 ASAO may set airworthiness standards; and

- (ii) procedures for setting such standards;
 - (c) procedures for accepting a Part 103 aircraft that meets the standards referred to in paragraph (a) or (b);
 - (d) procedures for issuing a statement of acceptance to the owner of an aircraft accepted in accordance with the procedures mentioned in paragraph (c).
- (2) For the purposes of paragraph 20AA(3)(b) of the Act, a flight in a Part 103 aircraft is authorised without a certificate of airworthiness if a Part 103 ASAO has issued a statement of acceptance to the owner of the aircraft in accordance with the procedures mentioned in paragraph (1)(d) of this regulation.

103.035 Display of markings—aircraft other than sailplanes

- (1) Part 45 does not apply to a Part 103 aircraft that is not a sailplane.
- (2) If the approved functions of a Part 103 ASAO include administering a Part 103 activity in relation to Part 103 aircraft that are not sailplanes, the exposition for the Part 103 ASAO must:
- (a) include requirements relating to the display of markings (within the ordinary meaning of the term) on the aircraft; and
 - (b) prohibit the operation of the aircraft if the aircraft does not meet the requirements mentioned in paragraph (a).

Note: An ASAO, and the holder of an authorisation issued by an ASAO, must not contravene the ASAO's exposition: see regulations 149.345 and 149.410.

- (3) Without limiting subregulation (2), the exposition must include requirements relating to the following:
- (a) when markings must be displayed;
 - (b) the number of sets of markings that must be displayed;
 - (c) the location of sets of markings on aircraft;
 - (d) the characters to be used in each set of markings, including height, width and font requirements.

Subpart 103.C—General obligations

103.040 Requirements for undertaking Part 103 activities

Part 103 activity must be authorised

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a Part 103 activity; and
 - (b) the person does not hold an authorisation from a Part 103 ASAO authorising the person to undertake the activity.
- (2) Subregulation (1) does not apply if:
 - (a) the person holds an approval under regulation 103.020 to undertake the activity; or
 - (b) the person is otherwise authorised under these Regulations to undertake the activity.

Part 103 activity must be undertaken in accordance with authorisation

- (3) A person contravenes this subregulation if the person:
 - (a) undertakes a Part 103 activity; and
 - (b) holds an authorisation from a Part 103 ASAO authorising the person to undertake the activity; and
 - (c) undertakes the activity in a way that contravenes the authorisation.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Subpart 103.D—Operational procedures

103.045 Minimum height rules—other than over populous areas or public gatherings

- (1) This regulation applies if a Part 103 aircraft is flown other than over a populous area or a public gathering.

Note: For minimum height rules if an aircraft is flown over a populous area or a public gathering, see regulation 91.265.
- (2) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown below 500 ft above the highest feature or obstacle within a horizontal radius of 300 m of the point on the ground or water immediately below the aircraft; and
 - (b) none of the circumstances mentioned in subregulation (3) applies.
- (3) The circumstances are the following:
 - (a) the aircraft is taking off, operating or landing in circumstances prescribed by the Part 103 Manual of Standards for the purposes of this paragraph;
 - (b) the aircraft is engaged in a missed approach;
 - (c) the aircraft is a glider engaged in ridge or hill soaring;
 - (d) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice emergency procedure at an aerodrome;
 - (e) the aircraft:
 - (i) is not carrying passengers; and
 - (ii) is engaged in a practice forced landing procedure with the consent of the person or authority having control over the land or water above which the procedure is carried out;
 - (f) the aircraft is performing training circuits at an aerodrome in circumstances prescribed by the Part 103 Manual of Standards for the purposes of this paragraph;
 - (g) the pilot holds an approval for the purposes of regulation 91.180 (air displays in Australian territory);
 - (h) all of the following apply:
 - (i) the pilot in command of the aircraft holds an approval under regulation 103.020 to fly the aircraft below the height mentioned in paragraph (2)(a);
 - (ii) the pilot in command of the aircraft conducts a risk assessment of the area to be flown over;
 - (iii) the point on the ground or water vertically below the aircraft is not within 150 m of a person, vessel, vehicle or structure;

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- (i) for a rotorcraft—the rotorcraft is hovering, air transiting, air taxiing or ground taxiing at an aerodrome;
 - (j) for a rotorcraft, seaplane or amphibian—the aircraft is flying within an access lane:
 - (i) that is for use by aircraft taking off from, or landing at, a particular place; and
 - (ii) details of which are published in the authorised aeronautical information for the flight;
 - (k) the aircraft is engaged in a procedure to determine the suitability of an aerodrome for a landing.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

103.050 Safety when aircraft operating on ground

- (1) A person contravenes this subregulation if:
- (a) the person starts the engine of a Part 103 aircraft, or causes the engine to be started, while the aircraft is on the ground; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the person who starts the engine or causes the engine to be started must be:
 - (i) authorised by a Part 103 ASAO to pilot or maintain the aircraft; or
 - (ii) a person of a kind prescribed by the Part 103 Manual of Standards for the purposes of this subparagraph; and
 - (b) if subparagraph (a)(ii) applies—the aircraft must be secured from moving; and
 - (c) if the aircraft is hand-started—the requirements relating to hand-starting prescribed by the Part 103 Manual of Standards for the purposes of this paragraph.
- (3) A person contravenes this subregulation if:
- (a) the person operates a Part 103 aircraft on the ground, or causes a Part 103 aircraft to be operated on the ground; and
 - (b) the person permits another person to board the aircraft or to remain on the aircraft while a pilot seat of the aircraft is not occupied by a person who is competent to apply the brakes and control the engine.
- (4) For the purposes of paragraph (3)(b), a person is competent to apply the brakes and control the engine of an aircraft if:
- (a) the person has been given instructions on how, and assessed as competent, to apply the brakes and control the engine (including how to shut the engine down) by another person who is authorised by a Part 103 ASAO to pilot or maintain the aircraft; or
 - (b) the person is authorised by a Part 103 ASAO to maintain the aircraft.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

103.055 Carriage of passengers

An exposition for a Part 103 ASAO must include requirements in relation to the carriage of passengers on Part 103 aircraft.

Note: An ASAO, and the holder of an authorisation issued by an ASAO, must not contravene the ASAO's exposition: see regulations 149.345 and 149.410.

103.060 Carriage and restraint of persons

Carriage of infants

- (1) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that an infant must not be carried on the flight except in the circumstances prescribed by the Part 103 Manual of Standards for the purposes of this subregulation.

Restraint of adults and children

- (3) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (4) is not met.
- (4) The requirements are the following:
- (a) if the aircraft is fitted with any seats—at all times during the flight:
 - (i) the pilot in command must occupy a pilot seat, with the seatbelt, and the shoulder harness (if any), securely fastened; and
 - (ii) any other adult carried on the flight must occupy a seat, with the seatbelt, and the shoulder harness (if any), securely fastened;
 - (b) if the aircraft is not fitted with any seats—at all times during the flight each adult on the flight must be wearing a harness or restraint that is securely fastened;
 - (c) in any case—any child carried on the flight must be restrained in accordance with the requirements prescribed by the Part 103 Manual of Standards for the purposes of this paragraph.
- (5) Subregulation (4) does not apply in relation to a person if regulation 105.105 imposes requirements in relation to restraint of the person.

Note: Regulation 105.105 is about restraint of persons carried on an aircraft being operated to facilitate a parachute descent.

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

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Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

103.065 Carriage of cargo

- (1) This regulation does not apply in relation to an animal carried in a passenger cabin.

Note: For the carriage of animals, see regulation 91.620.

- (2) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if:
- (a) cargo is carried on the flight; and
 - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (3) The requirements are the following:
- (a) cargo must not be carried in a place where the cargo may damage, obstruct or cause the failure of any part of the aircraft, or any equipment, that is essential to the safe operation of the aircraft;
 - (b) cargo carried on the aircraft must be:
 - (i) securely stowed in accordance with the aircraft flight manual instructions; or
 - (ii) otherwise safely restrained;
 - (c) cargo must be carried in accordance with any requirements relating to the carriage of cargo:
 - (i) in the aircraft flight manual instructions for the aircraft; or
 - (ii) on a placard on the aircraft;
 - (d) if cargo is carried on an unoccupied seat in the aircraft:
 - (i) the cargo must not weigh more than the weight limitation for that seating position; and
 - (ii) the cargo, and the means of restraint of the cargo, must not interfere with the safe operation of the aircraft;
 - (e) any other requirement relating to the restraint or stowage of cargo prescribed by the Part 103 Manual of Standards for the purposes of this paragraph.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

103.070 Simulating IMC flying

- (1) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if:
- (a) during the flight, IMC are simulated; and
 - (b) a requirement mentioned in subregulation (2) is not met.

- (2) The requirements are the following:
- (a) the aircraft must be of a kind prescribed by the Part 103 Manual of Standards for the purposes of this paragraph;
 - (b) a pilot (the *safety pilot*) must:
 - (i) occupy a pilot seat fitted with fully functioning flight controls; and
 - (ii) have adequate vision forward and to each side of the aircraft;
 - (c) a pilot (the *second pilot*) flying the aircraft under simulated IMC must occupy a pilot seat fitted with fully functioning flight controls;
 - (d) the safety pilot must be authorised by a Part 103 ASAO to pilot the aircraft.
- (3) A person commits an offence if the person contravenes subregulation (1).
- Penalty: 50 penalty units.

103.075 Training flight limitations etc.

- (1) In this regulation:
- permitted person*, in relation to an aircraft, means a person who is carried on the aircraft for the purpose of:
- (a) giving or receiving flying training; or
 - (b) practising for the issue of an authorisation by a Part 103 ASAO; or
 - (c) being assessed for the issue of an authorisation by a Part 103 ASAO.
- (2) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if, during the flight:
- (a) a person other than a permitted person is carried on the aircraft; and
 - (b) the pilot in command permits the simulation (other than verbally) of an emergency or abnormal situation that may affect the handling characteristics of the aircraft.
- (3) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if, during the flight:
- (a) a person other than the following is carried on the aircraft:
 - (i) a permitted person;
 - (ii) a person prescribed by the Part 103 Manual of Standards for the purposes of this subparagraph; and
 - (b) the pilot in command permits a test of the aircraft, or any of its instruments, indicators, items of equipment or systems (other than a test of the aircraft during the course of checks associated with the normal operation of the aircraft).
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).
- Penalty: 50 penalty units.

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103.080 Consumption or provision of alcohol

- (1) A person on a Part 103 aircraft for a flight contravenes this subregulation if:
 - (a) the person consumes alcohol; or
 - (b) the person provides alcohol to another person on the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

103.085 Additional requirements in relation to Part 103 activities

- (1) The Part 103 Manual of Standards may prescribe additional requirements in relation to undertaking a Part 103 activity.
- (2) Without limiting subregulation (1), the Part 103 Manual of Standards may prescribe requirements relating to the following:
 - (a) flights over populous areas, prohibited areas, restricted areas or water;
 - (b) flights in specified classes of airspace;
 - (d) flights at or above specified altitudes;
 - (e) the operation of a Part 103 aircraft at, or within a prescribed distance from, an aerodrome;
 - (f) the conduct of aerobatic manoeuvres during flights;
 - (g) the dropping of things from a Part 103 aircraft during flights;
 - (h) the towing of a Part 103 aircraft by another Part 103 aircraft;
 - (i) the conduct of training in operating a Part 103 aircraft;
 - (j) placards that must be displayed in a Part 103 aircraft;
 - (k) documents that must be carried on a Part 103 aircraft for a flight;
 - (l) documents or authorisations that must be in force when a Part 103 aircraft begins a flight.
- (3) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1) in relation to a Part 103 activity; and
 - (b) the requirement is not met in undertaking the Part 103 activity.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Subpart 103.K—Equipment

103.090 Requirements relating to equipment

- (1) The Part 103 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to a Part 103 aircraft; and
 - (b) the carrying of equipment on a Part 103 aircraft; and
 - (c) equipment that is fitted to, or carried on, a Part 103 aircraft.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 103.M—Airworthiness requirements

103.100 Application of CAR Parts 4 to 4D

- (1) Parts 4 and 4A of CAR do not apply to a Part 103 aircraft unless:
 - (a) the aircraft is listed with a Part 103 ASAO; and
 - (b) a standard certificate of airworthiness is in force in relation to the aircraft.
- (2) Parts 4B, 4C and 4D of CAR do not apply to a Part 103 aircraft unless:
 - (a) a standard certificate of airworthiness is in force in relation to the aircraft;
and
 - (b) the aircraft is:
 - (i) a sailplane; or
 - (ii) listed with a Part 103 ASAO.

103.105 Requirements prescribed by the Part 103 Manual of Standards

- (1) The Part 103 Manual of Standards may prescribe requirements relating to the maintenance, or ensuring the airworthiness of, a Part 103 aircraft or aeronautical products for Part 103 aircraft.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

103.110 Permission for section 20AB of Act

For the purposes of subsection 20AB(2) of the Act, a person is permitted to carry out maintenance:

- (a) on a Part 103 aircraft; or
- (b) on an aeronautical product for a Part 103 aircraft;

if the person holds an authorisation from a Part 103 ASAO authorising the person to carry out the maintenance.

Note: See also regulation 103.040.

103.115 Requirements for ASAO exposition

- (1) This regulation applies if the approved functions of a Part 103 ASAO include administering the activity mentioned in paragraph (b) of the definition of **Part 103 activity** (maintaining, or ensuring the airworthiness of, a Part 103 aircraft or aeronautical products for Part 103 aircraft).

- (2) The exposition for the Part 103 ASAO must include requirements relating to undertaking the activity.

Note: An ASAO, and the holder of an authorisation issued by an ASAO, must not contravene the ASAO's exposition: see regulations 149.345 and 149.410.

103.120 Aircraft data plate—aircraft to which Part 21 does not apply

- (1) This regulation applies in relation to an aircraft data plate attached, or to be attached, to a Part 103 aircraft that is administered by a Part 103 ASAO (other than a data plate attached in accordance with Division 21.Q.2).
- (2) The exposition for the Part 103 ASAO must include requirements relating to the procedures to be used for attaching an aircraft data plate to the aircraft.

Note: An ASAO, and the holder of an authorisation issued by an ASAO, must not contravene the ASAO's exposition: see regulations 149.345 and 149.410.

- (3) The owner of a Part 103 aircraft contravenes this subregulation if an aircraft data plate attached to the aircraft does not meet the requirements prescribed by the Part 103 Manual of Standards for the purposes of this subregulation.
- (4) A person contravenes this subregulation if:
- (a) the person removes or engages in conduct that results in the alteration of any of the information on an aircraft data plate attached to a Part 103 aircraft; and
 - (b) the person does not hold an approval under regulation 103.020 to do so.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

103.125 Major defects

Reporting of defects

- (1) A person contravenes this subregulation if the person:
- (a) is the owner or operator of a Part 103 aircraft that is administered by a Part 103 ASAO; and
 - (b) knows there is a major defect in the aircraft; and
 - (c) does not report the defect, in accordance with the requirements prescribed by the Part 103 Manual of Standards for the purposes of this paragraph, to the Part 103 ASAO within 3 business days after becoming aware of the defect.

Note: Part 4B of CAR contains additional requirements in relation to the reporting of defects in sailplanes.

- (2) A Part 103 ASAO contravenes this subregulation if the Part 103 ASAO:
- (a) receives a report under subregulation (1); and

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- (b) does not, in accordance with the requirements prescribed by the Part 103 Manual of Standards for the purposes of this paragraph, provide a copy of the report to the following:
 - (i) CASA;
 - (ii) each other Part 103 ASAO prescribed by the Part 103 Manual of Standards for the purposes of this subparagraph;
 - (iii) the manufacturer of the aircraft.

Recording of defects

- (3) A person contravenes this subregulation if the person:
 - (a) is the owner or operator of a Part 103 aircraft that is administered by a Part 103 ASAO; and
 - (b) knows there is a major defect in the aircraft; and
 - (c) does not record the defect, in accordance with the requirements prescribed by the Part 103 Manual of Standards for the purposes of this paragraph.
- (4) The pilot in command of a Part 103 aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is administered by a Part 103 ASAO; and
 - (b) a major defect in the aircraft has been recorded in accordance with subregulation (3); and
 - (c) when the flight begins, a person authorised by the Part 103 ASAO has not signed a release to service for the aircraft in relation to the defect.

Offences

- (5) A person commits an offence if the person contravenes subregulation (1), (2), or (3).

Penalty: 50 penalty units.

- (6) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Subpart 103.Z—Towing of Part 103 aircraft by other aircraft

103.130 Towing of Part 103 aircraft by other aircraft

- (1) The Part 103 Manual of Standards may prescribe requirements in relation to the towing of a Part 103 aircraft by an aircraft that is not a Part 103 aircraft.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Part 105—Parachuting from aircraft

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Subpart 105.A—Preliminary

105.005 Application of Part 105

This Part does not apply in relation to:

- (a) parachutes that are not personnel parachutes; or
- (b) parachute descents that are not from aircraft; or
- (c) emergency parachute descents.

105.010 Key definitions for Part 105

In these Regulations:

emergency parachute has the meaning given by the Part 105 Manual of Standards.

major defect means:

- (a) for an emergency parachute—a defect of any part of the emergency parachute that may affect the safe operation of the parachute or cause the parachute to become a danger to persons or property;
- (b) for a reserve parachute—a defect of any part of the reserve parachute assembly that may affect the safe operation of the parachute or cause the parachute to become a danger to persons or property.

parachute does not include a parasail or a powered parachute.

parachute operator means a person who carries on a business or undertaking involving the provision of services or equipment for undertaking parachute descents.

parachuting activity means any of the following:

- (a) a parachute descent;
- (b) packing a parachute;
- (c) maintaining a parachute;
- (d) assembling a parachute;
- (e) supervising a parachute descent;
- (f) operating an aircraft to facilitate a parachute descent;
- (g) providing training in an activity covered by paragraphs (a) to (f);
- (h) carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent;
- (i) an activity prescribed by the Part 105 Manual of Standards.

Part 105 ASAO means an ASAO whose approved function is or includes administering a parachuting activity.

reserve parachute has the meaning given by the Part 105 Manual of Standards.

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reserve parachute assembly has the meaning given by the Part 105 Manual of Standards.

tandem parachutist means a person undertaking a parachute descent in which the person's harness is attached to the harness of another person who is in control of the descent.

trainee parachutist has the meaning given by the Part 105 Manual of Standards.

105.015 Issue of Manual of Standards for Part 105

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 105 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 105.C—General

Division 105.C.1—General flight limitations

105.020 Parachutists must not create hazards

- (1) A person contravenes this subregulation if the person undertakes a parachute descent in a way that creates a hazard to an aircraft, another person or property.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

105.025 Persons must not create hazards to aircraft operated to facilitate parachute descents

- (1) A person contravenes this subregulation if the person does an act that creates a hazard to an aircraft that is being operated to facilitate a parachute descent.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 105.C.2—Operational documents

Note: This Division is reserved for future use.

Division 105.C.3—Flight related documents

Note: This Division is reserved for future use.

Division 105.C.4—Reporting and recording defects, incidents etc.

105.045 Reserve parachutes and emergency parachutes—reporting of major defects by maintainers

- (1) This regulation applies to a person if the person holds an authorisation from a Part 105 ASAO to carry out maintenance on:
 - (a) reserve parachutes; or
 - (b) emergency parachutes.
- (2) A person contravenes this subregulation if the person:
 - (a) carries out maintenance on a reserve parachute or emergency parachute; and
 - (b) knows there is a major defect in the parachute; and
 - (c) does not report the defect to the Part 105 ASAO within 3 business days after becoming aware of the defect.
- (3) The report must:
 - (a) be made in writing; and
 - (b) be made in a form approved by the Part 105 ASAO; and
 - (c) contain the following information:
 - (i) the make and type of the parachute;
 - (ii) the serial number of the parachute;
 - (iii) the name and address of the owner of the parachute;
 - (iv) a description of the defect;
 - (v) how the defect may affect the safety of the parachute or cause the parachute to become a danger to persons or property.
- (4) An ASAO contravenes this subregulation if the ASAO:
 - (a) receives a report under subregulation (2); and
 - (b) does not provide a copy of the report to the following within 3 business days of receiving the report:
 - (i) CASA;
 - (ii) the manufacturer of the parachute;
 - (iii) all other Part 105 ASAOs.
- (5) A person commits an offence if the person contravenes subregulation (2) or (4).
Penalty: 50 penalty units.

105.050 Reserve parachutes—reporting of major defects by parachutists

- (1) This regulation applies to a person if the person holds an authorisation from a Part 105 ASAO to undertake a parachute descent.
 - (2) A person contravenes this subregulation if the person:
-

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- (a) knows there is a major defect in the reserve parachute; and
 - (b) knows that the major defect has not been reported to the Part 105 ASAO;
and
 - (c) does not report the defect to the Part 105 ASAO within 3 business days
after becoming aware of the defect.
- (3) The report must:
- (a) be made in writing; and
 - (b) be made in a form approved by the Part 105 ASAO; and
 - (c) contain the following information:
 - (i) the make and type of the parachute;
 - (ii) the serial number of the parachute;
 - (iii) the name and address of the owner of the parachute;
 - (iv) a description of the defect;
 - (v) how the defect may affect the safety of the parachute or cause the
parachute to become a danger to persons or property.
- (4) An ASAO contravenes this subregulation if the ASAO:
- (a) receives a report under subregulation (2); and
 - (b) does not provide a copy of the report to the following within 3 business
days of receiving the report:
 - (i) CASA;
 - (ii) the manufacturer of the reserve parachute;
 - (iii) all other Part 105 ASAOs.
- (5) A person commits an offence if the person contravenes subregulation (2) or (4).
- Penalty: 50 penalty units.

Division 105.C.5—Search and rescue services and emergency and survival equipment

105.055 Reserve parachute and emergency parachute equipment requirements

Reserve parachutes

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a parachute descent; and
 - (b) the person is not equipped with a reserve parachute that meets the requirements in subregulation (3).
- (2) A person contravenes this subregulation if:
 - (a) the person provides a reserve parachute to another person for the purposes of the other person undertaking a parachute descent; and
 - (b) the reserve parachute does not meet the requirements in subregulation (3).
- (3) The requirements are as follows:
 - (a) the reserve parachute assembly must meet the requirements prescribed by the Part 105 Manual of Standards;
 - (b) the reserve parachute assembly must have been maintained in accordance with the requirements prescribed by the Part 105 Manual of Standards.

Emergency parachutes

- (4) A person contravenes this subregulation if:
 - (a) the person provides an emergency parachute to another person for carriage on board an aircraft prescribed by the Part 105 Manual of Standards; and
 - (b) the emergency parachute does not meet the requirements in subregulation (5).
- (5) The requirements are as follows:
 - (a) the emergency parachute must meet the requirements prescribed by the Part 105 Manual of Standards;
 - (b) the emergency parachute must have been maintained in accordance with the requirements prescribed by the Part 105 Manual of Standards.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Regulation 105.060

105.060 Defective reserve parachutes and defective emergency parachutes

Defective reserve parachutes

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a parachute descent; and
 - (b) the person is equipped with a defective reserve parachute.
- (2) Subregulation (1) does not apply if the person is a tandem parachutist or a trainee parachutist.

Defective reserve parachutes and defective emergency parachutes

- (3) A person contravenes this subregulation if the person provides a defective reserve parachute or a defective emergency parachute to another person for the purposes of the other person undertaking a parachute descent.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Defective reserve parachute

- (5) For the purposes of this regulation, a **defective reserve parachute** means a reserve parachute:
 - (a) that is covered by a report under regulation 105.045 or 105.050; or
 - (b) that is covered by an airworthiness directive; or
 - (c) whose assembly does not meet a requirement prescribed by the Part 105 Manual of Standards for the purposes of paragraph 105.055(3)(a); or
 - (d) for which the manufacturer of the parachute has issued a notice stating that action must be taken in relation to the parachute to ensure the safety of air navigation and that action has not been taken.

Defective emergency parachute

- (6) For the purposes of this regulation, a **defective emergency parachute** means an emergency parachute:
 - (a) that is covered by a report under regulation 105.045; or
 - (b) that is covered by an airworthiness directive; or
 - (c) that does not meet a requirement prescribed by the Part 105 Manual of Standards for the purposes of paragraph 105.055(5)(a); or
 - (d) for which the manufacturer of the parachute has issued a notice stating that action must be taken in relation to the parachute to ensure the safety of air navigation and that action has not been taken.

Division 105.C.6—Miscellaneous requirements

105.065 Requirements for undertaking parachuting activities

Parachuting activity must be authorised

- (1) A person contravenes this subregulation if the person:
 - (a) undertakes a parachuting activity; and
 - (b) does not hold an authorisation from a Part 105 ASAO authorising the person to undertake the activity.

Parachuting activity must be undertaken in accordance with authorisation

- (2) A person contravenes this subregulation if the person:
 - (a) undertakes a parachuting activity; and
 - (b) holds an authorisation from a Part 105 ASAO authorising the person to undertake the activity; and
 - (c) undertakes the activity in a way that contravenes the authorisation.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

105.070 Additional obligations applying to parachute operators

- (1) A parachute operator must take reasonable steps to ensure that each person employed or otherwise engaged by the operator to provide services or equipment for undertaking parachute descents:
 - (a) is aware of the obligations imposed on persons under this Part; and
 - (b) complies with any written procedures of the operator relating to the safe provision of those services or that equipment.
- (2) A parachute operator must take reasonable steps to ensure that a person to whom the operator provides services or equipment for undertaking parachute descents:
 - (a) is aware of the obligations imposed on the person under this Part; and
 - (b) complies with any written procedures of the operator relating to the safe conduct of parachute descents.
- (3) A person commits an offence if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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105.075 Permission to undertake parachute descent

- (1) This regulation applies in relation to a person undertaking a parachute descent other than as a tandem parachutist.
- (2) A person (the *parachutist*) contravenes this subregulation if:
 - (a) the parachutist undertakes a parachute descent; but
 - (b) before the parachutist exits the aircraft to begin the parachute descent, the pilot in command of the aircraft, or a person nominated by the pilot, has not given permission for the parachutist to do so.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.080 General requirements for aircraft used for parachute descents

- (1) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) the aircraft is not one of the following:
 - (i) a Part 103 aircraft;
 - (ii) an aeroplane;
 - (iii) a helicopter;
 - (iv) a powered-lift aircraft;
 - (v) a manned free balloon.
- (2) The pilot in command of a Part 103 aircraft contravenes this subregulation if the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (a) a trainee parachutist;
 - (b) a tandem parachutist.
- (3) The pilot in command of an aircraft (other than a Part 103 aircraft) contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist; and
 - (b) the pilot does not meet the pilot training requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (4) The pilot in command of a multi-engine aeroplane or a single-engine turbine-powered aeroplane contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist; and

- (b) the pilot does not meet the flight time required by subregulation (5).
- (5) The flight time required by this subregulation is:
 - (a) if the aircraft is a multi-engine aeroplane:
 - (i) at least 10 hours of experience as pilot in command of the type of aircraft being operated; or
 - (ii) at least 100 hours of experience as pilot in command, or as pilot in command under supervision, of a multi-engine aeroplane; or
 - (b) if the aircraft is a single-engine turbine-powered aeroplane:
 - (i) at least 10 hours of experience as pilot in command of the type of aircraft being operated; or
 - (ii) at least 100 hours of experience as pilot in command, or as pilot in command under supervision, of a multi-engine aeroplane or a single-engine turbine-powered aeroplane.
- (6) The pilot in command of a powered-lift aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist; and
 - (b) the pilot does not meet the flight time requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (3), (4) or (6).

Penalty: 50 penalty units.

- (8) In this regulation:

flight time has the same meaning as in Part 61.

multi-engine aeroplane has the same meaning as in Part 61.

105.085 Requirements for aircraft used for descents by trainee parachutists and tandem parachutists

- (1) This regulation applies if an aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (a) a trainee parachutist;
 - (b) a tandem parachutist.
- (2) The operator and the pilot in command of an aircraft each contravene this subregulation if the aircraft does not meet a requirement mentioned in subregulation (3).
- (3) The requirements are as follows:
 - (a) a standard certificate of airworthiness must be in force for the aircraft;

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- (b) if the certificate of airworthiness is granted subject to a condition or requirement—the condition or requirement must be complied with;
 - (c) there must be either:
 - (i) a certificate of release to service for the most recent maintenance carried out on the aircraft; or
 - (ii) a maintenance release for the aircraft;
 - (d) the aircraft and each of the aircraft's engines must have been maintained in accordance with the requirements prescribed by the Part 105 Manual of Standards.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.090 Dropping things over populous areas

- (1) A person contravenes this subregulation if:
- (a) the person undertakes a parachute descent over a populous area; and
 - (b) the person causes a thing to be dropped:
 - (i) from the aircraft before the descent; or
 - (ii) during the descent; and
 - (c) the thing is dropped otherwise than in accordance with any requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

105.095 Dropping things other than over populous areas

- (1) A person contravenes this subregulation if:
- (a) the person undertakes a parachute descent other than over a populous area; and
 - (b) the person causes a thing to be dropped:
 - (i) from the aircraft before the descent; or
 - (ii) during the descent; and
 - (c) either or both of the following apply:
 - (i) the thing is dropped otherwise than in accordance with an authorisation from a Part 105 ASAO to cause the thing to be dropped;
 - (ii) the thing is dropped otherwise than in accordance with any requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (2) A person contravenes this subregulation if:
- (a) the person undertakes a parachute descent; and

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- (b) the person causes a thing to be dropped:
 - (i) from the aircraft before the descent; or
 - (ii) during the descent; and
 - (c) the thing creates a hazard to another aircraft, a person or property.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 105.D—Operational requirements

105.100 Additional requirements in relation to parachuting activities

- (1) The Part 105 Manual of Standards may prescribe additional requirements in relation to undertaking parachuting activities.
- (2) Without limiting subregulation (1), the Part 105 Manual of Standards may prescribe requirements relating to the following:
 - (a) commencing parachute descents;
 - (b) the making of broadcasts by pilots in command of aircraft being operated to facilitate parachute descents;
 - (c) entering cloud during parachute descents;
 - (d) descents through different classes of airspace or in restricted areas;
 - (e) descents that involve landings near public gatherings;
 - (f) descents that involve landings in populous areas;
 - (g) packing, inspecting, maintaining, assembling, repairing, modifying or altering reserve parachutes, reserve parachute assemblies or emergency parachutes;
 - (h) the safe management of parachuting drop zones.
- (3) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

105.105 Restraint of persons other than flight crew members

- (1) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person is not provided with any of the following restraint devices:
 - (i) a seatbelt;
 - (ii) a shoulder harness;
 - (iii) a single-point or dual-point restraint that is an approved restraint device.
- (2) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person:

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- (i) is provided with a restraint device mentioned in paragraph (1)(c); but
 - (ii) is not provided with instructions for the use of the device.
- (3) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person is provided with a restraint device mentioned in paragraph (1)(c); and
 - (d) before doing any of the following, the requirement mentioned in subregulation (4) is not met:
 - (i) taxiing;
 - (ii) taking off;
 - (iii) landing.
- (4) The requirement is that the person must be directed to fasten the person's restraint device.
- (5) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person is provided with a restraint device mentioned in paragraph (1)(c); and
 - (d) the pilot in command has reason to believe it is necessary, for the safety of the person, that the person's restraint device is fastened; and
 - (e) the pilot in command does not direct the person to fasten the person's restraint device.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (3) or (5).
Penalty: 50 penalty units.
- (7) For the purposes of this regulation, a restraint device is an ***approved restraint device*** if it is approved by CASA under regulation 21.305.

105.110 Persons other than flight crew members—compliance with safety directions

- (1) A person contravenes this subregulation if:
 - (a) a person is carried on an aircraft being operated to facilitate a parachute descent; and
 - (b) the person is not a flight crew member; and
 - (c) a direction mentioned in subregulation 105.105(4) or paragraph 105.105(5)(e) is given to the person; and
 - (d) the person does not comply with the direction.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Penalty: 50 penalty units.

105.115 Restrictions on aircraft occupants for descents by trainee parachutists and tandem parachutists

- (1) This regulation applies if an aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (a) a trainee parachutist;
 - (b) a tandem parachutist.
- (2) The pilot in command of the aircraft contravenes this subregulation if a person is carried on the aircraft and the person is not:
 - (a) undertaking a parachute descent from the aircraft; or
 - (b) a crew member; or
 - (c) an officer, or delegate of CASA, who is on board the aircraft to carry out the officer's or delegate's duties; or
 - (d) performing a duty in accordance with the exposition of a Part 105 ASAO; or
 - (e) authorised by a Part 105 ASAO to be carried on the flight for training purposes.
- (3) Subregulation (2) does not apply if:
 - (a) the aircraft is a manned free balloon; and
 - (b) the pilot in command holds an authorisation from a Part 105 ASAO to carry the person on board the balloon.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Subpart 105.G—Personnel fatigue management

105.120 Management of fatigue in relation to persons exercising certain parachute descent duties

- (1) The Part 105 Manual of Standards may prescribe requirements in relation to managing the risk of fatigue in persons who exercise a duty in relation to the operation of aircraft being operated to facilitate parachute descents.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 105.J—Weight and balance

105.125 Loading of aircraft used for parachute descents

- (1) The Part 105 Manual of Standards may prescribe requirements in relation to the loading of aircraft being operated to facilitate a parachute descent.
- (2) Without limiting subregulation (1), the Part 105 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) aircraft loading procedures that must be followed;
 - (b) aircraft loading system requirements;
 - (c) the making and retention of aircraft loading records.
- (3) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Subpart 105.K—Instruments, indicators, equipment and systems

105.130 Requirements relating to radio equipment and oxygen equipment

- (1) The Part 105 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) radio equipment that must be carried on aircraft that are being operated to facilitate parachute descents;
 - (b) oxygen equipment that must be carried on aircraft that are being operated to facilitate parachute descents;
 - (c) the circumstances in which equipment mentioned in paragraph (a) or (b) must be used.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 105.N—Flight crew

105.135 Pilot requirements for parachute descents—Part 103 aircraft

- (1) This regulation applies if a Part 103 aircraft is being operated to facilitate a parachute descent.
- (2) The pilot in command of the aircraft contravenes this subregulation if:
 - (a) the pilot does not satisfy the requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph; or
 - (b) the aircraft does not satisfy the requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.140 Pilot requirements for parachute descents—aeroplanes

- (1) This regulation applies if an aeroplane (other than a Part 103 aircraft) is being operated to facilitate a parachute descent.
- (2) The pilot in command of the aeroplane contravenes this subregulation if none of the following apply:
 - (a) the pilot holds an air transport pilot licence with an aeroplane category rating;
 - (b) the pilot holds a commercial pilot licence with an aeroplane category rating;
 - (c) the pilot has both:
 - (i) a private pilot licence with an aeroplane category rating; and
 - (ii) the aeronautical experience mentioned in regulation 61.610.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.145 Pilot requirements for parachute descents—helicopters

- (1) This regulation applies if a helicopter (other than a Part 103 aircraft) is being operated to facilitate a parachute descent.
- (2) The pilot in command of the helicopter contravenes this subregulation if none of the following apply:
 - (a) the pilot holds an air transport pilot licence with a helicopter category rating;
 - (b) the pilot holds a commercial pilot licence with a helicopter category rating;

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- (c) the pilot has both:
 - (i) a private pilot licence with a helicopter category rating; and
 - (ii) the aeronautical experience mentioned in regulation 61.610 in a helicopter.
 - (3) A person commits an offence of strict liability if the person contravenes subregulation (2).
- Penalty: 50 penalty units.

105.150 Pilot requirements for parachute descents—powered-lift aircraft

- (1) This regulation applies if a powered-lift aircraft is being operated to facilitate a parachute descent.
 - (2) The pilot in command of the aircraft contravenes this subregulation if none of the following apply:
 - (a) the pilot holds an air transport pilot licence with a powered-lift aircraft category rating;
 - (b) the pilot holds a commercial pilot licence with a powered-lift aircraft category rating;
 - (c) the pilot has both:
 - (i) a private pilot licence with a powered-lift aircraft category rating; and
 - (ii) the aeronautical experience mentioned in regulation 61.610 in a powered-lift aircraft.
 - (3) A person commits an offence of strict liability if the person contravenes subregulation (2).
- Penalty: 50 penalty units.

105.155 Pilot requirements for parachute descents—manned free balloons

- (1) This regulation applies if a manned free balloon is being operated to facilitate a parachute descent.
- (2) The pilot in command of the balloon contravenes this subregulation if none of the following apply:
 - (a) the pilot holds a commercial pilot (balloon) licence;
 - (b) the pilot has both:
 - (i) an authorisation from a Part 131 ASAO that authorises the pilot to operate a manned free balloon; and
 - (ii) at least 75 hours of experience as pilot in command of a manned free balloon;
 - (c) the pilot meets the requirements prescribed by the Part 105 Manual of Standards for the purposes of this subregulation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Part 105 Parachuting from aircraft
Subpart 105.N Flight crew

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Penalty: 50 penalty units.

Part 115—Commercial sport and recreational aviation operations

Note: This Part heading is reserved for future use.

Part 117—Representations and surveys

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- 117.015 Safety-related surveys or questionnaires—holders of certain civil aviation authorisations
- 117.020 Owner or registered operator to provide information about aircraft
- 117.025 Owner or registered operator to provide traffic reports
- 117.030 Protection of information

117.005 What this Part is about

This Part provides for offences for:

- (a) misrepresentations about holding certain civil aviation authorisations; and
- (b) not completing safety-related surveys or questionnaires; and
- (c) not providing statistical information about aircraft; and
- (d) not providing traffic reports.

117.010 Misrepresentations about holding certain civil aviation authorisations

- (1) A person commits an offence if:
 - (a) the person represents to another person, in any way, that the person is willing to conduct an activity using an aircraft; and
 - (b) the person does not hold a particular civil aviation authorisation authorising the person to conduct the activity using the aircraft; and
 - (c) under the Act or these Regulations, it is an offence for a person to conduct the activity using the aircraft if the person does not hold the civil aviation authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: For the definition of *civil aviation authorisation*, see section 3 of the Act.

117.015 Safety-related surveys or questionnaires—holders of certain civil aviation authorisations

- (1) CASA may, by written notice given to a person mentioned in subregulation (2), direct the person to:
 - (a) complete a safety-related survey or questionnaire by accurately answering all mandatory questions in the survey or questionnaire; and
 - (b) submit the completed survey or questionnaire to CASA within the time stated in the notice.
- (2) For subregulation (1), the persons are the following:

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- (a) the holder of an AOC;
 - (b) a Part 141 operator who conducts flight training in aircraft;
 - (c) a person who gave a notice to CASA under regulation 101.372 (Notice to operate very small RPA for hire or reward);
 - (d) the holder of a certificate as an RPA operator under Division 101.F.4;
 - (e) the holder of an aerial work certificate;
 - (f) the holder of an approval under regulation 131.035 to conduct a specialised balloon operation.
- (3) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.
- (4) CASA may, by written notice given to the person (the *notice of extension*), grant the extension.
- (5) The person commits an offence if the person does not comply with the direction within:
- (a) if CASA grants an extension under subregulation (4)—the time stated in the notice of extension; or
 - (b) if paragraph (a) does not apply—the time stated in the notice under subregulation (1).

Penalty: 25 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

117.020 Owner or registered operator to provide information about aircraft

- (1) CASA may, by written notice given to the owner of an aircraft or the registered operator of the aircraft if the owner is not the registered operator of the aircraft, direct the person to:
- (a) collect specified statistical and other information relating to the aircraft, including information in relation to any of the following:
 - (i) operations of the aircraft;
 - (ii) passengers or cargo carried by the aircraft;
 - (iii) crew members of the aircraft;
 - (iv) modifications, repairs, damage or defects in the aircraft; and
 - (b) provide the information to CASA within the time stated in the notice.
- (2) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.
- (3) CASA may, by written notice given to the person, grant the extension.
- (4) If CASA gives a person a direction under this regulation, the person must comply with the direction:
- (a) if CASA grants an extension under subregulation (3)—within the time stated in the notice of extension; or
 - (b) otherwise—within the time stated in the notice under subregulation (1).

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- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 25 penalty units.

117.025 Owner or registered operator to provide traffic reports

- (1) CASA may, by written notice given to the owner of an aircraft engaged in air transport operations or the registered operator of the aircraft if the owner is not the registered operator of the aircraft, direct the person to:
- (a) prepare traffic reports; and
 - (b) provide the traffic reports to CASA within the time stated in the notice.
- (2) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.
- (3) CASA may, by written notice given to the person, grant the extension.
- (4) If CASA gives a person a direction under this regulation, the person must comply with the direction:
- (a) if CASA grants an extension under subregulation (3)—within the time stated in the notice of extension; or
 - (b) otherwise—within the time stated in the notice under subregulation (1).
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 25 penalty units.

117.030 Protection of information

When this regulation applies

- (1) This regulation does not apply in relation to personal information.

Note: For disclosure of personal information, see regulation 201.016.

Information must not be disclosed except in certain circumstances

- (2) A person to whom information has been disclosed under regulation 117.020 or 117.025 must not disclose the information.
- (3) Subregulation (2) does not apply if:
- (a) the disclosure is for the purposes of these Regulations or the Act; or
 - (b) the disclosure is authorised or required by a law of the Commonwealth; or
 - (c) the disclosure is in connection with compliance with a requirement of the Chicago Convention; or
 - (e) the disclosure is with the consent of the person to whom the information disclosed relates.

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- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 25 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Part 119—Australian air transport operators—certification and management

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Subpart 119.A—General

119.005 What Part 119 is about

This Part makes provision for applicants for, and holders of, AOCs that authorise the operation of aeroplanes or rotorcraft for Australian air transport operations.

Note 1: See also Division 2 (Air Operators' Certificates (AOCs)) of Part III of the Act in relation to AOCs generally.

Note 2: A person must hold an AOC under this Part to conduct any of the following:

- (a) Part 121 operations;
- (b) Part 133 operations;
- (c) Part 135 operations.

119.010 Definition of *Australian air transport operation*

- (1) An operation is an *Australian air transport operation* if the operation is any of the following:
 - (a) an air transport operation conducted by an Australian operator using a registered aeroplane or rotorcraft;
 - (b) an air transport operation:
 - (i) that is a flight into or out of Australian territory or an operation in Australian territory; and
 - (ii) that is conducted by an Australian operator using an aeroplane or rotorcraft that is a foreign registered aircraft;
 - (c) an air transport operation:
 - (i) that is conducted by an Australian operator using an aeroplane or rotorcraft; and
 - (ii) that is provided for under the ANZA mutual recognition agreements;
 - (d) an air transport operation conducted by a foreign operator:
 - (i) using an aeroplane or rotorcraft that is a foreign registered aircraft; and
 - (ii) undertaken wholly within Australia; and
 - (iii) not undertaken as part of a flight into or out of Australian territory;
 - (e) an operation, conducted using an aeroplane or rotorcraft, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.
- (2) However, each of the following is not an *Australian air transport operation*:
 - (a) the operation of an aeroplane or rotorcraft under a permission under:
 - (i) section 25 (non-scheduled flights by foreign registered aircraft) of the Act; or
 - (ii) section 27A (permission for operation of foreign registered aircraft without AOC) of the Act;

- (b) an air transport operation authorised by a New Zealand AOC with ANZA privileges that is in force for Australia;
- (c) an operation of an aircraft to which Part 129 (foreign air transport operations) of these Regulations applies;
- (d) an operation, conducted using an aeroplane or rotorcraft, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.

Note: See Part 129 for provisions relating to foreign operators conducting flights into or out of Australian territory, or flights wholly within Australian territory that are conducted as part of flights into or out of Australian territory.

119.015 Definitions of *Australian air transport AOC* and *Australian air transport operator*

- (1) An *Australian air transport AOC* is an AOC that authorises the operation of an aeroplane or rotorcraft for an Australian air transport operation.
- (2) An *Australian air transport operator* is a person who holds an Australian air transport AOC.

119.020 Definition of *significant change*

A *significant change*, for an Australian air transport operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of the operator's main operating bases, including the opening or closing of main operating bases;
 - (ii) the operator's key personnel;
 - (iii) a person authorised to carry out the responsibilities of any of the key personnel if the position holder is absent from the position or cannot carry out the responsibilities of the position;
 - (iv) the formal reporting lines for a managerial or operational position with safety functions and responsibilities that reports directly to any of the key personnel;
 - (v) the operator's process for making changes that relate to the safe conduct and management of the operator's air transport operations;
 - (vi) the kinds of Australian air transport operations the operator is authorised to conduct under the operator's Australian air transport AOC;
 - (vii) the operator's areas of operation or routes, including beginning to operate in a new area or on a new route (but not including ceasing to operate in an area or on a route);
 - (viii) the types and models of aeroplanes or rotorcraft used in the operator's Australian air transport operations, including the addition of a new type or model (but not including ceasing to operate a type or model);
or
- (b) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:

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- (i) the plans, processes, procedures, programs and systems for the safe conduct and management of the operator's Australian air transport operations;
 - (ii) the qualifications, experience and responsibilities required by the operator for any of the operator's key personnel;
 - (iii) any other aeronautical or aviation safety related services provided to the operator by third parties;
 - (iv) any change to the registration of an aeroplane or rotorcraft used in the operator's Australian air transport operations;
 - (v) any leasing or other arrangements for the supply of an aeroplane or rotorcraft used in the operator's Australian air transport operations; or
- (c) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

119.025 Approvals by CASA for Part 119

- (1) If a provision of this Part, or of the Part 119 Manual of Standards, refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for either of the following provisions:
 - (a) paragraph 119.135(3)(a);
 - (b) paragraph 119.145(3)(a).

119.030 Prescribed purpose—Australian air transport operations

For the purposes of subsection 27(9) of the Act, the flying or operation of an aeroplane or rotorcraft for an Australian air transport operation is a prescribed purpose.

119.035 Prescribed position—safety manager

- (1) An Australian air transport operator must have a safety manager.
- (2) For the purposes of paragraph (e) of the definition of *key personnel* in subsection 28(3) of the Act, the position of safety manager is prescribed for Australian air transport operators.

119.036 Required position—head of training and checking

An Australian air transport operator must have a position (however described) that is the head of the training and checking part of the organisation.

119.040 Required material for reference library

- (1) For the purposes of paragraph 28BH(2)(b) of the Act, the following material is required for an Australian air transport operator:
 - (a) the civil aviation legislation that is relevant to the operator's Australian air transport operations;
 - (b) the parts of the AIP that are relevant to the operations;
 - (c) if the operator conducts operations in one or more foreign countries—the document for each of those countries that is equivalent to the AIP;
 - (d) all information about the flight operations of each type and model of aeroplane or rotorcraft operated by the operator for the operations that is necessary to ensure the safe conduct of the operations;
 - (e) any other publications, information or data required for the reference library by the operator's exposition.
- (2) To avoid doubt, if material is required under subregulation (1), the requirement is taken to be satisfied if an electronic copy of the material is readily available.

119.045 Issue of Manual of Standards for Part 119

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 119 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

119.050 Australian air transport AOC required

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an Australian air transport operation; and
 - (b) the person does not hold an Australian air transport AOC that authorises the person to conduct the Australian air transport operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.055 Compliance with Australian air transport AOCs

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an Australian air transport operation; and
 - (b) the person holds an Australian air transport AOC that authorises the person to conduct the Australian air transport operation; and
 - (c) the person conducts the operation in a way that contravenes the AOC.

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- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.060 Compliance with conditions of Australian air transport AOCs

- (1) An Australian air transport operator contravenes this subregulation if the operator contravenes a condition of the operator's Australian air transport AOC.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 119.B—Australian air transport AOCs

119.065 Application

- (1) A person may apply to CASA for the issue of an Australian air transport AOC.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (b) if the address of the applicant's operational headquarters is different from the applicant's mailing address—the address of the applicant's operational headquarters;
 - (c) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
 - (d) if the applicant is a corporation—the name of each of the directors of the corporation;
 - (e) if the applicant is a corporation registered in Australia that has an ACN—the applicant's ACN and the address of the applicant's registered office;
 - (f) if the applicant is a corporation not registered in Australia—the place the applicant was incorporated or formed;
 - (g) details of the Australian air transport operations covered by the application;
 - (h) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the AOC, the applicant will:
 - (i) be capable of operating in accordance with the applicant's exposition and the civil aviation legislation; and
 - (ii) operate in accordance with the applicant's exposition and the civil aviation legislation.
- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

Note: See also sections 27AB (lodgment of manuals) and 27AC (CASA may require information etc. and inspections etc.) of the Act.

119.070 Conditions for issue

- (1) It is a condition for the issue to the applicant of an Australian air transport AOC that CASA is satisfied of each of the following:
 - (a) the applicant's proposed exposition complies with regulation 119.205;
 - (b) the applicant can conduct Australian air transport operations safely and in accordance with the applicant's exposition and the civil aviation legislation;
 - (c) if the applicant is an individual—the applicant:

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- (i) is a fit and proper person to be issued an Australian air transport AOC; and
- (ii) is, or proposes to be, the applicant's chief executive officer;
- (d) if the applicant is a corporation—each director of the corporation is a fit and proper person to be a director of a corporation that is issued an Australian air transport AOC;
- (e) each of the applicant's proposed key personnel:
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required under Subpart 119.D for the position; and
 - (iii) has the additional qualifications and experience required by CASA under regulation 119.165 for the position (if any); and
 - (iv) has the qualifications and experience required by the applicant under subparagraph 119.205(1)(e)(i) for the position (if any);
- (f) the applicant's arrangements for managing the continuing airworthiness of each type and model of aeroplane or rotorcraft the applicant proposes to operate in the applicant's Australian air transport operations comply with these Regulations.

Note 1: These matters are in addition to the matters specified in section 28 (CASA must issue AOC if satisfied about certain matters) of the Act.

Note 2: For Australian air transport AOCs with ANZA privileges, these matters are also in addition to the matters specified in section 28B (Additional conditions for issue of an Australian AOC with ANZA privileges) of the Act and subregulation (4) of this regulation.

- (2) For the purposes of paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:
 - (a) the applicant's proposed exposition;
 - (b) whether the applicant can comply with the proposed exposition;
 - (c) the content of the undertaking mentioned in paragraph 119.065(2)(h);
 - (d) details of, and reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant under the law of a foreign country or by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the operations;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For the purposes of paragraphs (1)(c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:
 - (a) the person's criminal record (if any), whether in Australia or a foreign country;

- (b) the person's bankruptcy (if any), whether in Australia or a foreign country;
- (c) the person's history (if any) of serious behavioural problems;
- (d) any information held or obtained by CASA that the person has contravened:
 - (i) the civil aviation legislation; or
 - (ii) another law, whether in Australia or a foreign country, relating to transport (including aviation) safety or safety in any other safety-critical industry;
- (e) the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;
- (f) the record of compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety of any corporation or other body in which the person:
 - (i) is or was a director or partner (however described); or
 - (ii) holds or held a position equivalent to any of the applicant's key personnel;
- (g) for any corporation in which the person is or was a director, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country—the following records:
 - (i) the corporation's criminal record (if any);
 - (ii) the corporation's record of insolvency, bankruptcy, receivership or winding up (if any);
 - (iii) the corporation's record (if any) as a body subject to investigation or comment by a statutory authority that regulates the share dealings by, or financial affairs of, corporations;
- (h) any other matter relating to the fitness of the person to:
 - (i) for an applicant—hold an Australian air transport AOC; or
 - (ii) for a director or proposed director—be a director of a corporation that holds an Australian air transport AOC.

Additional conditions—Australian air transport AOC with ANZA privileges

- (4) For the purposes of paragraph 28B(1)(e) of the Act, it is also a condition for the issue of an Australian air transport AOC with ANZA privileges that CASA must be satisfied that each aeroplane the applicant proposes to operate under the AOC for ANZA activities in New Zealand complies with the following requirements:
 - (a) the aeroplane either:
 - (i) has a maximum take-off weight of more than 15,000 kg; or
 - (ii) is permitted by its type certificate or foreign type certificate to have a passenger seating capacity of more than 30 seats;
 - (b) the aeroplane is registered in Australia or New Zealand.

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119.075 Approval of exposition

If CASA issues an Australian air transport AOC to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

119.080 Conditions of an Australian air transport AOC

- (1) For the purposes of paragraph 28BA(1)(b) of the Act, each of the following is a condition of an Australian air transport AOC issued to an operator:
- (a) the operator must comply with each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of the civil aviation legislation that applies to the operator's operations under the AOC;
 - (c) each of the positions of the operator's key personnel must be filled;
 - (d) each of the operator's personnel must comply with each provision of the civil aviation legislation that applies to the operator's operations under the AOC;
 - (e) if the operator is an individual—the individual must be the operator's chief executive officer;
 - (f) the positions of chief executive officer and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2);
 - (g) the positions of head of flying operations and safety manager may be occupied by the same person:
 - (i) if there is an unforeseen circumstance—for the period mentioned in subregulation (2); or
 - (ii) if the operator holds an approval under regulation 119.025 for the positions to be occupied by the same person—for the period specified in the approval;
 - (h) for each registered aeroplane or rotorcraft operated by the operator under the AOC, the operator must:
 - (i) be the registered operator of the aeroplane or rotorcraft; or
 - (ii) hold an approval under regulation 119.025 for the aeroplane or rotorcraft.

Note 1: These matters are in addition to the matters specified in section 28BA (general conditions) and subsection 28BAA(1) (certain conditions for grant of AOC also have effect as ongoing conditions on the AOC) of the Act.

Note 2: For Australian air transport AOCs with ANZA privileges, these matters are also in addition to the matters specified in subsection 28BAA(2) (certain conditions for grant of AOC also have effect as ongoing conditions on the AOC) of the Act and subregulation (3) of this regulation.

- (2) For the purposes of subparagraphs (1)(f)(ii) and (g)(i), the period is:
- (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 119.025 in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

Additional conditions—Australian air transport AOC with ANZA privileges

- (3) For the purposes of paragraph 28BA(1)(b) of the Act, it is also a condition of an Australian air transport AOC with ANZA privileges that each aeroplane operated by the AOC holder under the AOC for ANZA activities in New Zealand must comply with the following requirements:
- (a) the aeroplane either:
 - (i) has a maximum take-off weight of more than 15,000 kg; or
 - (ii) is permitted by its type certificate or foreign type certificate to have a passenger seating capacity of more than 30 seats;
 - (b) the aeroplane is registered in Australia or New Zealand.

Subpart 119.C—Changes relating to Australian air transport operators

119.085 Changes of name etc.

- (1) An Australian air transport operator contravenes this subregulation if the operator:
 - (a) makes a change mentioned in subregulation (2); and
 - (b) does not, before making the change:
 - (i) amend the operator's exposition to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.
- (2) For the purposes of paragraph (1)(a), the changes are the following:
 - (a) a change to the operator's name (including any operating or trading name) or contact details;
 - (b) if the address of the operator's operational headquarters is different from the operator's mailing address—a change to the address of the operator's operational headquarters.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.090 Application for approval of significant changes

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2); and
 - (b) CASA has not approved the significant change.
- (2) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator makes a significant change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 119.205(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.
- (3) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the operator's exposition affected by the change, clearly identifying the change.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

119.095 Approval of significant changes

- (1) CASA may approve a significant change for an Australian air transport operator only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 119.070(1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application for the change.

119.100 Changes must be made in accordance with process in exposition

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process included in the operator's exposition in accordance with paragraph 119.205(1)(m).
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.105 CASA directions relating to exposition or key personnel

- (1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to an Australian air transport operator, direct the operator to change the operator's exposition:
- (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may, by written notice given to an Australian air transport operator, direct the operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
- (a) carrying out the safety responsibilities of the position under Subpart 119.D; or
 - (b) if the person is the chief executive officer—properly managing safety matters for which the person is accountable under Subpart 119.D.
- (3) A notice under this regulation must state the time within which the direction must be complied with.

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- (4) An Australian air transport operator contravenes this subregulation if:
 - (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the notice.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Subpart 119.D—Organisation and personnel

119.110 Organisation and personnel

- (1) An Australian air transport operator must maintain an organisational structure that effectively manages the operator's Australian air transport operations, taking into account the size, nature and complexity of the operations.
- (2) An Australian air transport operator contravenes this subregulation if any of the operator's key personnel carries out a responsibility of the person's position in a way that contravenes the operator's exposition or this Subpart.
- (3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

119.115 When key personnel cannot carry out responsibilities

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator becomes aware that any of the operator's key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days; and
 - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).
- (2) The time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.120 Familiarisation training for key personnel

An Australian air transport operator must ensure that, before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

119.125 Chief executive officer—experience

- (1) The chief executive officer of an Australian air transport operator must have the experience required under subregulation (2).

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- (2) The experience required is:
 - (a) if the operator holds an approval under regulation 119.025—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (3)(a) and (b).
- (3) The experience is the following:
 - (a) sufficient relevant experience in organisational, operational, financial and people management of air operations to capably lead, manage and set standards to enable the operator to conduct safe operations in accordance with the operator’s exposition and the civil aviation legislation;
 - (b) a satisfactory record in the conduct or management of air operations.

119.130 Chief executive officer—responsibilities and accountabilities

- (1) The chief executive officer of an Australian air transport operator is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator’s Australian air transport operations in accordance with the operator’s Australian air transport AOC and exposition and the civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) complies with the civil aviation legislation; and
 - (ii) complies with the aviation safety laws of each foreign country (if any) where the operator conducts Australian air transport operations; and
 - (iii) implements and manages the operator’s safety management system; and
 - (iv) has procedures that ensure that all of the operator’s personnel understand the operator’s safety policy; and
 - (v) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and
 - (vi) sets and maintains standards for flight and ground operations; and
 - (vii) tells CASA if the operator becomes aware that a leasing, financing or other arrangement for the supply of an aeroplane or rotorcraft that the operator operates under the operator’s Australian air transport AOC may affect the operator’s safe conduct of the operator’s Australian air transport operations; and
 - (viii) tells CASA if the operator becomes aware that an arrangement mentioned in subparagraph (vii) may contravene a provision of the civil aviation legislation or the law of the country in which the aeroplane or rotorcraft is registered; and
 - (ix) for each foreign registered aircraft (if any) used in the operator’s Australian air transport operations—maintains the aircraft in

- accordance with the law of the country in which the aircraft is registered (subject to any applicable 83 bis agreement);
- (c) establishing and regularly reviewing the operator's safety performance indicators and targets;
 - (d) ensuring that the operator's exposition is monitored and managed for continuous improvement;
 - (e) ensuring that training and checking of the operator's operational safety-critical personnel (other than flight crew) conducted by or for the operator is conducted in accordance with the operator's exposition;
 - (f) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with the operator's exposition and the civil aviation legislation.
- (2) The chief executive officer of an Australian air transport operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

119.135 Head of flying operations—qualifications and experience

- (1) The head of flying operations of an Australian air transport operator must:
- (a) hold the pilot licence required under subregulation (2); and
 - (b) hold a pilot type or class rating (within the meaning of Part 61) for a type or class of aeroplane or rotorcraft that is used to conduct a significant proportion of the operator's Australian air transport operations; and
 - (c) have the experience required under subregulation (3); and
 - (d) have a satisfactory record in the conduct or management of air operations; and
 - (e) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.
- (2) The licence required is:
- (a) if the operator conducts only single-pilot operations—a commercial pilot licence or an air transport pilot licence; or
 - (b) in any other case—an air transport pilot licence.
- (3) The experience required is:
- (a) if the operator holds an approval under regulation 119.025—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (4)(a) and (b).
- (4) The experience is the following:
- (a) at least 500 hours flight time on a type of aeroplane or rotorcraft that is the same as, or substantially similar to, a type of aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations;

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- (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (5) CASA may, by written notice given to the head of flying operations, or proposed head of flying operations, of an Australian air transport operator, direct the person to undertake an assessment mentioned in subregulation (6).
- (6) The assessment:
 - (a) is an assessment conducted by CASA, or a person nominated by CASA, to demonstrate the head of flying operation's or proposed head of flying operation's suitability as head of flying operations for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft or flight simulation training device.

119.140 Head of flying operations—responsibilities

- (1) The head of flying operations of an Australian air transport operator must safely manage the flying operations of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the head of flying operations include the following:
 - (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of the civil aviation legislation and the operator's exposition that apply to flying operations;
 - (b) ensuring that the operator's flight crew are provided with the information and documentation necessary to properly carry out their responsibilities;
 - (c) ensuring the proper allocation and deployment of the operator's aeroplanes or rotorcraft, and the operator's personnel, for use in the operator's Australian air transport operations;
 - (d) ensuring that the operator complies with section 28BH (reference library) of the Act in relation to flight crew.

119.145 Head of training and checking—qualifications and experience

- (1) The head of training and checking of an Australian air transport operator must:
 - (a) hold the pilot licence required under subregulation (2); and
 - (b) hold a pilot type or class rating (within the meaning of Part 61) for a type or class of aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations; and
 - (c) have the experience required under subregulation (3); and
 - (d) have a satisfactory record in the conduct or management of air operations; and
 - (e) have a satisfactory record in the conduct or management of training and checking in relation to air operations; and
 - (f) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.

- (2) The licence required is:
 - (a) if the operator conducts only single-pilot operations—a commercial pilot licence or an air transport pilot licence; or
 - (b) in any other case—an air transport pilot licence.
- (3) The experience required is:
 - (a) if the operator holds an approval under regulation 119.025—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (4)(a) and (b).
- (4) The experience is the following:
 - (a) at least 500 hours flight time on a type of aeroplane or rotorcraft that is the same as, or substantially similar to, a type of aeroplane or rotorcraft used to conduct a significant proportion of the operator’s Australian air transport operations;
 - (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (5) CASA may, by written notice given to a head of training and checking, or proposed head of training and checking, of an Australian air transport operator, direct the person to undertake an assessment mentioned in subregulation (6).
- (6) The assessment:
 - (a) is an assessment conducted by CASA, or a person nominated by CASA, to demonstrate the heading of training or checking’s or proposed heading of training or checking’s suitability as head of training and checking for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft or flight simulation training device.

119.150 Head of training and checking—responsibilities

- (1) The head of training and checking of an Australian air transport operator must safely manage the training and checking activities of the operator for the operator’s flight crew.
- (2) Without limiting subregulation (1), the responsibilities of the head of training and checking include the following:
 - (a) ensuring that the operator complies with each provision of the civil aviation legislation that relates to the qualifications, training or checking of the operator’s flight crew;
 - (b) reporting to the head of flying operations on the operator’s compliance with the provisions mentioned in paragraph (a);
 - (c) ensuring that training and checking of flight crew conducted by or for the operator is conducted in accordance with the operator’s exposition;
 - (d) if the operator has a contract with a Part 142 operator for the Part 142 operator to conduct training or checking for the operator’s flight crew:

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- (i) ensuring that each person who conducts the training or checking for the Part 142 operator is authorised under Part 61 to conduct the activities involved in the training or checking; and
- (ii) telling the Part 142 operator, in writing, of any change in the Australian air transport operator's exposition relating to the training and checking activities the Part 142 operator conducts under the contract.

119.155 Safety manager—experience

A safety manager required under regulation 119.035 for an Australian air transport operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement the operator's safety management system in accordance with the operator's exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.

119.160 Safety manager—responsibilities

- (1) A safety manager required under regulation 119.035 for an Australian air transport operator must manage the operator's safety management system.
- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
 - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
 - (c) managing the maintenance and continuous improvement of the following systems:
 - (i) safety management system;
 - (ii) fatigue risk management system (if any).

119.165 Key personnel—additional qualification and experience requirements

- (1) This regulation applies to:
 - (a) an applicant for an Australian air transport AOC; and
 - (b) an Australian air transport operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.

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- (3) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
- (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or
 - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
- (a) the need to ensure that the applicant or operator can conduct Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation;
 - (b) the nature and complexity of the operations;
 - (c) the leadership, management and standards-setting skills required by the person for the operations;
 - (d) how recently the person has used the person's aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

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Subpart 119.E—Training and checking for operational safety-critical personnel

119.170 Training and checking system

- (1) An Australian air transport operator must have a training and checking system.
- (2) The training and checking system must include the following in relation to flight crew and cabin crew:
 - (a) a description of how training and checking, including recurrent training and line checking, is conducted by or for the operator;
 - (b) an auditable system for maintaining records of the results of training and checking;
 - (c) procedures that ensure that each of the operator's flight crew and cabin crew:
 - (i) completes training and checking in accordance with the training and checking system; and
 - (ii) is supervised effectively during training and checking;
 - (d) a description of how the operator assesses the competence of a flight crew member or cabin crew member to perform the duties assigned to the member for a flight;
 - (e) if the operator has a contract with a person for the person to conduct training or checking for the operator:
 - (i) details of the person; and
 - (ii) details of the training or checking covered by the contract; and
 - (iii) details of how the operator ensures that the person is complying with the operator's training and checking system.
- (3) The training and checking system must also include the following in relation to cabin crew:
 - (a) the circumstances in which training is required to familiarise a cabin crew member with their duties;
 - (b) if any of the training or checking of cabin crew is conducted by a member of the operator's personnel—a description of the operator's system for training and assessing such personnel.
- (4) If subregulation (5) applies in relation to the operator, the training and checking system must include the following in relation to operational safety-critical personnel who are not flight crew or cabin crew:
 - (a) a description of how training and checking, including recurrent training, for the personnel is conducted by or for the operator;
 - (b) an auditable system for maintaining records of the results of the training and checking;
 - (c) the circumstances in which training is required to familiarise a member of the personnel with their duties;

- (d) if the operator has a contract with a person for the person to conduct the training or checking for the operator:
 - (i) details of the person; and
 - (ii) details of the training or checking covered by the contract; and
 - (iii) details of how the operator ensures that the person is complying with the operator's training and checking system;
 - (e) if any of the training or checking is conducted by a member of the operator's personnel—a description of the operator's system for training and assessing such personnel.
- (5) This subregulation applies to the operator if the operator conducts one or more of the following operations:
- (a) operations in an aeroplane to which either or both of the following apply:
 - (i) the aeroplane has a maximum take-off weight of more than 8,618 kg;
 - (ii) the aeroplane has a maximum operational passenger seat configuration of more than 9 seats;
 - (b) operations in a rotorcraft to which either or both of the following apply:
 - (i) the rotorcraft has a maximum take-off weight of more than 3,175 kg;
 - (ii) the rotorcraft has a maximum operational passenger seat configuration of more than 9 seats;
 - (c) medical transport operations;
 - (d) operations of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.
- (6) The operator must conduct checking for flight crew in relation to the flying of the aeroplane or rotorcraft if the operator operates:
- (a) an aeroplane or rotorcraft that is used for passenger transport operations and has a maximum operational passenger seat configuration of more than 30 seats; or
 - (b) an aeroplane or rotorcraft that is used for cargo transport operations and has a maximum payload capacity of at least 3,410 kg.
- (7) The operator must only use individuals employed by the operator to conduct the checking required by subregulation (6).
- (8) This regulation does not apply to:
- (a) training that is authorised Part 141 flight training for the operator; or
 - (b) training or checking that is an authorised Part 142 activity for the operator.

119.175 Program for training and assessment in human factors principles and non-technical skills

An Australian air transport operator must have a program for training and assessing operational safety-critical personnel in human factors principles and non-technical skills.

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119.180 Training in human factors principles and non-technical skills for flight crew etc.

- (1) An Australian air transport operator contravenes this subregulation if a person who is a member of the operator's personnel mentioned in subregulation (2) contravenes subregulation (3).
- (2) The personnel are the following:
 - (a) a flight crew member;
 - (b) a cabin crew member;
 - (c) an air crew member;
 - (d) a medical transport specialist;
 - (e) a flight dispatcher.
- (3) The person must not carry out a duty of the person's position unless the person meets the requirements in the operator's exposition about training in human factors principles and non-technical skills.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.185 Training in human factors principles and non-technical skills for other operational safety-critical personnel

- (1) An Australian air transport operator contravenes this subregulation if a person who is a member of the operator's personnel mentioned in subregulation (2) contravenes subregulation (3).
- (2) The personnel are operational safety-critical personnel other than personnel mentioned in subregulation 119.180(2).
- (3) The person must meet the requirements in the operator's exposition about training in human factors principles and non-technical skills within 3 months after being appointed to the person's position.
- (4) An Australian air transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel mentioned in subregulation (2) performs a duty of the person's position; and
 - (b) the duty is described in the operator's exposition as a duty that may be performed only by a person who meets the requirements in the operator's exposition about training in human factors principles and non-technical skills; and
 - (c) the person does not meet the requirements in the operator's exposition about training in human factors principles and non-technical skills.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Regulation 119.190

Subpart 119.F—Safety management

119.190 Safety management system requirements

- (1) An Australian air transport operator must have a safety management system that is appropriate for the size, nature and complexity of the operator's Australian transport operations.
- (2) The safety management system must include the following matters:
 - (a) a statement of the operator's safety policy and objectives, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers (including key personnel);
 - (iii) the appointment of safety management personnel;
 - (iv) coordination of an emergency response plan;
 - (v) safety management system documentation;
 - (b) a safety risk management process, including:
 - (i) hazard identification processes; and
 - (ii) safety risk assessment and mitigation processes;
 - (c) a safety assurance system, including details of processes for:
 - (i) safety performance monitoring and measurement; and
 - (ii) management of change; and
 - (iii) continuous improvement of the safety management system;
 - (d) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication;
 - (e) if regulation 119.195 applies in relation to the Australian air transport operator—a flight data analysis program that meets the requirements of that regulation.

119.195 Flight data analysis program requirements

- (1) This regulation applies in relation to an Australian air transport operator if the operator conducts Australian air transport operations in either or both of the following:
 - (a) an aeroplane with a maximum take-off weight of more than 27,000 kg;
 - (b) a rotorcraft:
 - (i) with a maximum take-off weight of more than 7,000 kg; or
 - (ii) with a maximum operational passenger seat configuration of more than 9 seats and that is required, under these Regulations, to be fitted with a flight data recorder.
- (2) The Australian air transport operator must have a flight data analysis program.

- (3) The flight data analysis program must:
- (a) regularly record and analyse the operational flight data of individual and aggregated operations for the purpose of improving the safety of flight operations; and
 - (b) be provided by:
 - (i) the operator; or
 - (ii) another appropriate person; and
 - (c) ensure that, except as mentioned in subregulation (5), the identity of a person (the **identified person**) who is the source of data is protected from disclosure to anyone other than the following:
 - (i) a person whose duties require that person to analyse operational flight data;
 - (ii) a person who has access to the identified person's identity solely for the purpose of analysing operational flight data;
 - (iii) a pilot appointed by the operator to liaise with flight crew in relation to matters arising from the flight data analysis program; and
 - (d) ensure that no punitive action in relation to the data may be taken by the operator against the identified person.
- (4) For the purposes of subparagraph (3)(b)(ii), the provision of the flight data analysis program by an appropriate person does not in any way compromise the operator's responsibility to provide, and ensure the effectiveness of, the program.
- (5) For the purposes of paragraph (3)(c), the identity of the identified person may be disclosed:
- (a) with the written consent of the person; or
 - (b) as required by CASA; or
 - (c) as otherwise required or authorised by law.

Subpart 119.G—Personnel fatigue management

Note: This Subpart reserved for future use.

Subpart 119.H—Expositions for Australian air transport operators

119.205 Content of exposition

- (1) An exposition for an Australian air transport operator must include the following:
 - (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the address of:
 - (i) the operator's operational headquarters; and
 - (ii) each of the operator's main operating bases; and
 - (iii) each of the operator's operational facilities;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines, including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 119.D for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 119.D for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder is absent from the position or cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 119.130;
 - (g) an outline of the Australian air transport operations conducted by the operator under the operator's Australian air transport AOC, including the areas of operation and routes;
 - (h) details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their Australian air transport operations in compliance with the civil aviation legislation;
 - (i) for each registered aeroplane or rotorcraft operated by the operator under the AOC—its type and model and registration mark;
 - (j) for each foreign registered aircraft operated by the operator under the AOC—its type and model, nationality and registration mark;

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- (k) a description of the arrangements for managing the continuing airworthiness of the operator's aeroplanes or rotorcraft;
- (l) a description of any leasing or other arrangements for the supply of the aeroplanes or rotorcraft as the arrangements relate to the operational control or continuing airworthiness of the aeroplanes or rotorcraft, or to any other safety matter;
- (m) a description of the operator's process for making changes, including:
 - (i) identifying changes that are significant changes; and
 - (ii) identifying changes that are not significant changes; and
 - (iii) telling CASA and the operator's personnel of the changes;
- (n) a description of anything else required to be approved by CASA under these Regulations in relation to the operations mentioned in paragraph (g);
- (o) any other matter required to be included in the exposition under these Regulations.

Note: The plans, processes, procedures, programs and systems mentioned in paragraph (h) may be set out in one or more operator manuals.

- (2) An Australian air transport operator contravenes this subregulation if the operator's exposition does not comply with subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

119.210 Compliance with exposition by operator

- (1) An Australian air transport operator contravenes this subregulation if the operator does not meet a requirement of the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.215 Providing personnel with exposition

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel is subject to a requirement under the operator's exposition; and
 - (b) the operator does not make the part of the exposition that relates to the requirement available to the person before the person first begins carrying out the person's duties relating to the requirement.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.220 Compliance with exposition by personnel

- (1) A member of an Australian air transport operator's personnel contravenes this subregulation if:
 - (a) the member is subject to a requirement under the operator's exposition in relation to the safe conduct of the operator's Australian air transport operations; and
 - (b) the member does not meet the requirement.
- (2) An Australian air transport operator contravenes this subregulation if:
 - (a) a member of the operator's personnel is subject to a requirement under the operator's exposition in relation to the safe conduct of the operator's Australian air transport operations; and
 - (b) the member does not meet the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 119.J—Records and documents

119.225 Personnel training and checking records—making records

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator’s personnel undertakes an activity, obtains a qualification or certificate or gains flying experience; and
 - (b) the activity, qualification, certificate or flying experience is mentioned for the person in subregulation (2); and
 - (c) the following records are not made within 21 days after the person undertakes the activity, obtains the qualification or certificate or gains the flying experience:
 - (i) when the activity was undertaken, the qualification or certificate obtained or the flying experience gained;
 - (ii) if the activity was training or a check, flight test, flight review or assessment of competency—whether the training, check, flight test, flight review or assessment was successfully completed.
- (2) The activities, qualifications, certificates and flying experience for the person are the following:
 - (a) for a flight crew member of the operator’s personnel:
 - (i) training, or a check, flight test, flight review or assessment of competency, mentioned in Subpart 121.N, 133.N or 135.N; or
 - (ii) a qualification or certificate mentioned in Subpart 121.N, 133.N or 135.N; or
 - (iii) flying experience mentioned in Subpart 121.N, 133.N or 135.N; or
 - (iv) training in human factors principles or non-technical skills; or
 - (v) training or education in the operator’s safety management system;
 - (b) for a cabin crew member of the operator’s personnel:
 - (i) training, or a check or assessment of competency, mentioned in Subpart 121.P or Division 133.P.1; or
 - (ii) training in human factors principles or non-technical skills; or
 - (iii) training or education in the operator’s safety management system;
 - (c) for an air crew member of the operator’s personnel:
 - (i) training, or a check or assessment of competency, mentioned in Division 133.P.2 or 135.P.1; or
 - (ii) training in human factors principles or non-technical skills; or
 - (iii) training or education in the operator’s safety management system;
 - (d) for a medical transport specialist of the operator’s personnel:
 - (i) training, or a check or assessment of competency, mentioned in Division 133.P.3 or 135.P.2; or
 - (ii) training in human factors principles or non-technical skills; or

- (iii) training or education in the operator’s safety management system;
 - (e) for a member of the operator’s operational safety-critical personnel (other than a flight crew or cabin crew member):
 - (i) training in human factors principles or non-technical skills; or
 - (ii) training or education in the operator’s safety management system;
 - (f) for a member of the operator’s personnel who performs ground support duties—any training;
 - (g) for a member of the operator’s personnel not mentioned in paragraph (a), (b), (c), (d), (e) or (f)—training or education in the operator’s safety management system.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.230 Personnel training and checking records—availability of records

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator makes a record about a person under regulation 119.225; and
 - (b) the person requests that the record be made available to the person; and
 - (c) the operator does not make the record available to the person within 7 days after receiving the request.
- (2) An Australian air transport operator contravenes this subregulation if:
- (a) a record is made under regulation 119.225; and
 - (b) the operator receives a request from another Australian air transport operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person’s records to another Australian air transport operator if requested; and
 - (d) the operator does not give a copy of the record to the other Australian air transport operator within 7 days after receiving the request.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

119.235 Copies of flight crew licences and medical certificates

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) a person who is a flight crew member of the operator’s personnel exercises a privilege of the person’s flight crew licence for the operator; and
 - (b) the operator does not have the following:
 - (i) a copy of the person’s flight crew licence;
 - (ii) a copy of the person’s medical certificate.

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- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.240 Retention periods for personnel records

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator is required, under this Part or Part 121, 133 or 135, to make or have a record of a kind mentioned in column 1 of an item of the following table about a person who is a member of the operator's personnel; and
 - (b) the operator does not keep the record for at least the period mentioned in column 2 of the item.

Retention periods—personnel records		
Item	Column 1 Kind of record	Column 2 Minimum period for which the record must be kept
1	A record required under regulation 119.225 for a flight crew member	The period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel
2	A record required under regulation 119.225 for a cabin crew member	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
3	A record required under regulation 119.225 for an air crew member	The period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel
4	A record required under regulation 119.225 for a medical transport specialist	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
5	A record required under regulation 119.225 for a member of the operator's personnel who performs ground support duties	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
6	A copy of a flight crew member's flight crew licence and medical certificate required by regulation 119.235	The period during which the member is exercising the privileges of the licence for the operator
7	A record of a flight crew member's cosmic radiation dose required under Part 121 or 135	The period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel
8	A record of a cabin crew member's cosmic radiation dose required under Part 121	The period beginning when the record is created and ending 5 years

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Retention periods—personnel records

Item	Column 1 Kind of record	Column 2 Minimum period for which the record must be kept
		after the member ceases to be a member of the operator's personnel

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.245 Retention periods for flight-related documents

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) under Part 91, 121, 133 or 135, a document mentioned in subregulation (2) is required for a flight of an aeroplane or rotorcraft conducted under the operator's Australian air transport AOC; and
 - (b) the operator does not keep the document for at least 3 months after the end of the flight.
- (2) The documents are the following for the flight:
- (a) an operational flight plan;
 - (b) any authorised weather forecasts;
 - (c) the authorised aeronautical information;
 - (d) a weight and balance document;
 - (e) a statement or information about cargo that may require special or unusual handling;
 - (f) a passenger list;
 - (g) a notice of action, taken in an emergency by the pilot flying the aeroplane or rotorcraft, that involves a contravention of these Regulations.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.250 Retention periods for other flight-related records

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) a person is required under Part 121, 133 or 135 to make a record that is a journey log for a flight of an aeroplane or rotorcraft conducted under the operator's Australian air transport AOC; and
 - (b) the record is made other than in the flight technical log for the aeroplane or rotorcraft; and
 - (c) the operator does not keep the record for at least 6 months after the end of the flight.

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Note: See regulation 42.260 (retention of continuing airworthiness records) for the retention period for records made in the flight technical log for the aeroplane or rotorcraft.

- (2) An Australian air transport operator contravenes this subregulation if:
- (a) the operator is required under Part 121 to make a record of the results of the verification of the accuracy of the weight and balance data generated by a computerised system that is not fitted to the aeroplane; and
 - (b) the operator does not keep the record for at least 6 months after it is made.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 119.K—Miscellaneous offences

119.255 Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations

Requirement for approval

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator enters into an agreement with another person; and
 - (b) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
 - (c) the operator does not hold an approval under regulation 119.025 to do the act.

Acts in relation to cancelled authorisations

- (2) The acts are the following:
 - (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the operation of which was authorised by a cancelled authorisation held by the other person;
 - (b) to employ, in connection with an Australian air transport operation, a person who was, at the time of the cancellation of a cancelled authorisation held by the other person, employed in connection with an operation the conduct of which was authorised by the cancelled authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation held by the other person.
- (4) The acts are the following:
 - (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the operation of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (b) to employ, in connection with an Australian air transport operation, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (c) to conduct an operation, or part of an operation, the conduct of which:

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- (i) was, immediately before the suspension or variation, authorised by the authorisation; but
- (ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB (CASA may impose and vary AOC conditions) of the Act in relation to varying AOC conditions.

Pending applications for authorisations

- (5) Subregulation (6) applies in relation to an application by the other person for a civil aviation authorisation that has not been finally determined by CASA.
- (6) The acts are the following:
 - (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the operation of which would be authorised by the authorisation;
 - (b) to employ, in an Australian air transport operation, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

Application for authorisation refused

- (7) Subregulation (8) applies in relation to an application by the other person for a civil aviation authorisation that has been refused by CASA.
- (8) The acts are the following:
 - (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the use of which would have been authorised by the authorisation;
 - (b) to employ, in an Australian air transport operation, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.
- (9) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

- (10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on the application or request of the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

suspended authorisation means a civil aviation authorisation that has been suspended otherwise than on the application or request of the holder of the authorisation.

varied authorisation means a civil aviation authorisation that has been varied otherwise than on the application or request of the holder of the authorisation.

119.260 Maximum period for use of foreign registered aircraft in Australian territory

- (1) An Australian air transport operator contravenes this subregulation if, in any 12 month period, the operator uses a foreign registered aircraft to conduct Australian air transport operations for a total of more than the number of days mentioned in subregulation (2).
- (2) The number of days is:
 - (a) 90; or
 - (b) if the operator holds an approval under regulation 119.025 in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Part 121—Australian air transport operations—larger aeroplanes

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Subpart 121.A—Preliminary

121.005 Application of Part 121

- (1) This Part (other than Subpart 121.Z) applies to the operation of a multi-engine aeroplane for an Australian air transport operation if either or both of the following apply in relation to the aeroplane:
 - (a) it has a maximum operational passenger seat configuration of more than 9;
 - (b) it has a maximum take-off weight of more than 8,618 kg.

Note: For the additional application of Subpart 121.N, see regulation 121.470.
- (2) Subpart 121.Z applies to the operation of a single-engine aeroplane for an Australian air transport operation if both of the following apply in relation to the aeroplane:
 - (a) it has a maximum operational passenger seat configuration of more than 9;
 - (b) it has a maximum take-off weight of not more than 8,618 kg.

121.010 Approvals by CASA for Part 121

- (1) If a provision of this Part, or of the Part 121 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

121.015 Issue of Manual of Standards for Part 121

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 121 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 121.C—General

Division 121.C.1—General flight limitations

121.020 Permitted categories of aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane begins the flight; and
 - (b) the aeroplane is not type certificated in any of the following categories:
 - (i) transport;
 - (ii) commuter;
 - (iii) normal (within the meaning of Special Federal Aviation Regulation 41 of the United States of America, as in force on 12 September 1983).
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.025 Aeroplane to be flown under the IFR

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during a stage of the flight, the aeroplane is flown under the VFR.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.030 Flights further than the 60 minute distance

Flying further than the 60 minute distance

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane is mentioned in an item in column 1 of the following table; and
 - (b) the aeroplane is flown:
 - (i) further from an adequate aerodrome for the aeroplane than the distance (the **60 minute distance**) the aeroplane can fly if flying at the speed mentioned in column 2 of that item for 60 minutes; but
 - (ii) no further than the distance (the **threshold distance**) from an adequate aerodrome for the aeroplane that the aeroplane can fly if flying at the speed mentioned in column 2 of that item for the time mentioned in column 3 of that item; and

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(c) a requirement mentioned in subregulation (2) is not met.

Note: This provision will not apply in relation to items 1, 2 and 3 of the following table as, in those cases, the 60 minute distance is equal to the threshold distance.

Flight further than the 60 minute distance			
Item	Column 1	Column 2	Column 3
	Aeroplane	Speed (in International Standard Atmosphere conditions and still air)	Time
1	2-piston-engine aeroplane	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	60 minutes
2	2-turbine-engine propeller-driven aeroplane with a maximum certificated passenger seating capacity of 20 or more	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	60 minutes
3	2-turbine-engine aeroplane (other than a turbine-engine propeller-driven aeroplane) to which either or both of the following apply: (a) a maximum take-off weight of 54,500 kg or more; (b) a maximum certificated passenger seating capacity of 20 or more	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	60 minutes
4	2-turbine-engine propeller-driven aeroplane to which both of the following apply: (a) a maximum take-off weight of more than 5,700 kg; (b) a maximum certificated passenger seating capacity of 19 or less	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	120 minutes
5	2-turbine-engine aeroplane (other than a turbine-engine propeller-driven aeroplane) to which both of the following apply: (a) a maximum take-off weight of less than 54,500 kg; (b) a maximum certificated passenger seating capacity of 19 or less	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	180 minutes
6	3- or 4-turbine-engine aeroplane to which either or both of the following apply: (a) a maximum take-off weight of more than 8,618 kg; (b) a maximum certificated passenger seating capacity of 20 or more	the normal cruising speed specified in the aeroplane operator's exposition for this regulation	180 minutes

Requirements to be met

(2) The requirements are that:

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- (a) the aeroplane operator's exposition includes procedures for conducting flights further than the 60 minute distance, including procedures for:
 - (i) dispatching such flights; and
 - (ii) providing updated information relating to the adequate aerodrome to the flight crew during such flights; and
- (b) the operator estimates there will be an adequate aerodrome for the flight when the aeroplane is flown further than that distance; and
- (c) for a 2-engine aeroplane—the operator estimates that the landing minima for the adequate aerodrome at the estimated time of use of the aerodrome are not less than the landing minima required to comply with the requirements under Division 121.D.4 for the aerodrome; and
- (d) the operator has operational control for the flight in accordance with the operator's exposition procedures mentioned in regulation 121.160.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.035 Flights further than the threshold distance

Flying further than the threshold distance

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane is flown further from an adequate aerodrome for the aeroplane than the threshold distance mentioned in subparagraph 121.030(1)(b)(ii) for the aeroplane; and
 - (b) the operator does not hold an approval under regulation 121.010 to do so.

Requirements in the Manual of Standards

- (2) The Part 121 Manual of Standards may prescribe:
 - (a) criteria for the grant of an approval mentioned in paragraph (1)(b); and
 - (b) the form in which an application for such an approval must be made; and
 - (c) factors to be considered by CASA in deciding whether or not to grant such an approval.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a requirement prescribed by the Part 121 Manual of Standards in relation to conducting flights further from an adequate aerodrome than the threshold distance applies to the aeroplane for the flight; and
 - (b) the requirement is not met for the flight.

Exposition procedures

- (4) If an aeroplane is flown further from an adequate aerodrome for the aeroplane than the threshold distance mentioned in subparagraph 121.030(1)(b)(ii) for the aeroplane, the aeroplane operator's exposition must include procedures for conducting flights further than that distance.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

121.040 Flight distance limitation over water

- (1) This regulation applies in relation to an aeroplane:
- (a) that has a maximum operational passenger seat configuration of more than 30; and
 - (b) that does not comply with the ditching requirements of the relevant airworthiness standards for the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight:
- (a) the aeroplane is flown over water; and
 - (b) the aeroplane is flown further than the distance mentioned in subregulation (3) from land.
- (3) The distance is the lesser of:
- (a) the distance the aeroplane can fly in 2 hours at its normal cruising speed in International Standard Atmosphere conditions and in still air; and
 - (b) 400 nautical miles.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.045 Simulation of emergency or abnormal situations, or IMC

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if an emergency or abnormal situation is simulated during the flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if IMC are simulated during the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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121.050 Ferrying an aeroplane with one engine inoperative

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight, the aeroplane is ferried with one engine inoperative.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.C.2—Operational documents

121.055 Compliance with flight manual

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight, the aeroplane is operated in a way that does not meet a requirement or limitation that:

- (a) is set out in the aircraft flight manual instructions for the aeroplane; and
- (b) relates to the operation of the aeroplane.

Note: The pilot in command of the aeroplane must also ensure the aeroplane is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.060 Operator to have minimum equipment list for certain flights

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, there is no minimum equipment list for the aeroplane.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.065 Duty statement to be available to crew

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a crew member is assigned to duty for the flight; and
 - (b) the operator has not made a statement of the crew member's duties for the flight available to the crew member; and
 - (c) the crew member begins to carry out the crew member's duties for the flight.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.070 Availability of checklists

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.

- (2) The requirement is that, before a crew member for the flight begins to carry out a duty for the flight, the operator must make available to the member each

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checklist of normal, abnormal and emergency procedures for the aeroplane that is relevant to the duty.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.C.3—Flight related documents

121.075 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

121.080 Availability of parts of exposition

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the following parts of the aeroplane operator's exposition are not available to a crew member for the flight:
 - (i) a part that is relevant to the duties of the crew member;
 - (ii) a part that is required for the conduct of the flight; and
 - (b) the aeroplane begins the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.085 Carriage of documents

Documents required by Part 121 Manual of Standards

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 121 Manual of Standards for the purposes of this paragraph is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.

Flight crew medical certificates

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a flight crew member's medical certificate is not carried on the aeroplane for the flight; and
 - (b) the flight crew member does not give CASA written notice that the certificate is not being carried on the aeroplane for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—within 24 hours after the flight ends.

Flight crew licences

- (3) The operator of an aeroplane for a flight contravenes this subregulation if:

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- (a) a flight crew member's flight crew licence is not carried on the aeroplane for the flight; and
- (b) the flight crew member does not give CASA written notice that the licence is not being carried on the aeroplane for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—within 24 hours after the flight ends.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

121.090 Accessibility of documents

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) under regulation 121.085, a document is required to be carried on the aeroplane for the flight; and
 - (b) when the flight begins, the document is not readily accessible to the aeroplane's crew.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.095 Carriage of documents—flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of an aeroplane that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 121 Manual of Standards for the purposes of this paragraph is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.100 Keeping and updating documents etc.

An aeroplane operator's exposition must include the following for a flight of the aeroplane:

- (a) procedures for keeping the documents prescribed by the Part 121 Manual of Standards accessible to a person on the ground for the duration of the flight;
- (b) procedures for providing updated information to such a person during the flight if the information in the document requires updating during that time.

121.105 Journey logs

Operator—preparation of journey log

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the operator has not prepared a journey log for the flight:
 - (a) that is capable of containing the information mentioned in subregulations (3) and (5); and
 - (b) with a place for the pilot in command to verify the entries for the flight.

Pre-flight completion of journey log

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the information about the flight mentioned in subregulation (3) is not recorded in the journey log.
- (3) The information is the following:
 - (a) the aeroplane's registration mark or flight number;
 - (b) the date of the flight;
 - (c) for each crew member assigned to the flight:
 - (i) the crew member's name or another means to identify the crew member; and
 - (ii) the duties assigned to the crew member for the flight;
 - (d) for the flight:
 - (i) the place of departure; and
 - (ii) the time the flight begins;
 - (e) the amount of fuel added to the aeroplane's fuel tanks before the flight begins (if any);
 - (f) the amount of fuel in the aeroplane's fuel tanks when the flight begins.

Post-flight completion of journey log

- (4) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (5) is not recorded in the journey log for the flight as soon as practicable after the flight ends.
- (5) The information is the following:
 - (a) the place of arrival;
 - (b) the time the flight ends;
 - (c) the duration of the flight;
 - (d) the amount of fuel in the aeroplane's fuel tanks when the flight ends;

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- (e) incidents and observations (if any) relevant to the flight.

Exception to completion of journey log

- (6) Subregulations (1), (2) and (4) do not apply to the operator or the pilot in command in relation to information mentioned in those subregulations if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.

Note: An example for paragraph (a) is an operational flight plan kept by the operator for the flight.

Offence

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (6): see subsection 13.3(3) of the *Criminal Code*.

121.110 Passenger lists

- (1) The operator of an aeroplane for a flight that is a passenger transport operation or a medical transport operation contravenes this subregulation if, when the flight begins, the operator has not prepared a passenger list for the flight that contains the information mentioned in subregulation (2).
- (2) The information is the following:
- (a) the aeroplane's registration mark or flight number;
 - (b) the name of each passenger;
 - (c) the places of departure and destination for each passenger;
 - (d) the number of infants carried;
 - (e) the date, and estimated time of departure, of the flight.
- (3) Subregulation (1) does not apply to the operator in relation to information mentioned in that subregulation if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

121.115 Flight preparation forms for flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of an aeroplane that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the pilot in command has not signed a flight preparation form certifying that the pilot in command is satisfied of the matters mentioned in subregulation (3).
- (3) The matters are the following:
 - (a) the aeroplane can be operated during the flight in accordance with its configuration deviation list (if any);
 - (b) the parts of the operator's exposition required to be available to the aeroplane's crew before the flight by regulation 121.080 are available;
 - (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
 - (d) regulations 121.085 and 121.095 are being complied with for the flight;
 - (e) equipment required to be fitted to, or carried on, the aeroplane for the flight by Subpart 121.K is fitted to, or carried on, the aeroplane in accordance with that Subpart;
 - (f) equipment mentioned in paragraph (e) is:
 - (i) operative; or
 - (ii) inoperative, and permitted to be inoperative for the flight under these Regulations;
 - (g) the aeroplane's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
 - (h) the aeroplane's weight and balance will remain within the aeroplane's weight and balance limits throughout the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.C.4—Reporting and recording defects and incidents etc.

121.120 Procedures for reporting and recording defects etc.

An aeroplane operator's exposition must include procedures for the reporting and recording by a flight crew member for a flight of the aeroplane of any of the following that occur during the flight:

- (a) an abnormal instrument indication;
- (b) abnormal behaviour by the aeroplane;
- (c) exceedence of an operating limit specified in the aircraft flight manual instructions for the aeroplane;
- (d) a defect in the aeroplane.

121.125 Procedures for reporting and recording incidents

An aeroplane operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the aeroplane that endanger, or could endanger, the safe operation of the aeroplane.

Division 121.C.5—Search and rescue services and emergency and survival equipment

121.130 Information about search and rescue services

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, information about the search and rescue services relevant to the flight is not readily accessible to the flight crew members for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.135 Information about emergency and survival equipment

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the Part 121 Manual of Standards prescribes an item of equipment for the purposes of this regulation; and
 - (b) when the flight begins, the information prescribed by the Part 121 Manual of Standards for that equipment is not available for immediate communication by the operator to a rescue coordination centre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.C.6—Miscellaneous requirements

121.140 Crew activities necessary for safe operation

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator requires a crew member for the flight to perform an activity during take-off, initial climb, final approach or landing of the aeroplane for the flight; and
 - (b) the activity is not necessary for the safe operation of the aeroplane.
- (2) A crew member for a flight of an aeroplane contravenes this subregulation if:
 - (a) the crew member performs an activity during take-off, initial climb, final approach or landing of the aeroplane for the flight; and
 - (b) the activity is not necessary for the safe operation of the aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.145 Competence of ground support personnel

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, before a member of the operator's personnel carries out a ground support duty for the flight, the member has not met a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
 - (a) the member must have successfully completed training for the duty;
 - (b) the member must have been assessed as competent to carry out the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.150 Duty statement to be available to ground support personnel

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a member of the operator's personnel is assigned to carry out a ground support duty for the flight; and
 - (b) the operator has not made a statement of the member's duties for the flight available to the member; and
 - (c) the member begins to carry out the duty for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.155 Cockpit authorisation and briefing

- (1) This regulation applies to an aeroplane that is required to be equipped with a cockpit door under regulation 4.68 of the *Aviation Transport Security Regulations 2005*.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) during the flight, a person enters the cockpit; and
 - (b) the person is not a person mentioned in subregulation (3).
- (3) The persons are the following:
 - (a) an authorised officer who is carrying out an audit, check, examination, inspection or test under these Regulations;
 - (b) a person who is permitted to enter the cockpit by regulation 4.67 of the *Aviation Transport Security Regulations 2005*.

Note: A person is not allowed to enter the cockpit after take-off unless the person holds appropriate identification: see paragraph 4.67(4)(b) of the *Aviation Transport Security Regulations 2005*.

- (4) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) during the flight, a person other than a crew member for the flight enters the cockpit; and
 - (b) the person is not briefed by the pilot in command or the co-pilot on the safety procedures that are relevant to the cockpit:
 - (i) before the person enters the cockpit; or
 - (ii) as soon as practicable after the person enters the cockpit.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

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Subpart 121.D Operational procedures

Division 121.D.1 Operational control

Regulation 121.160

Subpart 121.D—Operational procedures

Division 121.D.1—Operational control

121.160 Operational control

An aeroplane operator's exposition must include procedures for determining how operational control for a flight of the aeroplane is to be exercised and by whom.

Division 121.D.2—Flight preparation

121.165 General flight preparation requirements

An aeroplane operator's exposition must include procedures for complying with the following for a flight of the aeroplane:

- (a) the flight preparation (weather assessments) requirements;
- (b) the flight preparation (Part 121 alternate aerodromes) requirements.

121.170 Flight preparation (Part 121 alternate aerodromes) requirements

- (1) The Part 121 Manual of Standards may prescribe requirements relating to flight preparation and alternate aerodromes (the *flight preparation (Part 121 alternate aerodromes) requirements*).
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a flight preparation (Part 121 alternate aerodromes) requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.D.3—Flight planning

121.175 Operational flight plans

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, an operational flight plan that meets the requirements mentioned in subregulation (2) has not been prepared for the flight.
- (2) The requirements are the following:
 - (a) the flight plan must be prepared having regard to:
 - (i) the safety of the aeroplane, and of the people on board the aeroplane, during the flight; and
 - (ii) the aeroplane's performance; and
 - (iii) the expected aeroplane operating limitations and conditions for the flight; and
 - (iv) meteorological conditions for the flight;
 - (b) the flight plan must contain the information prescribed by the Part 121 Manual of Standards for the purposes of this paragraph.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the Part 121 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
 - (b) that information is not recorded in the operational flight plan for the flight:
 - (i) unless subparagraph (ii) applies—before the flight ends; or
 - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
- (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.

Note: An example for paragraph (a) is a journey log kept by the operator for the flight.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

121.180 Availability of flight planning information

- (1) The operator of an aeroplane for a flight contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) the pilot in command of the aeroplane must have access to the information mentioned in subregulation (3) before and during the flight;
 - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
 - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
 - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.
- (3) The information is the following:
 - (a) authorised weather forecasts and authorised weather reports:
 - (i) in relation to the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (Part 121 alternate aerodromes) requirements—in relation to the destination alternate aerodrome;
 - (b) NOTAMs for the flight;
 - (c) the suitability for a take-off or landing by the aeroplane of:
 - (i) the departure and planned destination aerodromes for the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (Part 121 alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.D.4—Flight rules

121.185 Take-off and landing minima for aerodromes

- (1) If an aeroplane conducts an IFR flight to or from an aerodrome, the aeroplane operator's exposition must include:
 - (a) procedures for determining take-off minima that meet the requirements mentioned in subregulation (2); and
 - (b) procedures for determining landing minima that meet the requirement mentioned in subregulation (3).
- (2) The requirements are the following:
 - (a) the take-off minima must not be less than the take-off minima prescribed by the take-off minima requirements for the aerodrome;
 - (b) the take-off minima must be sufficient to enable the pilot in command to control the aeroplane if it is necessary to conduct a discontinued take-off in adverse circumstances;
 - (c) for a multi-engine aeroplane—the take-off minima must be sufficient to enable the pilot in command to control the aeroplane if it is necessary to conduct a continued take-off after:
 - (i) failure of the aeroplane's critical engine; or
 - (ii) if the aeroplane does not have a critical engine—the failure of an engine.
- (3) The requirement is that the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome, including for an approach with visual circling.

121.190 Establishing lowest safe altitudes etc.

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the operator has not established:
 - (a) for each route or route segment for the flight for which there is a published lowest safe altitude—the published lowest safe altitude for the route or route segment; and
 - (b) for each route or route segment for the flight for which there is no published lowest safe altitude—the lowest safe altitude for the route or route segment.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.195 Exposition requirements for low-visibility operations

An aeroplane operator's exposition must include the following:

- (a) each type of low-visibility operation conducted using the aeroplane;
- (b) the aircraft systems required to be used for each type of those operations;
- (c) the aerodrome facilities required to conduct each type of those operations;
- (d) the training and qualifications required for the aeroplane's flight crew members for each type of those operations;
- (e) the requirements to be met by the aeroplane's flight crew members during each of those operations.

121.200 Stabilised approach requirements

An aeroplane operator's exposition must include procedures about conducting stabilised approaches to land at an aerodrome.

Division 121.D.5—Aerodromes

121.205 Aerodrome requirements

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane takes off from, or lands at, an aerodrome that does not meet a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
 - (a) the aerodrome must be suitable for the aeroplane to take-off and land;
 - (b) the aerodrome must be:
 - (i) a certified aerodrome that complies with the standards mentioned in the Part 139 Manual of Standards; or
 - (ii) an aerodrome for which the operator's exposition includes the matters required by subregulation 121.210(1).
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane has a maximum certificated passenger seating capacity of 20 or more; and
 - (b) the aeroplane is a turbine-engine aeroplane (other than a turbine-engine propeller-driven aeroplane); and
 - (c) the aeroplane lands on an aerodrome runway; and
 - (d) the aerodrome is the planned destination aerodrome; and
 - (e) the aerodrome runway does not meet the requirement mentioned in subregulation (4).
- (4) The requirement is that:
 - (a) the runway is equipped with an approved visual approach slope indicator system in accordance with Part 139; or
 - (b) both of the following are satisfied:
 - (i) the runway is equipped with an approved visual approach slope indicator system in accordance with Part 139 that has been inoperative for no more than 7 days before the aeroplane lands on the runway;
 - (ii) the operator's exposition includes procedures for conducting an approach and landing on a runway with such a system inoperative; or
 - (c) the aeroplane is equipped or fitted with an approach slope indicator system mentioned in the operator's exposition that is suitable for use for the runway; or
 - (d) the operator holds an approval for the aeroplane and the runway under regulation 121.010.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

121.210 Procedures to determine information about aerodromes

- (1) An aeroplane operator's exposition must include the following:
 - (a) if the information mentioned in subregulation (2) for an aerodrome mentioned in subregulation (3) is not published in the AIP—procedures to determine the information for the aerodrome;
 - (b) the special procedures and restrictions (if any) that the operator requires the flight crew of the aeroplane to use at an aerodrome mentioned in subregulation (3), including:
 - (i) engine failure procedures; and
 - (ii) obstacle clearance procedures;
 - (c) procedures for the pilot in command to plan a take-off from, or a landing at, an aerodrome not mentioned in subregulation (3), including a procedure to determine the kinds of information mentioned in subregulation (2) for the aerodrome.

- (2) The information is the following:
 - (a) runway or strip lengths, widths, directions, slopes and surface types for the aerodrome;
 - (b) the location of taxiways and turning nodes (if any);
 - (c) the aerodrome's elevation;
 - (d) the location on the aerodrome of the aerodrome reference point (if any);
 - (e) the location of the aerodrome's windsocks;
 - (f) the aids to navigation and communication facilities available at the aerodrome (if any);
 - (g) the limitations (if any) on the use of the aerodrome;
 - (h) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;
 - (i) a contact person capable of providing information about the condition of the aerodrome.

- (3) The aerodromes are the following for a flight of the aeroplane:
 - (a) the departure aerodrome;
 - (b) the planned destination aerodrome;
 - (c) any alternate aerodromes required for the flight by the flight preparation (Part 121 alternate aerodromes) requirements.

121.215 Procedures for safety at aerodromes

An aeroplane operator's exposition must include procedures to ensure the safety of persons in the vicinity of an aeroplane when any of the following circumstances apply:

- (a) a person is embarking or disembarking the aeroplane;
- (b) a passenger is embarking or disembarking, or on board, the aeroplane while an engine of the aeroplane is operating but the aeroplane is not being flown or fuelled;
- (c) the aeroplane is being loaded or unloaded;

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- (d) the aeroplane is being operated at an aerodrome.

121.220 Taking off from and landing on narrow runways

- (1) This regulation applies in relation to an aeroplane if:
- (a) the aeroplane takes off from, or lands on, a runway; and
 - (b) the width of the runway (a *narrow runway*) is less than the width for the aeroplane worked out in the manner prescribed by the Part 121 Manual of Standards for the purposes of this paragraph; and
 - (c) the aeroplane has a maximum certificated take-off weight of more than 5,700 kg; and
 - (d) the aeroplane is of a type first type certificated in its country of manufacture on or after 1 March 1978.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane takes off from, or lands on, a narrow runway; and
 - (b) the aircraft flight manual instructions for the aeroplane do not include requirements for the operation of the aeroplane on a narrow runway.
- (3) An aeroplane operator's exposition must include procedures for taking off from, or landing on, a narrow runway.
- (4) An aeroplane operator's exposition must include procedures relating to the training required for the aeroplane's flight crew to conduct a take-off from, or a landing on, a narrow runway.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.D.6—Fuel requirements

121.225 Fuel procedures

An aeroplane operator's exposition must include procedures to ensure that a flight of the aeroplane is conducted in accordance with the requirements mentioned in subregulation 121.235(1).

121.230 Oil requirements

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.235 Fuel requirements

- (1) The Part 121 Manual of Standards may prescribe requirements relating to fuel for aeroplanes, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether an aeroplane has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board an aeroplane for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

121.240 Fuelling safety procedures

An aeroplane operator's exposition must include the following:

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- (a) procedures to ensure the aeroplane is fuelled safely;
- (b) procedures relating to the safety of passengers for a flight of the aeroplane who are embarking or disembarking, or on board, the aeroplane during fuelling, including the normal, emergency and communication procedures to be followed by the following persons:
 - (i) any cabin crew for the flight;
 - (ii) any flight crew members for the flight who are on duty in the cockpit;
 - (iii) any of the operator's personnel who carry out a ground support duty for the flight;
- (c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the aeroplane while the aeroplane is being fuelled—procedures to ensure that, before an engine of the aeroplane is started, any effects of radio frequency emissions from those devices have been corrected.

Division 121.D.7—Passenger transport and medical transport

121.245 Application of Division 121.D.7

This Division applies in relation to the operation of an aeroplane for a passenger transport operation or a medical transport operation.

121.250 Carriage of restricted persons

An aeroplane operator's exposition must include the following:

- (a) procedures for carrying a restricted person on the aeroplane for a flight;
- (b) procedures to inform the pilot in command of the aeroplane for a flight about the carriage of a restricted person for a flight.

Note: For other requirements for the carriage of restricted persons who are deportees, removees and other persons in custody, see Division 4.5 of the *Aviation Transport Security Regulations 2005*.

121.255 Carry-on baggage

An aeroplane operator's exposition must include procedures for the following:

- (a) securely stowing carry-on baggage;
- (b) determining the maximum weight and size of baggage that can be taken on the aeroplane as carry-on baggage;
- (c) determining the locations on the aeroplane where carry-on baggage can be stowed;
- (d) giving instructions to passengers about securely stowing carry-on baggage at the following times:
 - (i) before take-off;
 - (ii) before landing;
 - (iii) any other time that the pilot in command directs.

121.260 Aisles to remain unobstructed

- (1) This regulation applies in relation to a flight of an aeroplane for which regulation 121.630 requires the aeroplane to carry a cabin crew member.
- (2) The operator of the aeroplane for a flight contravenes this subregulation if an aisle of the aeroplane is obstructed during the flight, other than:
 - (a) by a person; or
 - (b) by cabin service equipment while cabin service is being provided to passengers.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Regulation 121.265

121.265 Stowage of passenger service equipment etc.

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is:
 - (i) taxiing; or
 - (ii) taking off; or
 - (iii) landing; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that any piece of passenger service equipment that could interfere with an evacuation of the aeroplane in an emergency must be secured in its stowed position.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is taxiing, taking off or landing; and
 - (b) an item of galley equipment or a serving cart is not secured so as to prevent it from moving in the emergency landing conditions set out in the aeroplane's type certification basis.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

121.270 Passengers in emergency exit row seats

- (1) This regulation applies in relation to a flight of an aeroplane if regulation 121.630 requires a cabin crew member to be carried on the aeroplane for the flight.
- (2) An aeroplane operator's exposition must include procedures for the assigning of passengers to seats in an emergency exit row for a flight of the aeroplane.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the aeroplane is taxiing, taking off or landing, the requirement mentioned in subregulation (4) is not met.
- (4) The requirement is that at least one crew member for the flight must be satisfied that each person occupying an emergency exit row seat is a suitable person.
- (5) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a person occupying an emergency exit row seat has not given the person's agreement to a crew member to assist the crew members with the evacuation of the aeroplane in an emergency; and
 - (b) the aeroplane begins the flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (3) or (5).

Penalty: 50 penalty units.

121.275 Carriage of passengers with reduced mobility

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, a passenger with reduced mobility occupies a seat where the passenger could:
 - (a) hinder the crew in their safety duties; or
 - (b) obstruct access to emergency equipment; or
 - (c) hinder the evacuation of the aeroplane in an emergency.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility is carried on the flight; and
 - (b) before the flight begins, the operator does not tell at least one of the following that the passenger is carried on the flight:
 - (i) the pilot in command of the aeroplane for the flight;
 - (ii) if one cabin crew member is carried on the flight—the cabin crew member;
 - (iii) if more than one cabin crew member is carried on the flight—the person assigned to duty as the senior cabin crew member for the flight under regulation 121.660.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.280 Safety briefing cards

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the aeroplane is not available to each passenger on the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card does not meet the requirements mentioned in subregulation (3).
- (3) The requirements are the following:
 - (a) the safety briefing card must include any information prescribed by the Part 121 Manual of Standards;
 - (b) the only other information that may be included in the safety briefing card is the following:
 - (i) information that is relevant to the type and model of aeroplane;
 - (ii) information that is relevant to the safety of the aeroplane and its passengers.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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121.285 Safety briefings, instructions and demonstrations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a passenger is not given a safety briefing, instructions or demonstrations in accordance with the requirements prescribed by the Part 121 Manual of Standards for the purposes of this regulation.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a safety briefing, instruction or demonstration includes:
 - (a) information that is not relevant to the type and model of the aeroplane; or
 - (b) information that is not relevant to the safety of the aeroplane and its passengers.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the aeroplane takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the aeroplane is necessary.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

121.290 Additional safety briefing for passengers in emergency exit rows

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger is seated in an emergency exit row for the flight; and
 - (b) the passenger will be required to operate the emergency exit if it becomes necessary to use the exit during the flight; and
 - (c) before the flight begins, the passenger is not briefed by a crew member for the flight about what to do if it becomes necessary to use the exit.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.295 Safety briefing in the event of an emergency

An aeroplane operator's exposition must include procedures for briefing passengers on what to do if an emergency occurs during a flight of the aeroplane.

Division 121.D.8—Instruments, indicators, equipment and systems

121.300 Airborne weather radar equipment

An aeroplane operator's exposition must include the following:

- (a) procedures for using airborne weather radar equipment;
- (b) procedures for conducting a flight without airborne weather radar equipment, for use if the equipment is inoperative.

121.305 Head-up displays, enhanced vision systems and synthetic vision systems

- (1) This regulation applies in relation to an aeroplane if it is fitted with any of the following systems:
 - (a) a head-up display;
 - (b) an enhanced vision system;
 - (c) a synthetic vision system.
- (2) An aeroplane operator's exposition must include the following in relation to a flight of the aeroplane:
 - (a) procedures for using each system mentioned in subregulation (1) that is fitted to the aeroplane during the flight;
 - (b) procedures for conducting the flight without an element of the system, for use if the element is inoperative.

121.310 Crew protective breathing equipment

An aeroplane operator's exposition must include procedures for the use of protective breathing equipment that is required, under Subpart 121.K, to be fitted to, or carried on, the aeroplane.

121.315 Hand-held fire extinguishers

An aeroplane operator's exposition must include, for each configuration of the aeroplane operated by the operator, a description of the following:

- (a) the location of each hand-held fire extinguisher that is required, under Subpart 121.K, to be fitted to, or carried on, the aeroplane;
- (b) the extinguishing agent in each of the fire extinguishers.

121.320 Procedures relating to first-aid kits

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a flight for which the aeroplane is required, under Subpart 121.K, to carry one or more first-aid kits.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures to ensure that the first-aid kits required under Subpart 121.K:

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- (i) contain sufficient supplies for the number of persons to be carried on a flight of the aeroplane; and
 - (ii) are readily recognisable as first-aid kits; and
 - (iii) are readily accessible by each crew member for a flight when the aeroplane is on the ground or water and not in operation;
 - (b) procedures for inspecting the first-aid kits;
 - (c) procedures for replacing items in the first-aid kits.
- (3) The operator's exposition must also include a list of the minimum contents of each first-aid kit for the aeroplane.

121.325 Procedures relating to universal precaution kits

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a flight for which the aeroplane is required, under Subpart 121.K, to carry one or more universal precaution kits.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for inspecting the universal precaution kits required under Subpart 121.K;
 - (b) procedures for replacing items in the universal precaution kits.
- (3) The operator's exposition must also include a list of the minimum contents of each universal precaution kit for the aeroplane.

121.330 Procedures relating to emergency medical kits

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a flight for which the aeroplane is required, under Subpart 121.K, to carry an emergency medical kit.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for inspecting the emergency medical kit;
 - (b) procedures for replacing items in the emergency medical kit;
 - (c) procedures for the administration and supply of prescription medicines in the emergency medical kit, including procedures to ensure that prescription medicines are administered only under the authority of a medical practitioner.
- (3) The operator's exposition must also include a list of the minimum contents of the emergency medical kit.

121.335 Life-saving equipment for life rafts

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a flight for which the aeroplane is required, under Subpart 121.K, to carry one or more life rafts.

- (2) The aeroplane operator's exposition must include a list of the minimum life-saving equipment carried on the aeroplane for each life raft.

121.340 Survival equipment procedures

- (1) This regulation applies to a flight of an aeroplane if:
- (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the aeroplane is required, under Subpart 121.K, to carry a life raft for the flight.
- (2) If an aeroplane is, or will be, used to conduct a flight to which this regulation applies, the operator's exposition must include the following:
- (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
 - (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

Division 121.D.9—Miscellaneous

121.345 Procedures relating to ice

An aeroplane operator's exposition must include the following in relation to a flight of the aeroplane:

- (a) procedures for the inspection of the aeroplane by the pilot in command before the flight if frost or icing conditions exist;
- (b) if ground de-icing and ground anti-icing measures are required for the flight—procedures for carrying out these measures before the flight;
- (c) procedures for using de-icing and anti-icing equipment (where fitted) during the flight.

121.350 Procedures relating to portable electronic devices

An aeroplane operator's exposition must include procedures for the operation of portable electronic devices for a flight of the aeroplane.

121.355 Procedures relating to carriage of animals

An aeroplane operator's exposition must include procedures for the carriage of animals for a flight of the aeroplane.

121.360 Polar operations

- (1) This regulation applies in relation to a flight of an aeroplane if, during the flight, the aeroplane enters the polar region.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is flown in the polar region during the flight; and
 - (b) the operator does not hold an approval under regulation 121.010 to fly in the polar region.
- (3) The aeroplane operator's exposition must include procedures for the following:
 - (a) monitoring and dealing with fuel freezing;
 - (b) ensuring communication capability for the duration of an operation that includes a flight in the polar region;
 - (c) training the aeroplane's flight crew in polar operations;
 - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
 - (e) if the aeroplane conducts a flight for which an alternate aerodrome in the polar region is required at a time of year when extreme climatic conditions are expected at the aerodrome—the carrying of at least 2 serviceable, cold weather, anti-exposure suits.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.365 Cosmic radiation

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator's exposition does not set a limit for the total cosmic radiation receivable inside the aeroplane's cabin during the flight; and
 - (b) the aeroplane is flown above flight level 490.
- (2) The operator of an aeroplane contravenes this subregulation if:
 - (a) a flight crew member or cabin crew member of the operator's personnel has, in the previous 12 month period, flown on a flight of an aeroplane operated by the operator during which the aeroplane was flown above flight level 490; and
 - (b) the operator does not have a record of the total cosmic radiation dose received by the member during that period on such flights.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.370 Exceeding cosmic radiation limits

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane is flown above flight level 490; and
 - (b) the aeroplane operator's exposition sets a limit for the total cosmic radiation receivable inside the aeroplane's cabin during the flight; and
 - (c) the limit is exceeded during the flight; and
 - (d) the pilot in command does not, as soon as practicable after the limit is exceeded, descend to the lowest altitude at which it is practicable to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.375 Obstruction of emergency exits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if an emergency exit is obstructed at any of the following times:
 - (a) while the aeroplane is taxiing;
 - (b) while the aeroplane is taking off;
 - (c) while the aeroplane is landing;
 - (d) at any time that the pilot in command directs that the exit not be obstructed.

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- (2) For the purposes of subregulation (1), an emergency exit is not taken to be obstructed by a passenger occupying a seat adjacent to the exit or a seat in a row of seats adjacent to the exit.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.380 Assignment of cabin crew seats

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that the assignment of cabin crew seats to crew members for the flight must be in accordance with the emergency evacuation procedures for the aeroplane required by regulation 121.755.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a person, other than a crew member, is assigned to a cabin crew seat; and
 - (b) the cabin crew seat is in a row of cabin crew seats adjacent to a floor level exit; and
 - (c) the person is not a person to whom subregulation (4), (5) or (6) applies.
- (4) This subregulation applies to a person if:
 - (a) the person is a crew member employed by the operator who has not been assigned to the flight by the operator; and
 - (b) a passenger seat is not available for the person; and
 - (c) the person is identified as an employee of the operator; and
 - (d) the person is briefed by a cabin crew member for the flight on the following before the aeroplane takes off:
 - (i) the operation and use of the seat and its restraint system;
 - (ii) the location and use of the oxygen system at the seat (if any);
 - (iii) the location and use of the life jacket for the seat;
 - (iv) the person's responsibilities during an emergency.
- (5) This subregulation applies to a person if:
 - (a) the person is an authorised officer carrying out an in-flight passenger cabin inspection; and
 - (b) a passenger seat is not available for the person; and
 - (c) the person is briefed by a cabin crew member on the following before the aeroplane takes off:
 - (i) the operation and use of the seat and its restraint system;
 - (ii) the location and use of the oxygen system at the seat (if any);
 - (iii) the location and use of the life jacket for the seat;
 - (iv) the person's responsibilities during an emergency.
- (6) This subregulation applies to a person if:

- (a) the pilot in command:
 - (i) declares an emergency; or
 - (ii) directs the cabin crew that abnormal circumstances exist for the flight;
and
 - (b) the person is an able-bodied person; and
 - (c) a cabin crew member assigns the person to the cabin crew seat; and
 - (d) the person is briefed by a cabin crew member on the person's responsibilities while occupying the cabin crew seat.
- (7) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

121.385 CASA approvals relating to take-offs and landings

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane takes off or lands in circumstances mentioned in subregulation (2); and
 - (b) the requirement in subregulation (3) is not met.
- (2) The circumstances are the aeroplane conducts a 3D instrument approach operation with an approach path angle of 4.5 degrees or more.
- (3) The requirement is that the operator must hold an approval under regulation 121.010 to conduct the take-off or landing in those circumstances.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 121.F—Performance

121.390 Performance data

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the performance data in the aircraft flight manual instructions for the aeroplane does not comply with Annex 8 to the Chicago Convention; and
 - (b) the aeroplane begins the flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a calculation relating to the aeroplane's performance for the flight is made for the purposes of this Subpart; and
 - (b) data other than either of the following is used to make that calculation:
 - (i) performance data set out in the aircraft flight manual instructions for the aeroplane;
 - (ii) performance data for which the aeroplane operator holds an approval under regulation 121.010.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.395 Take-off performance

- (1) The Part 121 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aeroplane.
- (2) Without limiting subregulation (1), the Part 121 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the kinds of operations to be carried out during the flight;
 - (b) characteristics of the aerodrome at which the aeroplane takes off;
 - (c) characteristics of the route flown by the aeroplane;
 - (d) characteristics of the aerodrome at which the aeroplane lands.
- (3) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

121.420 Landing performance

- (1) The Part 121 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aeroplane.
- (2) Without limiting subregulation (1), the Part 121 Manual of Standards may prescribe requirements relating to one or more of the following:
- (a) the aeroplane's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aeroplane lands;
 - (d) safety factor percentages to be applied.
- (3) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

121.425 Computerised performance data systems not fitted to aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a computerised system that is not fitted to the aeroplane is used as the primary means to make calculations relating to the aeroplane's performance for the flight for the purposes of this Subpart; and
 - (b) the system does not meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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121.430 Procedures relating to inoperative engines

- (1) An aeroplane operator's exposition must include procedures to allow the aeroplane's flight path to meet the requirements mentioned in subregulation (2) if one engine becomes inoperative during take-off and the take-off is continued.
- (2) The requirements are that the aeroplane's flight path must provide a safe route, clearing all obstacles along the flight path, for the aeroplane to land at either of the following aerodromes:
 - (a) the departure aerodrome for the flight;
 - (b) if the operational flight plan for the flight includes a take-off alternate aerodrome—the take-off alternate aerodrome.
- (3) The operator of a 3-engine or 4-engine aeroplane must include, in the operator's exposition, procedures to follow if 2 engines become inoperative during the flight.

Subpart 121.J—Weight and balance

121.435 Loading of aeroplane

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is loaded in a way that contravenes the aeroplane's weight and balance limits.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, the aeroplane ceases to be loaded in accordance with the aeroplane's weight and balance limits.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.440 Procedures for loading aeroplane etc.

- (1) An aeroplane operator's exposition must include the following:
 - (a) procedures for loading the aeroplane for a flight to comply with regulation 121.435;
 - (b) procedures for working out the following weights for a flight of the aeroplane:
 - (i) the total weight of the crew members and the carry-on baggage of the crew members;
 - (ii) the total weight of the passengers and the carry-on baggage of the passengers;
 - (iii) the total weight of the cargo (other than carry-on baggage);
 - (iv) the total weight of the usable fuel to be carried;
 - (c) procedures to ensure that the aeroplane is loaded:
 - (i) in accordance with the information for the loading of the aeroplane for the flight prepared by the person responsible for planning the loading of the aeroplane for the flight; and
 - (ii) by, or under the supervision of, the person responsible for supervising the loading of the aeroplane for the flight;
 - (d) procedures setting out the circumstances in which a last-minute change to a load may be made, including procedures to ensure that a last-minute change to a load does not cause the aeroplane to exceed its weight and balance limits;
 - (e) procedures for confirming the weight and balance documents;
 - (f) procedures for offloading passengers or cargo to ensure that the aeroplane does not exceed its weight and balance limits.
- (2) For the purposes of subparagraphs (1)(b)(i) and (ii), the procedures must provide that the weights mentioned in those subparagraphs must be worked out:

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- (a) by actual weighing; or
 - (b) in accordance with a method for which the operator holds an approval under regulation 121.010; or
 - (c) in accordance with the standard weights prescribed by the Part 121 Manual of Standards.
- (3) For the purposes of subparagraph (1)(b)(iv), the procedures must provide that the weight of the usable fuel must be worked out as follows:
- (a) if the density of the fuel is known—by reference to its density and in accordance with a method set out in the procedures;
 - (b) if the density of the fuel is not known—in accordance with a method set out in the procedures.

121.445 Pilot in command must have information about aeroplane's weight and balance

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the pilot in command does not have the information about the aeroplane's weight and balance that is prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.450 Computerised weight and balance systems not fitted to aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a computerised system that is not fitted to the aeroplane is used as the primary means to calculate the weight and balance of the aeroplane for the flight; and
 - (b) the system does not meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.455 Weight and balance documents

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the weight and balance documents for the flight do not meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 121.K—Equipment

121.460 Requirements relating to equipment

- (1) The Part 121 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to an aeroplane; and
 - (b) the carrying of equipment on an aeroplane; and
 - (c) equipment that is fitted to, or carried on, an aeroplane.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 121.N—Flight crew

Division 121.N.1—General

121.470 Additional application of this Subpart

This Subpart also applies to the operation of a multi-engine aeroplane if:

- (a) either or both of paragraphs 121.005(1)(a) and (b) apply in relation to the aeroplane; and
- (b) the operator of the aeroplane holds an Australian air transport AOC that authorises the conduct of Part 121 operations; and
- (c) the operation is of a kind specified in the operator's exposition.

121.475 Composition, number, qualifications and training

Composition, number, qualifications and training

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) the composition of the aeroplane's flight crew for the flight must comply with the aeroplane's flight manual;
 - (b) the flight crew must include at least 2 pilots;
 - (c) at least one pilot occupying a pilot seat must have the experience required by regulation 121.480 for a flight crew member for the operator and the aeroplane;
 - (d) if the flight is a kind of operation for which the operator's exposition requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (e) if the flight is a kind of operation for which these Regulations require the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (f) each flight crew member must be qualified under regulation 121.490, 121.495 or 121.500 to carry out the duties assigned to the flight crew member by the operator for the flight;
 - (g) if the operator's exposition includes requirements, in accordance with regulation 121.515, in relation to knowledge that the pilot in command must have of the route of, and aerodromes for, the flight—the pilot in command must meet the requirements;
 - (h) each flight crew member must have the recent experience for the flight required by Division 121.N.4;
 - (i) each flight crew member must meet the initial training requirements under regulation 121.555 for the operator;
 - (j) each flight crew member must meet the conversion training requirements under subregulation 121.560(1) for the operator and the aeroplane;

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- (k) each flight crew member assigned to duty for unsupervised line flying for the flight must meet the conversion training requirement under subregulation 121.560(2) for the operator and the aeroplane;
 - (l) each flight crew member must meet the recurrent training and checking requirements under subregulation 121.570(1) for the flight;
 - (m) each flight crew member assigned to duty for unsupervised line flying for the flight must meet the recurrent training and checking requirements under subregulation 121.570(2) for the flight;
 - (n) each flight crew member for whom, under the operator's exposition, differences training for the aeroplane is required, must have successfully completed the differences training:
 - (i) for the aeroplane; and
 - (ii) for equipment that is required under Subpart 121.K to be fitted to, or carried on, the aeroplane and may be used by the flight crew member in connection with operating the aeroplane.
- (3) For the purposes of paragraph (2)(d), the operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.

Training or checking involving safety or emergency equipment

- (4) The operator of an aeroplane contravenes this subregulation if training or checking mentioned in subregulation (2), to the extent that it involves safety equipment or emergency equipment, is conducted other than by a person who holds an approval under regulation 121.010.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

121.480 Experience

- (1) For the purposes of paragraph 121.475(2)(c), the experience required for a flight crew member for an aeroplane operator and an aeroplane is that:
- (a) the flight crew member:
 - (i) holds a rating that covers the aeroplane; or
 - (ii) has successfully completed command training that complies with regulation 121.565 for the operator and an aeroplane; and
 - (b) the flight crew member has completed the flying experience mentioned in subregulation (2).
- (2) For the purposes of paragraph (1)(b), the flying experience:
- (a) must be the number of hours and sectors mentioned in subregulation (3) in aeroplanes of that kind; and
 - (b) must be completed as part of line operations; and

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- (c) may include experience while the flight crew member is flying under supervision.
- (3) For the purposes of paragraph (2)(a), the number of hours and sectors is:
 - (a) at least 100 hours and 10 sectors; or
 - (b) if the aeroplane operator by whom the flight crew member is employed holds an approval under regulation 121.010 for a different numbers of hours and sectors for the flight crew member—at least that number of hours and sectors.
- (4) CASA may grant the approval mentioned in paragraph (3)(b) only if satisfied that there are special circumstances in relation to the operator’s operation that justify the grant of the approval.

121.485 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a flight crew member for the flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator’s training and checking system, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.490 Assignment to duty as pilot in command

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the aeroplane for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.495 Pilot in command

- (1) A pilot is qualified as pilot in command for a flight of an aeroplane if:
 - (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (2), in the aeroplane operator’s exposition for the aeroplane; and
 - (b) the pilot has successfully completed command training that complies with regulation 121.565 for the aeroplane operator and an aeroplane; and
 - (c) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as pilot in command under Part 61; or

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- (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as pilot in command by the aeroplane’s State of registry.
- (2) For the purposes of paragraph (1)(a), the aeroplane operator’s exposition must include minimum flying experience requirements for all aeroplanes operated by the operator for Part 121 operations.

121.500 Co-pilots

- (1) A pilot is qualified as co-pilot for a flight of an aeroplane if:
 - (a) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as co-pilot under Part 61; or
 - (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as co-pilot by the aeroplane’s State of registry; and
 - (b) the pilot has completed supervised line flying on an aeroplane of that kind as co-pilot for the number of sectors or flight hours mentioned in the aeroplane operator’s exposition.
- (2) A pilot is qualified as co-pilot for a flight of an aeroplane if the pilot is qualified under regulation 121.495 as pilot in command for the flight.

121.505 Cruise relief co-pilots

- (1) A pilot is qualified as cruise relief co-pilot for a flight of an aeroplane if:
 - (a) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as cruise relief co-pilot under Part 61; or
 - (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as cruise relief co-pilot by the aeroplane’s State of registry; and
 - (b) the pilot has completed supervised line flying on an aeroplane of that kind as cruise relief co-pilot for the number of sectors or flight hours mentioned in the aeroplane operator’s exposition.
- (2) A pilot is qualified as cruise relief co-pilot for a flight of an aeroplane if the pilot is:
 - (a) qualified under regulation 121.495 as pilot in command for the flight; or
 - (b) qualified under regulation 121.500 as co-pilot for the flight.

121.510 Use of approved flight simulators for training or checking

Seating capacity of more than 19 and certain other aeroplanes

- (1) Subregulation (2) applies to:

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- (a) an aeroplane with a maximum certificated passenger seating capacity of more than 19; or
 - (b) an aeroplane of a kind prescribed by the Part 121 Manual of Standards.
- (2) The operator of the aeroplane contravenes this subregulation if:
- (a) a flight crew member of the operator’s personnel undertakes training or checking, in accordance with this Subpart, for the aeroplane; and
 - (aa) the training or checking involves a simulated engine or system failure that affects, or is likely to affect, the aeroplane’s performance or handling characteristics; and
 - (b) there is an approved flight simulator for the aeroplane (whether in Australia, or in a recognised foreign State within the meaning of regulation 61.010) that is available for use, within the meaning of subregulation (5), by the operator for the training or checking; and
 - (c) the training or checking is conducted other than in the flight simulator.

Seating capacity of 19 or less

- (3) Subregulation (4) applies to an aeroplane with a maximum certificated passenger seating capacity of 19 or less, other than an aeroplane to which subregulation (2) applies.
- (4) The operator of the aeroplane contravenes this subregulation if:
- (a) a flight crew member of the operator’s personnel undertakes training or checking, in accordance with this Subpart, for the aeroplane; and
 - (aa) the training or checking involves a simulated engine or system failure that affects, or is likely to affect, the aeroplane’s performance or handling characteristics; and
 - (b) there is an approved flight simulator for the aeroplane in Australia that is available for use, within the meaning of subregulation (5), by the operator for the training or checking; and
 - (c) the training or checking is conducted other than in the flight simulator.

Available for use

- (5) For the purposes of paragraphs (2)(b) and (4)(b), an approved flight simulator is available for use by an operator if the flight simulator:
- (a) is available for the operator to use, or to reserve for use; and
 - (b) is offered for use on a commercial basis; and
 - (c) is serviceable.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

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121.515 Knowledge of route and aerodromes

An aeroplane operator's exposition must include requirements in relation to the knowledge that a pilot in command of the aeroplane for a flight must have of:

- (a) the route of the flight; and
- (b) the departure aerodrome and the planned destination aerodrome for the flight; and
- (c) any alternate aerodrome required for the flight by the flight preparation (Part 121 alternate aerodromes) requirements.

Division 121.N.2—Operation of aeroplanes of different type ratings

121.520 Application of Division 121.N.2

This Division applies in relation to the operator of an aeroplane if:

- (a) under the operator's AOC, the operator operates aeroplanes of more than one type rating for Part 121 operations; and
- (b) the operator assigns, or is likely to assign, a flight crew member employed by the operator to duty on aeroplanes of more than one type rating.

121.525 Assignment of flight crew to aeroplanes of different type ratings

The operator's exposition must include the following:

- (a) a description of the circumstances in which the operator may assign a flight crew member to duty on aeroplanes of more than one type rating;
- (b) the combinations of aeroplanes with different type ratings that a single flight crew member may be assigned to duty on by the operator;
- (c) the flying experience, checks and training that a flight crew member must gain or complete, while the flight crew member is employed by the operator, before being assigned to duty on aeroplanes of more than one type rating;
- (d) procedures to ensure that, if a flight crew member is assigned to duty on aeroplanes with different type ratings within one tour of duty, the flight crew member has adequate time between flights on aeroplanes with different ratings for the flight crew member to prepare for duty.

121.530 Credit for checks, qualifications, training and experience

- (1) Subregulation (2) applies if an operator holds an approval under regulation 121.010 in relation to:
 - (a) a particular check or qualification, or particular training or experience, mentioned in this Subpart; and
 - (b) aeroplanes of 2 particular type ratings (the *first type rating* and the *second type rating*).

Note: See also regulation 121.575 in relation to Part 121 proficiency checks completed for a previous operator.

- (2) For the purposes of these Regulations, the successful completion, by a flight crew member of the operator's personnel, of the check, qualification, training or experience for an aeroplane of the first type rating is taken to also be the successful completion by the flight crew member of the check, qualification, training or experience for an aeroplane of the second type rating.
- (3) CASA may grant an approval mentioned in subregulation (1) only if satisfied that:

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- (a) the check, qualification, training or experience for an aeroplane of the first type rating is sufficiently similar to the check, qualification, training or experience for an aeroplane of the second type rating; and
- (b) an aeroplane of the first type rating and second type rating are sufficiently similar in relation to:
 - (i) their level of technology; and
 - (ii) their operational procedures; and
 - (iii) their handling characteristics.

Example: For the purposes of subparagraph (b)(i), the level of technology for an aeroplane might involve the following:

- (a) the aeroplane's flight management system;
- (b) the aeroplane's auto-pilot system;
- (c) the aeroplane's flight instrumentation.

Division 121.N.3—Relief

121.535 Relief of pilot in command

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the pilot in command delegates the conduct of the flight; and
 - (b) the delegation is not permitted by either subregulation (2) or (3).

General

- (2) The pilot in command of an aeroplane for a flight may delegate the conduct of the flight to a pilot who is qualified under regulation 121.495 as pilot in command for the flight.

Flight above flight level 200

- (3) The pilot in command of an aeroplane for a flight may delegate the conduct of the flight above flight level 200 to a pilot who meets the requirements mentioned in subregulation (4).
- (4) The requirements are as follows:
 - (a) the pilot must hold an air transport pilot licence;
 - (b) the pilot must be qualified under regulation 121.500 as co-pilot for the flight;
 - (c) the pilot must have the flying experience required by regulation 121.480 for the flight;
 - (d) the pilot must have the knowledge of the route of the flight required by the operator's exposition.
- (5) For the purposes of paragraph (4)(d), the operator's exposition must include the knowledge the pilot must have of the route of the flight.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.N.4—Recent experience

121.540 Pilot in command and co-pilot—recent experience requirements

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command or co-pilot of the aeroplane for the flight; and
 - (b) the pilot does not have the recent experience required for the flight by subregulation (3).

Pilot

- (2) A pilot of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot operates the aeroplane as pilot in command or co-pilot for the flight; and
 - (b) the pilot does not have the recent experience required for the flight by subregulation (3).

Recent experience requirements

- (3) The recent experience required for a flight is:
 - (a) within 90 days before the flight, the pilot must meet at least one of the requirements mentioned in subregulation (4); or
 - (b) if it is not practicable for the pilot to comply with paragraph (a)—the flight experience required under the aeroplane operator's exposition.
- (4) For the purposes of paragraph (3)(a), the requirements are as follows:
 - (a) the pilot has carried out, in an aeroplane of that kind or an approved flight simulator for the aeroplane:
 - (i) at least 3 take-offs that comply with subregulation (5) while controlling the aeroplane or simulator; and
 - (ii) at least 3 landings while controlling the aeroplane or simulator;
 - (b) the pilot has passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane;
 - (c) the pilot has successfully completed a Part 121 proficiency check for the operator and an aeroplane of that kind.
- (5) For the purposes of subparagraph (4)(a)(i), each take-off must be followed by a climb to at least 500 ft AGL.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.545 Cruise relief co-pilot—recent experience requirements

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as cruise relief co-pilot for the flight; and
 - (b) the pilot has not, within 90 days before the flight, done at least one of the following:
 - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulator for the aeroplane;
 - (ii) passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane;
 - (iii) exercised the privileges of a pilot licence or a rating on a pilot licence that covers the aeroplane.

Pilot

- (2) A pilot of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot operates the aeroplane as cruise relief co-pilot for the flight; and
 - (b) the pilot has not, within 90 days before the flight, done at least one of the following:
 - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulator for the aeroplane;
 - (ii) passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane;
 - (iii) exercised the privileges of a pilot licence or a rating on a pilot licence that covers the aeroplane.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.550 Flight engineers—recent experience requirements

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a flight engineer to duty as flight engineer of the aeroplane for the flight; and

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- (b) the flight engineer does not have the recent experience required under regulation 61.1335 (limitations on exercise of privileges of flight engineer licences—recent experience) for the flight.

Flight engineer

- (2) A flight engineer of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight engineer performs a duty that is essential to the operation of the aeroplane for the flight; and
 - (b) the flight engineer does not have the recent experience required under regulation 61.1335 (limitations on exercise of privileges of flight engineer licences—recent experience) for the flight.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 121.N.5—Non-recurrent training and checking etc.

121.555 Meeting initial training requirements

- (1) For the purposes of paragraph 121.475(2)(i), a flight crew member meets the initial training requirements for an operator of an aeroplane if:
 - (a) the flight crew member has completed the operator's initial training for a flight crew member; and
 - (b) the initial training meets the requirements prescribed by the Part 121 Manual of Standards; and
 - (c) the flight crew member has successfully completed an initial training check in accordance with the operator's exposition.
- (2) Without limiting paragraph (1)(b), the requirements may relate to training facilities or devices.

121.560 Meeting conversion training requirements

- (1) For the purposes of paragraph 121.475(2)(j), a flight crew member meets the conversion training requirements under this subregulation for an operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has completed training, for an aeroplane of that kind, that meets the requirements prescribed by the Part 121 Manual of Standards; and
 - (b) the training is conducted by:
 - (i) an individual employed by the operator to conduct the training; or
 - (ii) a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the training for the operator.
- (2) For the purposes of paragraph 121.475(2)(k), a flight crew member meets the conversion training requirement under this subregulation for an operator of an aeroplane and the aeroplane if the flight crew member has completed supervised line flying in an aeroplane of that kind.
- (3) The supervised line flying mentioned in subregulation (2) must have been completed after the flight crew member has successfully completed all of the following:
 - (a) a Part 121 proficiency check for the operator and the aeroplane;
 - (b) a valid annual emergency and safety equipment check for the operator and the aeroplane under regulation 121.605;
 - (c) a valid 3 yearly emergency and safety equipment check for the operator and the aeroplane under regulation 121.615.

121.565 Command training requirements

Command training for a pilot for an aeroplane operator and an aeroplane must include the following:

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- (a) either:
 - (i) flying training conducted in an aeroplane of that kind; or
 - (ii) if there is an approved flight simulator for the aeroplane—training conducted in the approved flight simulator;
- (b) successful completion of a Part 121 proficiency check, for the operator and the aeroplane, for a pilot in command of the aeroplane;
- (c) training in the responsibilities of the pilot in command of an aeroplane of that kind;
- (d) training in relation to pilot incapacitation;
- (e) supervised line flying on an aeroplane of that kind as pilot in command under supervision for at least the number of sectors required by the operator's exposition;
- (f) successful completion of a line check that complies with regulation 121.590 for a pilot in command for an aeroplane of that kind.

Division 121.N.6—Recurrent training and checking

121.570 Recurrent training and checking requirements

- (1) For the purposes of paragraph 121.475(2)(l), a flight crew member meets the recurrent training and checking requirements for a flight of an aeroplane if the flight crew member:
 - (a) holds the following for the aeroplane operator and the aeroplane:
 - (i) a valid Part 121 proficiency check under regulation 121.575;
 - (ii) a valid refresher check under regulation 121.595;
 - (iii) a valid annual emergency and safety equipment check under regulation 121.605;
 - (iv) a valid 3 yearly emergency and safety equipment check under regulation 121.615; and
 - (b) has completed, within the previous 12 months, recurrent flight training, in accordance with the requirements prescribed by the Part 121 Manual of Standards, for an aeroplane of that kind.
- (2) For the purposes of paragraph 121.475(2)(m), a flight crew member meets the recurrent training and checking requirements for a flight of an aeroplane if the flight crew member holds a valid line check under regulation 121.585 for the aeroplane operator and the aeroplane.

121.575 Holding valid Part 121 proficiency check

Holding a valid check

- (1) If a person successfully completes a Part 121 proficiency check for the operator of an aeroplane and an aeroplane on a day (the **completion day**), the check is valid for the period:
 - (a) beginning on the completion day; and
 - (b) ending at the earliest of the following times:
 - (i) the beginning of the day the person successfully completes another Part 121 proficiency check for the operator and the aeroplane;
 - (ii) the end of the 8 month period beginning on the completion day;
 - (iii) if the person has, within the 12 month period ending immediately before the completion day, successfully completed one or more Part 121 proficiency checks (the **previous checks**) for the operator and the aeroplane—the end of the 12 month period beginning on the day the most recent of the previous checks was successfully completed.

When a check completed for a previous operator is valid

- (2) If:
 - (a) an operator (the **current operator**) of an aeroplane of a particular kind that has a maximum certificated passenger seating capacity of 19 or less holds an approval under regulation 121.010 in relation to Part 121 proficiency
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checks completed for another particular operator (the *previous operator*) and an aeroplane of that kind; and

- (b) a person holds a valid Part 121 proficiency check for the previous operator and an aeroplane of that kind;

the person is taken, for the purposes of these Regulations, to hold a valid Part 121 proficiency check for the current operator and an aeroplane of that kind.

121.580 Part 121 proficiency check

Pilots

- (1) A proficiency check for a pilot for an aeroplane must, in accordance with any requirements prescribed by the Part 121 Manual of Standards, check the competence of the pilot in carrying out normal, abnormal and emergency procedures in relation to the flying of an aeroplane of that kind while performing duties at their normal pilot seat.
- (2) The check for the pilot must be conducted by an individual:
- (a) who is either:
- (i) employed by the operator to conduct the check; or
- (ii) employed by a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the check for the operator; and
- (b) who meets the requirements mentioned in subregulation (3).
- (3) For the purposes of paragraph (2)(b), the individual must:
- (a) hold:
- (i) a flight examiner rating for an aeroplane of that kind; or
- (ii) an approval under regulation 121.010 to conduct a Part 121 proficiency check for an aeroplane of that kind; and
- (b) have successfully completed training in human factors principles and non-technical skills.

Flight engineers

- (4) A proficiency check for a flight engineer for an aeroplane must, in accordance with any requirements prescribed by the Part 121 Manual of Standards, check the competence of the flight engineer in carrying out the duties of a flight engineer in relation to the operation of an aeroplane of that kind while acting as part of a normal flight crew for the aeroplane.
- (5) The check for the flight engineer must be conducted by an individual:
- (a) who is either:
- (i) employed by the operator to conduct the check; or
- (ii) employed by a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the check for the operator; and
- (b) who meets the requirements mentioned in subregulation (6).

- (6) For the purposes of paragraph (5)(b), the individual must:
- (a) hold:
 - (i) a flight engineer examiner rating for an aeroplane of that kind; or
 - (ii) an approval under regulation 121.010 to conduct a Part 121 proficiency check for an aeroplane of that kind; and
 - (b) have successfully completed training in human factors principles and non-technical skills.

121.585 Holding valid line check

- (1) A flight crew member holds a valid line check for the operator of an aeroplane and the aeroplane if:
- (a) the flight crew member has successfully completed the operator's line check for an aeroplane of that kind; and
 - (b) the check complies with:
 - (i) for a pilot—subregulation 121.590(1); and
 - (ii) for a flight engineer—subregulation 121.590(2); and
 - (c) the check is valid in accordance with subregulations (2) and (3) of this regulation.
- (2) Subject to subregulation (3), a line check is valid for the period:
- (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (3) If:
- (a) a person's line check (the **existing check**) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
 - (b) the person successfully completes another line check (the **new check**) for that operator and aeroplane in accordance with paragraphs (1)(a) and (b) less than 3 months before the day the existing check is due to expire;
- the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.590 Line check requirements

Pilots

- (1) A line check for a pilot for an aeroplane must meet the following requirements:
- (a) the check must check the pilot's competence in carrying out a normal line operation for the aeroplane;
 - (b) if the pilot is assigned duties as both the pilot flying and the pilot monitoring, the check must check the pilot in both functions;
 - (c) the person conducting the check must hold an appointment by the operator of the aeroplane to conduct a line check for an aeroplane of that kind.

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Flight engineers

- (2) A line check for a flight engineer for an aeroplane must meet the following requirements:
 - (a) the check must check the flight engineer's competence in carrying out a normal line operation for the aeroplane;
 - (b) the person conducting the check (the **check flight engineer**) must not occupy a flight engineer panel seat during take-off, departure, initial cruise, descent, approach or landing;
 - (c) the check flight engineer must hold an appointment by the operator of the aeroplane to conduct a line check for an aeroplane of that kind.

121.595 Holding valid refresher check

- (1) A flight crew member holds a valid refresher check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has undertaken the operator's refresher training for an aeroplane of that kind; and
 - (b) the training complies with subregulation 121.600(1); and
 - (c) the flight crew member has successfully completed the operator's refresher check for an aeroplane of that kind; and
 - (d) the check complies with subregulation 121.600(2); and
 - (e) the check is valid in accordance with subregulations (2) and (3) of this regulation.
- (2) Subject to subregulation (3), a refresher check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (3) If:
 - (a) a person's refresher check (the **existing check**) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
 - (b) the person successfully completes another refresher check (the **new check**) for that operator and aeroplane in accordance with paragraph (1)(d) less than 3 months before the day the existing check is due to expire;
the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.600 Refresher training and checking requirements

Training requirements

- (1) Refresher training for a flight crew member for an aeroplane must meet the following requirements:
 - (a) for a pilot—the training must relate to the duties of a pilot for the aeroplane;
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- (b) for a flight engineer—the training must relate to the duties of a flight engineer for the aeroplane;
- (c) the training must include training on aeroplane systems;
- (d) the training must include training on operational procedures and requirements in relation to the Part 121 operations conducted by the operator using the aeroplane;
- (e) the training must include accident, incident and occurrence reviews.

Checking requirements

- (2) A refresher check for a flight crew member for an aeroplane must include an assessment of the flight crew member’s knowledge of the training mentioned in paragraphs (1)(a) to (d).

121.605 Holding valid annual emergency and safety equipment check

- (1) A flight crew member holds a valid annual emergency and safety equipment check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has undertaken the operator’s annual emergency and safety equipment training for an aeroplane of that kind; and
 - (b) the training complies with subregulation 121.610(1); and
 - (c) the flight crew member has successfully completed the operator’s annual emergency and safety equipment check for an aeroplane of that kind; and
 - (d) the check complies with subregulation 121.610(2); and
 - (e) the check is valid in accordance with subregulations (2) and (3) of this regulation.
- (2) Subject to subregulation (3), an annual emergency and safety equipment check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (3) If:
 - (a) a person’s annual emergency and safety equipment check (the *existing check*) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
 - (b) the person successfully completes another annual emergency and safety equipment check (the *new check*) for that operator and aeroplane in accordance with paragraph (1)(d) less than 3 months before the day the existing check is due to expire;

the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

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121.610 Annual emergency and safety equipment training and checking requirements

Training requirements

- (1) Annual emergency and safety equipment training for a flight crew member for an aeroplane must meet the following requirements:
 - (a) for a pilot—the training must relate to the duties of a pilot for the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (b) for a flight engineer—the training must relate to the duties of a flight engineer for the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (c) the training must meet the requirements prescribed by the Part 121 Manual of Standards.
- (1A) Without limiting paragraph (1)(c), the requirements may relate to training facilities or devices.

Checking requirements

- (2) An annual emergency and safety equipment check for a flight crew member for an aeroplane must:
 - (a) cover the location and use of all emergency and safety equipment carried on the aeroplane; and
 - (b) cover the equipment for which the flight crew member has undertaken training mentioned in subregulation (1); and
 - (c) be carried out using:
 - (i) the aeroplane; or
 - (ii) a training facility or device which meets the requirements prescribed by the Part 121 Manual of Standards for the purposes of regulation 121.680.

121.615 Holding valid 3 yearly emergency and safety equipment check

- (1) A flight crew member holds a valid 3 yearly emergency and safety equipment check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has undertaken the operator's 3 yearly emergency and safety equipment training for an aeroplane of that kind; and
 - (b) the training complies with subregulation 121.620(1); and
 - (c) the flight crew member has successfully completed the operator's 3 yearly emergency and safety equipment check for an aeroplane of that kind; and
 - (d) the check complies with subregulation 121.620(2); and
 - (e) the check is valid in accordance with subregulations (2) and (3) of this regulation.
- (2) Subject to subregulation (3), a 3 yearly emergency and safety equipment check is valid for the period:
 - (a) beginning on the day the check is completed; and

(b) ending at the end of the 3-year period beginning at the end of the month in which the check is completed.

(3) If:

- (a) a person's 3 yearly emergency and safety equipment check (the *existing check*) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
- (b) the person successfully completes another 3 yearly emergency and safety equipment check (the *new check*) for that operator and aeroplane in accordance with paragraph (1)(d) less than 3 months before the day the existing check is due to expire;

the new check is valid for the 3-year period beginning at the end of the day the existing check expires.

121.620 The 3 yearly emergency and safety equipment training and checking requirements

Training requirements

- (1) The 3 yearly emergency and safety equipment training for a flight crew member for an aeroplane must meet the following requirements:
 - (a) for a pilot—the training must relate to the duties of a pilot of the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (b) for a flight engineer—the training must relate to the duties of a flight engineer for the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (c) the training must meet the requirements prescribed by the Part 121 Manual of Standards.

(1A) Without limiting paragraph (1)(c), the requirements may relate to training facilities or devices.

Checking requirements

- (2) A 3 yearly emergency and safety equipment check for a flight crew member for an aeroplane must:
 - (a) check the competence of the flight crew member in relation to the requirements prescribed for the purposes of paragraph (1)(c); and
 - (b) be carried out using:
 - (i) the aeroplane; or
 - (ii) a training facility or device which meets the requirements prescribed by the Part 121 Manual of Standards for the purposes of regulation 121.680.

Subpart 121.P—Cabin crew

Division 121.P.1—Preliminary

121.625 Application of Subpart 121.P

- (1) This Subpart (other than Division 121.P.7) applies in relation to a flight of an aeroplane if regulation 121.630 requires a cabin crew member to be carried on the aeroplane for the flight.
- (2) Division 121.P.7 applies in relation to a flight of an aeroplane if regulation 121.630 does not require a cabin crew member to be carried on the aeroplane for the flight.

121.630 When cabin crew are required

A cabin crew member must be carried on a flight of an aeroplane if:

- (a) the flight is a passenger transport operation; and
- (b) either:
 - (i) the aeroplane has a maximum operational passenger seat configuration of more than 19; or
 - (ii) the aeroplane has a maximum operational passenger seat configuration of more than 9 and a maximum certificated passenger seating capacity of more than 19.

Division 121.P.2—General

121.635 Number of cabin crew

Number of cabin crew

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
 - (a) if the aeroplane does not have twin aisles—a requirement mentioned in subregulation (2) is not met for the flight; or
 - (b) if the aeroplane does have twin aisles—a requirement mentioned in subregulation (3) is not met for the flight.

Aeroplanes without twin aisles

- (2) If the aeroplane does not have twin aisles, the number of cabin crew members for the flight must be at least:
 - (a) the flight base number of cabin crew members for the flight; or
 - (b) if there is a demonstration additional number of cabin crew members for the aeroplane and paragraph (c) does not apply to the aeroplane—the sum of:
 - (i) the flight base number of cabin crew members for the flight; and
 - (ii) the demonstration additional number of cabin crew members for the aeroplane; or
 - (c) if the operator holds an approval under regulation 121.010 for a number (the **reduced demonstration additional number**) in relation to the aeroplane that is less than the demonstration additional number of cabin crew members for the aeroplane—the sum of:
 - (i) the flight base number of cabin crew members for the flight; and
 - (ii) the reduced demonstration additional number.

Aeroplanes with twin aisles

- (3) If the aeroplane has twin aisles, the number of cabin crew members for the flight must be at least the greater of:
 - (a) the number of cabin crew members that would be required under subregulation (2) for the flight if the aeroplane did not have twin aisles; and
 - (b) the number equal to the sum of one cabin crew member for each floor level exit for the aeroplane.

Approvals by CASA

- (4) A number approved by CASA under regulation 121.010, as referred to in paragraph (2)(c) of this regulation, may be zero.

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Exception

- (5) Subregulation (1) does not apply if:
- (a) a requirement mentioned in subregulation (2) or (3) (as the case requires) is not met for the flight; but
 - (b) the flight is operated with a reduced number of cabin crew members in accordance with regulation 121.670.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

121.640 Qualifications, experience and training

Qualifications, experience and training

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are that each cabin crew member for the flight must:
- (a) have the recent experience required for the flight by regulation 121.705; and
 - (b) meet the initial training requirements under regulation 121.710 for the operator; and
 - (c) meet the conversion training requirements under subregulation 121.715(1) for the operator and the aeroplane type; and
 - (d) for unsupervised line flying for the flight—meet the conversion training requirements under subregulation 121.715(3) for the operator and the aeroplane; and
 - (e) meet the differences training requirements (if any) under regulation 121.720 for the operator and the aeroplane; and
 - (f) hold a valid annual training check under regulation 121.725 for the operator and the aeroplane type; and
 - (g) for unsupervised line flying for the flight—hold a valid line check under regulation 121.730 for the operator and an aeroplane operated by the operator; and
 - (h) hold a valid 3 yearly training check under regulation 121.735 for the operator and the aeroplane type; and
 - (i) have the qualifications and experience required by the operator's exposition for the duties assigned to the cabin crew member for the flight.

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Training or checking involving safety or emergency equipment

- (3) The operator of an aeroplane for a flight contravenes this subregulation if training or checking mentioned in subregulation (2), to the extent that it involves safety equipment or emergency equipment, is conducted other than by a person who holds an approval under regulation 121.010.

Exception

- (4) Subregulation (1) does not apply in relation to a requirement mentioned in subregulation (2) for a cabin crew member if:
- (a) the cabin crew member is successfully participating in the operator's training and checking system; and
 - (b) the operator holds an approval under regulation 121.010 that the system adequately covers the matters to which the requirement relates.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

121.645 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a cabin crew member for the flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.650 Minimum age

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a cabin crew member for the flight has not turned 18.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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121.655 English proficiency

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a cabin crew member for the flight; and
 - (b) the person does not meet a requirement relating to general English Language proficiency for cabin crew members prescribed by the Part 121 Manual of Standards.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.660 Assignment to duty as senior cabin crew member

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
 - (a) there is more than one cabin crew member for the flight; and
 - (b) none of the cabin crew members is assigned to duty as the senior cabin crew member for the flight.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.665 Training and checking for senior cabin crew member

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a cabin crew member (the ***original senior cabin crew member***) to duty as the senior cabin crew member for the flight; and
 - (b) the cabin crew member has not successfully completed the training and checking for a senior cabin crew member prescribed by the Part 121 Manual of Standards.

- (2) Subregulation (1) does not apply if, before the flight begins:

- (a) another cabin crew member is assigned to duty as the senior cabin crew member for the flight; and
- (b) the original senior cabin crew member becomes unable to report for duty due to unforeseen circumstances that are beyond the operator's control.

Example: A senior cabin crew member becomes unfit for duty shortly before a flight at a place where a replacement senior cabin crew member is not available.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

121.670 Operating with a reduced number of cabin crew

- (1) An aeroplane operator's exposition must include:
 - (a) the circumstances in which the aeroplane may be operated for a flight with a number (a **reduced number**) of cabin crew members that is fewer than the number of cabin crew members required for the flight by subregulation 121.635(2) or (3) (as the case requires); and
 - (b) procedures for operating the aeroplane for the flight with a reduced number of cabin crew members; and
 - (c) procedures for notifying CASA of the reduced number of cabin crew members carried on the flight.
- (2) Circumstances may only be included in the operator's exposition in accordance with paragraph (1)(a) if the circumstances are unforeseen and beyond the operator's control.

Example: A cabin crew member becomes unfit for duty shortly before a flight at a place where a replacement cabin crew member is not available.

- (3) A reduced number of cabin crew members permitted by paragraph (1)(a) for a flight must not be less than the number equal to the sum of one cabin crew member for each 50, or part of 50, passengers carried on each deck of the aeroplane for the flight.

121.675 Second senior cabin crew member

- (1) This regulation applies in relation to an aeroplane if the aeroplane is used to conduct a flight for which regulation 121.635 requires the aeroplane to carry more than 4 cabin crew members.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a cabin crew member is not assigned to duty as the second senior cabin crew member for the flight.
- (3) The aeroplane operator's exposition must include:
 - (a) procedures to assign a cabin crew member to duty as the second senior cabin crew member for a flight; and
 - (b) the duties to be carried out by a second senior cabin crew member for a flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.680 Training facilities and devices

- (1) An aeroplane operator's exposition must require any training and checking, under this Subpart (other than Division 121.P.7), of a cabin crew member of the operator's personnel that is carried out using a training facility or device to be carried out using a training facility or device specified in the exposition.

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Subpart 121.P Cabin crew

Division 121.P.2 General

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- (2) A training facility or device specified in an exposition in accordance with subregulation (1) must meet the requirements prescribed by the Part 121 Manual of Standards for the purposes of this regulation.

Division 121.P.3—Operation of aeroplanes of different aeroplane types

121.685 Application of Division 121.P.3

This Division applies in relation to the operator of an aeroplane if, under the operator's AOC, the operator operates more than one aeroplane type.

121.690 Content of exposition in relation to aeroplane types

For each aeroplane operated under an AOC, the operator's exposition must include the aeroplane's type for the purposes of this Subpart.

121.695 Maximum number of aeroplane types

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a cabin crew member to duty on the aeroplane for the flight; and
 - (b) the requirement in subregulation (2) is not met.
- (2) The requirement is that:
 - (a) the cabin crew member holds no more than 3 valid annual training checks under regulation 121.725 for the operator and aeroplane types operated by the operator; or
 - (b) the cabin crew member holds an approval under regulation 121.010 to be assigned to duty on 4 aeroplane types operated by the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.700 Assignment to different aeroplane types

An aeroplane operator's exposition must include:

- (a) a description of the circumstances in which the operator may assign a cabin crew member who holds more than one valid annual training check under regulation 121.725 for the operator and aeroplane types operated by the operator to duty for a flight of that aeroplane type; and
- (b) procedures to ensure that such cabin crew members are assigned to duty for a flight of that aeroplane type only in those circumstances.

Division 121.P.4—Recent experience

121.705 Recent experience requirements—6 months before flight

For the purposes of paragraph 121.640(2)(a), the recent experience required for a cabin crew member for a flight of an aeroplane is that, within 6 months before the flight, the cabin crew member must have:

- (a) flown as a cabin crew member on an aeroplane of that aeroplane type; or
- (b) successfully completed the operator's refresher training for an aeroplane of that aeroplane type.

Division 121.P.5—Non-recurrent training and checking

121.710 Meeting initial training requirements

For the purposes of paragraph 121.640(2)(b), a cabin crew member meets the initial training requirements for an operator of an aeroplane if:

- (a) the cabin crew member has completed the operator's initial training for a cabin crew member; and
- (b) the initial training meets the requirements prescribed by the Part 121 Manual of Standards; and
- (c) the cabin crew member has successfully completed an initial training check in accordance with the operator's exposition.

121.715 Meeting conversion training requirements

- (1) For the purposes of paragraph 121.640(2)(c), a cabin crew member meets the conversion training requirements under this subregulation for an operator of an aeroplane and the aeroplane if:
 - (a) the cabin crew member has completed the operator's conversion training for the aeroplane type; and
 - (b) the training meets the requirements mentioned in subregulation (2).
- (2) The requirements are as follows:
 - (a) the training must meet the requirements prescribed by the Part 121 Manual of Standards;
 - (b) the training must include any additional training required to familiarise a cabin crew member with their duties.
- (3) For the purposes of paragraph 121.640(2)(d), a cabin crew member meets the conversion training requirements under this subregulation for an operator of an aeroplane and the aeroplane if:
 - (a) the member has completed supervised line flying on that aeroplane type; and
 - (b) the cabin crew member successfully completes a valid line check, under regulation 121.730, for the operator and an aeroplane operated by the operator.
- (4) The supervised line flying mentioned in subregulation (3) must have been completed after the cabin crew member has successfully completed both of the following:
 - (a) a valid annual training check for the operator and the aeroplane type under regulation 121.725;
 - (b) a valid 3 yearly training check for the operator and the aeroplane type under regulation 121.735.

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121.720 Meeting differences training requirements

- (1) For the purposes of paragraph 121.640(2)(e), a cabin crew member meets the differences training requirements for the operator of an aeroplane and the aeroplane if:
 - (a) the cabin crew member has completed the operator's differences training for the aeroplane; and
 - (b) the differences training includes the training mentioned in subregulation (2); and
 - (c) the cabin crew member has successfully completed the operator's differences training check in accordance with the operator's exposition.
- (2) The training is the following:
 - (a) if the safety equipment on that aeroplane is of a kind that the cabin crew member has not previously received training for—training in the location and use of the safety equipment;
 - (b) if the normal and emergency procedures for that aeroplane are of a kind that the cabin crew member has not previously received training for—training in the normal and emergency procedures.

Division 121.P.6—Recurrent training and checking

121.725 Annual training and holding valid annual training check

- (1) An aeroplane operator's annual training for a cabin crew member for that aeroplane type must meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) An operator's annual training check for a cabin crew member for an aeroplane type must check the competence of the cabin crew member in relation to the requirements mentioned in subregulation (1) for the aeroplane type.
- (3) A cabin crew member holds a valid annual training check for the operator of an aeroplane and the aeroplane type at a particular time if:
 - (a) the member successfully completes the check mentioned in subregulation (2) in relation to the operator and the aeroplane type; and
 - (b) the time is within the period for which the check is valid in accordance with subregulations (4) and (5).
- (4) Subject to subregulation (5), an annual training check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (5) If:
 - (a) a person's annual training check (the **existing check**) for the operator of an aeroplane and an aeroplane type is valid in accordance with subregulation (4); and
 - (b) the person successfully completes another annual training check (the **new check**) for that operator and aeroplane type in accordance with paragraph (3)(a) less than 3 months before the day the existing check is due to expire;

the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.730 Holding valid line check

- (1) A line check for a cabin crew member for an operator of an aeroplane must check the competence of the cabin crew member in the following for a normal line flight operation of an aeroplane operated by the operator:
 - (a) complying with the operator's standard operating procedures during all phases of flight;
 - (b) knowledge of how to manage the following:
 - (i) passengers with reduced mobility;
 - (ii) restricted persons;
 - (iii) unruly passengers;

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- (c) any other procedures in the operator's exposition that are relevant to the flight.
- (2) A cabin crew member holds a valid line check for the operator of an aeroplane at a particular time if:
 - (a) the member has successfully completed the check mentioned in subregulation (1) for the operator and an aeroplane operated by the operator; and
 - (b) the time is within the period for which the check is valid in accordance with subregulations (3) and (4).
- (3) Subject to subregulation (4), a line check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (4) If:
 - (a) a person's line check (the *existing check*) for the operator of an aeroplane is valid in accordance with subregulation (3); and
 - (b) the person successfully completes another line check (the *new check*) for that operator and an aeroplane operated by the operator in accordance with paragraph (2)(a) less than 3 months before the day the existing check is due to expire;the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.735 Three yearly training and holding valid 3 yearly training check

- (1) Three yearly training for a cabin crew member for the operator of an aeroplane and the aeroplane type must meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) A 3 yearly training check for a cabin crew member for an operator of an aeroplane and the aeroplane type must check the competence of the crew member in relation to the requirements mentioned in subregulation (1) in relation to the aeroplane type.
- (3) A cabin crew member holds a valid 3 yearly training check for the operator of an aeroplane and the aeroplane type at a particular time if:
 - (a) the member has successfully completed a check mentioned in subregulation (2) for the operator and the aeroplane type; and
 - (b) the time is within the period for which the check is valid in accordance with subregulations (4) and (5).
- (4) Subject to subregulation (5), a 3 yearly training check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 3 year period beginning at the end of the month in which the check is completed.

(5) If:

- (a) a person's 3 yearly training check (the ***existing check***) for the operator of an aeroplane and an aeroplane type is valid in accordance with subregulation (4); and
- (b) the person successfully completes another 3 yearly training check (the ***new check***) for that operator and aeroplane type in accordance with paragraph (3)(a) less than 3 months before the day the existing check is due to expire;

the new check is valid for the period of 3 years beginning at the end of the day the existing check expires.

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Division 121.P.7—When cabin crew are carried but not required

121.740 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a cabin crew member for the flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.745 Minimum age

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a cabin crew member for the flight has not turned 18.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.750 Annual emergency and safety equipment check

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a cabin crew member for the flight does not hold a valid annual emergency and safety equipment check under subregulation (2) for the operator and the aeroplane.
- (2) A cabin crew member holds a valid annual emergency and safety equipment check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has successfully completed training and assessment in:
 - (i) the operation and use of emergency and safety equipment on an aeroplane of that aeroplane type that is relevant to the cabin crew member's duties; and
 - (ii) emergency evacuation procedures for an aeroplane of that aeroplane type; and
 - (b) the check is valid in accordance with subregulations (3) and (4).
- (3) Subject to subregulation (4), an annual emergency and safety equipment check is valid for the period:
 - (a) beginning on the day the check is completed; and

- (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (4) If:
- (a) a person's annual emergency and safety equipment check (the *existing check*) for the operator of an aeroplane and the aeroplane is valid in accordance with subregulation (3); and
 - (b) the person successfully completes another annual emergency and safety equipment check (the *new check*) for that operator and aeroplane in accordance with paragraph (2)(a) less than 3 months before the day the existing check is due to expire;
- the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 121.V—Emergency evacuation procedures

121.755 Emergency evacuation procedures

- (1) The Part 121 Manual of Standards may prescribe requirements relating to emergency evacuation procedures, including the demonstration of such procedures.
- (2) The operator of an aeroplane contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) Subregulation (2) does not apply to an operator and a requirement if the operator holds an approval under regulation 121.010 in relation to the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Subpart 121.Z—Certain single-engine aeroplanes

121.760 Application of Part 135 to certain operations

Application of this regulation

- (1) This regulation applies in relation to the operation of an aeroplane for:
 - (a) an IFR flight; and
 - (b) a VFR flight by day.

Part 135

- (2) Part 135, other than paragraph 135.380(2)(a) (which requires the composition of the flight crew to comply with the aeroplane's flight manual), applies to the operation of an aeroplane as if the operation were an operation to which Part 135 applies.
- (3) However, a provision of Part 135 does not apply to the operation of an aeroplane to the extent that the provision is inconsistent with another provision of this Subpart.

121.765 At least 2 pilots required for certain IFR flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if, when the flight begins:
 - (a) the aeroplane is carrying more than 9 passengers; and
 - (b) the aeroplane's flight crew does not include at least 2 pilots.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.770 Trend monitoring systems required for certain VFR flights by day

Engine automatic electronic condition trend monitoring system

- (1) The operator of an aeroplane for a VFR flight by day contravenes this subregulation if, when the flight begins:
 - (a) the aeroplane is carrying more than 9 passengers; and
 - (b) the aeroplane is not fitted with an automatic electronic condition trend monitoring system for the engine.

Offence

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Penalty: 50 penalty units.

121.775 Terrain awareness and warning system

Turbine-engine aeroplanes

- (1) The operator of a turbine-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with a TAWS-Class A.

Piston-engine aeroplanes

- (2) The operator of a piston-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with either a TAWS-Class A or a TAWS-Class B.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.780 Aircraft not to be flown under the VFR at night

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the flight is a VFR flight at night.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Part 129—Foreign air transport operators—certification and operating requirements

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129.005 What Part 129 is about

This Part makes provision for:

- (a) applicants for, and holders of, AOCs that authorise the operation of aircraft for foreign air transport operations; and
- (b) operating requirements for aircraft engaged in foreign air transport operations.

Note 1: Part 92 (Consignment and carriage of dangerous goods by air) applies to all foreign aircraft (other than state aircraft) operating in Australian territory: see paragraph 92.005(1)(b).

Note 2: See also Division 2 of Part III of the Act in relation to AOCs generally.

129.020 Approvals by CASA for Part 129

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

129.025 Prescribed purpose—foreign air transport operations

For subsection 27(9) of the Act, the flying or operation of any aircraft for a foreign air transport operation is a prescribed purpose.

129.030 Foreign air transport operations—foreign air transport AOC required

- (1) A person contravenes this subregulation if:
 - (a) the person conducts a foreign air transport operation; and
 - (b) the person does not hold a foreign air transport AOC that authorises the person to conduct the foreign air transport operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.035 Foreign air transport operations—compliance with foreign air transport AOCs

- (1) A person contravenes this subregulation if:
 - (a) the person conducts a foreign air transport operation; and
 - (b) the person:

- (i) holds a foreign air transport AOC that authorises the person to conduct the foreign air transport operation; but
 - (ii) conducts the operation in a way that contravenes the AOC.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.040 Foreign air transport operations—compliance with conditions of foreign air transport AOCs

- (1) A foreign air transport operator contravenes this subregulation if the operator does not comply with a condition of its foreign air transport AOC.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 129.B—Foreign air transport AOCs

129.045 Foreign air transport AOC—information and documents that may be required

For subparagraph 27AC(1)(c)(iii) of the Act, the information and documents that CASA may require from a foreign operator who is an applicant for a foreign air transport AOC are the following:

- (a) any business name, other than the name stated in the operator's foreign certificate, under which the operator may operate;
- (b) the operator's contact details in the country that issued the foreign certificate, including its mailing address;
- (c) the operator's contact details in Australia, including its mailing address;
- (d) the aircraft types that the operator proposes to use;
- (e) the registration and serial numbers of each aircraft that the operator proposes to use;
- (f) a minimum equipment list, or equivalent document, for each aircraft that the operator proposes to use;
- (g) the aerodromes, areas of operation and routes that the operator proposes to use;
- (h) if the operator is not an individual—the operator's certificate of incorporation or registration as a body corporate, or equivalent document;
- (i) any of the following manuals or equivalent documents:
 - (i) the operator's continuing airworthiness management manual;
 - (ii) the operator's operations manual;
 - (iii) the operator's training and checking manual;
 - (iv) the operator's dangerous goods manual.

Note: Under other provisions of section 27AC, and also section 27AE, of the Act, CASA may request other information and documents from an applicant for a foreign air transport AOC.

129.050 Foreign air transport AOC—manner of giving CASA information etc.

If, under section 27AB, 27AC or 27AE of the Act, an applicant for a foreign air transport AOC is required to lodge, or give CASA, a manual, information or a document, the operator must lodge, or give CASA, the manual, information or document in English.

129.055 Foreign air transport AOC—conditions for issue

- (1) It is a condition for the issue of a foreign air transport AOC to a foreign operator that CASA is satisfied of the following:
 - (a) the operator holds a foreign certificate that authorises the operator to conduct each operation covered by the application;

- (b) the national aviation authority that issued the foreign certificate meets the requirement mentioned in subregulation (2);
- (c) for each aircraft to be operated under the AOC, the operator holds a certificate of airworthiness issued in accordance with Annex 8, *Airworthiness of Aircraft*, to the Chicago Convention;
- (d) for each foreign registered aircraft to be operated under the AOC, the operator will ensure the continuing airworthiness of the aircraft in accordance with the standards set out in the relevant Part of Annex 6, *Operation of Aircraft*, to the Chicago Convention;
- (e) for each registered aircraft to be operated under the AOC, the operator will ensure the continuing airworthiness of the aircraft in accordance with the requirements of these Regulations that apply to the aircraft;
- (f) the operator has a safety management system that meets the standards set out in Annex 19, *Safety Management*, to the Chicago Convention.

Note: These matters are in addition to the matters specified in section 28 (CASA must issue AOC if satisfied about certain matters) of the Act.

- (2) For paragraph (1)(b), the requirement is that:
 - (a) the authority is the national aviation authority of a Contracting State and carries out its functions in respect of foreign air transport operations in accordance with the Chicago Convention; or
 - (b) the authority is not the national aviation authority of a Contracting State but carries out functions that are at least equivalent to the functions mentioned in paragraph (a).

129.060 Foreign air transport AOC—conditions

For paragraph 28BA(1)(b) of the Act, each of the following is a condition of a foreign air transport AOC issued to an operator:

- (a) the operator must conduct the operations authorised by the AOC:
 - (i) using only the aircraft types that are authorised for use by the AOC; and
 - (ii) if the AOC limits the operations to particular aircraft—using only those aircraft; and
 - (iii) using only the aerodromes, areas of operation and routes authorised by the AOC;
- (b) the operator must not use an aircraft to conduct a low-visibility operation or a land and hold short operation in Australian territory unless the AOC authorises the use of the aircraft for the operation;
- (c) the operator must not conduct an operation authorised by the AOC unless the operation is also authorised by:
 - (i) the operator's foreign certificate and the operations specifications issued in relation to the foreign certificate; or
 - (ii) an operational authorisation mentioned in paragraph 27AE(1)(c) of the Act that applies to the operation;
- (d) the operator must not conduct an operation authorised by the AOC in contravention of any of the following that applies to the operation:

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- (i) a limitation or condition mentioned in paragraph 27AE(1)(b) of the Act;
- (ii) a requirement mentioned in paragraph 27AE(1)(c) of the Act;
- (e) for each foreign registered aircraft to be operated under the AOC, the operator must ensure the continuing airworthiness of the aircraft in accordance with the standards set out in the relevant Part of Annex 6, *Operation of Aircraft*, to the Chicago Convention;
- (f) for each registered aircraft to be operated under the AOC, the operator must ensure the continuing airworthiness of the aircraft in accordance with the requirements of these Regulations that apply to the aircraft;
- (g) the operator must have a safety management system that meets the standards set out in Annex 19, *Safety Management*, to the Chicago Convention.

129.065 Foreign air transport AOC—requirement to give notice of certain events

- (1) This regulation applies to a foreign air transport operator if an event mentioned in subregulation (2) happens in relation to:
 - (a) the operator's foreign certificate; or
 - (b) an operations specification issued in relation to the certificate; or
 - (c) an operational authorisation mentioned in paragraph 27AE(1)(c) of the Act that applies to an operation conducted under the operator's foreign certificate.
- (2) For subregulation (1), the events are the following:
 - (a) the foreign certificate, operations specification or operational authorisation expires and is not renewed;
 - (b) the operator is notified by the national aviation authority that issued the certificate, specification or authorisation that action may be taken to vary, suspend or cancel the certificate, specification or authorisation;
 - (c) the certificate, specification or authorisation is varied, suspended or cancelled;
 - (d) a new operations specification or operational authorisation that applies to an operation conducted under the operator's foreign certificate is issued to the operator.
- (3) The foreign air transport operator contravenes this subregulation if the operator does not tell CASA, in writing, that the event has happened within 7 days after the day the event happens.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Subpart 129.C—Foreign air transport operations— operating requirements

129.070 Foreign air transport operations—compliance with certain Part 91 provisions

Note: This regulation is reserved for future use.

129.075 Foreign air transport operations—compliance with Annex 6

Aeroplanes

- (1) The operator of an aeroplane contravenes this subregulation if:
 - (a) the operator operates the aeroplane for a foreign air transport operation;
and
 - (b) the operation is conducted in a way that contravenes a standard set out in Part I of Annex 6, *Operation of Aircraft*, to the Chicago Convention.

Helicopters

- (2) The operator of a helicopter contravenes this subregulation if:
 - (a) the operator operates the helicopter for a foreign air transport operation;
and
 - (b) the operation is conducted in a way that contravenes a standard set out in Part III of Annex 6, *Operation of Aircraft*, to the Chicago Convention.

Compliance with more stringent requirements under this Part

- (3) To avoid doubt, if a provision of this Part imposes a more stringent requirement than the comparable requirement of a standard mentioned in paragraph (1)(b) or (2)(b), the operator must comply with the more stringent requirement.

Offence

- (4) A person commits an offence if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

129.080 Foreign air transport operations—common language for crew

- (1) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if all crew members for the flight are not able to communicate orally with each other in a common language.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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129.085 Foreign air transport operations—flights to be in accordance with IFR or approval

- (1) The operator and the pilot in command of an aircraft engaged in a flight that is a foreign air transport operation each contravene this subregulation if the operation of the aircraft does not meet the requirement mentioned in subregulation (2).
- (2) For subregulation (1), the requirement is that the aircraft must be operated in accordance with:
 - (a) the IFR; or
 - (b) an approval under regulation 129.020 held by the operator for the aircraft to be operated otherwise than in accordance with the IFR.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.090 Foreign air transport operations—flight crew licences

- (1) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if a flight crew member for the flight does not hold a licence (however described) that:
 - (a) authorises the flight crew member to carry out the duties assigned to the member for the flight by the operator; and
 - (b) is issued or authorised by the national aviation authority of the aircraft's State of registry.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.095 Foreign air transport operations—air displays

- (1) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if the aircraft is flown in an air display.
- (2) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if:
 - (a) the aircraft is flown below 1 000 ft AGL at an aerodrome at which an air display is being conducted; and
 - (b) the requirement mentioned in subregulation (3) is not met.
- (3) For paragraph (2)(b), the requirement is that:
 - (a) the operator must hold an approval under regulation 129.020 for the aircraft to be flown below 1 000 ft AGL while the air display is being conducted; or
 - (b) the aircraft must be taking off or landing for a flight that is not part of the air display.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

129.100 Foreign air transport operations—low-visibility operations

Note: This regulation is reserved for future use.

129.105 Foreign air transport operations—flying in formation

- (1) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if, during the flight:
- (a) the aircraft is flown in formation; and
 - (b) the operator does not hold an approval under regulation 129.020 for the aircraft to be flown in formation during the flight.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.110 Foreign air transport operations—simulated IMC prohibited

- (1) The pilot in command of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if IMC are simulated during the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.115 Foreign air transport operations—simulated emergency and abnormal procedures prohibited

- (1) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if an emergency procedure is simulated during the flight.
- (2) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if an abnormal procedure is simulated during the flight.
- (3) Subregulations (1) and (2) do not apply to a procedure that is simulated only orally.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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Note: A defendant bears an evidential burden in relation to the matter in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

129.120 Foreign air transport operations—aerobatic manoeuvres prohibited

- (1) The operator of an aircraft engaged in a flight that is a foreign air transport operation contravenes this subregulation if, during the flight, the aircraft is used to conduct an aerobatic manoeuvre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.125 Foreign air transport operations—maximum period for use of Australian aircraft in Australian territory

- (1) A foreign air transport operator contravenes this subregulation if, within any 12 month period, the operator uses a particular Australian aircraft to conduct foreign air transport operations on a total number of days that is more than:
 - (a) 90; or
 - (b) if the operator holds an approval under regulation 129.020 for this regulation in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 129.M—Foreign air transport operations— airworthiness

129.200 Foreign air transport operations—certificates of airworthiness

Aircraft must have certificate of airworthiness

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) the aircraft begins a flight that is a foreign air transport operation; and
 - (b) the aircraft does not have a certificate of airworthiness (however described) that has been issued in accordance with Annex 8, *Airworthiness of Aircraft*, to the Chicago Convention.

Certificate of airworthiness must remain in force during flight

- (2) The operator of an aircraft contravenes this subregulation if:
 - (a) the aircraft is engaged in a flight that is a foreign air transport operation; and
 - (b) the certificate of airworthiness (however described) for the aircraft ceases to be in force before the end of the flight.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

129.205 Foreign air transport operations—continuing airworthiness

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) the aircraft begins a flight that is a foreign air transport operation; and
 - (b) if the aircraft is a foreign registered aircraft—the operator has not ensured the continuing airworthiness of the aircraft in accordance with the standards set out in the relevant Part of Annex 6, *Operation of Aircraft*, to the Chicago Convention; and
 - (c) if the aircraft is a registered aircraft—the operator has not ensured the continuing airworthiness of the aircraft in accordance with the requirements of these Regulations that apply to the aircraft.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Subpart 129.N—Foreign air transport operations—flight crew

129.250 Foreign air transport operations—flight crew experience for aircraft covered by overseas rating

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) the aircraft begins a flight that is a foreign air transport operation; and
 - (b) the aircraft is covered by a type rating under the law of the foreign country the national aviation authority of which issued the operator's foreign certificate; and
 - (c) none of the pilots occupying a pilot seat for the flight has the experience required by subregulation (2) in relation to aircraft covered by the type rating.
- (2) For paragraph (1)(c), a pilot has the experience required in relation to aircraft covered by a type rating if:
 - (a) the pilot:
 - (i) holds an overseas rating issued under the law of the foreign country that covers the aircraft; or
 - (ii) has successfully completed a command course for an aircraft covered by the type rating; and
 - (b) the pilot has successfully completed, after the grant of the rating or completion of the course, the flying experience mentioned in subregulation (3).
- (3) For paragraph (2)(b), the flying experience must be the more stringent of the following:
 - (a) the flying experience mentioned in subregulation (4);
 - (b) the flying experience (if any) required under the law of the foreign country.
- (4) For paragraph (3)(a), the flying experience:
 - (a) must be the number of hours and sectors mentioned in subregulation (5) in that type of aircraft; and
 - (b) must be completed as part of line operations; and
 - (c) may include experience while the pilot is flying under supervision.
- (5) For paragraph (4)(a), the number of hours and sectors is:
 - (a) either of the following:
 - (i) at least 100 hours and 10 sectors in a 120-day period;
 - (ii) at least 150 hours and 20 sectors; or
 - (b) if the aircraft operator by whom the pilot is employed holds an approval under regulation 129.020 for this paragraph that applies to the pilot—at least the applicable number of hours and sectors for the pilot stated in the approval.

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- (6) CASA may grant the approval mentioned in paragraph (5)(b) only if satisfied that there are special circumstances in relation to the operator's operation that justify the grant of the approval.
- (7) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

129.255 Foreign air transport operations—co-pilot

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) the aircraft begins a flight that is a foreign air transport operation; and
 - (b) the operator is not satisfied that the co-pilot could land the aircraft safely if the pilot in command is incapacitated.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Part 131—Balloons and hot air airships

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Subpart 131.A—Preliminary

131.005 Application of Part 131

- (1) This Part (other than Subpart 131.Z) applies in relation to Part 131 aircraft.
- (2) A **Part 131 aircraft** is any of the following:
 - (a) a manned free balloon;
 - (b) a hot air airship.
- (3) Subpart 131.Z applies in relation to a tethered gas balloon that:
 - (a) is equipped to carry one or more persons; and
 - (b) is permanently tethered.

131.010 Definition of *balloon transport operation*

An operation is a **balloon transport operation** if the operation is:

- (a) a passenger transport operation conducted using a Part 131 aircraft that is a registered aircraft or a foreign registered aircraft; and
- (b) conducted for hire or reward; and
- (c) undertaken wholly within Australia; and
- (d) not undertaken as part of a flight into or out of Australian territory.

131.015 Definitions of *balloon transport AOC* and *balloon transport operator*

- (1) A **balloon transport AOC** means an AOC that authorises the operation of a Part 131 aircraft for a balloon transport operation.
- (2) A **balloon transport operator** means a person who holds a balloon transport AOC.

131.020 Definition of *specialised balloon operation*

An operation is a **specialised balloon operation** if the operation:

- (a) is conducted using a Part 131 aircraft; and
- (b) is not a balloon transport operation; and
- (c) involves one or more of the following:
 - (i) specialised instruments, indicators, items of equipment or systems that affect the flight characteristics of the aircraft and that are fitted to, or carried on, the aircraft;
 - (ii) carrying a load (other than a hang glider) outside the aircraft;
 - (iii) operating the aircraft for advertising, or making a film or television production, solely or predominantly for hire or reward;
 - (iv) a flight into or out of Australian territory;

- (v) an activity prescribed by the Part 131 Manual of Standards for the purposes of this subparagraph.

131.025 Definition of *Part 131 recreational activity*

- (1) A ***Part 131 recreational activity*** means operating a Part 131 aircraft other than for one of the following:
 - (a) a balloon transport operation;
 - (b) a specialised balloon operation;
 - (c) balloon flying training (within the meaning of subregulation 5.01(1) of CAR) for the grant of a balloon flight crew licence (within the meaning of that subregulation) or a balloon flight crew rating (within the meaning of that subregulation).
- Note: Balloon flying training for any of these purposes is a prescribed purpose under paragraph 206(a) of CAR which means an AOC is required to conduct this training. Balloon flying training conducted for other purposes is a Part 131 recreational activity.
- (2) Despite subsection (1), a ***Part 131 recreational activity*** does not include operating a Part 131 aircraft in any circumstances prescribed by the Part 131 Manual of Standards for the purposes of this subregulation.

131.030 Definition of *significant change*

A ***significant change***, for a balloon transport operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of the operator's main operating bases, including the opening or closing of main operating bases;
 - (ii) the operator's key personnel;
 - (iii) a person authorised to carry out the responsibilities of any of the key personnel if the position holder is absent from the position or cannot carry out the responsibilities of the position;
 - (iv) the formal reporting lines for a managerial or operational position with safety functions and responsibilities that reports directly to any of the key personnel;
 - (v) the operator's process for making changes that relate to the safe conduct and management of the operator's balloon transport operations;
 - (vi) the kinds of balloon transport operations the operator is authorised to conduct under the operator's balloon transport AOC;
 - (vii) the operator's areas of operation, including beginning to operate in a new area;
 - (viii) the classes of Part 131 aircraft used in the operator's balloon transport operations, including the addition of a new class; or
- (b) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:

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- (i) the plans, processes, procedures, programs and systems for the safe conduct and management of the operator's balloon transport operations;
 - (ii) the qualifications, experience and responsibilities required by the operator for any of the operator's key personnel;
 - (iii) any other aeronautical or aviation safety related services provided to the operator by third parties;
 - (iv) any change to the registration of a Part 131 aircraft used in the operator's balloon transport operations;
 - (v) any leasing or other arrangements for the supply of a Part 131 aircraft used in the operator's balloon transport operations; or
- (c) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

131.035 Approvals by CASA for Part 131

- (1) If a provision of this Part, or of the Part 131 Manual of Standards, refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for paragraph 131.145(2)(a).

131.040 Prescribed purpose—balloon transport operations

For the purposes of subsection 27(9) of the Act, the flying or operation of a Part 131 aircraft for a balloon transport operation is a prescribed purpose.

131.045 Prescribed position—safety manager

Note: This regulation heading is reserved for future use.

131.050 Required material—reference library

- (1) For the purposes of paragraph 28BH(2)(b) of the Act, the following material is required for a balloon transport operator:
 - (a) the civil aviation legislation that is relevant to the operator's balloon transport operations;
 - (b) the parts of the AIP that are relevant to the operations;
 - (c) all information about the flight operations of each class of Part 131 aircraft operated by the operator for the operations that is necessary to ensure the safe conduct of the operations;
 - (d) any other publications, information or data required for the reference library by the operator's exposition.

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- (2) To avoid doubt, if material is required under subregulation (1), the requirement is taken to be satisfied if an electronic copy of the material is readily available.

131.055 Issue of Manual of Standards for Part 131

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 131 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Subpart 131.B—Operator certification and management

Division 131.B.1—Requirement for certification for balloon transport operations

131.060 Balloon transport AOC required to conduct balloon transport operations

- (1) A person contravenes this subregulation if:
 - (a) the person conducts a balloon transport operation; and
 - (b) the person does not hold a balloon transport AOC that authorises the person to conduct the operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.065 Compliance with balloon transport AOC

- (1) A person contravenes this subregulation if:
 - (a) the person conducts a balloon transport operation; and
 - (b) the person:
 - (i) holds a balloon transport AOC that authorises the person to conduct the balloon transport operation; but
 - (ii) conducts the operation in a way that contravenes the AOC.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.070 Compliance with conditions of balloon transport AOC

- (1) A balloon transport operator contravenes this subregulation if the operator contravenes a condition of the operator's balloon transport AOC.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 131.B.2—Balloon transport AOCs

131.075 Application for balloon transport AOC

- (1) A person may apply to CASA for the issue of a balloon transport AOC.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (b) if the address of the applicant's operational headquarters is different from the applicant's mailing address—the address of the applicant's operational headquarters;
 - (c) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
 - (d) if the applicant is a corporation—the name of each of the directors of the corporation;
 - (e) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (f) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
 - (g) details of the balloon transport operations covered by the application;
 - (h) a written undertaking that, if CASA issues the certificate, the organisation established by the applicant to conduct the applicant's proposed balloon transport operations (the *applicant's organisation*) will:
 - (i) be capable of operating in accordance with its exposition and the civil aviation legislation; and
 - (ii) operate in accordance with its exposition and the civil aviation legislation.

Note: For additional rules in relation to AOCs, see Division 2 of Part III of the Act.

- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the chief executive officer of the applicant's organisation.

131.080 Conditions for issue of balloon transport AOC

- (1) It is a condition for the issue to the applicant of a balloon transport AOC that CASA is satisfied of each of the following:
 - (a) the applicant's proposed exposition complies with regulation 131.195;
 - (b) the applicant can conduct balloon transport operations safely and in accordance with its exposition and the civil aviation legislation;
 - (c) if the applicant is an individual—the applicant:
 - (i) is a fit and proper person to be issued a balloon transport AOC; and

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- (ii) is, or proposes to be, the chief executive officer of the organisation established, or proposed to be established, by the applicant to conduct the applicant's proposed balloon transport operations;
- (d) if the applicant is a corporation—each director of the corporation is a fit and proper person to be a director of a corporation that is issued a balloon transport AOC;
- (e) each of the applicant's proposed key personnel:
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required under Division 131.B.4 for the position; and
 - (iii) has the additional qualifications and experience required by CASA under regulation 131.175 for the position (if any); and
 - (iv) has the qualifications and experience required by the applicant under subparagraph 131.195(1)(e)(i) for the position (if any);
- (f) the applicant's arrangements for managing the continuing airworthiness of each class of Part 131 aircraft the applicant proposes to operate in its balloon transport operations comply with Part 4 of CAR.

Note: These matters are in addition to the matters specified in section 28 (CASA must issue AOC if satisfied about certain matters) of the Act.

- (2) For the purposes of paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:
 - (a) the applicant's proposed exposition;
 - (b) whether the applicant can comply with the proposed exposition;
 - (c) the content of the undertaking mentioned in paragraph 131.075(2)(h);
 - (d) details of, and reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant under the law of a foreign country or by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the operations;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For the purposes of paragraphs (1)(c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:
 - (a) the person's criminal record (if any), whether in Australia or a foreign country;
 - (b) the person's bankruptcy (if any), whether in Australia or a foreign country;
 - (c) the person's history (if any) of serious behavioural problems;
 - (d) any information held or obtained by CASA that the person has contravened:
 - (i) the civil aviation legislation; or

- (ii) another law, whether in Australia or a foreign country, relating to transport (including aviation) safety or safety in any other safety-critical industry;
- (e) the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;
- (f) the record of compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety of any corporation or other body in which the person:
 - (i) is or was a director or partner (however described); or
 - (ii) holds or held a position equivalent to any of the applicant's key personnel;
- (g) for any corporation in which the person is or was a director, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country—the following records:
 - (i) the corporation's criminal record (if any);
 - (ii) the corporation's record of insolvency, receivership or winding up (if any);
 - (iii) the corporation's record (if any) as a body subject to investigation or comment by a statutory authority that regulates the share dealings by, or financial affairs of, corporations;
- (h) any other matter relating to the fitness of the person to:
 - (i) for an applicant—hold a balloon transport AOC; or
 - (ii) for a director or proposed director—be a director of a corporation that holds a balloon transport AOC.

131.085 Approval of exposition

If CASA issues a balloon transport AOC to an applicant, CASA is taken to have also approved the applicant's proposed exposition.

131.090 Conditions of balloon transport AOCs

For the purposes of paragraph 28BA(1)(b) of the Act, each of the following is a condition of a balloon transport AOC issued to an operator:

- (a) the operator must comply with each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations;
- (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of the civil aviation legislation that applies to the operator's operations under the AOC;
- (c) each of the positions of the operator's key personnel must be filled;

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- (d) each of the operator's personnel must comply with each provision of the civil aviation legislation that applies to the operator's operations under the AOC;
- (e) if the operator is an individual—the individual must be the chief executive officer of the operator's organisation;
- (f) for each Part 131 aircraft operated by the operator under the AOC, the operator must:
 - (i) be the registered operator of the aircraft; or
 - (ii) hold an approval under regulation 131.035 for this subparagraph for the aircraft.

Division 131.B.3—Changes relating to balloon transport operators

131.095 Changes of name etc.

- (1) A balloon transport operator contravenes this subregulation if the operator:
 - (a) makes a change mentioned in subregulation (2); and
 - (b) does not, before making the change:
 - (i) amend the operator's exposition to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.
- (2) For the purposes of paragraph (1)(a), the changes are the following:
 - (a) a change to the operator's name (including any operating or trading name) or contact details;
 - (b) if the address of the operator's operational headquarters is different from the operator's mailing address—a change to the address of the operator's operational headquarters.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.100 Application for approval of significant changes

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2); and
 - (b) CASA has not approved the significant change.
- (2) A balloon transport operator contravenes this subregulation if:
 - (a) the operator makes a significant change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 131.195(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (3), within 7 days after the change is made.
- (3) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the operator's exposition affected by the change, clearly identifying the change.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

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Penalty: 50 penalty units.

131.105 Approval of significant changes

- (1) CASA may approve a significant change for a balloon transport operator only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 131.080(1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application for the change.

131.110 Changes must be made in accordance with process in exposition

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process included in the operator's exposition in accordance with paragraph 131.195(1)(m).
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.115 CASA directions relating to exposition or key personnel

- (1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a balloon transport operator, direct the operator to change its exposition:
 - (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may, by written notice given to a balloon transport operator, direct the operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
 - (a) carrying out the responsibilities of the position; or
 - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A notice under this regulation must state the period within which the direction must be complied with.
- (4) A balloon transport operator contravenes this subregulation if:
 - (a) CASA gives the operator a direction under this regulation; and

- (b) the operator does not comply with the direction within the period stated in the notice.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Division 131.B.4—Organisation and personnel

131.120 Organisation and personnel

- (1) A balloon transport operator must maintain an organisational structure that effectively manages its balloon transport operations, taking into account the size, nature and complexity of the operations.
- (2) A balloon transport operator contravenes this subregulation if any of the operator's key personnel carries out a responsibility of the person's position in a way that contravenes the operator's exposition or this Part.
- (3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

131.125 Key personnel cannot carry out responsibilities

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days; and
 - (b) the operator does not tell CASA of that fact within the time mentioned in subregulation (2).
- (2) For the purposes of paragraph (1)(b), the time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; and
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.130 Familiarisation training for key personnel

A balloon transport operator must ensure that, before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

131.135 Chief executive officer—experience

- (1) The chief executive officer of a balloon transport operator must have the experience required under subregulation (2).

- (2) The experience required is:
 - (a) if the operator holds an approval under regulation 131.035—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (3)(a) and (b).
- (3) The experience is the following:
 - (a) sufficient relevant experience in organisational, operational, financial and people management of air operations to capably lead, manage and set standards to enable the operator to conduct safe operations in accordance with the operator’s exposition and the civil aviation legislation;
 - (b) a satisfactory record in the conduct or management of air operations.

131.140 Chief executive officer—responsibilities and accountabilities

- (1) The chief executive officer of a balloon transport operator’s organisation is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator’s balloon transport operations in accordance with the operator’s balloon transport AOC and exposition and the civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) complies with the civil aviation legislation; and
 - (ii) implements and manages the operator’s safety management system (if any); and
 - (iii) has procedures that ensure that all of the operator’s personnel understand the operator’s safety policy; and
 - (iv) sets and maintains standards for flight and ground operations; and
 - (v) tells CASA if the operator becomes aware that a leasing, financing or other arrangement for the supply of a Part 131 aircraft that the operator operates under the operator’s balloon transport AOC may affect the operator’s safe conduct of the operator’s balloon transport operations; and
 - (vi) for each Part 131 aircraft that is a registered foreign aircraft (if any) used in the operator’s balloon transport operations—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
 - (c) establishing and regularly reviewing the operator’s safety performance indicators and targets (if any);
 - (d) ensuring that the operator’s exposition is monitored and managed for continuous improvement;

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- (e) ensuring that training and checking of the operator's operational safety-critical personnel (other than flight crew) conducted by or for the operator are conducted in accordance with the operator's exposition;
 - (f) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with the operator's exposition and the civil aviation legislation.
- (2) The chief executive officer of a balloon transport operator's organisation is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

131.145 Head of flying operations—qualifications and experience

- (1) The head of flying operations of a balloon transport operator must:
- (a) hold a commercial pilot (balloon) licence endorsed for the classes of Part 131 aircraft to be used in the operator's balloon transport operations; and
 - (b) have the experience required under subregulation (2); and
 - (c) have a satisfactory record in the conduct or management of balloon transport operations; and
 - (d) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's balloon transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.
- (2) The experience required is:
- (a) if the operator holds an approval under regulation 131.035—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—both of the following:
 - (i) at least 250 hours flight time as the pilot in command of a Part 131 aircraft;
 - (ii) at least 2 years' experience in the conduct of Part 131 aircraft operations.
- (3) CASA may, by written notice given to the head of flying operations, or proposed head of flying operations, of a balloon transport operator, direct the person to undertake an assessment mentioned in subregulation (4).
- (4) The assessment:
- (a) is an assessment conducted by CASA, or a person nominated by CASA, to demonstrate the head of flying operation's or proposed head of flying operation's suitability as head of flying operations for the operator; and
 - (b) may include a free flight assessment in a Part 131 aircraft.

131.150 Head of flying operations—responsibilities

- (1) The head of flying operations of a balloon transport operator must safely manage the flying operations of the operator.

- (2) Without limiting subregulation (1), the responsibilities of the head of flying operations include the following:
- (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of the civil aviation legislation and the operator's exposition that apply to flying operations;
 - (b) ensuring that the operator's flight crew members are provided with the information and documentation necessary to properly carry out their responsibilities;
 - (c) ensuring the proper allocation and deployment of the operator's Part 131 aircraft, and the operator's personnel, for use in the operator's balloon transport operations;
 - (d) ensuring that the operator complies with section 28BH (Reference library) of the Act in relation to flight crew members;
 - (e) ensuring that training and checking of flight crew conducted by or for the operator is conducted in accordance with the operator's exposition;
 - (f) if the operator has a contract with a Part 142 operator for the Part 142 operator to conduct training or checking for the operator's flight crew:
 - (i) ensuring that each person who conducts the training or checking for the Part 142 operator is authorised under these Regulations to conduct the activities involved in the training or checking; and
 - (ii) telling the Part 142 operator, in writing, of any change in the balloon transport operator's exposition relating to the training and checking activities the Part 142 operator conducts under the contract.

131.155 Head of training and checking—qualifications and experience

Note: This regulation heading is reserved for future use.

131.160 Head of training and checking—responsibilities

Note: This regulation heading is reserved for future use.

131.165 Safety manager—experience

Note: This regulation heading is reserved for future use.

131.170 Safety manager—responsibilities

Note: This regulation heading is reserved for future use.

131.175 Key personnel—additional qualification and experience requirements

- (1) This regulation applies to:
- (a) an applicant for a balloon transport AOC; and
 - (b) a balloon transport operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Part.

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- (3) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
- (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or
 - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
- (a) the need to ensure that the applicant or operator can conduct balloon transport operations safely and in accordance with its exposition and the civil aviation legislation;
 - (b) the nature and complexity of the operations;
 - (c) the leadership, management and standards-setting skills required by the person for the operations;
 - (d) how recently the person has used the person's aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

Division 131.B.5—Systems

131.180 Safety management system requirements

Note: This regulation heading is reserved for future use.

131.185 Training and checking system

Note: This regulation heading is reserved for future use.

131.190 Fatigue management system

A balloon transport operator must have a system for managing crew fatigue that complies with the requirements prescribed by the Part 131 Manual of Standards.

Division 131.B.6—Expositions for balloon transport operators

131.195 Content of exposition

- (1) An exposition for a balloon transport operator must include the following:
 - (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the address of:
 - (i) the operator's operational headquarters; and
 - (ii) each of the operator's main operating bases; and
 - (iii) each of the operator's operational facilities;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines, including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Division 131.B.4 for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Division 131.B.4 for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder is absent from the position or cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 131.140;
 - (g) an outline of the balloon transport operations conducted by the operator under the operator's balloon transport AOC including the areas of operation;
 - (h) details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage the operator's balloon transport operations in compliance with the civil aviation legislation;
 - (i) for each Part 131 aircraft registered in Australia—its class and model and registration mark;
 - (j) for each Part 131 aircraft that is a foreign registered aircraft—its class and model, nationality and registration mark;
 - (k) a description of the arrangements for managing the continuing airworthiness of the operator's Part 131 aircraft;

- (l) a description of any leasing or other arrangements for the supply of Part 131 aircraft as the arrangements relate to the operational control or continuing airworthiness of the aircraft, or to any other safety matter;
- (m) a description of the operator's process for making changes, including:
 - (i) identifying changes that are significant changes; and
 - (ii) identifying changes that are not significant changes; and
 - (iii) telling CASA and the operator's personnel of the changes;
- (n) a description of anything else required to be approved by CASA under these Regulations in relation to the operations mentioned in paragraph (g);
- (o) any other matter required to be included in the exposition under these Regulations.

Note: The plans, processes, procedures, programs and systems mentioned in paragraph (h) may be set out in one or more operator manuals.

- (2) A balloon transport operator contravenes this subregulation if the operator's exposition does not comply with subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

131.200 Compliance with exposition by operator

- (1) A balloon transport operator contravenes this subregulation if the operator does not meet a requirement of the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.205 Providing personnel with exposition

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel is subject to a requirement under the operator's exposition; and
 - (b) the operator does not make the part of the exposition that relates to the requirement available to the person before the person first begins carrying out the person's duties relating to the requirement.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.210 Compliance with exposition by personnel

- (1) A member of a balloon transport operator's personnel contravenes this subregulation if:

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Subpart 131.B Operator certification and management

Division 131.B.6 Expositions for balloon transport operators

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- (a) the member is subject to a requirement under the operator's exposition in relation to the safe conduct of the operator's balloon transport operations; and
 - (b) the member does not meet the requirement.
- (2) A balloon transport operator contravenes this subregulation if:
- (a) a member of the operator's personnel is subject to a requirement under the operator's exposition in relation to the safe conduct of the operator's balloon transport operations; and
 - (b) the member does not meet the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 131.B.7—Records and documents

131.215 Personnel training and checking records—making records

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator’s personnel undertakes an activity, obtains a qualification or certificate or gains flying experience; and
 - (b) the activity, qualification, certificate or flying experience is mentioned for the person in subregulation (2); and
 - (c) the following records are not made within 21 days after the person undertakes the activity, obtains the qualification or certificate or gains the flying experience:
 - (i) when the activity was undertaken, the qualification or certificate obtained or the flying experience gained;
 - (ii) if the activity was training or a check, flight test, flight review or assessment of competency—whether the training, check, flight test, flight review or assessment was successfully completed.
- (2) The activities, qualifications, certificates and flying experience for the person are the following:
 - (a) for a flight crew member of the operator’s personnel:
 - (i) training, or a check, flight test, flight review or assessment of competency under Subpart 131.N; or
 - (ii) a qualification or certificate under Subpart 131.N; or
 - (iii) flying experience under Subpart 131.N; or
 - (iv) training or education in the operator’s safety management system (if any);
 - (b) for a member of the operator’s operational safety-critical personnel (other than a flight crew member)—training or education in the operator’s safety management system (if any);
 - (c) for a member of the operator’s personnel who performs ground support duties—any training;
 - (d) for a member of the operator’s personnel not mentioned in paragraph (a), (b) or (c)—training or education in the operator’s safety management system (if any).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.220 Personnel training and checking records—availability of records

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) the operator makes a record about a person under regulation 131.215; and
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- (b) the person requests that the record be made available to the person; and
 - (c) the operator does not make the record available to the person within 7 days after receiving the request.
- (2) A balloon transport operator contravenes this subregulation if:
- (a) a record is made under regulation 131.215; and
 - (b) the operator receives a request from another balloon transport operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another balloon transport operator if requested; and
 - (d) the operator does not give a copy of the record to the other balloon transport operator within 7 days after receiving the request.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

131.225 Copies of balloon flight crew licences and medical certificates

- (1) A balloon transport operator contravenes this subregulation if:
- (a) a person who is a flight crew member of the operator's personnel exercises a privilege of the person's balloon flight crew licence for the operator; and
 - (b) the operator does not have the following:
 - (i) a copy of the person's balloon flight crew licence;
 - (ii) a copy of the person's medical certificate.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.230 Retention periods for personnel records

- (1) A balloon transport operator contravenes this subregulation if:
- (a) the operator is required, under this Part, to make or have a record of a kind mentioned in column 1 of an item of the following table about a person who is a member of the operator's personnel; and
 - (b) the operator does not keep the record for at least the period mentioned in column 2 of the item.

Retention periods—personnel records

Item	Column 1 Kind of record	Column 2 Minimum period for which the record must be kept
1	A record required under regulation 131.215 for a flight crew	The period beginning when the record is created and ending 5 years after the member

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Retention periods—personnel records

Item	Column 1 Kind of record	Column 2 Minimum period for which the record must be kept
	member	ceases to be a member of the operator's personnel
2	A record required under regulation 131.215 for a member of the operator's personnel who performs ground support duties	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
3	A copy of a flight crew member's balloon flight crew licence and medical certificate required by regulation 131.225	The period during which the member is exercising the privileges of the licence for the operator

(2) A person commits an offence of strict liability if the person contravenes
subregulation (1).

Penalty: 50 penalty units.

Division 131.B.8—Miscellaneous offences

131.235 Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations

Requirement for approval

- (1) A balloon transport operator contravenes this subregulation if:
 - (a) the operator enters into an agreement with another person; and
 - (b) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
 - (c) the operator does not hold an approval under regulation 131.035 to do the act.

Acts in relation to cancelled authorisations

- (2) For the purposes of paragraph (1)(b), the acts are the following:
 - (a) to use, in a balloon transport operation, a Part 131 aircraft the operation of which was authorised by a cancelled authorisation;
 - (b) to employ a person, in connection with a balloon transport operation, who was, at the time of the cancellation of a cancelled authorisation, employed in connection with an operation that was authorised by the cancelled authorisation;
 - (c) to conduct an operation, or part of an operation, that was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

- (3) Subregulation (4) applies in relation to an authorisation that has been suspended or varied other than on the application or request of the holder of the authorisation.
- (4) For the purposes of paragraph (1)(b), the acts are the following:
 - (a) to use, in a balloon transport operation, a Part 131 aircraft the operation of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (b) to employ a person, in connection with a balloon transport operation, who was, at the time of the suspension or variation, employed in connection with an operation that:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (c) to conduct an operation, or part of an operation, that:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but

(ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB (CASA may impose and vary AOC conditions) of the Act in relation to varying AOC conditions.

Pending applications for authorisations

- (5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.
- (6) For the purposes of paragraph (1)(b), the acts are the following:
- (a) to use, in a balloon transport operation, a Part 131 aircraft the operation of which would be authorised by the authorisation;
 - (b) to employ, in a balloon transport operation, a person employed, or proposed to be employed, in connection with an operation that would be authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, that would be authorised by the authorisation.

Application for authorisation refused

- (7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.
- (8) For the purposes of paragraph (1)(b), the acts are the following:
- (a) to use, in a balloon transport operation, a Part 131 aircraft the use of which would have been authorised by the authorisation;
 - (b) to employ, in a balloon transport operation, a person employed, or proposed to be employed, in connection with an operation that would have been authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, that would have been authorised by the authorisation.
- (9) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

- (10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on the application or request of the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

131.240 Maximum period for use of foreign registered Part 131 aircraft in Australian territory

- (1) A balloon transport operator contravenes this subregulation if, in any 12 month period, the operator uses a Part 131 aircraft that is a foreign registered aircraft to

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conduct balloon transport operations for a total of more than the number of days mentioned in subregulation (2).

- (2) The number of days is:
- (a) 90; or
 - (b) if the operator holds an approval under regulation 131.035 in relation to the Part 131 aircraft—the number mentioned in the approval for the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 131.C—General

Division 131.C.1—General flight limitations

131.245 Pilots must be authorised

- (1) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if, during the flight, the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the flight must be conducted by at least one pilot who holds a Part 131 pilot authorisation that authorises the pilot to conduct the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.250 Simulation of emergency or abnormal situations

- (1) The operator and the pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if, during the flight, an emergency or abnormal situation is simulated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 131.C.2—Operational documents

131.255 Compliance with flight manual

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, during the flight, the aircraft is operated in a way that does not meet a requirement or limitation that:
 - (a) is set out in the aircraft flight manual instructions for the aircraft; and
 - (b) relates to the operation of the aircraft.

Note: The pilot in command of the aircraft must also ensure the aircraft is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.260 Availability of checklists

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that, before a crew member for the flight begins to carry out a duty for the flight, the operator must make available to the member each checklist of normal, abnormal and emergency procedures for the aircraft that is relevant to the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 131.C.3—Flight related documents

131.265 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Subpart, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

131.270 Availability of parts of exposition

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if the following parts of the operator's exposition are not available to a crew member for the flight before the flight begins:
 - (a) a part that is relevant to the duties of the crew member for the flight;
 - (b) a part that is required for the conduct of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.275 Carriage of documents

- (1) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if, when the aircraft begins the flight, a document prescribed by the Part 131 Manual of Standards is not carried on the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.280 Keeping documents with a person on the ground during flight

A balloon transport operator's exposition must include procedures for keeping the documents prescribed by the Part 131 Manual of Standards accessible to a person on the ground for the duration of a flight of a Part 131 aircraft.

Division 131.C.4—Reporting and recording information

131.285 Reporting and recording information

- (1) The Part 131 Manual of Standards may prescribe requirements relating to the recording, retaining and reporting of information for a flight of a Part 131 aircraft, including (but not limited to) the following information:
 - (a) flight time;
 - (b) fuel usage;
 - (c) passenger lists;
 - (d) aircraft defects;
 - (e) flight incidents;
 - (f) weight documents.
- (2) Without limiting subregulation (1), the Part 131 Manual of Standards may prescribe different requirements:
 - (a) for Part 131 aircraft that are operated under a balloon transport AOC; and
 - (b) for Part 131 aircraft that are not operated under a balloon transport AOC.
- (3) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if:
 - (a) a requirement mentioned in subregulation (1) applies for the flight; and
 - (b) the requirement is not met for the flight.
- (4) A person commits an offence if the person contravenes subregulation (3).
Penalty: 50 penalty units.

Division 131.C.5—Search and rescue services and emergency and survival equipment

131.290 Information about search and rescue services

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, when the flight begins, information about the search and rescue services relevant to the flight is not readily accessible to the flight crew members for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.295 Information about emergency and survival equipment

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if:
 - (a) the Part 131 Manual of Standards prescribes an item of equipment for the purposes of this regulation; and
 - (b) when the flight begins, the information prescribed by the Part 131 Manual of Standards for that equipment is not available for immediate communication by the operator to a rescue coordination centre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 131.C.6—Miscellaneous requirements

131.300 Competence of ground support personnel

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, before a member of the operator's personnel carries out a ground support duty for the flight, the member has not met a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
 - (a) the member must have successfully completed training for the duty;
 - (b) the member must have been assessed as competent to carry out the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.305 Flights over populous areas, public gatherings and other areas

- (1) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown over a populous area or a public gathering; and
 - (b) a requirement prescribed by the Part 131 Manual of Standards for the purposes of this paragraph is not met for the flight.
- (2) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) the aircraft is flown other than over a populous area or a public gathering; and
 - (b) a requirement prescribed by the Part 131 Manual of Standards for the purposes of this paragraph is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

131.310 Dropping things from aircraft

- (1) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if, during the flight:
 - (a) a thing is dropped from the aircraft; and
 - (b) the safety of the aircraft, or of any person or property, is likely to be endangered as a result of the thing being dropped.

Note: Part 105 applies in relation to parachute descents undertaken from Part 131 aircraft.

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- (2) Subregulation (1) does not apply in relation to a thing of a kind prescribed by the Part 131 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

131.315 Flights at night

- (1) The operator and the pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if:
 - (a) the aircraft is flown at night; and
 - (b) the operator or pilot in command does not hold an approval under regulation 131.035 to fly the aircraft at night.
- (2) The pilot in command of a Part 131 aircraft for a flight that is not a balloon transport operation contravenes this subregulation if:
 - (a) the aircraft is flown at night; and
 - (b) the pilot in command does not hold:
 - (i) if the flight is a specialised balloon operation that requires an approval under regulation 131.035 to conduct the operation—an approval under regulation 131.035 to fly the aircraft at night; or
 - (ii) otherwise—an authorisation from a Part 131 ASAO to fly the aircraft at night.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

131.320 Use of supplemental oxygen equipment etc.

- (1) The operator and pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if:
 - (a) during the flight, the aircraft is flown above 10,000 ft above mean sea level; and
 - (b) the operator does not hold an approval under regulation 131.035 to fly the aircraft above that height.
- (2) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if, during the flight, a requirement mentioned in subregulation (3) is not met for the flight.
- (3) The Part 131 Manual of Standards may prescribe requirements about the use, by persons on board a Part 131 aircraft for a flight, of equipment to supply supplemental oxygen during the flight.

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- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

131.325 Specialised balloon operations

- (1) The operator of a Part 131 aircraft for a flight that involves a specialised balloon operation contravenes this subregulation if the requirement in subregulation (2) is not met for the flight.
- (2) The requirement is that the operator must hold an approval under regulation 131.035 to conduct the specialised balloon operation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.330 Additional requirements for specialised balloon operations

- (1) The Part 131 Manual of Standards may prescribe additional requirements relating to flights of Part 131 aircraft involving specialised balloon operations.
- (2) To avoid doubt, the Part 131 Manual of Standards may prescribe different requirements for different kinds of specialised balloon operations referred to in regulation 131.020.
- (3) The operator of a Part 131 aircraft for a flight involving a specialised balloon operation contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The pilot in command of a Part 131 aircraft for a flight involving a specialised balloon operation contravenes this subregulation if:
- (a) the pilot in command is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

Subpart 131.D—Operational procedures

Division 131.D.1—Operational control

Note: This Division is reserved for future use.

Division 131.D.2—Flight preparation

131.340 Flight preparation requirements

- (1) The Part 131 Manual of Standards may prescribe requirements relating to flight preparation and weather assessments for Part 131 aircraft (the *balloon flight preparation (weather assessments) requirements*).
- (2) A balloon transport operator's exposition must include procedures for complying with the balloon flight preparation (weather assessments) requirements for a flight of a Part 131 aircraft.
- (3) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if a balloon flight preparation (weather assessments) requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Division 131.D.3—Flight notifications and pre-flight checks

131.345 Balloon flight notification requirements

- (1) The Part 131 Manual of Standards may prescribe requirements (the *balloon flight notification requirements*) relating to flight notifications for flights of Part 131 aircraft.
- (2) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if a balloon flight notification requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

131.350 Matters to be checked before take-off

- (1) The Part 131 Manual of Standards may prescribe requirements relating to checks to be carried out on Part 131 aircraft prior to take-off.
- (2) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if, when the aircraft takes off for the flight, a check prescribed by the Part 131 Manual of Standards has not been carried out.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 131.D.4—Flight rules

Subdivision 131.D.4.1—General

131.353 Air traffic services—prescribed requirements

- (1) The Part 131 Manual of Standards may prescribe requirements in relation to the use by a Part 131 aircraft of:
 - (a) a class of airspace or a portion of a class of airspace; or
 - (b) a controlled aerodrome; or
 - (c) a control area; or
 - (d) a control zone; or
 - (e) a prohibited area; or
 - (f) a restricted area; or
 - (g) a danger area.
- (2) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

131.354 Use of radio—broadcasts and reports

- (1) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with, or carries, a radio; and
 - (b) during the flight, the pilot in command does not make a broadcast or a report relating to the flight that is prescribed by the Part 131 Manual of Standards for this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.355 Additional right of way rules

- (1) The pilot in command of a Part 131 aircraft contravenes this subregulation if:
 - (a) the aircraft is in the vicinity of another Part 131 aircraft; and
 - (b) the aircraft is higher than the other aircraft; and
 - (c) the pilot in command contravenes the right of way rule mentioned in subregulation (2).
- (2) The right of way rule is that a higher aircraft must give way to a lower aircraft.

- (3) Subregulation (2) does not apply if the other aircraft is a hot air airship.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

131.360 Operations at non-controlled aerodromes

- (1) The Part 131 Manual of Standards may prescribe requirements in relation to the operation of Part 131 aircraft at, or within the vicinity of, non-controlled aerodromes.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person contravenes the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

131.365 Flights over water

- (1) The Part 131 Manual of Standards may prescribe requirements in relation to the operation of Part 131 aircraft over water.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person contravenes the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subdivision 131.D.4.2—Visual flight rules

131.367 VFR flights

- (1) The Part 131 Manual of Standards may prescribe requirements relating to the operation of a Part 131 aircraft for a VFR flight.
- (2) The pilot in command of a Part 131 aircraft for a VFR flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Part 131 Balloons and hot air airships
Subpart 131.D Operational procedures
Division 131.D.4 Flight rules

Regulation 131.367

Penalty: 50 penalty units.

Division 131.D.5—Taking off, landing and ground operations

131.370 Procedures for safety during ground operations

A balloon transport operator's exposition must include procedures to ensure the safety of persons in the vicinity of a Part 131 aircraft when any of the following circumstances apply:

- (a) a person is embarking or disembarking the aircraft;
- (b) the aircraft is being prepared for flight;
- (c) the aircraft is being manoeuvred on the ground.

131.375 Operation of Part 131 aircraft while tethered

- (1) The pilot in command of a Part 131 aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is tethered to the ground for the flight; and
 - (b) a requirement prescribed by the Part 131 Manual of Standards is not met for the flight.

Note: See Subpart 131.Z for rules to apply to permanently tethered gas balloons.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 131.D.6—Fuel requirements

131.380 Fuel and ballast procedures

A balloon transport operator's exposition must include procedures to ensure that a flight of a Part 131 aircraft is conducted in accordance with the requirements mentioned in subregulation 131.385.

131.385 Fuel and ballast requirements

- (1) The Part 131 Manual of Standards may prescribe requirements relating to fuel and ballast for Part 131 aircraft, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether a Part 131 aircraft has sufficient fuel or ballast to complete a flight safely;
 - (b) the amounts of fuel or ballast that must be carried on board a Part 131 aircraft for a flight;
 - (c) procedures for monitoring amounts of fuel or ballast during a flight of a Part 131 aircraft;
 - (d) procedures to be followed if fuel or ballast reaches specified amounts during a flight of a Part 131 aircraft.
- (2) The operator and the pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) The pilot in command of a Part 131 aircraft for a flight that is not a balloon transport operation contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

Division 131.D.7—Safety of persons on aircraft and cargo requirements

131.390 Smoking not permitted during flight or within 15 metres of Part 131 aircraft

- (1) A person on a Part 131 aircraft for a flight contravenes this subregulation if the person smokes during the flight.
- (2) A person contravenes this subregulation if the person smokes within 15 metres of a Part 131 aircraft that:
 - (a) is being prepared for a flight; or
 - (b) is being fuelled for a flight; or
 - (c) is being deflated after a flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

131.395 Certain Part 131 aircraft to have signage about smoking

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, before the flight begins, the operator has not provided as many permanent “no smoking” signs or graphics in the aircraft as are necessary to indicate to all occupants of the aircraft that smoking is not permitted.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.400 Carriage of infants

- (1) The operator and the pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if:
 - (a) an infant is carried on the aircraft during the flight; and
 - (b) the operator does not hold an approval under regulation 131.035 to carry an infant on the aircraft during the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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131.405 Carriage of persons requiring assistance

- (1) The operator and the pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if:
 - (a) a passenger is carried on the flight who is likely to require assistance; and
 - (b) a requirement prescribed by the Part 131 Manual of Standards for the purposes of this paragraph is not met for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.410 Passengers—safety briefings and instructions

- (1) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if, before the aircraft takes off for the flight, a passenger is not given a safety briefing and instructions that include each of the matters prescribed by the Part 131 Manual of Standards for the flight.
- (2) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if:
 - (a) during the flight circumstances prescribed by the Part 131 Manual of Standards apply; and
 - (b) a passenger is not given a safety briefing and instructions that include each of the matters prescribed by the Part 131 Manual of Standards for those circumstances.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

131.415 Safety briefing in the event of an emergency

A balloon transport operator's exposition must include procedures for briefing passengers on what to do if an emergency occurs during a flight of a Part 131 aircraft.

131.420 Passengers—compliance with safety directions

- (1) A passenger on a Part 131 aircraft for a flight contravenes this subregulation if:
 - (a) an instruction mentioned in subregulation 131.410(1) or (2) is given to the passenger; and
 - (b) the passenger does not comply with the direction.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.425 Restraint of cargo

- (1) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is landing; and
 - (b) any cargo carried on the aircraft is not restrained or securely stowed.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.430 Procedures relating to carriage of animals

A balloon transport operator's exposition must include procedures for the carriage of animals for a flight of a Part 131 aircraft.

Division 131.D.8—Miscellaneous

131.435 Training flight limitations

- (1) The operator and pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if, during the flight, the pilot in command permits balloon flying training (within the meaning of subregulation 5.01(1) of CAR) for any purpose.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.440 Test flights

- (1) The pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, during the flight, the pilot in command permits a test of the aircraft, or any of its components or equipment (other than a test of the aircraft during the course of checks associated with the normal operation of the aircraft).
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 131.F—Performance

131.445 Loading weights

Maximum loading weights

- (1) The operator and the pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if, during the flight, the aircraft's weight is greater than:
 - (a) the maximum loading weight (however described) permitted by the flight manual for the aircraft; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the aircraft for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
- (2) The Part 131 Manual of Standards may prescribe:
 - (a) the circumstances in which a weight for a Part 131 aircraft for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.

Minimum loading weights

- (3) The operator and the pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if, during the flight, the aircraft's weight is less than:
 - (a) any minimum loading weight (however described) permitted by the flight manual for the aircraft; or
 - (b) if circumstances prescribed under paragraph (4)(a) apply—the weight for the aircraft for the flight calculated in accordance with the method prescribed under paragraph (4)(b).
- (4) The Part 131 Manual of Standards may prescribe:
 - (a) the circumstances in which a weight for a Part 131 aircraft for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

131.450 Loading procedures

A balloon transport operator's exposition must include the following in relation to a flight of a Part 131 aircraft:

- (a) procedures for loading the aircraft for a flight to comply with regulation 131.445;

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- (b) procedures for working out the following weights for a flight of the aircraft:
 - (i) the total weight of the crew members and any carry-on baggage of the crew members;
 - (ii) the total weight of any passengers and any carry-on baggage of the passengers;
 - (iii) the total weight of any cargo (other than carry-on baggage);
 - (iv) the total weight of any usable fuel and fuel containers to be carried;
 - (v) the total weight of any assembled balloon components;
- (c) procedures to ensure that a last-minute change to a load does not cause the aircraft to exceed its weight limits;
- (d) procedures for offloading passengers or cargo to ensure that the aircraft does not exceed its weight limits;
- (e) procedures to ensure the aircraft's minimum weight can be maintained throughout the flight;
- (f) procedures for ensuring that ambient temperature increases before the aircraft takes off for the flight do not cause the aircraft to exceed its weight limits.

131.455 Carriage of passengers

- (1) The Part 131 Manual of Standards may prescribe requirements relating to the carriage of passengers for a flight of a Part 131 aircraft.
- (2) Without limiting subregulation (1), the Part 131 Manual of Standards may prescribe requirements relating to:
 - (a) the maximum number of passengers that may be carried for the flight; and
 - (b) the location of passengers on the Part 131 aircraft for the flight.
- (3) The operator and the pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Subpart 131.K—Equipment

131.460 Requirements relating to equipment

- (1) The Part 131 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to a Part 131 aircraft; and
 - (b) the carrying of equipment on a Part 131 aircraft; and
 - (c) equipment that is fitted to, or carried on, a Part 131 aircraft.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 131.M—Continuing airworthiness

Note: This Subpart heading is reserved for future use.

Subpart 131.N—Flight crew

131.565 Qualifications and training for pilots

- (1) The operator and pilot in command of a Part 131 aircraft for a flight each contravene this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) or (2A) is not met.
- (2) The requirements are as follows:
 - (a) the pilot in command of the Part 131 aircraft for the flight must hold one or more of the following that authorises the pilot to operate the Part 131 aircraft:
 - (i) a commercial pilot (balloon) licence;
 - (ii) a CAR certificate of validation;
 - (iii) an authorisation from a Part 131 ASAO;
 - (b) the pilot must meet any training and checking requirements for the flight prescribed by the Part 131 Manual of Standards;
 - (c) the pilot must have any other qualification or experience prescribed by the Part 131 Manual of Standards for the purposes of this paragraph;
 - (d) if the flight is a balloon transport operation—the pilot must have any other qualification or experience required by the operator’s exposition;
 - (e) if the flight is a specialised balloon operation—the pilot must have any other qualification or experience set out in the approval under regulation 131.035 that authorises the operation.
- (2A) The requirement is that any other person who is to perform an activity essential to the operation of the Part 131 aircraft for the flight is authorised to perform that activity under regulation 5.03 of CAR.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 131.P—Other operational safety-critical personnel

Division 131.P.1—Ground support personnel

131.570 Qualifications and training for ground support personnel

- (1) The operator of a Part 131 aircraft for a flight that is a balloon transport operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) or (3) is not met.
- (2) The requirement is that each member of the operator's ground support personnel who carries out a ground support duty for the flight must meet any training and checking requirements for the flight prescribed by the Part 131 Manual of Standards.
- (3) The requirement is that the number of ground support personnel carrying out ground support duties for the flight must be at least the number of ground support personnel prescribed by the Part 131 Manual of Standards for the number of passengers carried on the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 131.P.2—Other operational support personnel

Note: This Division is reserved for future use.

Subpart 131.R—Part 131 recreational activities

131.580 Part 131 recreational activities must be authorised

Part 131 recreational activity must be authorised

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a Part 131 recreational activity; and
 - (b) the person does not hold a Part 131 pilot authorisation that authorises the person to undertake the activity.
- (2) Subregulation (1) does not apply if the person is otherwise permitted under these Regulations to undertake the activity.

Part 131 recreational activity must be undertaken in accordance with authorisation

- (3) A person contravenes this subregulation if the person:
 - (a) undertakes a Part 131 recreational activity; and
 - (b) holds a Part 131 pilot authorisation that authorises the person to undertake the activity; and
 - (c) undertakes the activity in a way that contravenes the authorisation.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

131.585 Procedures for carrying hang gliders

If the approved functions of a Part 131 ASAO include authorising a person to undertake an activity that involves carrying a hang glider outside a Part 131 aircraft, the exposition for the Part 131 ASAO must include procedures for the carrying of hang gliders outside a Part 131 aircraft.

Note: An ASAO, and the holder of an authorisation issued by an ASAO, must not contravene the ASAO's exposition: see regulations 149.345 and 149.410.

Subpart 131.S—Balloon flight crew licensing

Note: This Subpart heading is reserved for future use.

Subpart 131.Z—Tethered gas balloons

131.685 Approval required to operate

- (1) A person contravenes this subregulation if:
 - (a) the person operates a tethered gas balloon; and
 - (b) the person does not hold an approval under regulation 131.035 to operate the tethered gas balloon.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.690 Compliance with Part 131 Manual of Standards

- (1) A person contravenes this subregulation if:
 - (a) the person operates a tethered gas balloon; and
 - (b) a requirement prescribed by the Part 131 Manual of Standards for the purposes of this paragraph is not met for the operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.695 Operation under cloud

- (1) A person contravenes this subregulation if:
 - (a) the person operates a tethered gas balloon; and
 - (b) the balloon does not remain at least 500 ft (measured vertically) below the cloud ceiling.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.700 Operation at night

- (1) A person contravenes this subregulation if:
 - (a) the person operates a tethered gas balloon at night at or above 400 ft above ground level; and
 - (b) the balloon is not lit so as to be visible from at least 4,000 metres away.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.705 Rapid deflation device required

- (1) A person contravenes this subregulation if:
 - (a) the person operates a tethered gas balloon; and
 - (b) the balloon is not fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

131.710 What to do if balloon escapes

- (1) A person contravenes this subregulation if:
 - (a) the person operates a tethered gas balloon; and
 - (b) the balloon escapes from its mooring; and
 - (c) the balloon is not deflated completely using a deflation device; and
 - (d) the person does not comply with the requirement in subregulation (2).
- (2) The requirement is that the person must tell Air Traffic Services as soon as possible:
 - (a) where the balloon was launched; and
 - (b) what time it broke free; and
 - (c) the direction it was headed when last seen.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Part 132—Limited category aircraft

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Subpart 132.A—Preliminary

132.005 What Part 132 is about

- (2) Subpart 132.A sets out preliminary matters, including the relationship of Part 132 to other requirements for operating limited category aircraft.
- (3) Subpart 132.B sets out the general requirements for flying limited category aircraft.
- (4) Subpart 132.C sets out the requirements for conducting adventure flights.
- (5) Subpart 132.D sets out the certification and airworthiness requirements for limited category aircraft.

132.010 Key definitions for Part 132

In these Regulations:

administering authority, for a limited category aircraft, means:

- (a) a limited category organisation in relation to the aircraft; or
- (b) if there is no limited category organisation in relation to the aircraft—CASA.

adventure flight procedures, for a limited category aircraft, means procedures for conducting an adventure flight using the aircraft for which the operator of the aircraft holds an approval granted by the administering authority for the aircraft under regulation 132.035.

approved airframe life, for a limited category aircraft, means the airframe life stated in the most recent of the following:

- (a) the aircraft's approved design;
- (b) a variation (if any) of the airframe life by the national aviation authority of the country of the aircraft's manufacture;
- (c) if the aircraft is an ex-armed forces aircraft—a variation (if any) of the airframe life by the armed force that operated the aircraft or for which the aircraft was manufactured;
- (d) a certificate (if any) stating an airframe life for the aircraft's airframe given by the administering authority for the aircraft.

Note: Airframe life may be expressed in a number of ways, including the amount of operating time, the number of operating cycles or a calendar period.

ex-armed forces aircraft means:

- (a) a version of an aircraft that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force of any country (whether or not it has been used by such a force); or
- (b) a particular aircraft:

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- (i) to which paragraph (a) does not apply; and
- (ii) that has been operated by an armed force of any country.

historic aircraft means:

- (a) an aircraft that was manufactured before 1 January 1960; or
- (b) an Australian-manufactured aircraft of a type that is no longer being manufactured; or
- (c) a replica of an aircraft mentioned in paragraph (a) or (b); or
- (d) an aircraft prescribed by the Part 132 Manual of Standards for this paragraph.

limited category aircraft means an aircraft for which a special certificate of airworthiness mentioned in regulation 21.189 is in force.

limited category certificate means a special certificate of airworthiness to which an applicant is entitled under regulation 21.189.

limited category organisation means an organisation that is approved under regulation 262AN of CAR to perform functions in relation to limited category aircraft.

permit index number, for an aircraft for which a limited category certificate has been issued, means the permit index number most recently assigned to the aircraft under subregulation 21.176(5) or Division 132.D.2.

132.015 Definition of *adventure flight* for limited category aircraft

A flight of a limited category aircraft is an **adventure flight** if it is a flight:

- (a) on which a passenger is carried; and
- (b) that is:
 - (i) conducted for hire or reward; or
 - (ii) publicly available.

132.020 Definition of *major* for modifications and repairs for limited category aircraft

- (1) A modification or repair to a limited category aircraft is a **major** modification or repair if the modification or repair has a significant effect on a characteristic affecting the aircraft's airworthiness, including any of the following:
 - (a) its weight or balance;
 - (b) its structural strength;
 - (c) its reliability;
 - (d) its performance;
 - (e) its operational characteristics.
- (2) However, a modification or repair to a limited category aircraft is taken not to be a **major** modification or repair if advice has been given under regulation 132.175 that the modification or repair is not a major modification or repair.

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(3) In this regulation:

modification includes a combination of modifications.

repair includes a combination of repairs.

132.025 Definition of *safety-critical aeronautical product* for limited category aircraft

- (1) An aeronautical product for a limited category aircraft is a *safety-critical aeronautical product* for the aircraft if the aircraft cannot be operated safely if the product is inoperative or missing.
- (2) However, an aeronautical product for a limited category aircraft is taken not to be a *safety-critical aeronautical product* for the aircraft if advice has been given under regulation 132.175 that the aeronautical product is not a safety-critical aeronautical product for the aircraft.

132.030 Approval of modifications and repairs for limited category aircraft

- (1) A modification or repair to a limited category aircraft is approved for the purposes of this regulation if the modification or repair has been approved (however described, and whether before, on or after the commencement of this regulation) by any of the following:
 - (a) the aircraft's manufacturer;
 - (b) CASA;
 - (c) the national aviation authority of a foreign country under a law of the foreign country;
 - (d) if the aircraft is an ex-armed forces aircraft—an armed force that operated the aircraft or for which the aircraft was manufactured;
 - (e) the administering authority for the aircraft.
- (2) A modification or repair to a limited category aircraft is approved for the purposes of this regulation if the modification or repair, or the design for the modification or repair, has been approved (however described, and whether before, on or after the commencement of this regulation) under Part 21 by:
 - (a) an authorised person; or
 - (b) an approved design organisation.
- (3) A modification or repair to a limited category aircraft is approved for the purposes of this regulation if an approval (however described) for the modification or repair, or the design for the modification or repair, is in force in accordance with regulation 202.054 or 202.055.

132.035 Approvals by CASA or administering authority for Part 132

- (1) If a provision of this Part refers to a person holding an approval granted by CASA under this regulation, a person may apply to CASA, in writing, for the approval.

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- (2) If a provision of this Part refers to a person holding an approval granted by the administering authority for a limited category aircraft under this regulation, a person may apply to the administering authority, in writing, for the approval.
- (3) Subject to regulation 11.055, CASA or the administering authority must grant the approval.
- (4) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for any of the following provisions:
 - (a) paragraph 132.055(1)(i) (authorised operations for limited category aircraft);
 - (b) subregulation 132.060(1) (maximum number of persons to be carried);
 - (c) paragraph 132.075(4)(a) or subregulation 132.075(6) (flights over populous areas).

132.040 Issue of Manual of Standards for Part 132

For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 132 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

132.045 Relationship of Part 132 to other requirements for operating limited category aircraft

- (1) To avoid doubt:
 - (b) a provision of CAR or of Part 91 that applies to the operation of a limited category aircraft and is inconsistent with this Part has no effect, in relation to the operation of the limited category aircraft, to the extent of the inconsistency, but the provision is taken to be consistent with this Part to the extent that it is capable of operating concurrently with this Part; and
 - (c) if this Part, or a provision of a document mentioned in subregulation (2), imposes a more stringent requirement (however described) on the operation of a limited category aircraft than the comparable requirement mentioned in paragraph (a), the more stringent requirement prevails.

Example: For paragraph (c), more stringent requirements might include the following:

- (a) the aircraft must be operated only under the VFR by day;
 - (b) the aircraft must be flown only by a named pilot;
 - (c) the aircraft must not be flown faster than a stated speed, higher than a stated height or have a take-off weight of more than a stated weight.
- (2) For paragraph (1)(c), the documents are the following, as in force from time to time:
 - (a) the aircraft's limited category certificate;
 - (b) a document that states the aircraft's approved airframe life;

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- (c) a document that states the life limit of a safety-critical aeronautical product fitted to the limited category aircraft;
- (d) the approval of a modification or repair to the aircraft;
- (e) an approval under regulation 132.035 in relation to the aircraft;
- (f) the aircraft's flight manual;
- (g) for an adventure flight of the aircraft—the adventure flight procedures for the aircraft;
- (h) an instrument issued under regulation 11.068 (conditions imposed on class of authorisations) that applies to the aircraft;
- (i) a direction under Subpart 11.G that applies to the aircraft;
- (j) if the administering authority for the aircraft is a limited category organisation—the organisation's operations manual.

Note: The aircraft must be operated in accordance with the requirements in a document mentioned in subregulation (2): see regulation 132.050.

Subpart 132.B—Flying limited category aircraft—general requirements

132.050 General operational requirements

Aircraft without a special flight permit

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
 - (a) a special flight permit is not in force for the aircraft; and
 - (b) the aircraft is operated for a flight; and
 - (c) a requirement mentioned in subregulation (2) is not met for the flight.
 - (2) The requirements are the following:
 - (a) the flight must be an authorised operation for the aircraft under regulation 132.055;
 - (b) a maintenance release must be in force for the aircraft;
 - (c) the flight must be conducted in accordance with each requirement (however described) in a document mentioned in subregulation 132.045(2);
 - (d) the total number of persons on board the aircraft for the flight must be not more than the number of persons allowed under regulation 132.060;
 - (e) if the aircraft is capable of carrying a passenger—a placard that complies with the requirements prescribed by the Part 132 Manual of Standards must be displayed inside the aircraft so that it is conspicuous to, and can be easily read by, each passenger on board the aircraft, including a passenger sitting in a flight control seat;
 - (f) before beginning the flight, the pilot in command must make himself or herself aware of all relevant information about the aircraft, including the following:
 - (i) each requirement (however described) in a document mentioned in subregulation 132.045(2);
 - (ii) the matters mentioned in subregulation (3);
 - (g) the pilot in command must be authorised under Part 61 (flight crew licensing) to conduct the flight.
- Note: For example, for paragraph (e): an aircraft with dual controls that may be flown by a single pilot is capable of carrying a passenger.
- (3) For subparagraph (2)(f)(ii), the matters are the following:
 - (a) each authorisation (within the meaning of Part 11) that relates to the operation of the aircraft and is in force;
 - (b) each condition imposed under Subpart 11.BA on an authorisation mentioned in paragraph (a) that is in force;
 - (c) each exemption granted by CASA under Subpart 11.F that relates to the operation of the aircraft and is in force;

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- (d) each direction issued by CASA under these Regulations that relates to the operation of the aircraft and is in force.

Aircraft with a special flight permit

- (4) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
- (a) a special flight permit is in force for the aircraft; and
 - (b) the aircraft is operated for a flight; and
 - (c) either:
 - (i) the operation of the aircraft for the flight is not in accordance with the special flight permit; or
 - (ii) a requirement mentioned in paragraph (2)(d) or (e), subparagraph (2)(f)(ii) or paragraph (2)(g) is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

132.055 Authorised operations for limited category aircraft

- (1) For paragraph 132.050(2)(a), each of the following is an authorised operation for a limited category aircraft:
- (a) a personal use of the aircraft;
 - (b) a cost-sharing flight;
 - (c) flight training for:
 - (i) a flight crew endorsement for a type or class rating for the aircraft; or
 - (ii) the competency standards mentioned in regulation 61.385 (limitations on exercise of privileges of pilot licences—general competency requirement);
 - (d) a flight review or test for a flight crew licence, rating or endorsement that authorises the person to pilot, or act as the flight engineer for, the aircraft;
 - (e) a special purpose operation for which the aircraft's limited category certificate was issued;
 - (f) an activity necessary to conduct the special purpose operation, including training for the operation;
 - (g) if the administering authority for the aircraft is a limited category organisation—an activity that is stated, in the organisation's operations manual, to be an activity in support of the special purpose operation for the aircraft;
 - (h) an operation prescribed as an authorised operation by the Part 132 Manual of Standards;
 - (i) a flight conducted in accordance with an approval, held by the operator, granted by CASA under regulation 132.035 for this paragraph.
- (2) For paragraph (1)(a), a flight of an aircraft is a **personal use** of the aircraft if the flight:
-

- (a) is not publicly available; and
- (b) is a flight for which no payment or reward is made or given to the aircraft's registered operator, operator or flight crew.

132.060 Maximum number of persons to be carried

Approval from administering authority

- (1) For paragraph 132.050(2)(d), if the operator holds an approval granted by the administering authority for the aircraft under regulation 132.035 for the aircraft to be flown with a stated number of persons (that is greater than 6) on board, the number of persons allowed is the number stated in the approval.
- (2) However, for subregulation (1), the number of persons stated in the approval must not be more than the number of persons the aircraft was designed to carry.

Approval of modification

- (3) For paragraph 132.050(2)(d), if:
 - (a) the aircraft has been modified for it to be flown with a number of persons (that is greater than the number of persons the aircraft was designed to carry) on board; and
 - (b) the modification to the aircraft is approved for the purposes of regulation 132.030; and
 - (c) the approval states the number of persons that the aircraft may carry; the number of persons allowed is the number stated in the approval.

Other cases

- (4) For paragraph 132.050(2)(d), in any other case the number of persons allowed is the lower of the following numbers:
 - (a) the number of persons the aircraft was designed to carry;
 - (b) 6.

132.065 Passenger briefing for flights other than adventure flights

- (1) This regulation applies to a flight of a limited category aircraft if:
 - (a) a passenger is to be carried on the flight; and
 - (b) the flight is not an adventure flight.

Note: For the passenger briefing requirement for adventure flights, see regulation 132.155.

- (2) The operator of the aircraft contravenes this subregulation if the requirement mentioned in subregulation (3) is not met for the passenger for the flight.
- (3) For subregulation (2), the requirement is that, on the day of the flight, before the passenger is taken to the aircraft, a briefing that complies with subregulation (4) must be given to:
 - (a) the passenger; and
 - (b) if the passenger is under 18—the passenger's parent or guardian; and

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- (c) if the person giving the briefing reasonably believes that the passenger will not be able to understand the briefing—a person who has care of the passenger.
- (4) For subregulation (3), the briefing must:
 - (a) include the content mentioned in subregulation 132.070(1); and
 - (b) be in a language that the passenger (and, if applicable, the passenger’s parent, guardian or carer) understands.
- (5) Subregulation (2) does not apply to the operator if:
 - (a) the passenger was carried on an earlier flight of the aircraft on the same day; and
 - (b) the requirement mentioned in subregulation (3) was met for the passenger for the earlier flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

132.070 Content of safety briefing for flights other than adventure flights

- (1) For paragraph 132.065(4)(a), the briefing must include the following:
 - (a) statements to the effect that:
 - (i) the design, manufacture and airworthiness of the aircraft are not required to meet any standard recognised by CASA; and
 - (ii) the aircraft is not required by CASA to be operated to the same safety standards as an aircraft used for air transport operations; and
 - (iii) travel in the aircraft is done at the passenger’s own risk;
 - (b) if subregulation (2) applies to the aircraft—a statement of how the subregulation applies to the aircraft.
- (2) For paragraph (1)(b), this subregulation applies to the aircraft if:
 - (a) the aircraft has reached its approved airframe life; or
 - (b) a safety-critical aeronautical product fitted to the aircraft has reached its life limit; or
 - (c) the aircraft has a major modification or repair that is not approved for the purposes of regulation 132.030.

132.075 Flights over populous areas

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
 - (a) the aircraft is flown over a populous area; and
 - (b) the flight is not permitted by this regulation.

- (2) A limited category aircraft for which there is no permit index number is not permitted to be flown over a populous area.
- (3) A limited category aircraft with a permit index number of 0 may be flown over a populous area.
- (4) A limited category aircraft with a permit index number of 1 may be flown over a populous area only:
 - (a) in accordance with an approval, held by the operator of the aircraft, granted by the administering authority for the aircraft under regulation 132.035 for this paragraph; or
 - (b) for the purpose of taking off from, or landing at, a landing area other than a landing area prescribed as an unsuitable landing area for this paragraph by the Part 132 Manual of Standards.
- (5) In deciding whether to grant an approval mentioned in paragraph (4)(a), the administering authority must take into account:
 - (a) the aircraft's permit index number; and
 - (b) anything else relevant to the safety of other airspace users or persons on the ground or water.
- (6) A limited category aircraft with a permit index number of 2 may be flown over a populous area only in accordance with an approval, held by the operator of the aircraft, granted by CASA under regulation 132.035 for this subregulation.
- (7) In deciding whether to grant an approval mentioned in subregulation (6), CASA must take into account:
 - (a) the aircraft's permit index number; and
 - (b) anything else relevant to the safety of other airspace users or persons on the ground or water.
- (8) Despite subregulations (3), (4) and (6), an aircraft is not permitted to be flown over a populous area if:
 - (a) the aircraft:
 - (i) has reached its approved airframe life; or
 - (ii) would reach its approved airframe life during the flight; or
 - (b) an aeronautical product fitted to the aircraft that is a safety-critical aeronautical product:
 - (i) has reached its life limit; or
 - (ii) would reach its life limit during the flight; or
 - (c) a modification or repair to the aircraft:
 - (i) is a major modification or repair; and
 - (ii) is not approved for the purposes of regulation 132.030.
- (9) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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132.085 Flights in foreign country's airspace

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
 - (a) the aircraft is flown in a foreign country's airspace; and
 - (b) either:
 - (i) the country's national aviation authority has not granted an approval to the operator for the flight; or
 - (ii) the country's national aviation authority has granted an approval to the operator for the flight subject to a condition and the condition is contravened for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 10 penalty units.

Subpart 132.C—Flying limited category aircraft—adventure flights

Division 132.C.1—Adventure flights—general requirements

132.090 Adventure flight procedures required

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if, when the aircraft begins an adventure flight, there are no adventure flight procedures for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.095 Limited category certificate must include adventure flights as special purpose operation

- (1) The operator of a limited category aircraft contravenes this subregulation if, when the aircraft begins an adventure flight, a limited category certificate that includes conducting adventure flights in historic or ex-military aircraft as a special purpose operation for the aircraft is not in force for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.100 When adventure flights prohibited—aircraft airframe life and life-limited safety-critical aeronautical products

- (1) The operator of a limited category aircraft contravenes this subregulation if, when the aircraft begins an adventure flight:
 - (a) the aircraft has reached its approved airframe life; or
 - (b) an aeronautical product fitted to the aircraft:
 - (i) is a safety-critical aeronautical product; and
 - (ii) has reached its life limit.

Note: An aeronautical product is not a safety-critical aeronautical product if advice has been given under regulation 132.175 that the aeronautical product is not a safety-critical aeronautical product: see subregulation 132.025(2).

- (2) The operator of a limited category aircraft contravenes this subregulation if, during an adventure flight of the aircraft:
 - (a) the aircraft reaches its approved airframe life; or
 - (b) an aeronautical product fitted to the aircraft:
 - (i) is a safety-critical aeronautical product; and

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(ii) reaches its life limit.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

132.105 When adventure flights prohibited—major modifications or repairs

- (1) This regulation applies to the operator of a limited category aircraft if:
- (a) the aircraft has a modification or repair; and
 - (b) the modification is a major modification or repair.

Approval of modifications and repairs

- (2) The operator contravenes this subregulation if, when the aircraft begins an adventure flight, the modification or repair is not approved for the purposes of regulation 132.030.

Certificate from administering authority

- (3) The operator contravenes this subregulation if, when the aircraft begins an adventure flight, the operator does not hold a certificate, given by the administering authority for the aircraft, to the effect that the modified or repaired aircraft may be operated for an adventure flight subject to the limitations (however described) stated in the certificate.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

132.110 When adventure flights prohibited—certain aircraft that are not ex-armed forces or historic aircraft

- (1) This regulation applies to a limited category aircraft that is not an ex-armed forces aircraft or historic aircraft.
- (2) The operator of the aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and
 - (b) the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

132.115 When adventure flights prohibited—aircraft with special flight permit

- (1) The operator of a limited category aircraft contravenes this subregulation if, when the aircraft begins an adventure flight, a special flight permit is in force for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.120 Requirements for pilot in command of adventure flights

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if, when an adventure flight of the aircraft begins, the pilot in command does not meet a requirement (if any) mentioned in the adventure flight procedures for the aircraft for the pilot in command for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: The pilot in command must also be otherwise authorised under Part 61 to conduct the flight: see paragraph 132.050(2)(g).

132.125 Unbroken round trips only

- (1) The operator of a limited category aircraft contravenes this subregulation if an adventure flight of the aircraft contravenes subregulation (2).
- (2) For subregulation (1), the flight must begin and end at the same landing area and must not involve a landing anywhere else.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.130 Sightseeing flights prohibited

- (1) The operator of a limited category aircraft contravenes this subregulation if an adventure flight of the aircraft is marketed or represented as a sightseeing flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.135 Clothes and equipment supplied by operator

- (1) The operator of a limited category aircraft contravenes this subregulation if:
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Division 132.C.1 Adventure flights—general requirements

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- (a) the operator supplies clothing or equipment to a passenger for an adventure flight of the aircraft; and
 - (b) the clothing or equipment is supplied to the passenger before the briefing mentioned in subregulation 132.155(2) is given to the passenger.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.140 Passengers who cannot understand safety briefing to be accompanied on adventure flights

- (1) The operator of a limited category aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and
 - (b) the person giving a passenger on the flight the briefing mentioned in subregulation 132.155(2) reasonably believes that the passenger is not able to understand the briefing; and
 - (c) the passenger is not accompanied on the flight by a parent, guardian or carer.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 132.C.2—Adventure flights—passenger safety briefings

132.145 Requirement for passenger safety briefing when booking

- (1) The operator of a limited category aircraft contravenes this subregulation if:
 - (a) a booking for the carriage of a passenger for an adventure flight of the aircraft is taken by:
 - (i) the operator or an employee or agent of the operator; or
 - (ii) a booking vendor for the aircraft; and
 - (b) before the booking is finalised, the person making the booking is not given a briefing that:
 - (i) complies with regulation 132.150; and
 - (ii) is in a language the person understands.
- (2) Subregulation (1) does not apply to the operator in relation to a booking taken by an agent of the operator or a booking vendor for the aircraft if, before the agent or vendor took the booking:
 - (a) the operator, or the administering authority for the aircraft, had instructed the agent or vendor that the agent or vendor must ensure that a briefing that complies with paragraph (1)(b) is given to a person making a booking for the carriage of a passenger on an adventure flight of the aircraft before finalising the booking; and
 - (b) the operator or the administering authority (as applicable) had given the agent or vendor the information that is necessary for the agent or vendor to give a briefing that complies with regulation 132.150.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

- (4) For the purposes of this regulation, a person is a **booking vendor** for a limited category aircraft if the person takes bookings for the carriage of passengers on adventure flights for the aircraft, but is not the operator of the aircraft or an employee or agent of the operator.

132.150 Content of passenger safety briefing when booking

For subparagraph 132.145(1)(b)(i), the briefing must include the following:

- (a) statements to the effect that:
 - (i) the design, manufacture and airworthiness of the aircraft are not required to meet any standard recognised by CASA; and
 - (ii) the aircraft is not required by CASA to be operated to the same safety standards as an aircraft used for air transport operations; and
 - (iii) travel in the aircraft is done at the passenger's own risk; and

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- (iv) a more detailed briefing about the safety of the aircraft will be given to the passenger before the passenger boards the aircraft;
- (b) if the person making the booking is not the passenger—information on the effect of regulation 132.155 (requirement for passenger safety briefing before boarding aircraft);
- (c) information on the effect of regulation 132.140 (passengers who cannot understand safety briefing to be accompanied on adventure flights).

132.155 Requirement for passenger safety briefing before boarding aircraft

- (1) The operator of a limited category aircraft contravenes this subregulation if:
 - (a) the aircraft is used to conduct an adventure flight; and
 - (b) the requirement mentioned in subregulation (2) is not met for a passenger for the flight.
- (2) For paragraph (1)(b), the requirement is that, on the day of the flight, before the passenger is taken to the aircraft, the passenger must be given a briefing that:
 - (a) complies with subregulation (4); and
 - (b) is in a language the passenger understands.
- (3) Subregulation (1) does not apply to the operator if:
 - (a) the passenger was carried on an earlier flight of the aircraft on the same day; and
 - (b) the requirement mentioned in subregulation (2) was met for the passenger for the earlier flight.
- (4) For paragraph (2)(a), the briefing must include the following:
 - (a) information comparing the safety of the aircraft with aircraft used for air transport operations, including that CASA does not require the aircraft to be operated to the same degree of safety as an aircraft used for air transport operations;
 - (b) information about the design, airworthiness and type certification of the aircraft, including that the design, manufacture and airworthiness of the aircraft are not required to meet any standard recognised by CASA;
 - (c) a statement of the risks associated with undertaking the flight;
 - (d) a statement to the effect that travel in the aircraft is done at the passenger's own risk;
 - (e) if the operator requires the passenger to wear safety equipment (other than a seat belt) during the flight—a statement that the safety equipment must be worn and information about its purpose.

Note: For other provisions about the safety of aircraft occupants, see Division 91.D.7.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

132.160 Acknowledgement by passengers who are at least 18 and who can understand passenger safety briefing

- (1) The operator of a limited category aircraft contravenes this subregulation if:
 - (a) the aircraft is used to conduct an adventure flight; and
 - (b) a passenger for the flight is at least 18; and
 - (c) the person giving the passenger the briefing mentioned in subregulation 132.155(2) reasonably believes that the passenger is able to understand the briefing; and
 - (d) the requirement mentioned in subregulation (2) is not met for the passenger for the flight.
- (2) For paragraph (1)(d), the requirement is that, on the day of the flight, before the passenger is taken to the aircraft:
 - (a) the passenger must be given a written copy of the briefing mentioned in subregulation 132.155(2) in a language the passenger understands; and
 - (b) the passenger must sign an acknowledgement, in a language that the passenger understands, that the passenger has received and understood:
 - (i) the briefing mentioned in subregulation 132.155(2); and
 - (ii) the written copy of the briefing.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.165 Acknowledgement for passengers under 18 or who cannot understand passenger safety briefing

- (1) The operator of a limited category aircraft contravenes this subregulation if:
 - (a) the aircraft is used to conduct an adventure flight; and
 - (b) either or both of the following apply to a passenger for the flight:
 - (i) the passenger is under 18;
 - (ii) the person giving the passenger for the flight the briefing mentioned in subregulation 132.155(2) reasonably believes that the passenger will not be able to understand the briefing; and
 - (c) the requirement mentioned in subregulation (2) is not met for the passenger for the flight.
- (2) For paragraph (1)(c), the requirement is that, before the passenger is taken to the aircraft:
 - (a) a parent, guardian or carer of the passenger must have been given a written copy of the briefing mentioned in subregulation 132.155(2) in a language the parent, guardian or carer understands; and
 - (b) the parent, guardian or carer of the passenger must have signed an acknowledgement, in a language that the parent, guardian or carer understands, that he or she has received and understood the written copy of the briefing.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

132.170 Retention of acknowledgements

- (1) The operator of a limited category aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and
 - (b) a signed acknowledgement mentioned in paragraph 132.160(2)(b) or 132.165(2)(b) for a passenger for the flight is not retained by the operator for at least 3 months after the day the flight ends.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 132.D—Limited category aircraft—certification and airworthiness requirements

Division 132.D.1—Certification and airworthiness—general

132.175 Advice about modifications, repairs, damage, defects and life-limited aeronautical products

Giving advice on request from aircraft operator

- (1) The operator of a limited category aircraft may, in writing, ask the administering authority for the aircraft for its advice about any of the following matters in relation to the aircraft:
 - (a) whether a modification or repair is a major modification or repair;
 - (b) whether damage is major damage;
 - (c) whether a defect is a major defect;
 - (d) whether a life-limited aeronautical product for the aircraft is a safety-critical aeronautical product for the aircraft.
- (2) If the administering authority for a limited category aircraft receives a request from the operator of the aircraft under subregulation (1) about a matter in relation to the aircraft, the authority must give the operator of the aircraft, in writing, its advice about the matter.

Giving advice on administering authority's initiative

- (3) The administering authority for a limited category aircraft may, on its own initiative, give the operator of the aircraft, in writing, the authority's advice about a matter mentioned in subregulation (1) in relation to the aircraft.

Note: Under regulation 47 of CAR:

- (a) damage to a limited category aircraft is taken not to be major damage if, under this regulation, advice has been given that the damage is not major damage; and
- (b) a defect in a limited category aircraft is taken not to be a major defect if, under this regulation, advice has been given that the defect is not a major defect.

132.180 Requirements for giving approvals, certificates and advice—individuals

Individuals must be authorised to give approvals, certificates and advice

- (1) An individual contravenes this subregulation if:
 - (a) the individual gives, on behalf of a limited category organisation, an approval, certificate or advice covered by subregulation (4) for a limited category aircraft; and
 - (b) the individual is not authorised under subregulation 132.185(1) by the organisation to give the advice, approval or certificate for the aircraft.

Part 132 Limited category aircraft

Subpart 132.D Limited category aircraft—certification and airworthiness requirements

Division 132.D.1 Certification and airworthiness—general

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Individuals must comply with relevant requirements when giving approvals, certificates and advice

- (2) An individual contravenes this subregulation if:
- (a) the individual gives, on behalf of a limited category organisation, an approval, certificate or advice covered by subregulation (4); and
 - (b) a procedure included in the organisation's manual for the purposes of paragraph 262AN(3)(d) of CAR applies to the individual and the approval, certificate or advice; and
 - (c) the individual does not comply with the procedure in relation to the giving of the approval, certificate or advice.
- (3) An individual contravenes this subregulation if:
- (a) the individual gives, on behalf of a limited category organisation, an approval, certificate or advice covered by subregulation (4); and
 - (b) the approval, certificate or advice is covered by a requirement prescribed by the Part 132 Manual of Standards; and
 - (c) the individual does not comply with the requirement.

Kinds of approvals, certificates and advice

- (4) The approvals, certificates and advice covered by this subregulation are:
- (a) certificates of airworthiness;
 - (b) an approval mentioned in regulation 132.030 (approval of modifications and repairs);
 - (c) a certificate mentioned in subregulation 132.105(3) (operation of an aircraft that has a major modification or repair for an adventure flight subject to limitations);
 - (d) a certificate stating an airframe life for the aircraft's airframe given by the administering authority for the aircraft;
 - (e) advice under regulation 132.175 (advice about modifications, repairs, damage etc.);
 - (f) an approval or certificate prescribed by the Part 132 Manual of Standards under subparagraph 262AN(3)(d)(vi) of CAR.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

132.185 Authorisations to give approvals, certificates and advice for limited category aircraft

How individuals become authorised to give approvals, certificates and advice

- (1) An individual is authorised under this subregulation to give, on behalf of a limited category organisation, an approval, a certificate or advice of a kind
-

covered by subregulation 132.180(4) for a limited category aircraft if the individual holds a written authorisation, issued by the limited category organisation, to give the approval, certificate or advice for the aircraft.

Individuals must have relevant qualifications and experience

- (2) A limited category organisation must not issue an authorisation to an individual for the purposes of subregulation (1) unless the organisation is satisfied that the individual has the qualifications and experience prescribed by the Part 132 Manual of Standards.

Approvals, certificates and advice given on behalf of limited category organisations

- (3) If an individual is authorised under subregulation (1) by a limited category organisation, approvals, certificates and advice given by the individual in accordance with the approval are taken, for the purposes of these Regulations (other than regulation 132.180), to have been given by the limited category organisation.

132.190 Requirements for giving approvals, certificates and advice—limited category organisations

- (1) A limited category organisation contravenes this subregulation if:
- (a) the organisation gives an approval, certificate or advice covered by subregulation 132.180(4); and
 - (b) a procedure included in the organisation's manual for the purposes of paragraph 262AN(3)(d) of CAR is not complied with in relation to the giving of the approval, certificate or advice.
- (2) A limited category organisation contravenes this subregulation if:
- (a) the organisation gives an approval, certificate or advice covered by subregulation 132.180(4); and
 - (b) the approval or certificate is covered by a requirement prescribed by the Part 132 Manual of Standards; and
 - (c) the organisation does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 132.D.2—Certification and airworthiness—permit index numbers

132.195 Assignment of permit index numbers—general

- (1) A permit index number assigned to a limited category aircraft must:
 - (a) meet the requirements prescribed by the Part 132 Manual of Standards for the assignment of the number; and
 - (b) not be likely to have an adverse effect on the safety of other airspace users or persons on the ground or water.
- (2) A permit index number must be a whole number from 0 to 3.

Note: For the assignment of a permit index number with the issue of a limited category certificate, see subregulation 21.176(5).

132.200 Assignment of new permit index numbers on initiative of administering authority

The administering authority for a limited category aircraft must assign a new permit index number to the aircraft if satisfied that the aircraft's existing permit index number does not comply with regulation 132.195.

Note: See also regulation 132.230 (Notice to CASA—certain proposed actions by limited category organisation).

132.205 Assignment of new permit index numbers at CASA direction

- (1) This regulation applies if:
 - (a) there is a limited category organisation in relation to a limited category aircraft; and
 - (b) CASA is satisfied that the aircraft's existing permit index number does not comply with regulation 132.195.
- (2) CASA must direct the organisation to assign a new permit index number to the aircraft.
- (3) The organisation contravenes this subregulation if it does not comply with the direction.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

132.210 Assignment of new permit index numbers on application by registered operator

- (1) The registered operator of a limited category aircraft may apply, in writing, to the administering authority for the aircraft for the assignment of a new permit index number for the aircraft.
- (2) Part 11 applies to an application mentioned in subregulation (1) as if a permit index number were an authorisation (within the meaning of Part 11).
- (3) Subject to regulation 11.055, the administering authority must assign a new permit index number to the aircraft.

Note: See also regulation 132.230 (notice to CASA—certain proposed actions by limited category organisation).

132.215 When assignment of new permit index number takes effect

An assignment of a new permit index number for a limited category aircraft takes effect when the aircraft's registered operator is given, under regulation 132.200, 132.205 or 132.210, a reissued limited category certificate for the aircraft, or a reissued attachment to the certificate, that includes the new number.

Note: The permit index number initially assigned to the aircraft must be included in the limited category certificate or an attachment to the certificate: see paragraph 21.176(5A)(b).

132.220 Notice to operator if new permit index number assigned

If a new permit index number is assigned to a limited category aircraft, and the registered operator is not the aircraft's operator, the administering authority for the aircraft must give written notice of the assignment of the new permit index number to the aircraft's operator.

Division 132.D.3—Certification and airworthiness—notice to CASA of certain matters

132.225 Notice to CASA—permit index numbers assigned by limited category organisation for aircraft

- (1) This regulation applies if a permit index number is assigned to a limited category aircraft under subregulation 21.176(5) or Division 132.D.2 by a limited category organisation.
- (2) The limited category organisation contravenes this subregulation if the organisation does not give CASA written notice of the assignment of the number in accordance with subregulation (3).
- (3) The notice must:
 - (a) include the aircraft's registration mark and the permit index number assigned to the aircraft; and
 - (b) be given not later than 14 days after the day the number is assigned.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 10 penalty units.

132.230 Notice to CASA—certain proposed actions by limited category organisation

- (1) This regulation applies if a limited category organisation proposes to:
 - (a) refuse to issue a limited category certificate;
 - (b) refuse to vary a limited category certificate.
- (2) This regulation also applies if:
 - (a) a limited category organisation proposes to assign a new permit index number to a limited category aircraft under Division 132.D.2; and
 - (b) the aircraft's existing permit index number was assigned by CASA.
- (3) The limited category organisation contravenes this subregulation if it does not give CASA notice of the proposed action in accordance with the organisation's operations manual.
- (4) CASA may give the limited category organisation any advice or comments it considers appropriate in relation to the proposed action within the period mentioned in the manual.
- (5) The limited category organisation contravenes this subregulation if it does not have regard to any advice or comments given to it by CASA under subregulation (4) when deciding whether to take the action.

- (6) A person commits an offence of strict liability if the person contravenes subregulation (3) or (5).

Penalty: 10 penalty units.

132.235 Notice to CASA—safety of aircraft

- (1) This regulation applies if a limited category organisation reasonably believes that:
- (a) a matter exists in relation to a limited category aircraft; and
 - (b) CASA might want to exercise its powers under subregulation 21.181(6) to suspend or cancel the aircraft's limited category certificate because of the matter.
- (2) The organisation must give CASA notice of the matter in accordance with the organisation's operations manual.

Part 132 Limited category aircraft

Subpart 132.M Limited category aircraft—airworthiness and maintenance

Subpart 132.M—Limited category aircraft—airworthiness and maintenance

Note: This Subpart is reserved for future use.

Part 133—Australian air transport operations—rotorcraft

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Subpart 133.A—Preliminary

133.005 Application of Part 133

This Part applies in relation to the operation of a rotorcraft for an Australian air transport operation.

133.010 Definition of *suitable forced landing area* for rotorcraft flights

Areas of ground

- (1) An area of ground is a ***suitable forced landing area*** for a flight of a rotorcraft if the rotorcraft could make a forced landing in the area with a reasonable expectation that there would be no injuries to persons in the rotorcraft or on the ground.

Areas of water

- (2) An area of water that meets the requirements mentioned in subregulation (3) is a ***suitable forced landing area*** for a flight of a rotorcraft if the rotorcraft:
 - (a) is equipped with emergency flotation equipment; or
 - (b) has a type certificate or supplemental type certificate for landing on water.
- (3) For the purposes of subregulation (2), the requirements are the following:
 - (a) the rotorcraft must be able to ditch in the area of water with a reasonable expectation that there would be no injuries to persons in the rotorcraft or on the water;
 - (b) there must be a reasonable expectation that persons in the rotorcraft would survive in the area of water for the time that it would take to rescue the persons;
 - (c) if the flight is a passenger transport operation or a medical transport operation—the area of water must be:
 - (i) adjacent to land; or
 - (ii) adjacent to an offshore installation with search and rescue capabilities; or
 - (iii) in a location, set out in the rotorcraft operator’s exposition, that has search and rescue capabilities.
- (4) Factors that affect whether there is a reasonable expectation about the matters mentioned in paragraphs (3)(a) and (b) include the following:
 - (a) the surface condition of the area of water, including the wave height, wind conditions and swell;
 - (b) the limits of the capability of the rotorcraft’s emergency flotation system to stay upright and floating in certain sea states.

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133.015 Approvals by CASA for Part 133

- (1) If a provision of this Part, or of the Part 133 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

133.020 Issue of Manual of Standards for Part 133

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 133 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 133.C—General

Division 133.C.1—General flight limitations

133.025 Permitted categories of rotorcraft

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the rotorcraft begins the flight; and
 - (b) the rotorcraft is not type certificated in any of the following categories:
 - (i) transport;
 - (ii) normal;
 - (iii) a category prescribed by the Part 133 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 133.C.2—Operational documents

133.030 Compliance with flight manual

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, the rotorcraft is operated in a way that does not meet a requirement or limitation that:
 - (a) is set out in the aircraft flight manual instructions for the rotorcraft; and
 - (b) relates to the operation of the rotorcraft.

Note: The pilot in command of the rotorcraft must also ensure the rotorcraft is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

- (2) Subregulation (1) does not apply to a requirement or limitation if:
 - (a) circumstances prescribed by the Part 133 Manual of Standards exist for the flight; and
 - (b) the requirement or limitation is of a kind prescribed by the Part 133 Manual of Standards for those circumstances.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

133.035 Operator to have minimum equipment list for certain flights

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the flight is either or both of the following:
 - (i) an IFR flight;
 - (ii) a flight that begins or ends at an aerodrome outside Australian territory; and
 - (b) there is a master minimum equipment list for the rotorcraft; and
 - (c) when the flight begins, there is no minimum equipment list for the rotorcraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.040 Availability of checklists

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that, before a crew member for the flight begins to carry out a duty for the flight, the operator must make available to the member each

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checklist of normal, abnormal and emergency procedures for the rotorcraft that is relevant to the duty.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 133.C.3—Flight related documents

133.045 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of a rotorcraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

133.050 Availability of parts of exposition

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if the following parts of the rotorcraft operator's exposition are not available to a crew member for the flight before the flight begins:
 - (a) a part that is relevant to the duties of the crew member for the flight;
 - (b) a part that is required for the conduct of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.055 Carriage of documents

Documents required by the Part 133 Manual of Standards

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 133 Manual of Standards for the purposes of this paragraph is not carried on the rotorcraft; and
 - (b) the rotorcraft begins the flight.

Flight crew medical certificates

- (2) The operator and a flight crew member for a flight of a rotorcraft each contravene this subregulation if:
 - (a) the flight crew member's medical certificate is not carried on the rotorcraft for the flight; and
 - (b) the flight crew member does not give CASA written notice that the certificate is not being carried on the rotorcraft for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—within 24 hours after the flight ends.

Flight crew licences

- (3) The operator and a flight crew member for a flight of a rotorcraft each contravene this subregulation if:
- (a) the flight crew member's flight crew licence is not carried on the rotorcraft for the flight; and
 - (b) the flight crew member does not give CASA written notice that the licence is not being carried on the rotorcraft for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—within 24 hours after the flight ends.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

133.060 Availability or carriage of documents for certain flights

Flights for which documents must be carried

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the rotorcraft will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) when the flight begins, a document mentioned in subregulation (4) is not carried on the rotorcraft.

Flights for which documents must be available or carried

- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) the rotorcraft begins a VFR flight by day during which the rotorcraft will remain within 50 nautical miles of the departure aerodrome; and
 - (b) the requirement mentioned in subregulation (3) is not met.
- (3) The requirement is that each document mentioned in subregulation (4) must be:
- (a) available to the pilot in command immediately before the flight; or
 - (b) carried on the rotorcraft.

Required documents

- (4) The documents are the following:

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- (a) if a flight notification is required for the flight under Part 91—the flight notification;
- (b) weight and balance documents for the flight;
- (c) NOTAMs and AIS briefing documents for the flight;
- (d) authorised weather forecasts for:
 - (i) the planned route of the flight; and
 - (ii) the planned area of operation for the flight; and
 - (iii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
- (e) if there is a person on board who may require special consideration during the flight or during an evacuation of the rotorcraft—a statement identifying the person and the special consideration;
- (f) forms to comply with the reporting requirements under the operator’s safety management system;
- (g) if the rotorcraft is fitted with computerised navigation equipment—the operating instructions for the equipment;
- (h) each other document (if any) required by a foreign country within whose territory the flight is conducted.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

133.065 Carriage of documents—flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of a rotorcraft that begins or ends at an aerodrome outside Australian territory.
- (2) However, this regulation does not apply to a flight of a rotorcraft if:
 - (a) the flight:
 - (i) begins in Australia and ends at a helideck outside Australian territory;
or
 - (ii) begins at a helideck outside Australian territory and ends in Australia;
and
 - (b) the flight is not part of a multi-flight journey that begins or ends at an aerodrome that is outside Australian territory.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 133 Manual of Standards for the purposes of this paragraph is not carried on the rotorcraft; and
 - (b) the rotorcraft begins the flight.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

133.070 Keeping and updating documents etc.

A rotorcraft operator's exposition must include the following for a flight of the rotorcraft:

- (a) procedures for keeping the documents prescribed by the Part 133 Manual of Standards accessible to a person on the ground for the duration of the flight;
- (b) procedures for providing updated information in relation to the flight to a person on the ground if:
 - (i) the flight is part of a multi-flight journey; and
 - (ii) a copy of a document for the flight has been kept on the ground in relation to an earlier flight that is part of the multi-flight journey; and
 - (iii) the information in the document requires updating; and
 - (iv) it is not practicable to keep a copy of the updated document on the ground;
- (c) the circumstances in which a person on the ground who has access to the information about the flight mentioned in paragraphs (a) and (b) may provide that information to another person;
- (d) procedures for providing information in a circumstance mentioned in paragraph (c).

133.075 Journey logs

Operator—preparation of journey log

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, the operator has not prepared a journey log for the flight:
- (a) that is capable of containing the information mentioned in subregulations (3) and (6); and
 - (b) with a place for the pilot in command to verify the entries for the flight.

Pre-flight completion of journey log

- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the information about the flight mentioned in subregulation (3) is not recorded in the journey log.
- (3) The information is the following:
- (a) the rotorcraft's registration mark and flight number (if any);
 - (b) the date of the flight;
 - (c) for each crew member assigned to the flight:
 - (i) the crew member's name; and
 - (ii) the duties assigned to the crew member for the flight;

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- (d) for the flight:
 - (i) the place of departure; and
 - (ii) the time the flight begins;
 - (e) the amount of fuel added to the rotorcraft's fuel tanks before the flight begins (if any);
 - (f) the amount of fuel in the rotorcraft's fuel tanks when the flight begins.
- (4) Subregulation (2) does not apply if:
- (a) the flight is a medical transport operation; and
 - (b) the information mentioned in that subregulation is not recorded in the journey log before the flight begins because of the urgent nature of the medical transport operation; and
 - (c) the pilot in command is satisfied, when the flight begins, that the failure to record the information in the journey log before the flight begins will not affect the safety of the rotorcraft; and
 - (d) the information is recorded in the journey log as soon as practicable after the flight ends.

Post-flight completion of journey log

- (5) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (6) is not recorded in the journey log for the flight as soon as practicable after the flight ends.
- (6) The information is the following:
- (a) the place of arrival;
 - (b) the time the flight ends;
 - (c) the duration of the flight;
 - (d) the amount of fuel in the rotorcraft's fuel tanks when the flight ends;
 - (e) incidents and observations (if any) relevant to the flight.

Offence

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (5).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

133.080 Passenger lists

- (1) The operator of a rotorcraft for a flight that is a passenger transport operation contravenes this subregulation if, when the flight begins, the operator has not prepared a passenger list for the flight that contains the information mentioned in subregulation (2).
- (2) The information is the following:
-

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- (a) the rotorcraft's registration mark and flight number (if any);
 - (b) the name of each passenger;
 - (c) the places of departure and destination for each passenger;
 - (d) the number of infants carried;
 - (e) the date, and estimated time of departure, of the flight.
- (3) Subregulation (1) does not apply to the operator in relation to information mentioned in that subregulation if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

133.085 Flight preparation forms for flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of a rotorcraft that begins or ends at an aerodrome outside Australian territory.
- (2) However, this regulation does not apply to a flight of a rotorcraft if:
- (a) the flight:
 - (i) begins in Australia and ends at a helideck outside Australian territory; or
 - (ii) begins at a helideck outside Australian territory and ends in Australia; and
 - (b) the flight is not part of a multi-flight journey that begins or ends at an aerodrome that is outside Australian territory.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the pilot in command has not signed a flight preparation form certifying that the pilot in command is satisfied of the matters mentioned in subregulation (4).
- (4) The matters are the following:
- (a) the rotorcraft can be operated during the flight in accordance with its configuration deviation list (if any);
 - (b) the parts of the operator's exposition required to be available to the rotorcraft's crew before the flight by regulation 133.050 are available;
 - (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
 - (d) regulations 133.055, 133.060 and 133.065 are being complied with for the flight;

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- (e) equipment required, under Subpart 133.K, to be fitted to, or carried on, the rotorcraft for the flight is fitted to, or carried on, the rotorcraft in accordance with that Subpart;
 - (f) equipment mentioned in paragraph (e) is:
 - (i) operative; or
 - (ii) inoperative, and permitted to be inoperative for the flight under these Regulations;
 - (g) the rotorcraft's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
 - (h) the rotorcraft's weight and balance will remain within the rotorcraft's weight and balance limits throughout the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Division 133.C.4—Reporting and recording defects and incidents etc.

133.090 Procedures for reporting and recording defects etc.

A rotorcraft operator's exposition must include procedures for the reporting and recording, by a flight crew member for a flight of the rotorcraft, of any of the following that occur during the flight:

- (a) an abnormal instrument indication;
- (b) abnormal flight conditions;
- (c) abnormal behaviour by the rotorcraft;
- (d) exceedence of an operating limit specified in the aircraft flight manual instructions for the rotorcraft;
- (e) a defect in the rotorcraft.

133.095 Procedures for reporting and recording incidents

A rotorcraft operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the rotorcraft that endanger, or could endanger, the safe operation of the rotorcraft.

Division 133.C.5—Search and rescue services and emergency and survival equipment

133.100 Information about search and rescue services

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, information about the search and rescue services relevant to the flight is not readily accessible to the flight crew members for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.105 Information about emergency and survival equipment

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the Part 133 Manual of Standards prescribes an item of equipment for the purposes of this regulation; and
 - (b) when the flight begins, the information prescribed by the Part 133 Manual of Standards for that equipment is not available for immediate communication by the operator to a rescue coordination centre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 133.C.6—Miscellaneous requirements

133.110 Crew activities necessary for safe operation

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator requires a crew member for the flight to perform an activity during take-off, initial climb, final approach or landing of the rotorcraft for the flight; and
 - (b) the activity is not necessary for the safe operation of the rotorcraft.
- (2) A crew member for a flight of a rotorcraft contravenes this subregulation if:
 - (a) the crew member performs an activity during take-off, initial climb, final approach or landing of the rotorcraft for the flight; and
 - (b) the activity is not necessary for the safe operation of the rotorcraft.
- (3) Subregulations (1) and (2) do not apply if:
 - (a) the flight is a medical transport operation; and
 - (b) the crew member is a medical transport specialist; and
 - (c) the activity relates to providing care to a medical patient; and
 - (d) the crew member is satisfied that:
 - (i) it is essential to perform the activity; and
 - (ii) performing the activity will not affect the safe operation of the rotorcraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

133.115 Competence of ground support personnel

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, before a member of the operator's personnel carries out a ground support duty for the flight, the member has not met a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
 - (a) the member must have successfully completed training for the duty;
 - (b) the member must have been assessed as competent to carry out the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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133.120 Crew station authorisation and briefing

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) during the flight, a person occupies a crew station; and
 - (b) the person is not a person mentioned in subregulation (2).
- (2) The persons are the following:
 - (a) a flight crew member assigned to duty for the flight by the operator;
 - (b) another crew member authorised by the operator and the pilot in command to occupy the crew station during the flight;
 - (c) an authorised officer who is carrying out an audit, check, examination, inspection or test under these Regulations;
 - (d) a person who is permitted by the operator's exposition to occupy the crew station.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) during the flight, a person other than a member of the rotorcraft's crew occupies a crew station; and
 - (b) before the person occupies the crew station, the pilot in command does not cause the person to be briefed on the safety procedures that are relevant to the crew station.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Subpart 133.D—Operational procedures

Division 133.D.1—Operational control

133.125 Operational control

A rotorcraft operator's exposition must include procedures for determining how operational control for a flight of the rotorcraft is to be exercised and by whom.

Division 133.D.2—Flight preparation

133.130 Flight preparation requirements

A rotorcraft operator's exposition must include procedures for complying with the following for a flight of the rotorcraft:

- (a) the flight preparation (weather assessments) requirements;
- (b) the flight preparation (alternate aerodromes) requirements.

Division 133.D.3—Flight planning

133.135 Operational flight plans

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the rotorcraft will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) when the flight begins, an operational flight plan that meets the requirements mentioned in subregulation (2) has not been prepared for the flight.
 - (2) The requirements are the following:
 - (a) the flight plan must be prepared having regard to:
 - (i) the safety of the rotorcraft, and of the people on board the rotorcraft, during the flight; and
 - (ii) the rotorcraft's performance; and
 - (iii) the expected rotorcraft operating limitations and conditions for the flight; and
 - (iv) meteorological conditions for the flight;
 - (b) the flight plan must contain the information prescribed by the Part 133 Manual of Standards for the purposes of this paragraph.
 - (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) the Part 133 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
 - (b) that information is not recorded in the operational flight plan for the flight:
 - (i) before the flight ends; or
 - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
 - (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- Note: An example for paragraph (a) is a journey log kept by the operator for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

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Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

133.140 Availability of flight planning information

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) the pilot in command of the rotorcraft must have access to the information mentioned in subregulation (3) before and during the flight;
 - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
 - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
 - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.
- (3) The information is the following:
 - (a) authorised weather forecasts and authorised weather reports:
 - (i) in relation to the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—in relation to the destination alternate aerodrome;
 - (b) NOTAMs for the flight;
 - (c) the suitability for a take-off or landing by the rotorcraft of:
 - (i) the departure and planned destination aerodrome for the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) Subregulation (1) does not apply in relation to information mentioned in subparagraph (3)(c)(i) about the planned destination aerodrome, if:
 - (a) when the flight begins, the rotorcraft is carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the rotorcraft if the rotorcraft cannot land at the planned destination aerodrome; and
 - (b) before starting an approach to land at the planned destination aerodrome, the pilot in command for the flight determines, in accordance with the procedures included in the operator's exposition under regulation 133.170, that the planned destination aerodrome is suitable to land at.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4):
see subsection 13.3(3) of the *Criminal Code*.

Division 133.D.4—Flight rules

133.145 Take-off and landing minima

- (1) If a rotorcraft conducts an IFR flight to or from an aerodrome, the rotorcraft operator's exposition must include:
 - (a) procedures for determining take-off minima that meet the requirements mentioned in subregulation (2); and
 - (b) procedures for determining landing minima that meet the requirement mentioned in subregulation (3).
- (2) The requirements are the following:
 - (a) the take-off minima must not be less than the take-off minima prescribed by the take-off minima requirements for the aerodrome;
 - (b) the take-off minima must be sufficient to enable the pilot in command to control the rotorcraft, in an emergency, in a way that ensures there is no undue hazard to a person on the ground or water under the rotorcraft's flight path;
 - (c) for a multi-engine rotorcraft flown in performance class 1—the take-off minima must be sufficient to enable the pilot in command to reject or continue a take-off safely if one engine fails;
 - (d) for a multi-engine rotorcraft flown in performance class 2—the take-off minima must be sufficient to enable the pilot in command to:
 - (i) manoeuvre the rotorcraft safely to reach a suitable forced landing area; or
 - (ii) continue a take-off if one engine fails after the defined point after take-off;
 - (e) for a multi-engine rotorcraft flown in performance class 2 with exposure—the take-off minima must be sufficient to enable the pilot in command to continue a take-off if one engine fails after the defined point after take-off.
- (3) The requirement is that the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome, including for an approach with visual circling.
- (4) If a rotorcraft conducts an IFR flight to or from an aerodrome with an approach involving visual circling, the rotorcraft operator's exposition must include procedures for determining landing minima for the aerodrome.
- (5) The operator and the pilot in command of a rotorcraft for a flight mentioned in subregulation (1) or (4) each contravene this subregulation if the minima for the take-off or landing for the flight are less than the minima determined in accordance with a procedure mentioned in subregulation (1) or (4) (as the case requires).
- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

133.150 Flights to or from foreign countries that do not use ICAO procedures

- (1) This regulation applies if:
 - (a) a rotorcraft conducts an IFR flight to or from an aerodrome:
 - (i) in a foreign country; and
 - (ii) at which IMC exist; and
 - (b) the country does not base the design of its instrument approach and departure procedures on ICAO Document 8168 (PANS-OPS).
- (2) The rotorcraft operator's exposition must include the instrument approach and departure procedures for the aerodrome that are approved by the national aviation authority of the country.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (4) is not met for the flight.
- (4) The requirements are the following:
 - (a) each pilot assigned to the flight by the operator must have successfully completed training in the country's instrument approach and departure procedures;
 - (b) the flight must be conducted in accordance with the instrument approach and departure procedures for the aerodrome included in the operator's exposition.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

133.155 Authorised instrument approach procedures not in the AIP

- (1) The operator of a rotorcraft for an IFR flight contravenes this subregulation if:
 - (a) during the flight, the rotorcraft conducts an instrument approach to an aerodrome for which an authorised instrument approach procedure is not published in the AIP; and
 - (b) an authorised instrument approach procedure for the aerodrome is not included in the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.160 Exposition requirements for low-visibility operations

A rotorcraft operator's exposition must include the following:

- (a) each type of low-visibility operation conducted using the rotorcraft;
- (b) the aircraft systems required to be used for each type of those operations;

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- (c) the aerodrome facilities required to conduct each type of those operations;
- (d) the training and qualifications required for the rotorcraft's flight crew members for each type of those operations;
- (e) the requirements to be met by the rotorcraft's flight crew members during each of those operations.

133.165 IFR flights without destination alternate aerodromes

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the flight is an IFR flight; and
 - (b) the operational flight plan for the flight does not include a destination alternate aerodrome.
- (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) during the flight, the pilot in command receives an authorised weather forecast for the planned destination aerodrome for the flight; and
 - (b) because of the authorised weather forecast, a destination alternate aerodrome must be nominated in accordance with the flight preparation (alternate aerodromes) requirements; and
 - (c) the rotorcraft is not carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the rotorcraft if the rotorcraft cannot land at the planned destination aerodrome; and
 - (d) the flight is continued to the planned destination aerodrome.
- (3) Subregulation (2) does not apply if:
 - (a) within 30 minutes before the rotorcraft's estimated arrival time at the planned destination aerodrome, the pilot in command receives an authorised weather forecast for the planned destination aerodrome; and
 - (b) the authorised weather forecast indicates that the visibility or cloud ceiling height at the planned destination aerodrome is expected to be:
 - (i) below the alternate minima for the planned destination aerodrome required by the flight preparation (alternate aerodromes) requirements; but
 - (ii) above the landing minima required by the landing minima requirements for the planned destination aerodrome.
- (4) Also, subregulation (2) does not apply if the rotorcraft is carrying sufficient fuel to allow it to hold near the planned destination aerodrome until the end of 30 minutes after the visibility and cloud ceiling height is expected to be at or above the specified landing minima for the rotorcraft for the aerodrome.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) or (4): see subsection 13.3(3) of the *Criminal Code*.

133.167 Minimum height rules for medical transport operations

Regulation 91.265, 91.267, 91.277 or 91.305 does not apply to a pilot in command of a rotorcraft for a flight that is a medical transport operation if:

- (a) circumstances prescribed by the Part 133 Manual of Standards for the purposes of this paragraph apply to the rotorcraft and the operation; or
- (b) requirements prescribed by the Part 133 Manual of Standards for the purposes of this paragraph are complied with in relation to the flight.

Division 133.D.5—Aerodromes

133.170 Procedures to determine information about aerodromes

- (1) A rotorcraft operator's exposition must include the following:
 - (a) procedures to determine the kinds of information mentioned in subregulation (2) for a flight of the rotorcraft in relation to the following:
 - (i) the departure aerodrome;
 - (ii) the planned destination aerodrome;
 - (iii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
 - (b) procedures for the pilot in command to plan a take-off from, or a landing at, an aerodrome, including a procedure to determine the kinds of information mentioned in subregulation (2) in relation to the aerodrome.
- (2) The kinds of information are the following:
 - (a) final approach and take-off area dimensions, directions, slopes, surface types and ground or water types for the aerodrome;
 - (b) touch down and lift-off area dimensions, limitations and location;
 - (c) the location of taxiways and turning nodes (if any);
 - (d) the aerodrome's elevation;
 - (e) the location on the aerodrome of the aerodrome reference point (if any);
 - (f) the location of the aerodrome's windsocks (if any);
 - (g) the aids to navigation and communication facilities available at the aerodrome (if any);
 - (h) the limitations (if any) on the use of the aerodrome;
 - (i) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;
 - (j) a contact person capable of providing information about the condition of the aerodrome;
 - (k) the special procedures and restrictions (if any) that the operator requires the flight crew of the rotorcraft to use at the aerodrome, including:
 - (i) engine failure procedures; and
 - (ii) obstacle clearance procedures.

133.175 Procedures for safety at aerodromes

A rotorcraft operator's exposition must include the following:

- (a) procedures to ensure the safety of persons in the vicinity of the rotorcraft when any of the following circumstances apply:
 - (i) a person is embarking or disembarking the rotorcraft;
 - (ii) the rotorcraft is being loaded or unloaded;
 - (iii) the rotorcraft is being operated at an aerodrome;

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- (b) procedures to determine the minimum distance that a person, animal or thing must be kept from the following to ensure the safety of the person, animal or thing:
- (i) the rotorcraft while it is on the ground at an aerodrome with its rotors turning;
 - (ii) the movement area of an aerodrome while the rotorcraft is landing or taking off;
 - (iii) a hazard created by the downwash of the rotorcraft at an aerodrome.

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Division 133.D.6—Fuel requirements

133.180 Fuel procedures

A rotorcraft operator's exposition must include procedures to ensure that a flight of the rotorcraft is conducted in accordance with the requirements mentioned in subregulation 133.190(1).

133.185 Oil requirements

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the rotorcraft is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.190 Fuel requirements

- (1) The Part 133 Manual of Standards may prescribe requirements relating to fuel for rotorcraft, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether a rotorcraft has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board a rotorcraft for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

133.195 Fuelling safety procedures

A rotorcraft operator's exposition must include the following:

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- (a) procedures to ensure the rotorcraft is fuelled safely;
- (b) procedures relating to the safety of passengers for a flight of the rotorcraft who are embarking or disembarking, or on board, the rotorcraft during fuelling, including the normal, emergency and communication procedures to be followed by the following persons:
 - (i) any crew members for the flight other than flight crew members;
 - (ii) any flight crew members for the flight who are on duty in the cockpit;
 - (iii) any of the operator's personnel who carry out a ground support duty for the flight;
- (c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the rotorcraft while the rotorcraft is being fuelled:
 - (i) a statement that radio frequency emissions from those devices will not affect systems on the rotorcraft; or
 - (ii) procedures to ensure that, before an engine of the rotorcraft is started, any effects of radio frequency emissions from those devices have been corrected.

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Division 133.D.7—Passenger transport and medical transport

133.200 Application of Division 133.D.7

- (1) This Division applies in relation to the operation of a rotorcraft for a passenger transport operation.
- (2) This Division (other than regulations 133.215, 133.225 and 133.235) also applies in relation to the operation of a rotorcraft for a medical transport operation.

133.205 Simulation of emergency or abnormal situations

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, an emergency or abnormal situation is simulated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.210 Carriage of restricted persons

- (1) A rotorcraft operator's exposition must state whether the operator will, or will not, carry a restricted person on a flight of the rotorcraft.

Note: For other requirements for the carriage of restricted persons who are deportees, removees and other persons in custody, see Division 4.5 of the *Aviation Transport Security Regulations 2005*.

- (2) If a rotorcraft operator's exposition states that the operator will carry a restricted person on a flight of the rotorcraft, the exposition must also include the following:
 - (a) procedures for carrying a restricted person on the rotorcraft;
 - (b) procedures to inform each crew member for the flight about the carriage of a restricted person for the flight.

133.215 Carry-on baggage

A rotorcraft operator's exposition must include procedures for the following:

- (a) securely stowing carry-on baggage;
- (b) determining the maximum weight and size of baggage that can be taken on the rotorcraft as carry-on baggage;
- (c) determining the locations on the rotorcraft where carry-on baggage can be stowed;
- (d) giving instructions to passengers about securely stowing carry-on baggage at the following times:
 - (i) before take-off;
 - (ii) before landing;

(iii) any other time that the pilot in command directs.

133.220 Obstruction of emergency exits

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, an emergency exit is obstructed.
- (2) For the purposes of subregulation (1), an emergency exit is not obstructed only because a seat adjacent to the exit, or a seat in a row of seats adjacent to the exit, is occupied by a passenger.
- (3) Subregulation (1) does not apply if:
 - (a) the flight is a medical transport operation; and
 - (b) the emergency exit is obstructed by a stretcher fit-out that is described or identified in a supplemental type certificate for the rotorcraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

133.225 Passengers in seats adjacent to emergency exits

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, during the flight, the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the pilot in command of the rotorcraft for the flight must be satisfied that each person occupying a seat adjacent to an emergency exit:
 - (a) is a suitable person; or
 - (b) is accompanied or assisted, for the flight, by a suitable person who can access the emergency exit.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
 - (a) a suitable person is occupying a seat adjacent to an emergency exit; and
 - (b) the suitable person has not agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
 - (a) a person other than a suitable person is occupying a seat adjacent to an emergency exit; and
 - (b) a suitable person is, for the flight, accompanying or assisting the person; and
 - (c) the suitable person has not agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.

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- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

133.230 Carriage of passengers with reduced mobility

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, a passenger with reduced mobility occupies a seat where the passenger could:
- (a) hinder the crew in their safety duties; or
 - (b) obstruct access to emergency equipment; or
 - (c) hinder the evacuation of the rotorcraft in an emergency.
- (2) Subregulation (1) does not apply in relation to a passenger with reduced mobility if:
- (a) the passenger is accompanied or assisted, for the flight, by a suitable person who is seated adjacent to an emergency exit; and
 - (b) the suitable person is accompanying or assisting only that passenger for the flight; and
 - (c) the suitable person has agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (3) A rotorcraft operator's exposition must include procedures for informing crew members for a flight about any passenger with reduced mobility who is to be carried on the flight.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if a procedure mentioned in subregulation (3) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

133.235 Safety briefing cards

- (1) This regulation applies to a rotorcraft with a maximum operational passenger seat configuration of more than 2.
- (2) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the rotorcraft is not available to each passenger on the rotorcraft.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a safety briefing card does not meet the requirements mentioned in subregulation (4).
- (4) The requirements are the following:
-

- (a) the safety briefing card must include any information prescribed by the Part 133 Manual of Standards;
 - (b) the only other information that may be included in the safety briefing card is the following:
 - (i) information that is relevant to the type and model of rotorcraft;
 - (ii) information that is relevant to the safety of the rotorcraft and its passengers.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

133.240 Safety briefings, instructions and demonstrations

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if a passenger is not given a safety briefing, instructions or demonstrations in accordance with the requirements prescribed by the Part 133 Manual of Standards for the purposes of this regulation.
- (2) Subregulation (1) does not apply in relation to a medical patient on a flight that is a medical transport operation.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if a safety briefing, instruction or demonstration required to be given to a passenger under this regulation includes:
 - (a) information that is not relevant to the type and model of the rotorcraft; or
 - (b) information that is not relevant to the safety of the rotorcraft and its passengers.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the rotorcraft takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the rotorcraft is necessary.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

133.245 Safety briefing in the event of an emergency

- (1) A rotorcraft operator's exposition must include procedures for briefing passengers on what to do if an emergency occurs during a flight of the rotorcraft.

Regulation 133.245

- (2) Subregulation (1) does not apply to a medical patient on a flight that is a medical transport operation.

Division 133.D.8—Instruments, indicators, equipment and systems

133.250 Airborne weather radar equipment

- (1) This regulation applies to a rotorcraft that conducts a flight:
 - (a) for which airborne weather radar equipment is required, under Subpart 133.K, to be fitted to the rotorcraft; or
 - (b) whilst the rotorcraft is fitted with airborne weather radar equipment (whether or not the airborne weather radar equipment is required, under Subpart 133.K, to be fitted for the flight).
- (2) The rotorcraft operator's exposition must include the following:
 - (a) procedures for using the equipment during a flight mentioned in subregulation (1);
 - (b) procedures for conducting a flight mentioned in subregulation (1) without the equipment, for use if the equipment is inoperative.

133.255 Head-up displays, enhanced vision systems and synthetic vision systems

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the rotorcraft is fitted with any of the following systems:
 - (i) a head-up display;
 - (ii) an enhanced vision system;
 - (iii) a synthetic vision system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
- (2) A rotorcraft operator's exposition must include the following:
 - (a) procedures for using each system that is fitted to the rotorcraft during a flight mentioned in paragraph (1)(b);
 - (b) procedures for conducting a flight mentioned in paragraph (1)(b) without an element of the system, for use if the element is inoperative.
- (3) The Part 133 Manual of Standards may prescribe requirements for the use of a system mentioned in paragraph (1)(a) for a flight of a rotorcraft.
- (4) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) a system mentioned in paragraph (1)(a) is used during the flight; and
 - (b) a requirement mentioned in subregulation (3) for that system is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Regulation 133.260

133.260 Survival equipment procedures

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the rotorcraft is required, under Subpart 133.K, to carry a life raft for the flight.
- (2) If a rotorcraft is, or will be, used to conduct a flight to which this regulation applies, the operator's exposition must include the following:
 - (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
 - (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

133.265 NVIS flights

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the rotorcraft is fitted with a night vision imaging system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
- (2) A rotorcraft operator's exposition must include the following:
 - (a) procedures for using a night vision imaging system during a flight to which subregulation (1) applies;
 - (b) procedures for conducting such a flight without an element of a night vision imaging system, for use if the element is inoperative.
- (3) The Part 133 Manual of Standards may prescribe requirements for the use of a night vision imaging system for a flight of a rotorcraft.
- (4) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) a night vision imaging system is used during the flight; and
 - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

133.270 Securing moveable equipment

A rotorcraft operator's exposition must include the following:

- (a) procedures for identifying items of moveable equipment that must be stowed securely on board the rotorcraft at the following times during a flight:
 - (i) while the rotorcraft is taking off;
 - (ii) while the rotorcraft is landing;
 - (iii) any other time that the pilot in command directs;
- (b) procedures for stowing the items.

Division 133.D.9—Miscellaneous

133.275 Procedures relating to ice

A rotorcraft operator's exposition must include the following in relation to a flight of the rotorcraft:

- (a) procedures for the inspection of the rotorcraft by the pilot in command before a flight if frost or freezing conditions exist;
- (b) if de-icing and anti-icing measures are required for the flight—procedures for carrying out these measures before the flight;
- (c) procedures for using de-icing and anti-icing equipment (where fitted) during the flight.

133.280 Procedures relating to portable electronic devices

A rotorcraft operator's exposition must include procedures for the operation of portable electronic devices for a flight of the rotorcraft.

133.285 Procedures relating to carriage of animals

A rotorcraft operator's exposition must include procedures for the carriage of animals for a flight of the rotorcraft.

133.290 Polar operations

- (1) This regulation applies to a rotorcraft that conducts a flight to or from an aerodrome in a polar region.
- (2) A rotorcraft operator's exposition must include procedures for the following:
 - (a) monitoring and dealing with fuel freezing;
 - (b) ensuring communication capability for the duration of an operation that includes a flight mentioned in subregulation (1);
 - (c) training the rotorcraft's flight crew in polar operations;
 - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
 - (e) if the rotorcraft is not flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the rotorcraft wears a serviceable, cold-weather, anti-exposure suit that is appropriate for the temperatures in which the flight is conducted;
 - (f) if the rotorcraft is flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the rotorcraft wears an immersion suit that is appropriate for the temperatures in which the flight is conducted.

133.295 External load operations involving winching a person

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) an external load operation involving winching a person is conducted during the flight; and
 - (b) a requirement prescribed by the Part 133 Manual of Standards is not met for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 133.305

Subpart 133.F—Performance

133.305 Take-off performance

- (1) The Part 133 Manual of Standards may prescribe requirements relating to take-off performance for a flight of a rotorcraft.
- (2) Without limiting subregulation (1), the Part 133 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the kinds of operations to be carried out during the flight;
 - (b) characteristics of the aerodrome at which the rotorcraft takes off;
 - (c) characteristics of the route flown by the rotorcraft;
 - (d) characteristics of the aerodrome at which the rotorcraft lands.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

133.310 Landing performance

- (1) The Part 133 Manual of Standards may prescribe requirements relating to landing performance for a flight of a rotorcraft.
- (2) Without limiting subregulation (1), the Part 133 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) the rotorcraft's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the rotorcraft lands;
 - (d) safety factor percentages to be applied.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.

Regulation 133.315

- (4) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

133.315 Flight in a performance class

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during any stage of the flight, the rotorcraft is not flown in a performance class.
- (2) Subregulation (1) does not apply in relation to a stage of a flight if:
 - (a) the flight is a medical transport operation; and
 - (b) the stage of the flight is conducted at a medical transport operating site; and
 - (c) the operator's exposition includes risk assessment and management procedures that must be complied with if the rotorcraft is not flown in a performance class during such a stage; and
 - (d) the procedures are complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

133.320 Rotorcraft permitted to fly in performance class 1 or 2, or performance class 2 with exposure

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during any stage of the flight:
 - (a) the rotorcraft is flown in performance class 1 or 2, or performance class 2 with exposure; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the rotorcraft must be a rotorcraft of a kind prescribed by the Part 133 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 133.325

133.325 Flight in performance class 2 with exposure

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) the rotorcraft is flown in performance class 2 with exposure during the take-off, take-off and initial climb, approach and landing, or baulked landing stage of the flight; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the rotorcraft must be flown in accordance with any requirements prescribed by the Part 133 Manual of Standards for the purposes of this paragraph;
 - (b) the operator must hold an approval under regulation 133.015 for the rotorcraft to be flown in performance class 2 with exposure during that stage of the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.330 Flight in performance class 1 for certain rotorcraft

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) the rotorcraft has a maximum operational passenger seat configuration of more than 19; and
 - (b) the rotorcraft is flown in a performance class other than performance class 1 during a stage of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.335 Flight in performance class 1 or 2, or performance class 2 with exposure for certain rotorcraft

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the rotorcraft has a maximum operational passenger seat configuration of more than 9 and not more than 19; or
 - (b) the flight is a medical transport operation; or
 - (c) all of the following apply:
 - (i) the rotorcraft has a maximum operational passenger seat configuration of not more than 19;
 - (ii) the flight is a passenger transport operation;
 - (iii) the flight is conducted under the IFR or at night.

Regulation 133.340

- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if a requirement mentioned in subregulation (3) is not met for the flight.
- (3) The requirements are the following:
 - (a) during the take-off, take-off and initial climb, the approach and landing, or baulked landing, stage of the flight, the rotorcraft must be flown in performance class 1 or 2, or performance class 2 with exposure;
 - (b) during any other stage of the flight, the rotorcraft must be flown in performance class 1.
- (4) Subregulation (2) does not apply in relation to the take-off, take-off and initial climb, the approach and landing, or baulked landing stage of a flight, if:
 - (a) the flight is a medical transport operation; and
 - (b) the stage is conducted from or at a place as part of the medical transport operation; and
 - (c) the operator holds an approval under regulation 133.015 in relation to the place and the rotorcraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

133.340 Flight in performance class 3 over populous areas

- (1) The operator and the pilot in command of a rotorcraft for a flight over a populous area each contravene this subregulation if:
 - (a) during a stage of the flight, the rotorcraft is flown in performance class 3; and
 - (b) a suitable forced landing area is not available to the rotorcraft; and
 - (c) the requirements prescribed by the Part 133 Manual of Standards are not met.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Regulation 133.345

Subpart 133.J—Weight and balance

133.345 Loading of rotorcraft

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the rotorcraft is loaded in a way that contravenes the rotorcraft's weight and balance limits.
- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, the rotorcraft ceases to be loaded in accordance with the rotorcraft's weight and balance limits.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

133.350 Procedures for loading rotorcraft etc.

A rotorcraft operator's exposition must include the following:

- (a) procedures for loading the rotorcraft for a flight to comply with regulation 133.345;
- (b) procedures for working out the following weights for a flight of the rotorcraft:
 - (i) the total weight of the crew members and the carry-on baggage of the crew members;
 - (ii) the total weight of the passengers and the carry-on baggage of the passengers;
 - (iii) the total weight of the cargo (other than carry-on baggage);
 - (iv) the total weight of the usable fuel to be carried;
- (c) procedures to ensure that a last-minute change to a load does not cause the rotorcraft to exceed its weight and balance limits;
- (d) procedures for offloading passengers or cargo to ensure that the rotorcraft does not exceed its weight and balance limits.

133.355 Weight and balance documents

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the weight and balance documents for the flight do not comply with subregulation (2).
- (2) The weight and balance documents must include the following:
 - (a) the weight and balance of the rotorcraft and the information used to calculate the weight and balance;
 - (b) the name of the person who prepared the weight and balance documents;

Regulation 133.355

- (c) confirmation by the person responsible for planning and supervising the loading of the rotorcraft that the rotorcraft has been loaded in accordance with:
 - (i) the procedures set out in the operator’s exposition for loading the rotorcraft; and
 - (ii) the weight and balance documents;
 - (d) if the person mentioned in paragraph (c) is not the pilot in command or the co-pilot—confirmation of the acceptance of the weight and balance documents by the pilot in command or the co-pilot;
 - (e) any other information that the pilot in command needs to ensure that the loading of the rotorcraft is in accordance with the weight and balance limits for the rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 133.K—Equipment

133.360 Requirements relating to equipment

- (1) The Part 133 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to a rotorcraft; and
 - (b) the carrying of equipment on a rotorcraft; and
 - (c) equipment that is fitted to, or carried on, a rotorcraft.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 133.N—Flight crew

Division 133.N.1—General

133.370 Composition, number, qualifications and training

General

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) the composition of the rotorcraft's flight crew for the flight must comply with the rotorcraft's flight manual;
 - (b) if the rotorcraft has a maximum operational passenger seat configuration of more than 9—the flight crew must include 2 pilots;
 - (c) if the flight is a kind of operation for which the operator's exposition requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (d) each flight crew member must be qualified under regulation 133.385 or 133.390 to carry out the duties assigned to the flight crew member by the operator for the flight;
 - (e) if the flight is a VFR flight at night that is a passenger transport operation or a medical transport operation—at least one of the flight crew members must hold an instrument rating;
 - (f) the pilot in command and the co-pilot (if any) for the flight must have the recent experience for the flight required by Division 133.N.4;
 - (g) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (4);
 - (h) if the operator's exposition includes requirements, in accordance with regulation 133.400, in relation to knowledge that the pilot in command must have relating to the route of, and aerodromes for, the flight—the pilot in command must meet the requirements;
 - (i) each flight crew member for whom, under the operator's exposition, differences training for the rotorcraft is required, must have successfully completed the differences training.
- (3) For the purposes of paragraph (2)(c), the rotorcraft operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.
- (4) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.

Regulation 133.375

New or inexperienced crew members

- (5) A rotorcraft operator's exposition must include the requirements that must be met for new or inexperienced crew members to be assigned to duty for a flight of the rotorcraft.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.375 Competence

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a flight crew member for the flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's training and checking system, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.377 Training and checking to be conducted by certain persons

- (1) The operator of a rotorcraft contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel undertakes training or a check that is required under this Part; and
 - (b) the training or check is conducted other than in accordance with subregulation (2).
- (2) The training or check must be conducted by:
- (a) an individual who:
 - (i) is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
 - (ii) meets the requirements prescribed by the Part 133 Manual of Standards; or
 - (b) a Part 142 operator with whom the operator has a contract for the Part 142 operator to conduct the training or check for the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.380 Assignment to duty of pilot in command

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the rotorcraft for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.385 Pilot in command

- (1) A pilot is qualified as pilot in command for a flight of a rotorcraft if:
 - (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (2), in the rotorcraft operator’s exposition for the rotorcraft; and
 - (b) for a flight described in an item of column 1 of the following table—the pilot has completed, in a rotorcraft of that kind, the flight hours mentioned in column 2 of the item; and
 - (c) for a flight that is a multi-crew operation—the pilot has successfully completed command training that complies with the requirements prescribed by the Part 133 Manual of Standards; and
 - (d) the pilot is:
 - (i) if the rotorcraft is an Australian aircraft—authorised to pilot the rotorcraft during the flight as pilot in command under Part 61; or
 - (ii) if the rotorcraft is a foreign registered aircraft—authorised to pilot the rotorcraft during the flight as pilot in command by the rotorcraft’s State of registry.

Flight hours required to qualify as pilot in command

Item	Column 1 Flight	Column 2 Flight hours
1	Flight at night	5 hours as pilot in command, or pilot in command under supervision, at night
2	VFR flight in single-engine rotorcraft	Either: (a) 5 hours as pilot in command, or pilot in command under supervision, by day in a rotorcraft of that kind; or (b) if the pilot has 5 hours of aeronautical experience in another kind of single-engine rotorcraft—3 hours as pilot in command, or pilot in command under supervision, by day in a rotorcraft of the kind referred to in paragraph (a)
3	VFR flight in multi-engine rotorcraft	10 hours as pilot in command, or pilot in command under supervision, by day
4	IFR flight in multi-engine rotorcraft	15 hours as pilot in command under supervision under the IFR
5	Flight that is a multi-crew	Either:

Regulation 133.390

Flight hours required to qualify as pilot in command

Item	Column 1	Column 2
	Flight	Flight hours
	operation	(a) 20 hours as pilot in command; or (b) 20 hours as pilot in command under supervision in a multi-crew operation

- (2) For the purposes of paragraph (1)(a), the rotorcraft operator's exposition must include minimum flying experience requirements for all rotorcraft operated by the operator for Australian air transport operations.
- (3) To avoid doubt, more than one item of column 2 of the table in subregulation (1) may apply to a particular hour of flight time.

133.390 Co-pilot

- (1) A pilot is qualified as co-pilot for a flight of a rotorcraft if:
- (a) the pilot is:
 - (i) if the rotorcraft is an Australian aircraft—authorised to pilot the rotorcraft during the flight as co-pilot under Part 61; or
 - (ii) if the rotorcraft is a foreign registered aircraft—authorised to pilot the rotorcraft during the flight as co-pilot by the rotorcraft's State of registry; and
 - (b) the pilot has completed supervised line flying on a rotorcraft of that aircraft type rating as co-pilot for the number of sectors or flight hours mentioned in the operator's exposition.
- (2) A pilot is qualified as co-pilot for a flight of a rotorcraft if the pilot is qualified under regulation 133.385 as pilot in command of the rotorcraft for the flight.

133.395 Pilot in command in non-command pilot's seat

Operator

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator requires the pilot in command of the rotorcraft for the flight to do any of the following in the non-command pilot's seat:
 - (i) operate the rotorcraft as pilot in command;
 - (ii) carry out the duties of co-pilot;
 - (iii) carry out training or examining duties; and
 - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 133 Manual of Standards, for the operator and the rotorcraft for a pilot who will be required to operate the rotorcraft in the non-command pilot's seat.

Pilot in command

- (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
- (a) the pilot in command operates the rotorcraft in the non-command pilot's seat; and
 - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 133 Manual of Standards, for the operator and the rotorcraft for a pilot who will be required to operate the rotorcraft in the non-command pilot's seat.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

133.400 Knowledge of route and aerodromes

A rotorcraft operator's exposition must include requirements in relation to the knowledge that a pilot in command of the rotorcraft for a flight must have of:

- (a) the route of the flight; and
- (b) the departure aerodrome and the planned destination aerodrome for the flight; and
- (c) any alternate aerodrome required for the flight by the flight preparation (alternate aerodromes) requirements; and
- (d) if the flight is to an unfamiliar aerodrome—any procedures included in the operator's exposition under regulation 133.170 or 133.175 that relate to managing the safety of operations to an unfamiliar aerodrome.

Part 133 Australian air transport operations—rotorcraft

Subpart 133.N Flight crew

Division 133.N.2 Flight crew training—miscellaneous

Division 133.N.2—Flight crew training—miscellaneous

Note: This Division is reserved for future use.

Division 133.N.3—Operation of rotorcraft of different types

133.410 Application of Division 133.N.3

This Division applies to the operator of a rotorcraft if the operator operates rotorcraft of more than one type for Part 133 operations.

133.415 Assignment of flight crew to different multi-engine rotorcraft

A rotorcraft operator's exposition must include the following:

- (a) a description of the circumstances in which the operator may assign a flight crew member to duty on 2 or more different multi-engine rotorcraft;
- (b) the combinations of different rotorcraft that a single flight crew member may be assigned to duty on by the operator;
- (c) the flying experience, checks and training that a flight crew member must gain or complete, while the flight crew member is employed by the operator, before being assigned to duty on 2 or more different multi-engine rotorcraft;
- (d) procedures to ensure that, if a flight crew member is assigned to duty on 2 or more different multi-engine rotorcraft within one tour of duty, the flight crew member has adequate time between flights on the different rotorcraft for the flight crew member to prepare for duty.

Division 133.N.4—Recent experience

133.420 Recent experience requirements—90 days before flight

Operator

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command or co-pilot of the rotorcraft for the flight; and
 - (b) the pilot does not have:
 - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
 - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

Pilot

- (2) A pilot of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the pilot operates the rotorcraft as pilot in command or co-pilot for the flight; and
 - (b) the pilot does not have:
 - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
 - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

Requirements for flights by day

- (3) The recent experience required for a flight by day is that, within 90 days before the flight:
 - (a) the pilot must have carried out, in a rotorcraft of that kind or an approved flight simulator for the rotorcraft:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the rotorcraft or simulator; and
 - (ii) at least 3 landings while controlling the rotorcraft or simulator; or
 - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in a rotorcraft of that kind or an approved flight simulator for the rotorcraft; or
 - (c) the pilot must have successfully completed a proficiency check for the rotorcraft that complies with the requirements prescribed by the Part 133 Manual of Standards.

Note: For other recent experience requirements, see Part 61.

Requirements for flights at night

- (4) The recent experience required for a flight at night is that, within 90 days before the flight:
- (a) the pilot must have carried out, at night in a rotorcraft of that kind or under night time conditions in an approved flight simulator for the rotorcraft:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the rotorcraft or simulator; and
 - (ii) at least 3 landings while controlling the rotorcraft or simulator; or
 - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in a rotorcraft of that kind or an approved flight simulator for the rotorcraft; or
 - (c) the pilot must have successfully completed a proficiency check for the rotorcraft that complies with the requirements prescribed by the Part 133 Manual of Standards.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 133.P—Crew other than flight crew

Division 133.P.1—Cabin crew

133.425 Number, qualifications, experience and training

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
 - (a) under subregulation (2), a cabin crew member must be carried on the flight; and
 - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (2) A cabin crew member must be carried on the flight if circumstances prescribed by the Part 133 Manual of Standards exist for the flight.
- (3) The requirements are the following:
 - (a) the number of cabin crew for the flight must be at least the number prescribed by the Part 133 Manual of Standards;
 - (b) each cabin crew member must meet the training and checking requirements for the cabin crew member and the flight mentioned in subregulation (4).
- (4) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a cabin crew member for a flight of a rotorcraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.430 Competence

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a cabin crew member for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.435 Minimum age

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a cabin crew member for the flight has not turned 18.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.440 English proficiency

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a cabin crew member for the flight; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).

- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.445 Assignment to duty as senior cabin crew member

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
- (a) there is more than one cabin crew member for the flight; and
 - (b) none of the cabin crew members is assigned to duty as the senior cabin crew member for the flight.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.450 Training and checking requirements for senior cabin crew member

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a cabin crew member to duty as the senior cabin crew member for a flight; and
 - (b) the cabin crew member has not successfully completed the training and checking requirements for a senior cabin crew member set out in the operator's exposition.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Division 133.P.2—Air crew

133.455 Training and checking

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) an air crew member is carried on the flight; and
 - (b) the air crew member does not meet the training and checking requirements for the air crew member and the flight mentioned in subregulation (2).
- (2) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight of a rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.460 Competence

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.465 English proficiency

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for the flight; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 133.P.3—Medical transport specialists

133.470 Training and checking

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) a medical transport specialist is carried on the flight; and
 - (b) the medical transport specialist does not meet the training and checking requirements for the medical transport specialist and the flight mentioned in subregulation (2).
- (2) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a medical transport specialist for a flight of a rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.475 Competence

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a medical transport specialist for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Subpart 135.A—Preliminary

135.005 Application of Part 135

This Part applies in relation to the operation of an aeroplane for an Australian air transport operation if the aeroplane has:

- (a) a maximum operational passenger seat configuration of not more than 9;
and
- (b) a maximum take-off weight of not more than 8,618 kg.

135.010 Compliance with Part 121 provisions

An operator is taken to comply with a provision of this Part about a particular matter if:

- (a) there is a provision in Part 121 about the same matter; and
- (b) the operator complies with that provision of Part 121.

135.015 Definition of *suitable forced landing area* for aeroplane flights

Areas of ground

- (1) An area of ground is a ***suitable forced landing area*** for a flight of an aeroplane if the aeroplane could make a forced landing in the area with a reasonable expectation that there would be no injuries to persons in the aeroplane or on the ground.

Areas of water

- (2) An area of water that meets the requirements mentioned in subregulation (3) is a ***suitable forced landing area*** for a flight of an aeroplane if:
 - (a) both of the following apply:
 - (i) the aeroplane is a prescribed single-engine aeroplane;
 - (ii) the area of water is closer to land than the distance prescribed by the Part 135 Manual of Standards; or
 - (b) the aeroplane has a type certificate or supplemental type certificate for landing on water.
- (3) For the purposes of subregulation (2), the requirements are the following:
 - (a) the aeroplane must be able to ditch in the area of water with a reasonable expectation that there would be no injuries to persons in the aeroplane or on the water;
 - (b) there must be a reasonable expectation that persons in the aeroplane would survive in the area of water for the time that it would take to rescue the persons;
 - (c) if the flight is a passenger transport operation or a medical transport operation—the area of water must be:

- (i) adjacent to land; or
 - (ii) adjacent to an offshore installation with search and rescue capabilities;
or
 - (iii) in a location, set out in the aeroplane operator's exposition, that has search and rescue capabilities.
- (4) Factors that affect whether there is a reasonable expectation about the matters mentioned in paragraphs (3)(a) and (b) include the following:
- (a) the surface condition of the area of water, including the wave height, wind conditions and swell;
 - (b) the limits of the capability of the life rafts carried on the aeroplane to stay upright and floating in certain sea states, and to support the survival of persons who were in the aeroplane.

135.020 Approvals by CASA for Part 135

- (1) If a provision of this Part, or of the Part 135 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

135.025 Issue of Manual of Standards for Part 135

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 135 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 135.C—General

Division 135.C.1—General flight limitations

135.030 Permitted categories of aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane begins the flight; and
 - (b) the aeroplane is not type certificated in any of the following categories:
 - (i) transport;
 - (ii) commuter;
 - (iii) normal;
 - (iv) a category prescribed by the Part 135 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.035 Flight distance limitations

- (1) The Part 135 Manual of Standards may prescribe requirements relating to flight distance limitations for a flight of an aeroplane.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (2A) Subregulation (2) does not apply to:
 - (a) an operator or a pilot; and
 - (b) a requirement;if the operator or the pilot holds an approval under regulation 135.020 for the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2A): see subsection 13.3(3) of the *Criminal Code*.

Division 135.C.2—Operational documents

135.040 Compliance with flight manual

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight, the aeroplane is operated in a way that does not meet a requirement or limitation that:
 - (a) is set out in the aircraft flight manual instructions for the aeroplane; and
 - (b) relates to the operation of the aeroplane.

Note: The pilot in command of the aeroplane must also ensure the aeroplane is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.045 Operator to have minimum equipment list for certain flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if:
 - (a) there is a master minimum equipment list for the aeroplane; and
 - (b) when the flight begins, there is no minimum equipment list for the aeroplane.

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight begins or ends at an aerodrome outside Australian territory; and
 - (b) when the flight begins, there is no minimum equipment list for the aeroplane.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.050 Availability of checklists

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that, before a crew member for the flight begins to carry out a duty for the flight, the operator must make available to the member each checklist of normal, abnormal and emergency procedures for the aeroplane that is relevant to the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.C.3—Flight related documents

135.055 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aeroplane under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

135.060 Availability of parts of exposition

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the following parts of the aeroplane operator's exposition are not available to a crew member for the flight before the flight begins:
 - (a) a part that is relevant to the duties of the crew member for the flight;
 - (b) a part that is required for the conduct of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.065 Carriage of documents

Documents required by the Part 135 Manual of Standards

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 135 Manual of Standards is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.

Flight crew medical certificates

- (2) The operator and a flight crew member of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight crew member's medical certificate is not carried on the aeroplane for the flight; and
 - (b) the flight crew member does not give CASA written notice that the certificate is not being carried on the aeroplane for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—within 24 hours after the flight ends.

Flight crew licences

- (3) The operator and a flight crew member of an aeroplane for a flight each contravene this subregulation if:
- (a) the flight crew member's flight crew licence is not carried on the aeroplane for the flight; and
 - (b) the flight crew member does not give CASA written notice that the licence is not being carried on the aeroplane for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—within 24 hours after the flight ends.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

135.070 Availability or carriage of documents for certain flights

Flights for which documents must be carried

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane begins:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the aeroplane will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) a document mentioned in subregulation (4) is not carried on the aeroplane.

Flights for which documents must be available or carried

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane begins a VFR flight by day during which the aeroplane will remain within 50 nautical miles of the departure aerodrome; and
 - (b) the requirement mentioned in subregulation (3) is not met.
- (3) The requirement is that each document mentioned in subregulation (4) must be:
- (a) available to the pilot in command immediately before the flight; or
 - (b) carried on the aeroplane.

Required documents

- (4) The documents are the following:
- (a) if a flight notification is required for the flight under Part 91—the flight notification;

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- (b) weight and balance documents for the flight;
- (c) any NOTAMs and AIS briefing documents for the flight;
- (d) any authorised weather forecasts for:
 - (i) the planned route of the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
- (e) if there is a person on board who may require special consideration during the flight or during an evacuation of the aeroplane—a statement identifying the person and the special consideration;
- (f) forms to comply with the reporting requirements under the operator’s safety management system (if any);
- (g) if the aeroplane is fitted with computerised navigation equipment—the operating instructions for the equipment;
- (h) each other document (if any) required by a foreign country within whose territory the flight is conducted.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.075 Carriage of documents—flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of an aeroplane that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 135 Manual of Standards for the purposes of this paragraph is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.080 Keeping and updating documents etc.

An aeroplane operator’s exposition must include the following for a flight of the aeroplane:

- (a) procedures for keeping the documents prescribed by the Part 135 Manual of Standards accessible to a person on the ground for the duration of the flight;

- (b) procedures for providing updated information in relation to the flight to a person on the ground if:
 - (i) the flight is part of a multi-flight journey; and
 - (ii) a copy of a document for the flight has been kept on the ground in relation to an earlier flight that is part of the multi-flight journey; and
 - (iii) the information in the document requires updating; and
 - (iv) it is not practicable to keep a copy of the updated document on the ground;
- (c) the circumstances in which a person on the ground who has access to the information about the flight mentioned in paragraphs (a) and (b) may provide that information to another person;
- (d) procedures for providing information in a circumstance mentioned in paragraph (c).

135.085 Journey logs

Operator—preparation of journey log

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the operator has not prepared a journey log for the flight:
 - (a) that is capable of containing the information mentioned in subregulations (3) and (5); and
 - (b) with a place for the pilot in command to verify the entries for the flight.

Pre-flight completion of journey log

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the information about the flight mentioned in subregulation (3) is not recorded in the journey log.
- (3) The information is the following:
 - (a) the aeroplane's registration mark or flight number;
 - (b) the date of the flight;
 - (c) for each crew member assigned to the flight:
 - (i) the crew member's name or another means to identify the crew member; and
 - (ii) the duties assigned to the crew member for the flight;
 - (d) for the flight:
 - (i) the place of departure; and
 - (ii) the time the flight begins;
 - (e) the amount of fuel added to the aeroplane's fuel tanks before the flight begins (if any);
 - (f) the amount of fuel in the aeroplane's fuel tanks when the flight begins.

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Post-flight completion of journey log

- (4) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (5) is not recorded in the journey log for the flight as soon as practicable after the flight ends.
- (5) The information is the following:
 - (a) the place of arrival;
 - (b) the time the flight ends;
 - (c) the duration of the flight;
 - (d) the amount of fuel in the aeroplane's fuel tanks when the flight ends;
 - (e) incidents and observations (if any) relevant to the flight.

Exceptions to completion of journey log

- (6) Subregulations (1), (2) and (4) do not apply to the operator or the pilot in command in relation to information mentioned in those subregulations if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.

Note: An example for paragraph (a) is an operational flight plan kept by the operator for the flight.

- (7) Subregulation (2) does not apply to the operator or the pilot in command in relation to information mentioned in that subregulation if:
 - (a) the flight is a medical transport operation; and
 - (b) the information is not recorded in the journey log before the flight begins because of the urgent nature of the medical transport operation; and
 - (c) the pilot in command is satisfied, when the flight begins, that the failure to record the information in the journey log before the flight begins will not affect the safety of the aeroplane; and
 - (d) the information is recorded in the journey log as soon as practicable after the flight ends.

Offence

- (8) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (6) or (7): see subsection 13.3(3) of the *Criminal Code*.

135.090 Passenger lists

- (1) The operator of an aeroplane for a flight that is a passenger transport operation contravenes this subregulation if, when the flight begins, the operator has not

prepared a passenger list for the flight that contains the information mentioned in subregulation (2).

- (2) The information is the following:
 - (a) the aeroplane's registration mark or flight number;
 - (b) the name of each passenger;
 - (c) the places of departure and destination for each passenger;
 - (d) the number of infants carried;
 - (e) the date, and estimated time of departure, of the flight.
- (3) Subregulation (1) does not apply to the operator in relation to information mentioned in that subregulation if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

135.095 Flight preparation forms for flights that begin or end outside Australian territory

- (1) This regulation applies to a flight of an aeroplane that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the pilot in command has not signed a flight preparation form certifying that the pilot in command is satisfied of the matters mentioned in subregulation (3).
- (3) The matters are the following:
 - (a) the aeroplane can be operated during the flight in accordance with its configuration deviation list (if any);
 - (b) the parts of the operator's exposition required to be available to the aeroplane's crew before the flight by regulation 135.060 are available;
 - (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
 - (d) regulations 135.065, 135.070 and 135.075 are being complied with for the flight;
 - (e) equipment required, under Subpart 135.K, to be fitted to, or carried on, the aeroplane for the flight is fitted to, or carried on, the aeroplane in accordance with that Subpart;
 - (f) equipment mentioned in paragraph (e) is:
 - (i) operative; or

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- (ii) inoperative, and permitted to be inoperative for the flight under these Regulations;
 - (g) the aeroplane's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
 - (h) the aeroplane's weight and balance will remain within the aeroplane's weight and balance limits throughout the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.C.4—Reporting and recording defects and incidents etc.

135.100 Procedures for reporting and recording defects etc.

An aeroplane operator's exposition must include procedures for the reporting and recording by a flight crew member for a flight of the aeroplane of any of the following that occur during the flight:

- (a) an abnormal instrument indication;
- (b) abnormal flight conditions;
- (c) abnormal behaviour by the aeroplane;
- (d) exceedence of an operating limit specified in the aircraft flight manual instructions for the aeroplane;
- (e) a defect in the aeroplane.

135.105 Procedures for reporting and recording incidents

An aeroplane operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the aeroplane that endanger, or could endanger, the safe operation of the aeroplane.

Division 135.C.5—Search and rescue services and emergency and survival equipment

135.110 Information about search and rescue services

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, information about the search and rescue services relevant to the flight is not readily accessible to the flight crew members for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.115 Information about emergency and survival equipment

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the Part 135 Manual of Standards prescribes an item of equipment for the purposes of this regulation; and
 - (b) when the flight begins, the information prescribed by the Part 135 Manual of Standards for that equipment is not available for immediate communication by the operator to a rescue coordination centre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.C.6—Miscellaneous requirements

135.120 Crew activities necessary for safe operation

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator requires a crew member for the flight to perform an activity during take-off, initial climb, final approach or landing of the aeroplane for the flight; and
 - (b) the activity is not necessary for the safe operation of the aeroplane.
- (2) A crew member for a flight of an aeroplane contravenes this subregulation if:
 - (a) the crew member performs an activity during take-off, initial climb, final approach or landing of the aeroplane for the flight; and
 - (b) the activity is not necessary for the safe operation of the aeroplane.
- (3) Subregulations (1) and (2) do not apply if:
 - (a) the flight is a medical transport operation; and
 - (b) the crew member is a medical transport specialist; and
 - (c) the activity relates to providing care to a medical patient; and
 - (d) the crew member is satisfied that:
 - (i) it is essential to perform the activity; and
 - (ii) performing the activity will not affect the safety of the aeroplane or a person on board the aeroplane.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.125 Competence of ground support personnel

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, before a member of the operator's personnel carries out a ground support duty for the flight, the member has not met a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
 - (a) the member must have successfully completed training for the duty;
 - (b) the member must have been assessed as competent to carry out the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.130 Flight crew seat authorisation and briefing

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
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- (a) during the flight, a person occupies a flight crew seat; and
 - (b) the person is not a person mentioned in subregulation (2).
- (2) The persons are the following:
- (a) a flight crew member assigned to duty for the flight by the operator;
 - (b) another crew member authorised by the operator and the pilot in command to occupy the flight crew seat during the flight;
 - (c) an authorised officer who is carrying out an audit, check, examination, inspection or test under these Regulations;
 - (d) a person who is permitted by the operator's exposition to occupy the flight crew seat.
- (3) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) during the flight, a person other than a member of the aeroplane's crew occupies a flight crew seat; and
 - (b) before the person occupies the flight crew seat, the pilot in command does not cause the person to be briefed on the safety procedures that are relevant to the seat.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Subpart 135.D—Operational procedures

Division 135.D.1—Operational control

135.135 Operational control

An aeroplane operator's exposition must include procedures for determining how operational control for a flight of the aeroplane is to be exercised and by whom.

Division 135.D.2—Flight preparation

135.140 Flight preparation requirements

An aeroplane operator's exposition must include procedures for complying with the following for a flight of the aeroplane:

- (a) the flight preparation (weather assessments) requirements;
- (b) the flight preparation (alternate aerodromes) requirements.

Division 135.D.3—Flight planning

135.145 Operational flight plans

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the aeroplane will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) when the flight begins, an operational flight plan that meets the requirements mentioned in subregulation (2) has not been prepared for the flight.
 - (2) The requirements are the following:
 - (a) the flight plan must be prepared having regard to:
 - (i) the safety of the aeroplane, and of the people on board the aeroplane, during the flight; and
 - (ii) the aeroplane's performance; and
 - (iii) the expected aeroplane operating limitations and conditions for the flight; and
 - (iv) meteorological conditions for the flight;
 - (b) the flight plan must contain the information prescribed by the Part 135 Manual of Standards for the purposes of this paragraph.
 - (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the Part 135 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
 - (b) that information is not recorded in the operational flight plan for the flight:
 - (i) unless subparagraph (ii) applies—before the flight ends; or
 - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
 - (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- Note: An example for paragraph (a) is a journey log kept by the operator for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

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Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

135.150 Availability of flight planning information

- (1) The operator of an aeroplane for a flight contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) the pilot in command of the aeroplane must have access to the information mentioned in subregulation (3) before and during the flight;
 - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
 - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
 - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.
- (3) The information is the following:
 - (a) authorised weather forecasts and authorised weather reports:
 - (i) in relation to the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight planning (alternate aerodromes) requirements—in relation to the destination alternate aerodrome;
 - (b) NOTAMs for the flight;
 - (c) the suitability for a take-off or landing by the aeroplane of:
 - (i) the departure and planned destination aerodromes for the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.D.4—Flight rules

135.155 Take-off and landing minima

- (1) If an aeroplane conducts an IFR flight to or from an aerodrome, the aeroplane operator's exposition must include:
 - (a) procedures for determining take-off minima that meet the requirements mentioned in subregulation (2); and
 - (b) procedures for determining landing minima that meet the requirement mentioned in subregulation (3).
- (2) The requirements are the following:
 - (a) the take-off minima must not be less than the take-off minima prescribed by the take-off minima requirements for the aerodrome;
 - (b) the take-off minima must be sufficient to enable the pilot in command to control the aeroplane if it is necessary to conduct a discontinued take-off in adverse circumstances;
 - (c) for a multi-engine aeroplane—the take-off minima must be sufficient to enable the pilot in command to control the aeroplane if it is necessary to conduct a continued take-off after:
 - (i) failure of the aeroplane's critical engine; or
 - (ii) if the aeroplane does not have a critical engine—the failure of an engine.
- (3) The requirement is that the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome, including for an approach with visual circling.
- (4) If an aeroplane conducts an IFR flight to or from an aerodrome with an approach involving visual circling, the aeroplane operator's exposition must include procedures for determining landing minima for the aerodrome.
- (5) The operator and the pilot in command of an aeroplane for a flight mentioned in subregulation (1) or (4) each contravene this subregulation if the minima for the take-off or landing for the flight are less than the minima determined in accordance with a procedure mentioned in subregulation (1) or (4) (as the case requires).
- (6) A person commits an offence of strict liability if the person contravenes subregulation (5).

Penalty: 50 penalty units.

135.160 IFR flights to or from foreign countries that do not use ICAO procedures

- (1) This regulation applies if:
 - (a) an aeroplane conducts an IFR flight to or from an aerodrome:

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- (i) in a foreign country; and
 - (ii) at which IMC exist; and
 - (b) the country does not base the design of its instrument approach and departure procedures on ICAO Document 8168 (PANS-OPS).
- (2) The aeroplane operator's exposition must include the instrument approach and departure procedures for the aerodrome that are approved by the national aviation authority of the country.

135.165 Authorised instrument approach procedures not in the AIP

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if:
- (a) during the flight, the aeroplane conducts an instrument approach to an aerodrome for which an authorised instrument approach procedure is not published in the AIP; and
 - (b) an authorised instrument approach procedure for the aerodrome is not included in the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.170 Exposition requirements for low-visibility operations

An aeroplane operator's exposition must include the following:

- (a) each type of low-visibility operation conducted using the aeroplane;
- (b) the aircraft systems required to be used for each type of those operations;
- (c) the aerodrome facilities required to conduct each type of those operations;
- (d) the training and qualifications required for the aeroplane's flight crew members for each type of those operations;
- (e) the requirements to be met by the aeroplane's flight crew members during each of those operations.

135.175 Stabilised approach requirements

An aeroplane operator's exposition must include procedures about conducting stabilised approaches to land at an aerodrome.

135.180 Take-off alternate aerodromes

- (1) This regulation applies to a flight of a multi-engine aeroplane if:
- (a) the flight is a passenger transport operation or a medical transport operation; and
 - (b) the flight is an IFR flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:

- (a) at the time of take-off, the aeroplane will not be able to return to the departure aerodrome:
 - (i) because the visibility and cloud ceiling height at the departure aerodrome will be less than the landing minima requirements for the aerodrome for at least 1 hour after take-off; or
 - (ii) for any other reason; and
 - (b) the operational flight plan for the flight does not include a take-off alternate aerodrome that meets the requirements mentioned in subregulation (3).
- (3) The requirements are the following:
- (a) the authorised weather forecast for the take-off alternate aerodrome must indicate that the visibility and cloud ceiling height at the aerodrome meet the landing minima requirements for the aerodrome for at least 1 hour after take-off;
 - (b) the take-off alternate aerodrome must be within the distance from the departure aerodrome that the aeroplane can fly in 1 hour at the aeroplane's one-engine inoperative cruising speed.
- (4) Subregulation (2) does not apply if:
- (a) the flight is a medical transport operation; and
 - (b) when the flight begins, the aeroplane is carrying sufficient fuel:
 - (i) to fly to the planned destination aerodrome for the flight; or
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—to comply with the requirements for conducting a flight to a destination alternate prescribed by the flight preparation (alternate aerodromes) requirements.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

135.185 Alternate aerodrome requirements in certain circumstances

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) circumstances prescribed by the Part 135 Manual of Standards apply for the flight; and
 - (b) a requirement prescribed by the Part 135 Manual of Standards relating to alternate aerodromes is not met for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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135.190 IFR flights without destination alternate aerodromes

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the flight is an IFR flight; and
 - (b) the operational flight plan for the flight does not include a destination alternate aerodrome.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) during the flight, the pilot in command receives an authorised weather forecast for the planned destination aerodrome for the flight; and
 - (b) because of the authorised weather forecast, a destination alternate aerodrome must be nominated in accordance with the flight preparation (alternate aerodromes) requirements; and
 - (c) the aeroplane is not carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the aeroplane if the aeroplane cannot land at the planned destination aerodrome; and
 - (d) the flight is continued to the planned destination aerodrome.
- (3) Subregulation (2) does not apply if:
 - (a) within 30 minutes before the aeroplane's estimated arrival time at the planned destination aerodrome, the pilot in command receives an authorised weather forecast for the planned destination aerodrome; and
 - (b) the authorised weather forecast indicates that the visibility or cloud ceiling height at the planned destination aerodrome is expected to be:
 - (i) below the alternate minima for the planned destination aerodrome required by the flight preparation (alternate aerodromes) requirements; but
 - (ii) above the landing minima required by the landing minima requirements for the planned destination aerodrome.
- (4) Also, subregulation (2) does not apply if the aeroplane is carrying sufficient fuel to allow it to hold near the planned destination aerodrome until the end of 30 minutes after the visibility and cloud ceiling height is expected to be at or above the specified landing minima for the aeroplane for the aerodrome.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) or (4): see subsection 13.3(3) of the *Criminal Code*.

Division 135.D.5—Aerodromes

135.195 Procedures to determine information about aerodromes

- (1) An aeroplane operator's exposition must include the following:
 - (a) procedures to determine the kinds of information mentioned in subregulation (2) for a flight of the aeroplane in relation to the following:
 - (i) the departure aerodrome;
 - (ii) the planned destination aerodrome;
 - (iii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
 - (b) procedures for the pilot in command to plan a take-off from, or a landing at, an aerodrome, including a procedure to determine the kinds of information mentioned in subregulation (2) in relation to the aerodrome.
- (2) The kinds of information are the following:
 - (a) runway or strip lengths, widths, directions, slopes and surface types for the aerodrome;
 - (b) the location of taxiways and turning nodes (if any);
 - (c) the aerodrome's elevation;
 - (d) the location on the aerodrome of the aerodrome reference point (if any);
 - (e) the location of the aerodrome's windsocks (if any);
 - (f) the aids to navigation and communication facilities available at the aerodrome (if any);
 - (g) the limitations (if any) on the use of the aerodrome;
 - (h) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;
 - (i) a contact person capable of providing information about the condition of the aerodrome;
 - (j) the special procedures and restrictions (if any) that the operator requires the flight crew of the aeroplane to use at the aerodrome, including:
 - (i) engine failure procedures; and
 - (ii) obstacle clearance procedures.

135.200 Procedures for safety at aerodromes

An aeroplane operator's exposition must include procedures to ensure the safety of persons in the vicinity of the aeroplane when any of the following circumstances apply:

- (a) a person is embarking or disembarking the aeroplane;
- (b) a passenger is embarking or disembarking, or on board, the aeroplane while an engine of the aeroplane is operating but the aeroplane is not being flown or fuelled;
- (c) the aeroplane is being loaded or unloaded;

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(d) the aeroplane is being operated at an aerodrome.

Division 135.D.6—Fuel requirements

135.205 Fuel procedures

An aeroplane operator's exposition must include procedures to ensure that a flight of the aeroplane is conducted in accordance with the requirements mentioned in subregulation 135.215(1).

135.210 Oil requirements

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.215 Fuel requirements

- (1) The Part 135 Manual of Standards may prescribe requirements relating to fuel for aeroplanes, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether an aeroplane has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board an aeroplane for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

135.220 Fuelling safety procedures

An aeroplane operator's exposition must include the following:

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- (a) procedures to ensure the aeroplane is fuelled safely;
- (b) procedures relating to the safety of passengers for a flight of the aeroplane who are embarking or disembarking, or on board, the aeroplane during fuelling, including the normal, emergency and communication procedures to be followed by the following persons:
 - (i) any cabin crew for the flight;
 - (ii) any flight crew members for the flight who are on duty in the cockpit;
 - (iii) any of the operator's personnel who carry out a ground support duty for the flight;
- (c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the aeroplane while the aeroplane is being fuelled—procedures to ensure that, before an engine of the aeroplane is started, any effects of radio frequency emissions from those devices have been corrected.

Division 135.D.7—Passenger transport and medical transport

135.225 Application of Division 135.D.7

This Division applies to the operation of an aeroplane for a passenger transport operation or a medical transport operation.

135.230 IFR flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if the aeroplane does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the aeroplane must be a multi-engine aeroplane or a prescribed single-engine aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.235 VFR flights at night

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight is a VFR flight at night; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aeroplane must be a multi-engine aeroplane or a prescribed single-engine aeroplane;
 - (b) the aeroplane must have a maximum take-off weight of not more than 5,700 kg;
 - (c) a flight crew member for the flight must meet the requirement mentioned in paragraph 135.380(2)(d).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.240 Prescribed single-engine aeroplanes

- (1) This regulation applies to a prescribed single-engine aeroplane that conducts:
 - (a) an IFR flight; or
 - (b) a VFR flight at night.
- (2) The aeroplane operator's exposition must include procedures for the matters prescribed by the Part 135 Manual of Standards for the purposes of this subregulation.

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- (3) A single-engine aeroplane is a *prescribed single-engine aeroplane* if it is of a kind prescribed by the Part 135 Manual of Standards for the purposes of this subregulation.

135.245 Simulation of emergency or abnormal situations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, an emergency or abnormal situation is simulated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.250 Carriage of restricted persons

- (1) An aeroplane operator's exposition must state whether the operator will, or will not, carry a restricted person on a flight of the aeroplane.

Note: For other requirements for the carriage of restricted persons who are deportees, removees and other persons in custody, see Division 4.5 of the *Aviation Transport Security Regulations 2005*.

- (2) If the operator's exposition states that the operator will carry a restricted person on a flight of the aeroplane, the exposition must also include the following:
- (a) procedures for carrying a restricted person on the aeroplane;
 - (b) procedures to inform each crew member for the flight about the carriage of a restricted person for the flight.

135.255 Carry-on baggage

An aeroplane operator's exposition must include procedures for the following:

- (a) securely stowing carry-on baggage;
- (b) determining the maximum weight and size of baggage that can be taken on the aeroplane as carry-on baggage;
- (c) determining the locations on the aeroplane where carry-on baggage can be stowed;
- (d) giving instructions to passengers about securely stowing carry-on baggage at the following times:
 - (i) before take-off;
 - (ii) before landing;
 - (iii) any other time that the pilot in command directs.

135.260 Obstruction of emergency exits

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, at any of the following times, an emergency exit is obstructed:
- (a) while the aeroplane is taxiing;

- (b) while the aeroplane is taking-off;
 - (c) while the aeroplane is landing;
 - (d) any other time that the pilot in command directs.
- (2) An emergency exit is not obstructed only because a seat adjacent to the exit is occupied by a passenger.
- (3) Subregulation (1) does not apply if:
- (a) the flight is a medical transport operation; and
 - (b) the emergency exit is obstructed by a stretcher fit-out that is described or identified in a supplemental type certificate for the aeroplane.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

135.265 Passengers in seats adjacent to emergency exits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight, the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the pilot in command of the aeroplane for the flight must be satisfied that each person occupying a seat adjacent to an emergency exit:
- (a) is a suitable person; or
 - (b) is accompanied or assisted, for the flight, by a suitable person who can access the emergency exit.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
- (a) a suitable person is occupying a seat adjacent to an emergency exit; and
 - (b) the suitable person has not agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
- (a) a person other than a suitable person is occupying a seat adjacent to an emergency exit; and
 - (b) a suitable person is, for the flight, accompanying or assisting the person; and
 - (c) the suitable person has not agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

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135.270 Carriage of passengers with reduced mobility

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, a passenger with reduced mobility occupies a seat where the passenger could:
 - (a) hinder the crew in their safety duties; or
 - (b) obstruct access to emergency equipment; or
 - (c) hinder the evacuation of the aeroplane in an emergency.
- (2) Subregulation (1) does not apply in relation to a passenger with reduced mobility if:
 - (a) the person is accompanied or assisted, for the flight, by a suitable person who is seated adjacent to an emergency exit; and
 - (b) the suitable person is accompanying or assisting only that person for the flight; and
 - (c) the suitable person has agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.
- (3) An aeroplane operator's exposition must include procedures for informing crew members for a flight about any passenger with reduced mobility who is to be carried on the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (3) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

135.275 Safety briefing cards

- (1) This regulation applies to an aeroplane that has more than 2 rows of seats.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the aeroplane is not available to each passenger on the aeroplane.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card does not meet the requirements mentioned in subregulation (4).
- (4) The requirements are the following:
 - (a) the safety briefing card must include any information prescribed by the Part 135 Manual of Standards;
 - (b) the only other information that may be included in the safety briefing card is the following:
 - (i) information that is relevant to the type and model of aeroplane;

- (ii) information that is relevant to the safety of the aeroplane and its passengers.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).
- Penalty: 50 penalty units.

135.280 Safety briefings, instructions and demonstrations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a passenger is not given a safety briefing, instructions or demonstrations in accordance with the requirements prescribed by the Part 135 Manual of Standards for the purposes of this regulation.
- (2) Subregulation (1) does not apply in relation to a medical patient on a flight that is a medical transport operation.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a safety briefing, instruction or demonstration required to be given to a passenger under this regulation includes:
 - (a) information that is not relevant to the type and model of the aeroplane; or
 - (b) information that is not relevant to the safety of the aeroplane and its passengers.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the aeroplane takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the aeroplane is necessary.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

135.285 Safety briefing in the event of an emergency

- (1) An aeroplane operator's exposition must include procedures for briefing passengers on what to do if an emergency occurs during a flight of the aeroplane.
- (2) Subregulation (1) does not apply to a medical patient on a flight that is a medical transport operation.

135.290 Flights over water for single-engine aeroplanes

- (1) The operator and the pilot in command of a single-engine aeroplane (other than a prescribed single-engine aeroplane) for a flight each contravene this
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subregulation if, during the flight, the aeroplane is flown more than 25 nautical miles over water from a suitable forced landing area.

- (2) The operator and the pilot in command of a prescribed single-engine aeroplane for a flight each contravene this subregulation if:
- (a) during the flight, the aeroplane is flown more than 25 nautical miles over water from a suitable forced landing area; and
 - (b) either:
 - (i) the aeroplane is not a kind of aeroplane allowed by the Part 135 Manual of Standards for the purposes of this regulation to be flown more than 25 nautical miles over water from a suitable forced landing area; or
 - (ii) the aeroplane is a kind of aeroplane allowed by the Part 135 Manual of Standards to be flown more than 25 nautical miles over water from a suitable forced landing area, but is flown in a way that contravenes a procedure prescribed by the Part 135 Manual of Standards for that kind of flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 135.D.8—Instruments, indicators, equipment and systems

135.295 Airborne weather radar equipment

- (1) This regulation applies to an aeroplane that conducts a flight:
 - (a) for which airborne weather radar equipment is required, under Subpart 135.K, to be fitted to the aeroplane; or
 - (b) whilst the aeroplane is fitted with airborne weather radar equipment (whether or not the airborne weather radar equipment is required, under Subpart 135.K, to be fitted for the flight).
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for using airborne weather radar equipment during a flight mentioned in subregulation (1);
 - (b) procedures for conducting a flight mentioned in subregulation (1) without airborne weather radar equipment, for use if the equipment is inoperative.

135.300 Head-up displays, enhanced vision systems and synthetic vision systems

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) it is fitted with any of the following systems:
 - (i) a head-up display;
 - (ii) an enhanced vision system;
 - (iii) a synthetic vision system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for using each system that is fitted to the aeroplane during a flight mentioned in paragraph (1)(b);
 - (b) procedures for conducting a flight mentioned in paragraph (1)(b) without an element of the system, for use if the element is inoperative.

135.305 Survival equipment procedures

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the aeroplane is required, under Subpart 135.K, to carry a life raft for the flight.
- (2) If an aeroplane is, or will be, used to conduct a flight to which this regulation applies, the aeroplane operator's exposition must include the following:
 - (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;

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- (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

Division 135.D.9—Miscellaneous

135.310 Procedures relating to ice

An aeroplane operator's exposition must include the following in relation to a flight of the aeroplane:

- (a) procedures for the inspection of the aeroplane by the pilot in command before the flight if frost or freezing conditions exist;
- (b) if ground de-icing and ground anti-icing measures are required for the flight—procedures for carrying out these measures before the flight;
- (c) procedures for using de-icing and anti-icing equipment (where fitted) during the flight.

135.315 Procedures relating to portable electronic devices

An aeroplane operator's exposition must include procedures for the operation of portable electronic devices for a flight of the aeroplane.

135.320 Procedures relating to carriage of animals

An operator's exposition must include procedures for the carriage of animals for a flight of the aeroplane.

135.325 Polar operations

- (1) This regulation applies to an aeroplane that conducts a flight to or from an aerodrome in a polar region.
- (2) The aeroplane operator's exposition must include procedures for the following:
 - (a) monitoring and dealing with fuel freezing;
 - (b) ensuring communication capability for the duration of an operation that includes a flight mentioned in subregulation (1);
 - (c) training the aeroplane's flight crew in polar operations;
 - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
 - (e) if the aeroplane is not flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the aeroplane wears a serviceable, cold weather, anti-exposure suit that is appropriate for the temperatures in which the flight is conducted;
 - (f) if the aeroplane is flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the aeroplane wears an immersion suit that is appropriate for the temperatures in which the flight is conducted.

135.330 Cosmic radiation

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
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- (a) the operator's exposition does not state a limit for the total cosmic radiation receivable inside the aeroplane's cabin during the flight; and
 - (b) the aeroplane is flown above flight level 490.
- (2) The operator of an aeroplane contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel has, in the previous 12 month period, flown on a flight of an aeroplane operated by the operator during which the aeroplane was flown above flight level 490; and
 - (b) the operator does not have a record of the total cosmic radiation dose received by the member during that period on such flights.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.335 Exceeding cosmic radiation limits

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane is flown above flight level 490; and
 - (b) during the flight, the limit stated in the operator's exposition for the total cosmic radiation receivable inside the aeroplane's cabin during a flight is exceeded; and
 - (c) the pilot in command does not, as soon as practicable after the limit is exceeded, descend to the lowest altitude at which it is practicable to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 135.F—Performance

135.340 Performance data

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, in making a calculation relating to the aeroplane's performance for a flight, data other than the following is used:
 - (a) the performance data set out in the aircraft flight manual instructions for the aeroplane;
 - (b) performance data for the aeroplane for which the operator holds an approval under regulation 135.020.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.345 Take-off performance

- (1) The Part 135 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aeroplane.
- (2) Without limiting subregulation (1), the Part 135 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the kinds of operations to be carried out during the flight;
 - (b) characteristics of the aerodrome at which the aeroplane takes off;
 - (c) characteristics of the route flown by the aeroplane;
 - (d) characteristics of the aerodrome at which the aeroplane lands.
- (3) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

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135.350 Landing performance

- (1) The Part 135 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aeroplane.
- (2) Without limiting subregulation (1), the Part 135 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) the aeroplane's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aeroplane lands;
 - (d) safety factor percentages to be applied.
- (3) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

Subpart 135.J—Weight and balance

135.355 Loading of aeroplane

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is loaded in a way that contravenes the aeroplane's weight and balance limits.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, the aeroplane ceases to be loaded in accordance with the aeroplane's weight and balance limits.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.360 Procedures for loading aeroplane etc.

An aeroplane operator's exposition must include the following:

- (a) procedures for loading the aeroplane for a flight to comply with regulation 135.355;
- (b) procedures for working out the following weights for a flight of the aeroplane:
 - (i) the total weight of the crew members;
 - (ii) the total weight of the passengers;
 - (iii) the total weight of the cargo, including carry-on baggage;
 - (iv) the total weight of the fuel to be carried;
- (c) procedures to ensure that a last-minute change to a load does not cause the aeroplane to exceed its weight and balance limits;
- (d) procedures for offloading passengers or cargo to ensure that the aeroplane does not exceed its weight and balance limits.

135.365 Weight and balance documents

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the weight and balance documents for the flight do not comply with subregulation (2).
- (2) The weight and balance documents must include the following:
 - (a) the weight and balance of the aeroplane and the information used to calculate the weight and balance;
 - (b) the name of the person who prepared the weight and balance documents;
 - (c) confirmation by the person responsible for planning and supervising the loading of the aeroplane that the aeroplane has been loaded in accordance with:

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- (i) the procedures set out in the operator's exposition for loading the aeroplane; and
 - (ii) the weight and balance documents;
 - (d) if the person mentioned in paragraph (c) is not the pilot in command or the co-pilot—confirmation of the acceptance of the weight and balance documents by the pilot in command or the co-pilot;
 - (e) any other information that the pilot in command needs to ensure that the loading of the aeroplane is in accordance with the weight and balance limits for the aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 135.K—Equipment

135.370 Requirements relating to equipment

- (1) The Part 135 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to an aeroplane; and
 - (b) the carrying of equipment on an aeroplane; and
 - (c) equipment that is fitted to, or carried on, an aeroplane.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 135.N—Flight crew

Division 135.N.1—General

135.380 Composition, number, qualifications and training

General

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) the composition of the aeroplane's flight crew for the flight must comply with the aircraft flight manual instructions for the aeroplane;
 - (b) if the flight is a kind of operation for which the operator's exposition requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (c) each flight crew member must be qualified under regulation 135.395 or 135.400 to carry out the duties assigned to the flight crew member by the operator for the flight;
 - (d) if the flight is a VFR flight at night that is a passenger transport operation or a medical transport operation—at least one of the flight crew members must hold an instrument rating;
 - (e) the pilot in command and the co-pilot for the flight must have the recent experience for the flight required by Division 135.N.4;
 - (f) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (4);
 - (g) if the operator's exposition includes requirements, in accordance with regulation 135.410, in relation to knowledge that the pilot in command must have of the route of, and aerodromes for, the flight—the pilot in command must meet the requirements;
 - (h) each flight crew member for whom, under the operator's exposition, differences training for the aeroplane is required, must have successfully completed the differences training.
- (3) For the purposes of paragraph (2)(b), the aeroplane operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.
- (4) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.

Regulation 135.385*New or inexperienced crew members*

- (5) An aeroplane operator's exposition must include the requirements that must be met for new or inexperienced crew members to be assigned to duty for a flight of the aeroplane.

Offences

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.385 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a flight crew member for the flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's training and checking system, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.387 Training and checking to be conducted by certain persons

- (1) The operator of an aeroplane contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel undertakes training or a check that is required under this Part; and
 - (b) the training or check is conducted other than in accordance with subregulation (2).
- (2) The training or check must be conducted by:
- (a) an individual who:
 - (i) is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
 - (ii) meets the requirements prescribed by the Part 135 Manual of Standards; or
 - (b) a Part 142 operator with whom the operator has a contract for the Part 142 operator to conduct the training or check for the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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135.390 Assignment to duty of pilot in command

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the aeroplane for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.395 Pilot in command

- (1) A pilot is qualified as pilot in command for a flight of an aeroplane if:
 - (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (2), in the aeroplane operator's exposition for the aeroplane; and
 - (b) for a flight described in an item of column 1 of the following table—the pilot has completed, in an aeroplane of that kind, the flight hours mentioned in column 2 of the item; and
 - (c) the pilot has successfully completed command training that complies with the requirements prescribed by the Part 135 Manual of Standards; and
 - (d) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as pilot in command under Part 61; or
 - (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as pilot in command by the aeroplane's State of registry.

Flight hours required to qualify as pilot in command

Item	Column 1 Flight	Column 2 Flight hours
1	IFR flight at night	15 hours as pilot in command, or pilot in command under supervision, under the IFR at night
2	Flight in a multi-engine aeroplane that has a maximum take-off weight of less than 5,700 kg	Both: (a) 10 hours as pilot in command, or pilot in command under supervision, of a multi-engine aeroplane; and (b) 10 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that kind
3	Flight in a multi-engine aeroplane that has a maximum take-off weight of at least 5,700 kg	Both: (a) 50 hours as pilot in command, or pilot in command under supervision, of a multi-engine aeroplane; and (b) 10 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that kind
4	Flight in a prescribed	20 hours as pilot in command, or pilot in command under supervision,

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Flight hours required to qualify as pilot in command

Item	Column 1	Column 2
	Flight	Flight hours
	single-engine aeroplane	of an aeroplane of that kind
5	Flight in an aeroplane covered by an aircraft type rating	25 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that aircraft type rating

- (2) For the purposes of paragraph (1)(a), the operator's exposition must include minimum flying experience requirements for all aeroplanes operated by the operator for Australian air transport operations.
- (3) To avoid doubt, more than one item of column 2 of the table in subregulation (1) may apply to a particular hour of flight time.

135.400 Co-pilot

- (1) A pilot is qualified as co-pilot for a flight of an aeroplane if:
- (a) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as co-pilot under Part 61; or
 - (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as co-pilot by the aeroplane's State of registry; and
 - (b) the pilot has completed supervised line flying on an aeroplane of that kind as co-pilot for the number of sectors or flight hours mentioned in the operator's exposition.
- (2) A pilot is qualified as co-pilot for a flight of an aeroplane if the pilot is qualified under regulation 135.395 as pilot in command for the flight.

135.405 Pilot in command in non-command pilot's seat*Operator*

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator requires the pilot in command of the aeroplane for the flight to do any of the following in the non-command pilot's seat:
 - (i) operate the aeroplane as pilot in command;
 - (ii) carry out the duties of co-pilot;
 - (iii) carry out training or examining duties; and
 - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for the operator and the flight for a pilot who will be required to operate the aeroplane in the non-command pilot's seat.

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Pilot in command

- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if the pilot in command:
- (a) operates the aeroplane in the non-command pilot's seat; and
 - (b) does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for the operator and the flight for a pilot who will be required to operate the aeroplane in the non-command pilot's seat.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.410 Knowledge of route and aerodromes

An aeroplane operator's exposition must include requirements in relation to the knowledge that a pilot in command of the aeroplane for a flight must have of:

- (a) the route of the flight; and
- (b) the departure aerodrome and the planned destination aerodrome for the flight; and
- (c) any alternate aerodrome required for the flight by the flight preparation (alternate aerodromes) requirements.

Division 135.N.2—Operation of aeroplanes of different type ratings

135.415 Application of Division 135.N.2

This Division applies in relation to the operator of an aeroplane if:

- (a) under the operator's AOC, the operator operates aeroplanes of more than one type rating for Part 135 operations; and
- (b) the operator assigns, or is likely to assign, a flight crew member employed by the operator to duty on aeroplanes of more than one type rating.

135.420 Assignment of flight crew to aeroplanes of different type ratings

An aeroplane operator's exposition must include the following:

- (a) a description of the circumstances in which the operator may assign a flight crew member to duty on aeroplanes of more than one type rating;
- (b) the combinations of aeroplanes with different type ratings that a single flight crew member may be assigned to duty on by the operator;
- (c) the flying experience, checks and training that a flight crew member must gain or complete, while the flight crew member is employed by the operator, before being assigned to duty on aeroplanes of more than one type rating;
- (d) procedures to ensure that, if a flight crew member is assigned to duty on aeroplanes with different type ratings within one tour of duty, the flight crew member has adequate time between flights on aeroplanes with different ratings for the flight crew member to prepare for duty.

Division 135.N.3—Operation of aeroplanes of different types

135.425 Application of Division 135.N.3

This Division applies to the operator of an aeroplane if the operator operates aeroplanes of more than one type for Part 135 operations.

135.430 Assignment as pilot in command on aeroplanes of different types

Turbine-engine aeroplanes

- (1) An operator contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command for flights on different types of turbine-engine aeroplanes; and
 - (b) the pilot does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for an aeroplane of each type for a pilot in command.

Piston-engine aeroplanes

- (2) An operator contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command for flights on different types of piston-engine aeroplanes; and
 - (b) the pilot does not meet the requirement mentioned in subregulation (3).
- (3) For the purposes of paragraph (2)(b), the requirement is that:
 - (a) if the aeroplanes are of the same aircraft class rating—the pilot must hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for an aeroplane of one of the types for a pilot in command; or
 - (b) if the aeroplanes are of different aircraft class ratings—the pilot must hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for an aeroplane of each class for a pilot in command.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 135.N.4—Recent experience**135.435 Recent experience requirements—90 days before flight***Operator*

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command or co-pilot of the aeroplane for the flight; and
 - (b) the pilot does not have:
 - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
 - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

Pilot

- (2) A pilot of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot operates the aeroplane as pilot in command or co-pilot for the flight; and
 - (b) the pilot does not have:
 - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
 - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

Requirements for flights by day

- (3) The recent experience required for a flight by day is that, within 90 days before the flight:
 - (a) the pilot must have carried out, in an aeroplane of that kind or an approved flight simulator for the aeroplane:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the aeroplane or simulator; and
 - (ii) at least 3 landings while controlling the aeroplane or simulator; or
 - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane; or
 - (c) the pilot must have successfully completed a proficiency check, in accordance with the requirements prescribed by the Part 135 Manual Standards, for the aeroplane.

Note: For other recent experience requirements, see Part 61.

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Requirements for flights at night

- (4) The recent experience required for a flight at night is that, within 90 days before the flight:
- (a) the pilot must have carried out, at night in an aeroplane of that kind or under night time conditions in an approved flight simulator for the aeroplane:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the aeroplane or simulator; and
 - (ii) at least 3 landings while controlling the aeroplane or simulator; or
 - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane; or
 - (c) the pilot must have successfully completed a proficiency check, in accordance with the requirements prescribed by the Part 135 Manual Standards, for the aeroplane.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 135.P—Crew other than flight crew

Division 135.P.1—General

Note: This Division is reserved for future use.

Division 135.P.2—Air crew

135.445 Training and checking

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) an air crew member is carried on the flight; and
 - (b) the air crew member does not meet the training and checking requirements for the air crew member and the flight mentioned in subregulation (2).
- (2) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight of an aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.450 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.455 English proficiency

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for the flight; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.P.3—Medical transport specialists

135.460 Training and checking

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a medical transport specialist is carried on the flight; and
 - (b) the medical transport specialist does not meet the training and checking requirements for the medical transport specialist and the flight mentioned in subregulation (2).
- (2) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a medical transport specialist for a flight of an aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.465 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a medical transport specialist for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.



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Dictionary and Endnotes

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About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 11 April 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 137—Aerial application operations—other than rotorcraft

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Subpart 137.A—Applicability and definitions

137.005 Applicability

- (1) Subject to this regulation, this Part applies to aerial application operations using aeroplanes.

Operators

- (2) This Part applies to a person who is applying for an AOC, on or after the commencing day, to authorise the person to undertake application operations.
- (3) If:
 - (a) a person has applied, on or after the application day but before the commencing day, for an AOC to authorise the holder to undertake agricultural operations or purposes substantially similar to agricultural operations; and
 - (b) before the commencing day, the person has not been issued with the AOC; this Part applies to the person and the application as if:
 - (c) the application had been made on the commencing day; and
 - (d) the application was for an authorisation to undertake application operations.
- (4) If, on the commencing day, a person holds an AOC that covers agricultural operations or purposes substantially similar to agricultural operations:
 - (a) the person may, after the commencing day, prepare and submit to CASA an operations manual; and
 - (b) this Part applies to the person and the manual as if the person was applying for an AOC on or after the commencing day to authorise the person to undertake application operations.
- (5) This Part applies on and after the day that falls 12 months after the commencing day to a person who has an AOC that authorises the person to undertake agricultural operations or purposes substantially similar to agricultural operations if:
 - (a) that AOC is in effect on that day; and
 - (b) this Part does not otherwise apply to the person.

Pilots

- (6) If:
 - (a) a pilot is engaged in an application operation on or after the commencing day; and
 - (b) the pilot is not employed by an operator for that operation; this Part applies to the pilot for that operation.
 - (7) If:
-

Regulation 137.010

- (a) this Part applies to an operator on a particular day; and
- (b) a pilot employed by the operator undertakes an application operation for the operator on that day;

this Part applies to the pilot for that operation.

- (8) In this regulation:

application day means the day that falls 30 days before the day this Part commences.

commencing day means the day this Part commences.

137.010 Definitions

In this Part:

aerial application operation (or application operation) means:

- (a) a flight that is carried out by an aeroplane to apply application material; and
- (b) a flight by an aeroplane that is for, or partly for, 1 or more of the following:
 - (i) inspection of a work area;
 - (ii) pilot training or checking relating to a flight mentioned in paragraph (a);
 - (iii) training of a crew member other than the pilot;
 - (iv) travel from a landing area to a work area and back;
 - (v) the carriage of a passenger specified in regulation 137.135 for a purpose set out in that regulation; and
- (c) preparation for any activities mentioned in paragraphs (a) and (b).

application material means fertiliser, trace elements, seeds, baits, water, pesticides or other material.

apply, in relation to application material, means to drop or spray the material onto the ground or water.

crew member includes a person who is on board an aeroplane to give, or receive, training in an aspect of application operations.

employ, in relation to a pilot, includes to engage as an independent contractor.

GPS marking system means a system that uses global positioning system equipment to show the flight path required for an aeroplane when applying application material.

head of aeroplane maintenance control, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.070.

head of flight operations, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.065.

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key personnel position, in relation to an operator, means the positions of head of aeroplane maintenance control and head of flight operations for the operator.

landing area means a place, whether or not an aerodrome, where an aeroplane is able to take off and land.

MEL, or **minimum equipment list**, for an aeroplane, means an approved list that provides for the operation of the aeroplane with particular equipment inoperative, and sets out any special conditions for such operation.

operations manual, in relation to an operator or an application operation carried out by an operator, means:

- (a) the manual, and the schedule of differences (if any), approved under regulation 137.050; and
- (b) any amendments approved under regulation 137.080, 137.085 or 137.090, as appropriate.

Note: An operations manual may comprise a standard operations manual and a schedule of differences: see subregulation 137.035(2).

operator, in relation to an aeroplane, means a person who holds an AOC that authorises the use of the aeroplane in application operations.

populous area, in relation to a flight by an aeroplane, means an area where, if the aeroplane's engine failed, the aeroplane would not be able to glide safely clear of any occupied building.

resting time, for a pilot, means any time during a tour of duty when the pilot:

- (a) has no duties to perform; and
- (b) has access to accommodation that is conducive to rest and includes a comfortable chair.

role equipment means equipment fitted to an aeroplane for an application operation, including booms, spreaders and mirrors.

schedule of differences, for an operator, means the schedule prepared by the operator under paragraph 137.045(3)(c) and approved by CASA under regulation 137.050.

sleeping time, for a pilot, means any time during a tour of duty when the pilot:

- (a) has no duties to perform; and
- (b) has access to a comfortable room that:
 - (i) is subject to minimal noise levels; and
 - (ii) is well ventilated; and
 - (iii) is equipped with a method of controlling the entry of light; and
 - (iv) is equipped with a comfortable bed and chair.

standard operations manual means an operations manual approved under regulation 137.040.

work area, in relation to an application operation, means:

Regulation 137.010

- (a) the area of ground or water where application material is to be applied; and
- (b) the area over which the aeroplane concerned flies as it approaches and departs from the area mentioned in paragraph (a).

Subpart 137.B—General

137.015 Approvals

If a provision of this Part provides that anything (including a document, body or activity) must be approved, CASA may approve the thing, in writing, for the provision.

137.020 Effect of other provisions

If a provision in these Regulations is inconsistent with a provision in this Part, the provision in this Part prevails to the extent of the inconsistency.

137.025 Aeroplane—type certificate

- (1) If an aeroplane does not conform to a type certificate or type acceptance certificate in the normal, restricted or utility category:
 - (a) the operator of the aeroplane must not allow it to be used for an application operation; and
 - (b) a pilot must not use it to carry out an application operation.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Note: CASA may grant an exemption from a provision of these Regulations: see Subpart 11.F.

137.030 Authority of the pilot

The operator of an aeroplane must take all reasonable measures to ensure that, if the pilot in command of the aeroplane, acting in accordance with a provision of these Regulations, directs anybody to do something, or not do something, the person complies with the direction.

Subpart 137.C—Operator certification and supervision

137.035 Applicant to prepare manual

- (1) A person applying for an AOC to cover application operations must prepare a manual that:
 - (a) specifies procedures to be followed by crew members and other persons to ensure the safety of the operations that are to be covered by the AOC; and
 - (b) includes the names of the persons who are to be the CEO and holders of the key personnel positions.
- (2) The person may comply with subregulation (1) by:
 - (a) nominating a standard operations manual to apply to the person's operations; and
 - (b) preparing a schedule of differences to the standard operations manual.
- (3) The manual may:
 - (a) consist of 1 or more volumes; and
 - (b) include material prepared by someone other than the person making the application; and
 - (c) incorporate another document or documents by reference.

Note: CASA approves the manual under regulation 137.050 when approving the application for the AOC.

137.040 Standard operations manual

- (1) CASA may approve, in writing, a manual prepared by a person other than an operator, as a standard operations manual.
- (2) The manual must specify procedures to be followed by crew members of aeroplanes and other persons engaged in application operations to ensure the safety of the operations.

137.045 Application for an AOC or variation of an AOC

- (1) An application by a person for an AOC to cover application operations must be submitted to CASA at least 90 days before the date of intended operation.
- (2) The manual that, for subsection 27AB(2) of the Act, must be lodged with CASA by the person need not include landing area information.
- (3) If the person nominates a standard operations manual the application must include:
 - (a) a statement identifying the standard operations manual; and
 - (b) an undertaking to comply with the standard operations manual as in force from time to time; and

- (c) a schedule to the standard operations manual, prepared by the applicant, showing:
 - (i) the ways (if any) in which the person's application operations are proposed to differ from those described in the standard operations manual adopted by the person under paragraph (b); and
 - (ii) the names of the persons who are proposed to be the CEO and holders of the key personnel positions.
- (4) The manual or schedule (if any) that relates to the application must be submitted to CASA at least 60 days before the date of intended operation.
- (5) An application for a variation of an AOC must be submitted to CASA at least 30 days before the date of the proposed change to the operation.

Note: For matters about which CASA must be satisfied before issuing an AOC, see section 28 of the Act.
- (6) CASA may accept an application later than required under subregulation (1) or (5), or a late submission under subregulation (4).

137.050 Decision on AOC and manual

- (1) CASA must, in writing, approve or refuse to approve:
 - (a) an application for an AOC; and
 - (b) an application for a variation of an AOC.
- (2) If CASA approves an application for an AOC under subregulation (1), it is taken to have approved:
 - (a) the applicant's manual; and
 - (b) if applicable—the schedule mentioned in paragraph 137.045(3)(c).
- (3) CASA is taken to have refused an application for an AOC if it has not approved or refused the application within the period of 90 days starting on the later of the following:
 - (a) the day the application is made;
 - (b) the day the applicant has complied with any notice given by CASA under section 27AC of the Act.
- (4) CASA is taken to have refused an application for a variation of an AOC if it has not approved or refused the application within the period of 90 days starting when the application is made.

137.055 Offences concerning operations manual

- (1) An operator must conduct application operations in accordance with:
 - (a) the operations manual; and
 - (b) if the operator has an exemption given by CASA under Part 11—the exemption.

Penalty: 25 penalty units.

Regulation 137.060

- (2) The operator must ensure that the manual, and information relating to any exemption, is available to crew members and other persons engaged in application operations for the operator.

Penalty: 25 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.060 Operator's organisational structure

- (1) An operator must nominate an individual to be chief executive officer (**CEO**) of the operator's organisation.
- (2) The CEO must be responsible for ensuring that all application operations and aeroplane maintenance can be carried out to the standard required by these Regulations.
- (3) An operator must nominate individuals to hold the key personnel positions in the organisation.
- (4) If, having regard to the size of an operator's organisation or the nature and scope of operations authorised by the operator's AOC, it would not adversely affect the safety of the operations to do so, an operator may:
 - (a) appoint a person to a key personnel position on a part-time basis; or
 - (b) appoint a person to more than 1 key personnel position.
- (5) An operator must ensure that, at all times, a person is occupying, or acting in, each key personnel position.

137.065 Head of flight operations

- (1) Subject to subregulation (5), an operator must nominate an individual to be head of flight operations in the operator's organisation.
- (2) The duties of the head of flight operations must include being responsible for the following:
 - (a) monitoring the operator's compliance with the Act, these Regulations and the conditions to which the operator's AOC is subject, and reporting on compliance to the operator's CEO;
 - (b) monitoring the adequacy of the operator's systems and procedures to ensure safe operations under the operator's AOC, and reporting on the adequacy of the systems and procedures to the CEO;
 - (c) arranging rosters for the pilots employed to carry out application operations for the operator;
 - (d) maintaining an efficient system for recording flight and duty times for each pilot;
 - (e) maintaining up-to-date records of all licences, ratings, medical certificates and endorsements held by each pilot;

Regulation 137.070

- (f) maintaining a system that will ensure compliance with the relevant loading procedures for each type of aeroplane used in operations carried out under the operator's AOC;
 - (g) ensuring that the operator keeps any documents required by the Act, these Regulations and the conditions of the operator's AOC;
 - (h) setting and monitoring the standard of application operations, including activities on the ground, carried out under the operator's AOC;
 - (i) ensuring that the checking required by Subpart 137.N is carried out and, if a pilot fails a check, that the appropriate retraining and re-checking are carried out;
 - (j) allocating an aeroplane for use in each operation carried out under the operator's AOC.
- (3) If an operator uses only 1 aeroplane for application operations, the person occupying the position of head of flight operations must have at least 300 hours total flight time as pilot in command in application operations.
- (4) If an operator uses more than 1 aeroplane for application operations, the person occupying the position of head of flight operations must hold an agricultural pilot (aeroplane) grade 1 rating within the meaning given in Civil Aviation Order 40.6.
- (5) A person who, under Civil Aviation Order 82.0, is approved as Chief Pilot of an operator, is taken to be the head of flight operations for the operator.

137.070 Head of aeroplane maintenance control

- (1) An operator must nominate an individual to be head of aeroplane maintenance control in the operator's organisation.
- (2) The duties of the head of aeroplane maintenance control must include ensuring that the operator complies with Subpart 137.M.

137.075 Replacement of holder of key personnel position

If an operator proposes a replacement of the holder of a key personnel position, the operator must:

- (a) notify CASA as soon as is practicable before the proposed replacement;
and
- (b) if the replacement does not take effect—notify CASA accordingly.

137.080 Amendments to operations manual by operator

- (1) This regulation applies to an operator that:
 - (a) is using an operations manual prepared by the operator; and
 - (b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the manual.
- (2) The operator must:

Regulation 137.085

- (a) prepare an amendment to the manual to reflect the proposed change; and
 - (b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.
- (3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.085 Amendments to schedule of differences

- (1) This regulation applies to an operator that:
- (a) has adopted a standard operations manual; and
 - (b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the schedule of differences.
- (2) The operator must:
- (a) prepare an amendment to the schedule to reflect the proposed change; and
 - (b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.
- (3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.090 Amendments to standard operations manual

- (1) A person that has prepared a standard operations manual may prepare an amendment of the manual.
- (2) The person must submit the amendment to CASA.
- (3) CASA must, in writing, approve or refuse to approve the amendment.

Subpart 137.D—Operational procedures

137.095 Operation to be in VMC

- (1) The pilot in command of an aeroplane may only conduct an application operation in VMC.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.100 Use of weather forecasts or observations

- (1) This regulation applies to the operator of the aeroplane and its pilot in command if the operator is planning an application operation that is to take place more than 50 nautical miles from the take-off aerodrome.
- (2) The operator and pilot must:
 - (a) use a weather forecast or report prepared by the Bureau of Meteorology or another approved body; or
 - (b) if the pilot is not reasonably able to obtain a weather forecast or report of a kind mentioned in paragraph (a)—satisfy subregulation (4).

Penalty: 5 penalty units.

- (3) The operator must provide any equipment necessary to obtain the forecast or report.

Penalty: 10 penalty units.

- (4) The operator and pilot satisfy this subregulation if the pilot:
 - (a) uses his or her observations, or weather information from a source other than those mentioned in paragraph (2)(a); and
 - (b) the pilot reasonably believed it was safe to use the observations or information.

- (5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.105 Landing areas

Despite any other provision of these Regulations, the pilot in command of an aeroplane engaged in an application operation may use any landing area that can be used safely for take-offs and landings.

137.110 Safety of persons other than crew at landing areas

- (1) The operator of an aeroplane must, for the safety of persons during application operations at a landing area:

Regulation 137.115

- (a) use appropriate procedures, including those necessary for the safe loading and unloading of aeroplanes; and
- (b) provide appropriate equipment, including any necessary lighting.

Penalty: 25 penalty units.

- (2) The procedures must be set out in the operations manual.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.115 Refuelling

- (1) An operator must use appropriate safety procedures for the refuelling of each of the operator's aeroplanes that is used in an application operation.

Penalty: 25 penalty units.

- (2) The operations manual must set out the procedures.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.120 Documents to be carried on a flight

- (1) The pilot in command of an aeroplane being used for an application operation must have a copy of the aeroplane's flight manual, or an approved alternative document, on board the aeroplane on every flight.

Penalty: 10 penalty units.

- (2) The pilot must also have the documents or copies mentioned in subregulations (4) and (5) on board the aeroplane on a flight if the aeroplane will be more than 1 hour's flying time (at cruise speed in still air) from the operator's principal operating base.

Penalty: 10 penalty units.

- (3) However, if:
 - (a) the aeroplane is to be based for more than 7 days at a place that is not the operator's principal operating base (a *substitute base*); and
 - (b) the aeroplane is less than 1 hour's flying time (at cruise speed in still air) from the substitute base;

the documents or copies mentioned in subregulations (4) and (5) may be kept at the substitute base.

- (4) For subregulations (2) and (3), the documents are:
 - (a) the aeroplane's flight and maintenance records; and
 - (b) each of the following documents, or copies of the documents:
 - (i) the aeroplane's certificate of registration;
 - (ii) the aeroplane's certificate of airworthiness (or, if applicable, special flight permit);
 - (iii) the current medical certificate for, and licence of, the pilot.

- (5) However, if the operations manual states that only a specified part of a document mentioned in subregulation (1) or paragraph (4)(a) must be carried during a flight, only that part need be carried.
- (6) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.125 Manipulation of flight controls

- (1) While an aeroplane is engaged in an application operation its flight controls may be manipulated by a person only if the person is:
 - (a) the pilot in command of the aeroplane; or
 - (b) a pilot who is being trained in application operations; or
 - (c) a person authorised to do so by CASA.

Penalty: 25 penalty units.

- (2) If an aeroplane engaged in an application operation is on the ground with the engine running, the pilot in command must be at the controls unless:
 - (a) the pilot is refuelling the aeroplane in accordance with the operations manual; or
 - (b) the following apply:
 - (i) the pilot remains near the aeroplane;
 - (ii) the wheel brakes are locked and, if practicable, the wheels are chocked;
 - (iii) the aeroplane's power controls are friction locked and, if possible, the propeller is feathered;
 - (iv) the engine is retarded to idle and, if possible, ground idle.

Penalty: 25 penalty units.

- (3) Subregulation (4) applies if a person who is not, under these Regulations, entitled to manipulate the aeroplane's flight controls:
 - (a) occupies a control seat fitted with fully or partially functioning controls; or
 - (b) is seated in a position where he or she could interfere with the controls.
- (4) The pilot in command of the aeroplane must:
 - (a) instruct the person not to interfere with the controls; and
 - (b) be satisfied on reasonable grounds that the person has understood the instruction.

Penalty: 25 penalty units.

- (5) A contravention of subregulation (1) or (2) is an offence of strict liability.
- (6) Strict liability applies to the physical element mentioned in paragraph (4)(a).

Regulation 137.130

137.130 Use of seats, seatbelts and harnesses

- (1) A person in an aeroplane engaged in an application operation must occupy a seat and wear a seatbelt or harness whenever the aeroplane is moving under its own power.

Penalty: 10 penalty units.

- (2) However, subregulation (1) does not apply to a person in the aeroplane if, during the operation:
- (a) he or she is acting in accordance with an instruction by the pilot in command; or
 - (b) he or she is wearing an approved restraint device and either:
 - (i) has satisfactorily completed a course of training in the operation and is directly involved in the operation; or
 - (ii) is being trained in the operation.

- (3) A contravention of subregulation (1) is an offence of strict liability.

137.135 Carriage of passengers

- (1) If an aeroplane is engaged in an application operation, neither the operator nor the pilot in command may allow a passenger to be carried unless subregulation (2), (3) or (4) applies to the operation and the passenger.

Penalty: 50 penalty units.

- (2) This subregulation applies if the passenger is an officer, or delegate of CASA, who is on board the aeroplane to carry out his or her duties.
- (3) This subregulation applies if:
- (a) the passenger is on board the aeroplane to identify the area where the application material is to be applied; and
 - (b) no application material is applied during the operation.
- (4) This subregulation applies if:
- (a) the passenger is on board the aeroplane to carry out duties necessary for his or her employment; and
 - (b) both the operator and the pilot agree to the carriage of the passenger.
- (5) A contravention of subregulation (1) is an offence of strict liability.

137.140 Minimum height and lateral separation for operation

- (1) Subject to subregulations (2), (3) and (4) the pilot in command of an aeroplane engaged in an application operation may fly at any height while:
- (a) over the work area; or
 - (b) travelling from the landing area used for loading the aeroplane to the work area.

Regulation 137.145

- (2) In a populous area, the aeroplane must not fly closer than 100 metres, measured horizontally, from an occupied building.
- Penalty: 25 penalty units.
- (3) In an area other than a populous area the aeroplane must not fly less than 350 feet AGL while closer than 100 metres, measured horizontally, from an occupied building.
- Penalty: 25 penalty units.
- (4) The aeroplane may fly closer to a building and to the ground than provided for in subregulation (2) or (3) if:
- (a) more than 48 hours before the proposed operation, the occupier of the building was notified in writing about the operation and did not object to the operator about it; or
 - (b) if it was not reasonably practicable to give written notice—the occupier was notified verbally before the operation and did not object to the operator about it.
- (5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.145 Application over populous areas

- (1) A person may conduct an application operation over a populous area only if:
- (a) the person is an operator; and
 - (b) the procedures for the operation are set out in the operations manual; and
 - (c) the operation was requested by a person that, under a law of a State or Territory, may authorise the operation.
- Penalty: 25 penalty units.
- (2) An operator must, before conducting the operation, make a plan for the operation that:
- (a) includes consultation with the person that requested the operation; and
 - (b) identifies any obstructions to flight and sets out how these will be avoided; and
 - (c) identifies the most suitable emergency landing area for the operation; and
 - (d) sets out any coordination with ATC that is necessary for the operation.
- Penalty: 25 penalty units.
- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.150 In-flight fuel management

- (1) The pilot in command of an aeroplane engaged in an application operation must plan a flight for the operation so that, at all times, the aeroplane has enough fuel to complete the flight safely.
- Penalty: 50 penalty units.
-

Regulation 137.160

- (2) If an operations manual applies to the pilot, it must set out:
 - (a) the procedures that the pilot must follow to ensure that the aeroplane carries enough fuel; and
 - (b) a procedure to ensure that in-flight fuel checks and fuel management are carried out.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.160 Aerodrome circuit requirements

- (1) The pilot in command of an aeroplane engaged in an application operation that involves a take-off from, or landing at, an aerodrome need not conform with the circuit traffic protocol specified in the AIP for the aerodrome if:
 - (a) the aeroplane is fitted with a radio; and
 - (b) the pilot:
 - (i) maintains a continuous listening watch on the aerodrome frequency; and
 - (ii) broadcasts his or her intentions in accordance with the AIP; and
 - (iii) gives priority to other traffic.
- (2) However, subregulation (1) does not apply if the flight is subject to ATC instructions.
- (3) In this regulation, *AIP* includes a document that is equivalent to the AIP.

137.165 Close proximity operations

- (1) For this regulation, 2 or more aeroplanes are engaged in a ***close proximity operation*** if they are flying so close to each other during an application operation as to create a collision hazard if special measures are not taken.
- (2) A person must not operate an aeroplane in a close proximity operation if the person is not an operator.

Penalty: 25 penalty units.
- (3) The pilot in command of an aeroplane must not engage in a close proximity operation unless the operation is coordinated by:
 - (a) if the operation is to be conducted by 1 operator—the operator’s head of flight operations, or another person nominated by the operator; or
 - (b) otherwise—a suitably qualified pilot agreed to by all pilots involved in the operation.

Penalty: 25 penalty units.
- (4) The coordinator must give, to all pilots involved in the operation, instructions about the following:
 - (a) transit between the landing area and the work area;
 - (b) radio communications, including loss-of-communication procedures;

- (c) refuelling arrangements;
- (d) the conduct of the operation.

Penalty: 25 penalty units.

- (5) During the operation each pilot must:
 - (a) maintain safe lateral separation from the other aeroplanes by visual and radio contact; and
 - (b) comply with the instructions of the person coordinating the operation.

Penalty: 25 penalty units.

- (6) A contravention of subregulation (2), (3), (4) or (5) is an offence of strict liability.

137.170 Night operations

- (1) This regulation applies to an application operation conducted at night.
- (2) The pilot in command of the aeroplane to be used in the operation must, by inspection during daylight, be familiar with:
 - (a) the work area; and
 - (b) the route between the work area and the landing area.

Penalty: 25 penalty units.

- (3) The operator of the aeroplane must plan the operation so the distance from a work area to a landing area is less than 30 minutes flying time at normal cruise power in still air, unless:
 - (a) the aeroplane is equipped, and certificated under Part 21, for night VFR flight; and
 - (b) the pilot holds, in addition to any rating required for night application operations, the rating required for a VFR flight at night.

Penalty: 25 penalty units.

- (4) The operator must not allow the operation to commence unless the aeroplane is equipped with a two-way radio that enables the pilot to communicate with each person on the ground who has a role in the operation.

Penalty: 25 penalty units.

- (5) The pilot must not commence or continue the operation if horizontal visibility from the aeroplane is less than 5 km.

Penalty: 25 penalty units.

- (6) The operator must ensure that lights are placed at the work area to help the pilot with orientation.

Penalty: 25 penalty units.

Regulation 137.175

- (7) A contravention of subregulation (2), (3), (4), (5) or (6) is an offence of strict liability.

137.175 Firefighting operations

- (1) A person must not operate an aeroplane for an application operation that involves firefighting unless the emergency control authority responsible for the firefighting:
- (a) has not, when the operation commences, taken control of the fighting of the fire; or
 - (b) has taken control of the firefighting and asks the person to carry out the operation.

Penalty: 50 penalty units.

- (2) A pilot is authorised to conduct an application operation that:
- (a) involves firefighting; and
 - (b) is requested by the relevant emergency control authority;
- only if he or she has more than 500 hours experience as pilot in command in application operations when the operation commences.

Penalty: 50 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Subpart 137.E—All-weather operations

Note: Reserved for future use.

Regulation 137.180

Subpart 137.H—Aeroplane performance

137.180 General

- (1) The pilot in command of an aeroplane engaged in an application operation must, before take-off, take reasonable steps to satisfy himself or herself that the take-off can be safely carried out by considering the aeroplane's take-off weight and each other relevant factor.

Penalty: 50 penalty units.

- (2) Before landing, the pilot must satisfy himself or herself that the landing can be safely carried out by considering the aeroplane's landing weight and each other relevant factor.

Penalty: 50 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.185 Take-off over a populous area

- (1) The pilot in command of an aeroplane engaged in an application operation may commence a take off over a populous area only if the aeroplane's performance will allow it to be 200 feet or more AGL when it crosses the aerodrome boundary and climbing at 200 feet or more per minute.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 137.J—Weight and balance

137.190 Weight limitations

- (1) The pilot in command of an aeroplane engaged in an application operation must not commence a take-off if the aeroplane's gross weight exceeds:
 - (a) the maximum gross weight shown in the aeroplane's flight manual; or
 - (b) any maximum gross weight that:
 - (i) has been established for that type of aeroplane by a flight test supervised by CASA; and
 - (ii) is shown on a placard, approved by CASA and displayed in the aeroplane's cockpit; or
 - (c) the maximum gross weight shown on the type certificate, or type certificate data sheet, that is issued for the aeroplane by the national aviation authority of the State of Design (within the meaning given in Annex 8 to the Chicago Convention) of the aeroplane.

Penalty: 50 penalty units.

- (2) The pilot must calculate the take-off weight by a method that includes calculating the weight of:
 - (a) the crew and any equipment carried; and
 - (b) the aeroplane's fuel and load.

Penalty: 50 penalty units.

- (3) The operator of the aeroplane must not specify a minimum load to be carried by the aeroplane that is greater than the load that the pilot reasonably considers to be safe.

Penalty: 50 penalty units.

- (4) A contravention of subregulation (1), (2) or (3) is an offence of strict liability.

137.195 Loading—supervision

- (1) The pilot in command of an aeroplane to be used in an application operation must:
 - (a) supervise the loading of the aeroplane; and
 - (b) not commence the operation unless the load is placed in a way that is consistent with the data used for the calculation of the aeroplane's weight and balance.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Subpart 137.K—Instruments and equipment

137.200 Installation of instruments and equipment

- (1) Subject to subregulation (3), the operator of an aeroplane that is to be used in an application operation must ensure that instruments and items of equipment, other than role equipment, used in the aeroplane are:
 - (a) other than items mentioned in subregulation (3)—approved; and
 - (b) properly installed so they are fit for their purpose, and do not interfere with the operation of any other equipment; and
 - (c) except as provided in the applicable MEL—serviceable.

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), an instrument or item of equipment is properly installed if:
 - (a) there is a Part 21 approval that covers the installation; and
 - (b) the instrument or item is installed in accordance with its approved design; and
 - (c) the instrument or item is compatible with the configuration of the aircraft; and
 - (d) the instrument or item is installed by a person who:
 - (i) has been trained to carry out the installation; and
 - (ii) is authorised, under these Regulations, to carry out the installation.
- (3) The following items are not required to be approved:
 - (a) electric torch;
 - (b) timepiece;
 - (c) a GPS marking system;
 - (d) chart holder;
 - (e) first-aid kit;
 - (f) survival and pyrotechnic signalling equipment.
- (4) A contravention of subregulation (1) is an offence of strict liability.
- (5) In this regulation:

approved design: see subregulation 42.015(1).

Part 21 approval: see subregulation 42.015(1).

137.210 Position of instruments and equipment

- (1) The operator of an aeroplane must not allow the aeroplane to be used in an application operation unless:

Regulation 137.215

- (a) equipment on the aeroplane that is operated during flight by only 1 crew member is installed so that it can readily be operated from the member's station; and
- (b) an instrument that need only be read by 1 crew member is installed:
 - (i) so the crew member can easily read the instrument from his or her station; and
 - (ii) as close as practicable to the crew member's line of vision in the direction of the flight path.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.215 Instruments and equipment required

- (1) The operator of an aeroplane must not allow the aeroplane to engage in an application operation unless it is fitted with the equipment mentioned in each item of Table 137.215-1.

Penalty: 50 penalty units.

Table 137.215-1 Equipment for all application operations

Item	Equipment
1	A magnetic compass
2	A timepiece showing the time in hours, minutes and seconds (unless the pilot in command carries such a timepiece)
3	A sensitive pressure altimeter that: <ul style="list-style-type: none"> (a) reads in feet; and (b) has a sub-scale setting, calibrated in hectopascals, that can be set to any barometric pressure that may occur during flight
4	An airspeed indicator calibrated in knots
5	A slip indicator
6	An outside air temperature indicator calibrated in degrees Celsius
7	If the aeroplane is equipped with radio—a headset, whether or not built into a helmet, with a boom microphone or an equivalent microphone
8	Any other instruments and equipment required to be fitted for type certification.

- (2) The operator must not allow the aeroplane to engage in an application operation at night unless it is fitted with the equipment mentioned in each item of Table 137.215-2.

Penalty: 50 penalty units.

Table 137.215-2 Equipment for night application operations

Item	Equipment
1	At least 2 serviceable work lights that are suitable for the operation, installed so as

Regulation 137.220

Table 137.215-2 Equipment for night application operations

Item	Equipment
	to minimise glare in the cockpit
2	Navigation lights
3	An approved anti-collision lighting system
4	A system of cockpit lighting that is appropriate to the operation
5	Either: (a) a turn indicator; or (b) an attitude indicator that provides pitch and roll information at all attitudes

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.220 Crew intercom system

- (1) The operator of an aeroplane that requires a crew of more than 1 person must not allow it to engage in an application operation unless it is equipped with an intercom system that:
- (a) can be used by all members of the crew; and
 - (b) includes headsets, whether or not built into a helmet, and microphones that are not of a handheld type.

Penalty: 25 penalty units.

- (2) Subregulation (1) does not apply to the operation if:
- (a) the use of any item of intercom equipment may adversely affect the safety of the operation; and
 - (b) another appropriate method of communication between the crew is arranged before the operation commences.
- (3) A contravention of subregulation (1) is an offence of strict liability.

137.225 Seatbelts and harnesses

- (1) This regulation applies to an aeroplane, other than an aeroplane that has been certified in the normal category.
- (2) The operator of the aeroplane must not allow it to engage in an application operation unless:
- (a) the pilot's seat is equipped with a four-point restraint harness with a single point release; and
 - (b) a harness or seatbelt for any other crew member is equipped with a single point release.

Penalty: 50 penalty units.

- (3) A contravention of subregulation (2) is an offence of strict liability.

Subpart 137.M—Aeroplane maintenance

137.230 Fitting and removal of role equipment

- (1) A person must not fit role equipment to, or remove role equipment from, an aeroplane that is used in an application operation.

Penalty: 25 penalty units.

- (2) Subregulation (1) does not apply to a person who:
 - (a) has been trained by an operator, or an approved person, in the fitting and removal of a kind of role equipment; and
 - (b) fits or removes equipment of that kind.
- (3) A contravention of subregulation (1) is an offence of strict liability.

Regulation 137.235

Subpart 137.N—Pilots

137.235 Pilot in command must be authorised under Part 61

- (1) The operator of an aeroplane commits an offence if:
 - (a) the aeroplane is used to conduct an application operation; and
 - (b) the pilot in command of the aeroplane is not authorised under Part 61 to pilot the aeroplane in the operation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

137.240 Operator proficiency checks

- (1) For this regulation, a pilot holds a *valid operator proficiency check* if:
 - (a) he or she has satisfactorily completed a check that satisfies the criteria in subregulations (3), (4), (5) and (9); and
 - (b) under subregulations (7) and (8), the check is valid.
- (2) The operator of an aeroplane commits an offence if:
 - (a) the aeroplane is used to conduct an application operation; and
 - (b) the pilot in command of the aeroplane does not hold a valid operator proficiency check.

Penalty: 50 penalty units.
- (3) An operator proficiency check for a pilot who is employed by an operator must be conducted by:
 - (a) the operator's head of flight operations; or
 - (b) a flight examiner or instructor authorised under Part 61 to conduct application operations.
- (4) An operator proficiency check for the operator's head of flight operations must be conducted by an examiner or instructor mentioned in paragraph (3)(b).
- (5) Despite subregulations (3) and (4), an operator proficiency check for a pilot who, in the 12 months immediately before the check, has completed less than 50 hours flight time in application operations must be conducted by an examiner or instructor mentioned in paragraph (3)(b).
- (6) A synthetic flight trainer may be used for a check, or part of a check, if CASA approves its use for the purpose.
- (7) A check is valid for 12 months from the day on which the check is completed.

Regulation 137.240

- (8) However, if the check is completed less than 3 months before the day on which the check would otherwise expire (the *expiry day*), the check is valid for 12 months commencing at the end of the expiry day.
- (9) To complete an operator proficiency check the pilot must demonstrate that he or she is familiar with the systems, the normal and emergency flight manoeuvres, performance, fuel consumption rates, and weight and balance requirements for an aeroplane that he or she flies.

Note: A check of a pilot of a single seat aeroplane may be conducted by observation from the ground and may include review of GPS data logs, job planning and post flight records.

- (11) A contravention of subregulation (2) is an offence of strict liability.

Regulation 137.245

Subpart 137.P—Manuals, logs and records

137.245 Flight manual

- (1) An operator must maintain a current aircraft flight manual, or another approved document, for each aeroplane used by the operator for application operations.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.250 Checking records

- (1) An operator must:

(a) make a record of the checking that is:

- (i) required, under Subpart 137.N, for each pilot employed by the operator; and
(ii) completed by each pilot; and

(b) allow each pilot to examine and copy the records that relate to him or her.

Penalty: 10 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Note: Records made for this regulation must be retained: see regulation 137.255.

137.255 Document retention periods

- (1) The operator of an aeroplane that is used for application operations must keep an aircraft maintenance record relating to the aeroplane (including a record of the time in service of each component for which that information is kept):

- (a) for at least 90 days after the aeroplane concerned is in a condition that prevents it being flown in the future; and
(b) in a form that is suitable for, and allows access to, the information.

Penalty: 50 penalty units.

- (2) The operator of an aeroplane must keep each record mentioned in column 2 of an item in Table 137.255:

- (a) for at least the period mentioned in column 3 of the item; and
(b) in a form that is suitable for, and allows access to, the information.

Penalty: 25 penalty units.

- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Table 137.255

Item	Record	Period
1	A copy of the following that relates to each pilot employed by the operator: (a) medical certificate; (b) licence; (c) any rating, endorsement or approval that is relevant to the pilot's employment by the operator	Until the pilot ceases to be employed as a pilot by the operator
2	The 2 most recent records of any training undertaken by a pilot employed by the operator if: (a) the training is required under the operations manual; and (b) the record is not retained for item 2	Until the pilot ceases to be employed as a pilot by the operator
3	A report about an event relating to the safety of an application operation made by a pilot employed by the operator	90 days from the day on which it is made
4	Pilot flight, duty and rest times	15 months from the day of the most recent entry in the document
5	Pilot conversion training	36 months from the day of the most recent entry in the document
6	Pilot recurrent training and annual proficiency check for Subpart 137.N	36 months from the day of the most recent entry in the document

137.260 Maintenance record to be given to new operator

- (1) A person that ceases to be the operator of an aeroplane that is used for application operations must, if another person becomes the operator, give the aeroplane's aircraft maintenance record, or a copy of the record, to the other person.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

Regulation 137.265

Subpart 137.Q—Flight duty time limitations and rest requirements

137.265 Application of Subpart 137.Q

This Subpart sets out requirements about duty and rest times for a pilot who conducts application operations.

137.270 Subpart not to affect subsection 1 of CAO 48.1

This Subpart does not affect the operation of subsection 1 of Civil Aviation Order 48.1.

137.275 Limit on flying hours

- (1) The pilot must not fly more than:
 - (a) 1 200 hours in 365 consecutive days; or
 - (b) 170 hours in 28 consecutive days.

Penalty: 25 penalty units.

- (2) A contravention of subregulation (1) is an offence of strict liability.

137.280 Off-duty period before and after tour of duty

- (1) Subject to subregulations (2) and (3), the pilot must not undertake duties relating to his or her employment by an operator, including being on call or planning less than:
 - (a) 8 hours before commencing a tour of duty; or
 - (b) 8 hours after completing a tour of duty of 10 hours or less; or
 - (c) 10 hours after completing a tour of duty of more than 10 hours.

Penalty: 25 penalty units.

- (2) No less than 8 hours after completing a tour of duty of more than 10 hours, the pilot may choose to recommence duty up to 1 hour earlier than the time required under paragraph (1)(c) if the pilot believes he or she is mentally and physically able to do so.
- (3) The pilot must not recommence duty under subregulation (2) if, in doing so, he or she would be in breach of regulation 137.275, 137.285, 137.290, 137.295 or 137.300.
- (4) A contravention of subregulation (1) is an offence of strict liability.

137.285 Tour of duty—duration

- (1) The pilot must not undertake, and a person must not require the pilot to undertake, a tour of duty that exceeds 14 hours.

Penalty: 25 penalty units.
- (2) However, the pilot may extend a tour of duty in accordance with subregulation (3), (4) or (5) if:
 - (a) the pilot reasonably believes he or she is mentally and physically able to do so; and
 - (c) in doing so, the pilot would not be in breach of regulation 137.275, 137.280, 137.290, 137.295 or 137.300.
- (3) After the pilot has completed 14 hours of a tour of duty, he or she may extend the tour of duty by no more than 1 hour.
- (4) If, during a tour of duty, the pilot has had 3 or more consecutive hours of resting time, the pilot may extend the tour of duty by no more than the lesser of the following:
 - (a) 50% of the duration of the resting time;
 - (b) 2 hours.
- (5) If, during a tour of duty, the pilot has had 2 or more consecutive hours of sleeping time, the pilot may extend the tour of duty by no more than the lesser of the following:
 - (a) the duration of the sleeping time;
 - (b) 3 hours.
- (6) A contravention of subregulation (1) is an offence of strict liability.

137.290 Off-duty period each 14 days

- (1) In any 14 consecutive days the pilot must have a continuous period of at least 36 hours during which he or she carries out no duties for an operator.

Penalty: 25 penalty units.
- (2) A person must not require the pilot to contravene subregulation (1).

Penalty: 25 penalty units.
- (3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.295 Limit on time spent on tours of duty

- (1) The pilot must not spend more than:
 - (a) 44 hours on tours of duty in any 3 consecutive days; or
 - (b) 98 hours on tours of duty in any 7 consecutive days.
Penalty: 25 penalty units.

Regulation 137.300

- (2) However, if:
- (a) the pilot has 1 or more periods of resting time during any of the days mentioned in subregulation (1); and
 - (b) each period is 6 or more continuous hours;
- the maximum amount of time for the subregulation is increased by 50% of the duration of the resting time (or the total of those resting times).
- (3) Despite subregulation (2), the maximum time for subregulation (1) is not increased if, in doing so, the pilot would be in breach of regulation 137.275, 137.280, 137.285, 137.290 or 137.300.
- (4) A person must not require the pilot to contravene subregulation (1).
Penalty: 25 penalty units.
- (5) A contravention of subregulation (1) or (4) is an offence of strict liability.

137.300 Pilot to be fit for duty

- (1) The pilot must not commence an application operation if he or she is not fit for duty.
Penalty: 25 penalty units.
- (2) The operator of an aeroplane to be used in an application operation must not allow the pilot to commence the operation if the operator has reason to believe that the pilot is not fit for duty.
Penalty: 25 penalty units.
- (3) For subregulations (1) and (2), a pilot is ***not fit for duty*** if, for example:
- (a) he or she has not had adequate rest, food or drink; or
 - (b) he or she is adversely affected by a medical condition or a psychoactive substance.
- Note: The expression ***psychoactive substances*** refers to alcohol, drugs and volatile solvents, but not coffee and tobacco: see clause 60 of Part 2 of the Dictionary.
- (4) In paragraph (3)(b):
medical includes psychological and psychiatric.
- (5) A contravention of subregulation (1) or (2) is an offence of strict liability.

Part 138—Aerial work operations

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- 138.580 Qualifications and training
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Subpart 138.A—Preliminary

138.005 Application of Part 138

- (1) This Part applies in relation to the operation of an aircraft for an aerial work operation if:
 - (a) the aircraft is an aeroplane or rotorcraft; and
 - (b) Part 101 does not apply to the operation of the aircraft.
- (2) Despite subregulation (1), a provision of this Part does not apply in relation to the operation of an aircraft if:
 - (a) the aircraft is engaged in any of the following:
 - (i) a police, national security or customs operation;
 - (ii) a search and rescue operation conducted by, or at the request of, a search and rescue body; and
 - (b) in the circumstances, it is reasonable that the provision not apply to the operation.
- (3) Despite subregulation (1), a provision of this Part or the Part 138 Manual of Standards applies in relation to an operator of an aircraft for an aerial work operation only if the operator holds an aerial work certificate authorising that operation.
- (4) Despite subregulation (3), a provision of this Part or the Part 138 Manual of Standards applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising that operation if the provision is expressed to so apply.

Note: See Part 137 for matters relating to aerial application operations.

138.010 Definition of *aerial work operation* etc.

- (1) An ***aerial work operation*** means one or more of the following (and each of the following is a kind of aerial work operation):
 - (a) an external load operation;
 - (b) a dispensing operation;
 - (c) a task specialist operation;
 - (d) an operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.
- (2) An ***external load operation*** means carrying or towing a load outside an aircraft in flight and includes training for such an operation.
- (3) A ***dispensing operation*** means dropping or releasing any substance or object from an aircraft in flight and includes training for such an operation.
- (4) A ***task specialist operation*** means carrying out a specialised activity using an aircraft in flight and includes training for such an activity.

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- (5) Despite subregulation (1), an ***aerial work operation*** does not include the following:
- (a) a medical transport operation;
 - (b) an external load operation involving winching a person, if the operation is conducted as part of an air transport operation;
 - (c) glider towing;
 - (d) a person undertaking a parachute descent;
 - (e) an aerial application operation (including any external load operation undertaken as part of that operation) to apply fire retardants (including water), or oil or chemical dispersants, if the operation is conducted by a person holding a civil aviation authorisation under Part 137 to undertake the operation;
 - (f) any other aerial application operation;
 - (g) any other operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

138.012 Definition of ***significant change***

A ***significant change***, for an aerial work operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of the operator's main operating bases, including the opening or closing of main operating bases;
 - (ii) the operator's key personnel;
 - (iii) a person authorised to carry out the responsibilities of any of the key personnel if the position holder is absent from the position or cannot carry out the responsibilities of the position;
 - (iv) the formal reporting lines for a managerial or operational position with safety functions and responsibilities that reports directly to any of the key personnel;
 - (v) the operator's process for making changes that relate to the safe conduct and management of the operator's aerial work operations;
 - (vi) the kinds of aerial work operations the operator is authorised to conduct under the operator's aerial work certificate;
 - (vii) the kind of operations involving a Class D external load conducted by the operator, including beginning to operate that kind of operation (but not including ceasing to conduct that kind of operation);
 - (viii) for an aerial work operator that is not required to have either a training and checking system under regulation 138.125 or a safety management system under regulation 138.140—the flight rules under which the operator conducts the operator's aerial work operations (but not including starting operations under the visual flight rules if operations were already conducted under the instrument flight rules);
or
- (b) any of the following changes in relation to the aircraft used in the operator's aerial work operations:

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- (i) the operator first starts to use an aircraft for which a pilot of the aircraft would need a type rating for the aircraft and no other aircraft is already used by the operator that requires the same type rating;
 - (ii) the operator first starts to use an aircraft that is in a different category of aircraft (within the meaning of Part 61) compared to the category of aircraft already used by the operator;
 - (iii) the operator first starts to use an aircraft that is a multi-engine aeroplane or a multi-engine rotorcraft; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
- (i) the plans, processes, procedures, programs and systems for the safe conduct and management of the operator's aerial work operations;
 - (ii) the qualifications, experience and responsibilities required by the operator for any of the operator's key personnel;
 - (iii) any other aeronautical or aviation safety related services provided to the operator by third parties;
 - (iv) any leasing or other arrangements for the supply of an aeroplane or rotorcraft used in the operator's aerial work operations; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

138.015 Definition of *task specialist*

- (1) A ***task specialist***, for an aerial work operation, means a crew member for a flight:
- (a) who carries out a function for the flight relating to the aerial work operation; and
 - (b) who is not a flight crew member or an air crew member for the flight.
- (2) Despite subregulation (1), a ***task specialist***:
- (a) includes a crew member of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph; and
 - (b) does not include a crew member of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

138.020 Issue of Manual of Standards for Part 138

For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 138 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

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138.025 Approvals by CASA for Part 138

- (1) If a provision of this Part, or of the Part 138 Manual of Standards, refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for either of the following provisions:
 - (a) paragraph 138.090(2)(a);
 - (b) paragraph 138.100(3)(a).

Subpart 138.B—Certification

Division 138.B.1—Requirement for certification for certain operations

138.030 Requirement to hold aerial work certificate

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an aerial work operation (other than an aerial work operation covered by subregulation (2)); and
 - (b) the person does not hold an aerial work certificate that authorises the person to conduct the operation.
- (2) An aerial work operation in an aircraft is covered by this subregulation if either or both of the following apply:
 - (a) the operation is spotting or photography and no remuneration is received by any of the following for the operation:
 - (i) the pilot;
 - (ii) the person mentioned in subregulation (3);
 - (iii) a person or organisation on whose behalf the operation is conducted;
 - (b) the operation:
 - (i) is conducted over land owned or occupied by the person mentioned in subregulation (3); and
 - (ii) is not conducted over a populous area or public gathering; and
 - (iii) is not an external load operation involving the carriage of a person as an external load.
- (3) The person is:
 - (a) if the aircraft is required to be registered—the registered operator of the aircraft; or
 - (b) otherwise—the owner of the aircraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.B.2—Aerial work certificates

138.035 Application for aerial work certificate

- (1) A person may apply to CASA, in writing, for an aerial work certificate.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (b) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
 - (c) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (d) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
 - (e) the aerial work operations that the applicant proposes to conduct;
 - (f) a written undertaking that, if CASA issues the certificate, the organisation established by the applicant to conduct the applicant's proposed aerial work operations (the *applicant's organisation*) will:
 - (i) be capable of operating in accordance with the applicant's proposed operations manual and the civil aviation legislation; and
 - (ii) operate in accordance with the applicant's proposed operations manual and the civil aviation legislation.
- (3) The application must be accompanied by:
 - (a) a copy of the applicant's proposed operations manual; and
 - (b) if the applicant proposes to conduct operations mentioned in regulation 138.125—a copy of the applicant's proposed training and checking manual; and
 - (c) if the applicant proposes to conduct operations mentioned in regulation 138.140—a copy of the applicant's proposed safety management system manual.
- (4) The application must be signed by the person appointed, or proposed to be appointed, as the chief executive officer of the applicant's organisation.

138.040 Issue of aerial work certificate

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
 - (a) the applicant's proposed operations manual complies with regulation 138.155;
 - (b) the applicant can conduct the proposed aerial work operations safely and in accordance with its operations manual and the civil aviation legislation;
 - (c) the organisation established, or proposed to be established, by the applicant to conduct the applicant's proposed aerial work operations (the *applicant's*

- organisation**) is suitable to ensure that the operations can be conducted safely, having regard to the nature of the operations;
- (d) the chain of command of the applicant's organisation is appropriate to ensure that the operations can be conducted safely;
 - (e) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the operations safely;
 - (f) the facilities of the applicant's organisation are sufficient to enable the operations to be conducted safely;
 - (g) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the operations can be conducted safely;
 - (h) each of the key personnel appointed, or proposed to be appointed, to a position in the applicant's organisation:
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required by Division 138.B.4 for the position; and
 - (iii) has the qualifications and experience for the position (if any) required by the applicant's operations manual; and
 - (iv) has the additional qualifications and experience (if any) required by CASA under regulation 138.120 for the position.
- (2) For paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:
- (a) the applicant's proposed:
 - (i) operations manual; and
 - (ii) training and checking manual (if any); and
 - (iii) safety management system manual (if any);
 - (b) whether the applicant can comply with the proposed operations manual, training and checking manual and safety management system manual;
 - (c) the content of the undertaking mentioned in paragraph 138.035(2)(f);
 - (d) details of, and reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant under the law of a foreign country; or
 - (iii) an equivalent authorisation issued to the applicant by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the proposed operations;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For subparagraph (1)(h)(i), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 11.055(4).
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- (4) If CASA decides to issue the certificate, CASA must determine the aerial work operations the applicant is authorised to conduct, including any limitations or conditions in relation to the aerial work operations.
- (5) The certificate must include:
 - (a) the matters mentioned in subregulation (4); and
 - (b) a certificate reference number determined by CASA.

138.045 Approval of manuals

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed:

- (a) operations manual; and
- (b) training and checking manual (if any); and
- (c) safety management system manual (if any).

138.050 Conditions of aerial work certificates

- (1) Each of the following is a condition of an aerial work certificate issued to an aerial work operator:
 - (a) the operator must comply with:
 - (i) each provision of this Part that applies to the operator; and
 - (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
 - (iii) each other provision of the civil aviation legislation that applies to the operator's aerial work operations mentioned in the certificate;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of the civil aviation legislation that applies to the operator's aerial work operations mentioned in the certificate;
 - (c) each vacancy in the operator's key personnel must be:
 - (i) notified to CASA within the period specified in the operator's operations manual; and
 - (ii) filled within the period specified in the operator's operations manual;
 - (d) each of the operator's personnel must comply with each provision of the civil aviation legislation that applies to the operator's aerial work operations mentioned in the certificate;
 - (e) if the operator is an individual—the individual must be the chief executive officer of the operator's organisation;
 - (f) if the operator is required by regulation 138.125 to have a training and checking system:
 - (i) the positions of chief executive officer and head of training and checking may be occupied by the same person only if the operator holds an approval under regulation 138.025 for this subparagraph; and

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- (ii) the positions of head of operations and head of training and checking may be occupied by the same person only if the operator holds an approval under regulation 138.025 for this subparagraph;
 - (g) if the operator is required by regulation 138.140 to have a safety management system:
 - (i) the positions of chief executive officer and safety manager may be occupied by the same person only in an unforeseen circumstance, and only for the period mentioned in subregulation (2); and
 - (ii) the positions of head of operations and safety manager may be occupied by the same person only in an unforeseen circumstance, and only for the period mentioned in subregulation (2).
- (2) For subparagraphs (1)(g)(i) and (ii), the period is:
- (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 138.025 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

138.055 Compliance with conditions of aerial work certificates

- (1) An aerial work operator contravenes this subregulation if the operator contravenes a condition of its aerial work certificate.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.B.3—Changes relating to aerial work operators

138.060 Changes of name etc.

- (1) An aerial work operator contravenes this subregulation if the operator:
 - (a) makes a change mentioned in subregulation (2); and
 - (b) does not, before making the change:
 - (i) amend the operator's operations manual to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the operations manual clearly identifying the change.
- (2) For the purposes of paragraph (1)(a), the changes are the following:
 - (a) a change to the operator's name (including any operating or trading name) or contact details;
 - (b) if the address of the operator's operational headquarters is different from the operator's mailing address—a change to the address of the operator's operational headquarters.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.062 Application for approval of significant changes

- (1) An aerial work operator contravenes this subregulation if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
 - (b) CASA has not approved the significant change.
- (2) An aerial work operator contravenes this subregulation if:
 - (a) the operator makes a significant change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 138.155(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.
- (3) An aerial work operator contravenes this subregulation if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 138.155(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.
- (4) An application for approval of a significant change must:

- (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the operator's operations manual affected by the change, clearly identifying the change.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

138.064 Approval of significant changes

- (1) CASA must approve a significant change for an aerial work operator if satisfied that the requirements mentioned in subregulation 138.040(1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's operations manual covered by the application.

138.066 Changes must be made in accordance with process in operations manual

- (1) An aerial work operator contravenes this subregulation if:
 - (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process included in the operator's operations manual in accordance with paragraph 138.155(1)(m).
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.068 CASA directions relating to operations manual or key personnel

- (1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may direct an aerial work operator to change its operations manual:
 - (a) to remove particular information, procedures or instructions from the operations manual; or
 - (b) to include particular information, procedures or instructions in the operations manual; or
 - (c) to revise or vary the information, procedures or instructions in the operations manual.
- (2) CASA may direct an aerial work operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
 - (a) carrying out the responsibilities of the position; or
 - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:

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- (a) be in writing; and
 - (b) state the time within which the direction must be complied with.
- (4) An aerial work operator contravenes this subregulation if:
- (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the direction.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Division 138.B.4—Organisation and personnel

138.070 Organisation and personnel

- (1) An aerial work operator must maintain an organisational structure that effectively manages the operator's aerial work operations, taking into account the size, nature and complexity of the operations.
- (2) An aerial work operator contravenes this subregulation if any of the operator's key personnel carries out a responsibility of the person's position in a way that contravenes the operator's operations manual or this Subpart.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

138.075 Key personnel cannot carry out responsibilities

- (1) An aerial work operator contravenes this subregulation if:
 - (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 30 days; and
 - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).
- (2) For paragraph (1)(b), the time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.080 Familiarisation training for key personnel

An aerial work operator must ensure that, before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

138.085 Responsibilities and accountabilities of chief executive officer

- (1) The chief executive officer of an aerial work operator's organisation is responsible for the following:

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- (a) ensuring that, for the safe conduct of the operator's aerial work operations in accordance with the operator's aerial work certificate and operations manual, and the civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) sets and maintains standards for the operations in accordance with the operator's operations manual; and
 - (ii) complies with the civil aviation legislation; and
 - (iii) for each foreign registered aircraft (if any) used in the operations—maintains the aircraft in accordance with the law of the country in which the aircraft is registered; and
 - (iv) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
 - (v) has processes for identifying and addressing deficiencies in the operator's aerial work operations;
 - (c) if the operator is required to have a safety management system—ensuring that the operator:
 - (i) implements and manages the operator's safety management system; and
 - (ii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence;
 - (d) establishing and regularly reviewing the operator's safety performance indicators and targets;
 - (e) ensuring that the operator's operations manual is monitored and managed for continuous improvement;
 - (f) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
 - (i) the operator's operations manual; and
 - (ii) the civil aviation legislation.
- (2) The chief executive officer of an aerial work operator's organisation is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

138.090 Qualifications and experience of head of operations

- (1) The head of operations of an aerial work operator must:
 - (a) be qualified to pilot an aircraft in each kind of aerial work operation that the operator conducts; and
 - (b) hold the pilot type rating or class rating (within the meaning of Part 61) for the type or class of aircraft that is used to conduct the greatest proportion of the operator's aerial work operations; and
 - (c) have the experience required under subregulation (2); and

- (d) have a satisfactory record in the conduct or management of air operations;
and
 - (e) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's aerial work operations safely and in accordance with its operations manual and the civil aviation legislation.
- (2) For paragraph (1)(c), the experience required is:
- (a) if the operator holds an approval under regulation 138.025 for this paragraph—the experience mentioned in paragraph (3)(a) or (b); or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (3)(a) and (b).
- (3) For subregulation (2), the experience is the following:
- (a) at least 300 hours flight time on an aircraft of the category used to conduct the greatest proportion of the operator's aerial work operations;
 - (b) at least 6 months experience in the conduct or management of air operations.
- (4) CASA may, by written notice given to a head of operations, or a proposed head of operations, of an aerial work operator, direct the person to undertake an assessment mentioned in subregulation (5).
- (5) For subregulation (4), the assessment:
- (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate a person's suitability as head of operations for the operator;
and
 - (b) may include assessment in an aircraft or flight simulation training device.
- (6) In this regulation:
- category* has the meaning given by regulation 61.015.

138.095 Responsibilities of head of operations

- (1) The head of operations of an aerial work operator must safely manage the operator's aerial work operations.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
 - (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of the civil aviation legislation and the operator's operations manual that apply to the operations;
 - (b) setting and maintaining the operator's standards for the operations in accordance with the operator's operations manual;
 - (c) developing, managing and maintaining the operator's dangerous goods manual (if any);
 - (d) ensuring the proper allocation and deployment of aircraft and personnel for use in the operations;

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- (e) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;
- (f) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);
- (g) ensuring the operator's personnel understand the operator's safety policy;
- (h) if the operator is required to have a training and checking system—ensuring that training and checking of the operator's operational safety critical personnel (other than flight crew) conducted by or for the operator is conducted in accordance with the operator's operations manual.

138.100 Qualifications and experience of head of training and checking

- (1) This regulation applies to an aerial work operator that is required by regulation 138.125 to have a training and checking system.
- (2) The head of training and checking must:
 - (a) be qualified to fly each kind of aerial work operation that the operator conducts; and
 - (b) hold the pilot type or class rating (within the meaning of Part 61) for the type or class of aircraft used to conduct the greatest proportion of the operator's aerial work operations; and
 - (c) have the experience required under subregulation (3); and
 - (d) have a satisfactory record in the conduct or management of air operations; and
 - (e) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's aerial work operations safely and in accordance with its operations manual and the civil aviation legislation.
- (3) For paragraph (2)(c), the experience required is:
 - (a) if the operator holds an approval under regulation 138.025 for this paragraph—the experience mentioned in paragraph (4)(a) or (b); or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (4)(a) and (b).
- (4) For subregulation (3), the experience is the following:
 - (a) at least 300 hours flight time conducting training in an aircraft of the category used to conduct the greatest proportion of the operator's aerial work operations;
 - (b) at least 6 months experience in the conduct or management of air operations.
- (5) CASA may, by written notice given to a head of training and checking, or proposed head of training and checking, of an aerial work operator, direct the person to undertake an assessment mentioned in subregulation (6).
- (6) For subregulation (5), the assessment:

- (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of training and checking for the operator; and
- (b) may include assessment in an aircraft or flight simulation training device.

(7) In this regulation:

category has the meaning given by regulation 61.015.

138.105 Responsibilities of head of training and checking

- (1) This regulation applies to an aerial work operator that is required by regulation 138.125 to have a training and checking system.
- (2) The head of training and checking must safely manage the training and checking activities of the operator for the operator's flight crew.
- (3) Without limiting subregulation (2), the responsibilities of the head of training and checking include the following:
 - (a) ensuring that the operator complies with each provision of the civil aviation legislation that relates to the qualifications, training or checking of the operator's flight crew;
 - (b) reporting to the head of operations on the operator's compliance with the provisions mentioned in paragraph (a);
 - (c) ensuring that training and checking of flight crew conducted by the operator is conducted in accordance with the operator's training and checking manual;
 - (d) if the operator has a contract with a Part 142 operator for the Part 142 operator to conduct training or checking for the operator's flight crew:
 - (i) ensuring that each person who conducts the training or checking for the Part 142 operator is authorised under Part 61 to conduct the training or checking; and
 - (ii) ensuring that the training or checking is conducted in accordance with the aerial work operator's training and checking manual; and
 - (iii) telling the Part 142 operator, in writing, of any change in the aerial work operator's training and checking manual.

138.110 Experience of safety manager

- (1) This regulation applies to an aerial work operator that is required by regulation 138.140 to have a safety management system.
 - (2) The operator's safety manager must have:
 - (a) sufficient relevant experience in carrying out, or managing other persons in carrying out, air operations; and
 - (b) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement its safety management system in accordance with its operations manual; and
 - (c) a satisfactory record in the conduct or management of air operations; and
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- (d) sufficient safety and regulatory knowledge to enable the operator to conduct the operator's aerial work operations safely and in accordance with its operations manual and the civil aviation legislation.

138.115 Responsibilities of safety manager

- (1) This regulation applies to an aerial work operator that is required by regulation 138.140 to have a safety management system.
- (2) The operator's safety manager must manage the operator's safety management system.
- (3) Without limiting subregulation (2), the responsibilities of the safety manager include:
 - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
 - (c) managing the maintenance and continuous improvement of the safety management system.

138.120 Additional qualification and experience requirements for key personnel

- (1) This regulation applies to:
 - (a) an applicant for an aerial work certificate; or
 - (b) an aerial work operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
 - (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or
 - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
 - (a) the need to ensure that the applicant or operator can conduct safe aerial work operations in accordance with its operations manual and the civil aviation legislation;
 - (b) the nature and complexity of the operations;
 - (c) the leadership, management and standards-setting skills required by the person for the operations;
 - (d) how recently the person has used the person's aviation skills;

- (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

Division 138.B.5—Training and checking

138.125 Operators who are required to have a training and checking system

- (1) An aerial work operator who conducts one or more of the following must have a training and checking system:
 - (a) operations transporting marine pilots;
 - (b) operations in:
 - (i) multi-engine transport category rotorcraft with a maximum take-off weight of more than 3,175 kg; or
 - (ii) multi-engine aeroplanes with a maximum take-off weight of more than 5,700 kg; or
 - (iii) turbine-engine aeroplanes (other than turbine-engine propeller-driven aeroplanes);
 - (c) operations prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.
- (2) Despite subregulation (1), an aerial work operator is not required to have a training and checking system for an aerial work operation conducted in an aeroplane or a rotorcraft if circumstances prescribed by the Part 138 Manual of Standards apply to the aeroplane or rotorcraft and the operation.
- (3) The training and checking system must meet the requirements of regulations 138.130 and 138.135.

138.130 Requirements for flight crew

- (1) This regulation applies to an operator of an aeroplane or a rotorcraft if the operator is required, under regulation 138.125, to have a training and checking system.
- (2) Despite subregulation (1), this regulation does not apply in relation to the following:
 - (a) for an operator that is also a Part 141 operator—training that is authorised Part 141 flight training for the operator;
 - (b) for an operator that is also a Part 142 operator—training or checking that is an authorised Part 142 activity for the operator.
- (3) The operator's training and checking for flight crew, including recurrent training and line checking, must include the matters mentioned in subregulation (4).
- (4) The training and checking system must include the following:
 - (a) a description of how the training and checking is conducted by or for the operator;
 - (b) an auditable system for maintaining records of the results of the training and checking;
 - (c) procedures that ensure that each of the operator's flight crew:

- (i) completes training and checking in accordance with the training and checking system; and
 - (ii) is supervised effectively during training and checking;
 - (d) a description of:
 - (i) the operator's requirement for conversion training for flight crew; and
 - (ii) how the operator manages conversion training for flight crew;
 - (e) a description of the operator's requirement for differences training for flight crew;
 - (f) any additional training required to familiarise a flight crew member with their duties;
 - (g) a description of how the operator assesses the competence of a flight crew member to perform the duties assigned to the member for a flight;
 - (h) the remedial training requirements for flight crew;
 - (i) if the operator has a contract with a person for the person to conduct training or checking of flight crew for the operator:
 - (i) details of the person; and
 - (ii) details of the training or checking covered by the contract; and
 - (iii) details of how the operator ensures that the person is complying with the operator's training and checking system;
 - (j) for each kind of aeroplane or rotorcraft operated by the operator:
 - (i) the number of flight hours of supervised line flying as pilot in command a pilot must complete on that kind of aeroplane or rotorcraft to be qualified as pilot in command for the aeroplane or rotorcraft; and
 - (ii) the number of flight hours of supervised line flying as co-pilot a pilot must complete on that kind of aeroplane or rotorcraft to be qualified as a co-pilot for the aeroplane or rotorcraft.
- (5) Without limiting paragraph (4)(a), the description must include the following:
 - (a) details of the training resources used in the training and checking;
 - (b) details of the persons conducting the training and checking;
 - (c) for each position in the operator's organisation the holder of which has managerial or operational responsibilities under the system:
 - (i) selection criteria for the position; and
 - (ii) the responsibilities of the position; and
 - (iii) details of the training, assessment and certification of competence that must be completed before the position-holder begins carrying out the position-holder's responsibilities;
 - (d) for each kind of training conducted by or for the operator—the minimum number of check pilots and the minimum crew qualifications required by the operator for the training (if any);
 - (e) for each kind of training conducted by or for the operator—a course outline, detailed syllabus, standards to be met and record forms;
 - (f) the requirements that a person conducting conversion training, other than flying training and training conducted in a flight simulator, must meet;

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- (g) training checklists (if any) and the circumstances when use of a training checklist is permitted;
- (h) a description of the normal line operation covered by a line check;
- (i) command responsibility during flights for training and checking;
- (j) any general restrictions, specifications or safety precautions for training and checking (including in relation to fuel load, ballast and minimum weather conditions);
- (k) methods of conducting training and checking sequences including the following:
 - (i) the standards to be achieved;
 - (ii) training sequences for common faults;
 - (iii) the method of simulating emergencies or malfunctions;
- (l) the procedure to be followed when a standard is not met;
- (m) details of how the operator will address matters of high risk that are identified by the operator's safety management system.

138.135 Requirements for other operational safety-critical personnel

- (1) The training and checking system must include the following in relation to operational safety-critical personnel who are not flight crew:
 - (a) a description of how training and checking, including recurrent training, for the personnel is conducted by or for the operator;
 - (b) an auditable system for maintaining records of the results of the training and checking;
 - (c) the circumstances in which training is required to familiarise a member of the personnel with their duties;
 - (d) the remedial training requirements for the personnel;
 - (e) if the operator has a contract with a person for the person to conduct the training or checking for the operator:
 - (i) details of the person; and
 - (ii) details of the training or checking covered by the contract; and
 - (iii) details of how the operator ensures that the person is complying with the operator's training and checking system;
 - (f) if any of the training or checking is conducted by a member of the personnel—a description of the operator's system for training and assessing such personnel.
- (2) Without limiting paragraph (1)(a), the description must include the following:
 - (a) any general restrictions, specifications or safety precautions for the training and checking;
 - (b) for each kind of training conducted by or for the operator—a course outline, detailed syllabus, standards to be met and record forms;
 - (c) the procedure to be followed when a standard is not met.

Division 138.B.6—Safety management system

138.140 Operators who are required to have a safety management system

- (1) An aerial work operator who conducts one or more of the following must have a safety management system:
 - (a) aerial work operations transporting marine pilots;
 - (b) operations in:
 - (i) multi-engine transport category rotorcraft with a maximum take-off weight of more than 3,175 kg; or
 - (ii) multi-engine aeroplanes with a maximum take-off weight of more than 5,700 kg; or
 - (iii) turbine-engine aeroplanes (other than turbine-engine propeller-driven aeroplanes);
 - (c) operations prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.
- (2) Despite subregulation (1), an aerial work operator is not required to have a safety management system for an aerial work operation conducted in an aeroplane or a rotorcraft if circumstances prescribed by the Part 138 Manual of Standards apply to the aeroplane or rotorcraft and the operation.
- (3) The safety management system must meet the requirements of regulation 138.145.

138.145 Safety management system requirements

The safety management system must include the following matters:

- (a) a statement of the operator's safety policy and objectives, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers (including key personnel);
 - (iii) the appointment of safety management personnel;
 - (iv) coordination of an emergency response plan;
 - (v) safety management system documentation;
- (b) a safety risk management process, including:
 - (i) hazard identification processes; and
 - (ii) safety risk assessment and mitigation processes;
- (c) a safety assurance system, including details of processes for:
 - (i) safety performance monitoring and measurement; and
 - (ii) management of change; and
 - (iii) continuous improvement of the safety management system;
- (d) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication.

Division 138.B.7—Personnel fatigue management

138.150 Operators who are required to have a crew fatigue management system

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (2) The aerial work operator must have a system for managing crew fatigue that meets the requirements prescribed by the Part 138 Manual of Standards for the purposes of this subregulation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 138.B.8—Operations manuals

138.155 Content of operations manual

- (1) An operations manual for an aerial work operator must include the following:
 - (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the address of:
 - (i) the operator's operational headquarters; and
 - (ii) each of the operator's main operating bases;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines, including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Division 138.B.4 for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Division 138.B.4 for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person (if any) authorised to carry out the responsibilities of the position when the position holder is absent from the position or cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 138.085;
 - (g) an outline of the aerial work operations conducted by the operator under the operator's aerial work certificate;
 - (h) details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their aerial work operations in compliance with the civil aviation legislation;
 - (i) for each registered aircraft operated by the operator under their aerial work certificate—the kind of aircraft;
 - (j) for each foreign registered aircraft operated by the operator under their aerial work certificate—the kind of aircraft and its nationality;
 - (k) a description of the arrangements for managing the continuing airworthiness of the aircraft used by the operator under its aerial work certificate;
 - (l) for operators that are not required to have a safety management system under regulation 138.140—a description of the operator's safety policy;
 - (m) a description of the operator's process for making changes, including:

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- (i) identifying changes that are significant changes; and
- (ii) identifying changes that are not significant changes; and
- (iii) telling CASA and the operator's personnel of the changes;
- (n) a description of anything else required to be approved by CASA under these Regulations in relation to the operations mentioned in paragraph (g);
- (o) any other matter required to be included in the operations manual under these Regulations.

Note: The plans, processes, procedures, programs and systems mentioned in paragraph (h) may be set out in one or more operator manuals.

- (2) An aerial work operator contravenes this subregulation if the operator's operations manual does not comply with subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

138.157 Compliance with operations manual by operator

- (1) An aerial work operator contravenes this subregulation if the operator does not meet a requirement of the operator's operations manual.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.160 Compliance with operations manual by personnel

- (1) A member of an aerial work operator's personnel contravenes this subregulation if:
 - (a) the member is subject to a requirement in relation to an aircraft under the operator's operations manual; and
 - (b) the requirement relates to:
 - (i) the operation of the aircraft; or
 - (ii) the safety of the aircraft, or of a person on board the aircraft or in the vicinity of the aircraft; and
 - (c) the member does not meet the requirement.
- (2) An aerial work operator contravenes this subregulation if:
 - (a) a member of the aerial work operator's personnel is subject to a requirement in relation to an aircraft under the operator's operations manual; and
 - (b) the requirement relates to:
 - (i) the operation of the aircraft; or
 - (ii) the safety of the aircraft, or of a person on board the aircraft or in the vicinity of the aircraft; and

(c) the member does not meet the requirement.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

138.165 Providing personnel with operations manual

- (1) An aerial work operator contravenes this subregulation if:
- (a) the operator's operations manual relates to a duty or responsibility of a person who is a member of the operator's personnel; and
 - (b) the operator does not make the part of the operations manual that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.B.9—Records and documents

138.170 Personnel training and checking records

- (1) An aerial work operator contravenes this subregulation if:
 - (a) a person who is a member of the operator’s personnel undertakes a training activity, obtains a qualification or certificate relating to aerial work operations or gains flying experience; and
 - (b) the following records are not made within 21 days after the person undertakes the activity, obtains the qualification or certificate or gains the flying experience:
 - (i) the date the activity was undertaken, the qualification or certificate obtained or the flying experience gained;
 - (ii) if the activity was training or a check, flight test, flight review or assessment of competency—whether the training, check, flight test, flight review or assessment was successfully completed.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.175 Availability of records

- (1) An aerial work operator contravenes this subregulation if:
 - (a) the operator makes a record about a person under regulation 138.170; and
 - (b) the person requests that the record be made available to the person; and
 - (c) the operator does not make the record available to the person within 7 days after receiving the request.
- (2) An aerial work operator contravenes this subregulation if:
 - (a) a record is made under regulation 138.170; and
 - (b) the operator receives a request from another aerial work operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person’s records to another aerial work operator if requested; and
 - (d) the operator does not give a copy of the record to the other aerial work operator within 7 days after receiving the request.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

138.180 Copies of flight crew licences and medical certificates

- (1) An aerial work operator contravenes this subregulation if:
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- (a) a person who is a flight crew member of the operator's personnel exercises a privilege of the person's flight crew licence for the operator; and
- (b) the operator does not have the following:
 - (i) a copy of the person's flight crew licence;
 - (ii) a copy of the person's medical certificate.

Note: A reference to a flight crew licence or medical certificate includes a certificate of validation of an overseas flight crew licence or overseas medical certificate: see the definitions of *flight crew licence* and *medical certificate* in Part 1 of the Dictionary.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.185 Retention periods for personnel records

- (1) An aerial work operator contravenes this subregulation if:
 - (a) the operator is required under regulation 138.170 to make a record about a member of the operator's personnel, other than a member mentioned in subregulation (2) of this regulation; and
 - (b) the operator does not keep the record for the period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel.
- (2) An aerial work operator contravenes this subregulation if:
 - (a) the operator is required under regulation 138.170 to make a record about a member of the operator's personnel who carries out ground support duties; and
 - (b) the operator does not keep the record for the period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Division 138.B.10—Miscellaneous

138.195 Reference library

- (1) An aerial work operator contravenes this subregulation if the operator does not maintain a reference library that complies with subregulation (2).
- (2) For subregulation (1), the reference library must:
 - (a) include the following documents:
 - (i) all operational documents and material;
 - (ii) the civil aviation legislation that is relevant to the operator's aerial work operations;
 - (iii) the parts of the AIP that are relevant to the operations;
 - (iv) documents that include information about each kind of aircraft operated, and each kind of aerial work operation conducted, by the operator;
 - (v) any other material required for the reference library by the operator's operations manual; and
 - (b) be readily available to all members of the operator's personnel; and
 - (c) be up-to-date and in a readily accessible form; and
 - (d) include a system for notifying the operator's personnel of any updates to the documents mentioned in paragraph (a).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.200 Maximum period for use of foreign registered aircraft in Australian territory

- (1) An aerial work operator contravenes this subregulation if, in a period mentioned in subregulation (2), the operator uses a particular foreign registered aircraft to conduct aerial work operations in Australian territory on a consecutive number of days during that period that is more than:
 - (a) 90; or
 - (b) if the operator holds an approval under regulation 138.025 in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (2) The periods are:
 - (a) the 12 month period from the day the foreign registered aircraft first becomes available to conduct the aerial work operations in Australian territory; and
 - (b) each subsequent 12 month period.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 138.C—General

Division 138.C.1—General flight limitations

138.205 Permitted categories of aircraft for aerial work operations

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) the aircraft is operated for a flight involving an aerial work operation; and
 - (b) if the operation is covered by subregulation (2)—the aircraft is not type certificated in the normal, commuter or transport category; and
 - (c) if the operation is not covered by subregulation (2)—the aircraft is not type certificated in the normal, commuter, transport, restricted or utility category.
- (2) An operation is covered by this subregulation if the operation is one in which the aircraft carries an aerial work passenger.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.C.2—Operational documents

138.210 Compliance with flight manual

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.
- (2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if the aircraft is operated in a way during the flight that does not meet a requirement or limitation that:
 - (a) is set out in the aircraft flight manual instructions for the aircraft; and
 - (b) relates to the operation of the aircraft.
- (3) Subregulation (2) does not apply to a limitation or requirement if circumstances prescribed by the Part 138 Manual of Standards apply to the aircraft for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

138.215 Availability of checklists

- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that, before a crew member for the aircraft begins to carry out a duty of the crew member's position, the operator must make each checklist of normal, abnormal and emergency procedures for the aircraft that is relevant to the duty available to the crew member.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.C.3—Flight related documents

138.220 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

138.225 Availability of parts of operations manual

- (1) The operator of an aircraft for a flight contravenes this subregulation if the following parts of the aircraft operator's operations manual are not available to a crew member for the flight before the flight begins:
 - (a) a part that is relevant to the duties of the crew member for the flight;
 - (b) a part that is required for the conduct of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.C.4—Reporting and recording defects and incidents etc.

138.230 Procedures for reporting and recording defects etc.

An aerial work operator's operations manual must include procedures for the reporting and recording by a flight crew member for a flight of the aircraft of any of the following that occur during the flight:

- (a) an abnormal instrument indication;
- (b) abnormal behaviour by the aircraft;
- (c) exceedence of an operating limit specified in the aircraft flight manual instructions for the aircraft;
- (d) a defect in the aircraft.

Note: For other provisions dealing with aircraft defects, see Part 42 and regulation 37 of CAR.

138.235 Reporting and recording incidents

An aerial work operator's operations manual must include procedures for the reporting and recording by crew members of incidents relating to a flight of an aircraft for an aerial work operation that endanger, or could endanger, the safe operation of the aircraft.

Part 138 Aerial work operations

Subpart 138.C General

Division 138.C.5 Search and rescue services and emergency and survival equipment

Division 138.C.5—Search and rescue services and emergency and survival equipment

Note: This Division is reserved for future use.

Division 138.C.6—Miscellaneous requirements

Note: This Division is reserved for future use.

Part 138 Aerial work operations
Subpart 138.D Operational procedures
Division 138.D.1 Operational control

Subpart 138.D—Operational procedures

Division 138.D.1—Operational control

Note: This Division is reserved for future use.

Division 138.D.2—Flight preparation

138.265 Flight preparation requirements

An aerial work operator's operations manual must include procedures for complying with the following for a flight of an aircraft involving an aerial work operation:

- (a) the flight preparation (weather assessments) requirements;
- (b) the flight preparation (alternate aerodromes) requirements.

Division 138.D.3—Flight planning

138.270 Availability of flight planning information

- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) the pilot in command of the aircraft must have access to the information mentioned in subregulation (3) before and during the flight;
 - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
 - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
 - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.
- (3) The information is the following:
 - (a) authorised weather forecasts and authorised weather reports:
 - (i) in relation to the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight planning (alternate aerodromes) requirements—in relation to the destination alternate aerodrome;
 - (b) NOTAMs for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 138.D.4—Flight rules

138.275 Minimum height rules

Regulation 91.265, 91.267, 91.277 or 91.305 does not apply to a pilot in command of an aircraft for a flight involving an aerial work operation if:

- (a) circumstances prescribed by the Part 138 Manual of Standards for the purposes of this paragraph apply to the aircraft and the operation; or
- (b) requirements prescribed by the Part 138 Manual of Standards for the purposes of this paragraph are complied with in relation to the flight.

Division 138.D.5—Take-offs and landings

138.280 Procedures for safety at aerodromes

An aerial work operator's operations manual must include procedures to ensure the safety of persons in the vicinity of an aircraft when any of the following circumstances apply:

- (a) a person is embarking or disembarking the aircraft;
- (b) the aircraft is being loaded or unloaded;
- (c) the aircraft is on the ground with its engine or engines running;
- (d) the aircraft is landing or taking off at an aerodrome that is not a certified aerodrome.

Division 138.D.6—Fuel requirements

138.285 Fuel procedures

An aerial work operator's operations manual must include procedures to ensure that a flight of an aircraft operated by the operator is conducted in accordance with the requirements mentioned in subregulation 91.455(1).

138.290 Oil requirements

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if, when the flight begins, the aircraft is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.300 Hot fuelling

- (1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
 - (a) the aircraft is hot fuelled; and
 - (b) the following are not set out in the aircraft flight manual instructions for the aircraft or the operator's operations manual:
 - (i) procedures for the hot fuelling of the aircraft;
 - (ii) the circumstances in which the aircraft can be hot fuelled;
 - (iii) procedures to be followed if an emergency occurs during hot fuelling;
 - (iv) procedures to ensure a person involved in hot fuelling the aircraft is trained and competent to be involved in hot fuelling the aircraft.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) a requirement of a procedure mentioned in subparagraph (1)(b)(i), (iii) or (iv) is not met in relation to the hot fuelling of the aircraft for the flight; or
 - (b) the aircraft is hot fuelled in a circumstance that is not mentioned in subparagraph (1)(b)(ii).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

138.302 Fuelling safety procedures

- (1) An aerial work operator's operations manual must include the following in relation to an aircraft operated by the operator:
 - (a) procedures to ensure the aircraft is fuelled safely;

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- (b) procedures relating to the safety of:
 - (i) any aerial work passengers; and
 - (ii) crew members other than air crew members, cabin crew members or flight crew members;
who are embarking or disembarking, or on board, the aircraft during fuelling, including the procedures mentioned in subregulation (2);
 - (c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the aircraft while the aircraft is being fuelled—
procedures to ensure that, before an engine of the aircraft is started, any effects of radio frequency emissions from those devices have been corrected.
- (2) For the purposes of paragraph (1)(b), the procedures must include the normal, emergency and communication procedures to be followed by the following persons:
- (a) any air crew members;
 - (b) any cabin crew members;
 - (c) any flight crew members who are on duty in the cockpit of the aircraft;
 - (d) any of the operator's personnel who carry out a ground support duty for a flight of the aircraft.

Division 138.D.7—Carriage of passengers or cargo

138.305 Carriage of passengers—general

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (2) A person contravenes this subregulation if:
 - (a) the person is the operator, or the pilot in command, of an aircraft for a flight involving an aerial work operation; and
 - (b) a passenger is carried on the aircraft for the flight; and
 - (c) any of the following circumstances exist in relation to the flight:
 - (i) the passenger is not an aerial work passenger;
 - (ii) when the passenger is carried on the aircraft, the operator of the flight does not hold an aerial work certificate authorising the operation;
 - (iii) when the passenger is carried on the aircraft, the operator's operations manual does not include procedures to ensure the safety of the passenger;
 - (iv) any requirements about carrying the passenger that are prescribed by the Part 138 Manual of Standards for the purposes of this subparagraph are not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

138.320 Procedures for carriage of restricted persons

An aerial work operator's operations manual must state whether or not the operator will carry restricted persons as part of aerial work operations.

Division 138.D.8—Instruments, indicators, equipment and systems

138.340 Head-up displays, enhanced vision systems and synthetic vision systems

- (1) This regulation applies to an aircraft for a flight involving an aerial work operation if:
 - (a) the aircraft is fitted with any of the following systems:
 - (i) a head-up display;
 - (ii) an enhanced vision system;
 - (iii) a synthetic vision system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
- (2) An aerial work operator's operations manual must include the following:
 - (a) procedures for using each system mentioned in paragraph (1)(a) that is fitted to an aircraft for a flight mentioned in paragraph (1)(b);
 - (b) procedures for conducting such a flight without an element of the system, for use if the element is inoperative.

138.345 Survival equipment procedures

- (1) This regulation applies to a flight of an aircraft if:
 - (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the aircraft is required, under Subpart 138.K, to carry a life raft for the flight.
- (2) If an aircraft is, or will be, used to conduct a flight to which this regulation applies, an aerial work operator's operations manual must include the following:
 - (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
 - (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

138.350 NVIS flights

- (1) This regulation applies to a flight of an aircraft if:
 - (a) the flight involves use of a night vision imaging system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
 - (2) An aerial work operator's operations manual must include the following:
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- (a) procedures for using a night vision imaging system during a flight to which subregulation (1) applies;
 - (b) procedures for conducting such a flight without an element of a night vision imaging system, for use if the element is inoperative.
- (3) The Part 138 Manual of Standards may prescribe requirements for the use of a night vision imaging system for a flight of an aircraft.
- (4) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
- (a) a night vision imaging system is used during the flight; and
 - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Division 138.D.9—Miscellaneous

138.370 Operator must conduct risk assessments

- (1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (1) The Part 138 Manual of Standards may prescribe requirements relating to:
- (a) risk criteria that must be met to conduct an aerial work operation; and
 - (b) risk assessment and mitigation processes to be undertaken before conducting an aerial work operation.
- (2) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
- (a) a requirement mentioned in subregulation (1) applies for the flight; and
 - (b) the requirement is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

138.375 Wearing of seatbelts and other restraint devices

- (1) The Part 138 Manual of Standards may prescribe requirements relating to the wearing of seatbelts or other restraint devices during aerial work operations.
- (2) A person contravenes this subregulation if:
- (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

138.380 Procedures in relation to frost etc.

An aerial work operator's operations manual must include the following:

- (a) procedures for the inspection of the aircraft by the pilot in command before a flight for which frost or freezing conditions exist or are forecast;
- (b) procedures for carrying out de-icing and anti-icing measures before a flight for which these measures are necessary;
- (c) procedures for using de-icing and anti-icing equipment during a flight.

138.385 Procedures in relation to polar operations

- (1) This regulation applies to an aircraft if it is used to conduct a flight to or from an aerodrome in a polar region.
- (2) The aerial work operator's operations manual must include procedures for the following:
 - (a) monitoring and dealing with fuel freezing;
 - (b) ensuring communication capability for the duration of an operation that includes a flight mentioned in subregulation (1);
 - (c) training the aircraft's flight crew in polar operations;
 - (d) ensuring that maintenance personnel who will carry out maintenance on the aircraft in a polar region are appropriately trained;
 - (e) mitigating crew member and aerial work passenger exposure to cosmic radiation during solar flare activity;
 - (f) if the aircraft will not be flown over water during a flight mentioned in subregulation (1) and it is reasonably likely a normal or emergency landing will expose persons on the aircraft to the polar environment in a location without support personnel immediately available—ensuring that each person on the aircraft will wear a serviceable, cold-weather, anti-exposure suit;
 - (g) if the aircraft will be flown over water during a flight mentioned in subregulation (1) and it is reasonably likely that an emergency landing will expose the persons on the aircraft to a landing on or in water—ensuring that each person on the aircraft will wear an immersion suit that is appropriate for the temperatures in which the flight will be conducted;
 - (h) dealing with emergency landings, or instruments, indicators, equipment or systems becoming inoperative, while the aircraft is away from the base for an operation that includes a flight mentioned in subregulation (1).

Division 138.D.10—Rules for external load operations

138.400 Certain night operations prohibited unless operation is an emergency service operation or approved by CASA

- (1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (1) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if:
- (a) the operation is an external load operation at night; and
 - (b) the operation is not conducted as part of an emergency service operation; and
 - (c) the requirement in subregulation (2) is not met.
- (2) The requirement is that the operator must hold an approval under regulation 138.025 to conduct the operation at night.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.410 Manual of Standards may prescribe requirements for external load operations

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.
- (2) The Part 138 Manual of Standards may prescribe requirements relating to flights of aircraft involving external load operations.
- (3) Without limiting subregulation (2), the Part 138 Manual of Standards may prescribe classes of external loads.
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) The operator of an aircraft for a flight contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (4) or (5).

Penalty: 50 penalty units.

Division 138.D.11—Rules for dispensing operations

138.425 Manual of Standards may prescribe requirements for dispensing operations

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.
- (2) The Part 138 Manual of Standards may prescribe requirements relating to dispensing operations.
- (3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

Division 138.D.12—Rules for task specialist operations

138.430 Manual of Standards may prescribe requirements for task specialist operations

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.
- (2) The Part 138 Manual of Standards may prescribe requirements relating to flights of aircraft involving task specialist operations.
- (3) The pilot in command of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

138.432 Possessing and discharging firearms

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if:
 - (a) either or both of the following apply for the flight:
 - (i) a person carries or otherwise possesses a firearm on an aircraft;
 - (ii) a person discharges a firearm while on an aircraft; and
 - (b) a requirement prescribed by the Part 138 Manual of Standards for the purposes of this paragraph is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

- (4) This regulation applies despite regulations 91.160, 91.165 and 91.190.

Subpart 138.F—Performance

138.435 Take-off performance

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (2) The Part 138 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aircraft.
- (3) Without limiting subregulation (2), the Part 138 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the kinds of operations to be carried out during the flight;
 - (b) characteristics of the aerodrome at which the aircraft takes off;
 - (c) characteristics of the route flown by the aircraft;
 - (d) characteristics of the aerodrome at which the aircraft lands.
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (4) or (5).

Penalty: 50 penalty units.

138.440 Landing performance

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (2) The Part 138 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aircraft.
- (3) Without limiting subregulation (2), the Part 138 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) the aircraft's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aircraft lands;

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- (d) safety factor percentages to be applied.
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (5) The operator of an aircraft for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
 - (b) the requirement is not met for the flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (4) or (5).

Penalty: 50 penalty units.

Subpart 138.J—Weight and balance

138.450 Loading of aircraft

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.
- (2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, when the flight begins, the aircraft is loaded in a way that contravenes the aircraft's weight and balance limits.
- (3) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, during the flight, the aircraft ceases to be loaded in accordance with the aircraft's weight and balance limits.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

138.460 Weight and balance documents

- (1) The Part 138 Manual of Standards may prescribe the weight and balance documents that are required for flights involving aerial work operations, and requirements in relation to those documents.
- (2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, when the flight begins:
 - (a) weight and balance documents for the flight are required by the Part 138 Manual of Standards; and
 - (b) either:
 - (i) there are no weight and balance documents for the flight; or
 - (ii) the weight and balance documents for the flight do not comply with the requirements prescribed by the Part 138 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 138.K—Equipment

138.465 Requirements relating to equipment

- (1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (2) The Part 138 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to an aircraft; and
 - (b) the carrying of equipment on an aircraft; and
 - (c) equipment that is fitted to, or carried on, an aircraft.
- (3) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (2); and
 - (b) the requirement is not met.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Subpart 138.N—Flight crew

138.475 Composition, number, qualifications and training

- (1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.
- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
- (a) the composition of the aircraft's flight crew for the flight must comply with the aircraft flight manual instructions for the aircraft;
 - (b) if the aerial work operation is one for which the operator's operations manual requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (c) each flight crew member must:
 - (i) if the aircraft is an Australian aircraft—be authorised to pilot the aircraft during the flight under Part 61; or
 - (ii) if the aircraft is a foreign registered aircraft—be authorised to pilot the aircraft during the flight by the aircraft's State of registry;
 - (f) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (3).
- (3) The Part 138 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.480 Training for new or inexperienced flight crew members

An aerial work operator's operations manual must include the requirements that must be met for new or inexperienced flight crew members to be assigned to duty on the aircraft for an aerial work operation conducted by the operator.

138.485 Competence

- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
- (a) the operator assigns a person to duty as a flight crew member for the flight; and

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(b) the person has not been assessed by the operator as competent to perform the duties assigned to the person for the flight in accordance with the operator's operations manual.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.490 Assignment to duty of pilot in command

- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the aircraft for the flight.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.500 Qualification as pilot in command

- (1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

- (1) A pilot is qualified as pilot in command of an aircraft for a flight involving an aerial work operation if:

(a) the pilot is:

- (i) if the aircraft is an Australian aircraft—authorised under Part 61 to carry out, in relation to the flight, the duties assigned to the pilot by the operator of the flight; or
(ii) if the aircraft is a foreign registered aircraft—authorised by the aircraft's State of registry to carry out, in relation to the flight, the duties assigned to the pilot by the operator of the flight; and

(b) the pilot has the qualifications and experience required by the operator's operations manual (if any) for the flight; and

(c) the pilot has the qualifications and experience prescribed by the Part 138 Manual of Standards for the flight.

- (2) The pilot in command of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:

(a) the pilot performs a duty as pilot in command for the flight; and

(b) the pilot is not qualified under subregulation (1) as pilot in command for the flight.

- (2A) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:

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- (a) the operator assigns a pilot to duty as pilot in command of the aircraft for the flight; and
 - (b) the pilot is not qualified under subregulation (1) as pilot in command for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2) or (2A).

Penalty: 50 penalty units.

138.505 Training and checking to be conducted by certain persons

- (1) The operator of an aircraft contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel undertakes training or a check mentioned in this Subpart; and
 - (b) the training or check is conducted other than in accordance with subregulation (2).
- (2) The training or check must be conducted by:
- (a) an individual who:
 - (i) is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
 - (ii) meets the requirements prescribed by the Part 138 Manual of Standards; or
 - (b) a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the training or check for the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 138.P—Air crew members and task specialists

Division 138.P.1—Air crew members

138.535 Application of Division 138.P.1

This Division applies in relation to an operator of an aircraft for a flight involving an aerial work operation if an air crew member is carried on the aircraft for the flight.

138.540 Composition, number, qualifications and training

- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) if the aerial work operation is one for which the operator's operations manual requires the carriage of air crew members—those air crew members must be carried on the flight;
 - (b) each air crew member must meet the training and checking requirements for the air crew member and the flight mentioned in subregulation (3).
- (3) The Part 138 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.550 Training and checking to be conducted by certain persons

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) an air crew member of the operator's personnel undertakes training or a check mentioned in this Subpart; and
 - (b) the training or check is conducted other than in accordance with subregulation (2).
- (2) The training or check must be conducted by an individual:
 - (a) who is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
 - (b) who meets the requirements prescribed by the Part 138 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Division 138.P.1 Air crew members

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Penalty: 50 penalty units.

Division 138.P.2—Task specialists

138.575 Application of Division 138.P.2

This Division applies in relation to an operator of an aircraft for a flight involving an aerial work operation if a task specialist is carried on the aircraft for the flight.

138.580 Qualifications and training

- (1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) if the aerial work operation is one for which the operator's operations manual requires the carriage of task specialists—those task specialists must be carried on the flight;
 - (b) each task specialist must meet the training and checking requirements for the task specialist and the flight mentioned in subregulation (3).
- (3) The Part 138 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a task specialist for a flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.590 Training and checking to be conducted by certain persons

- (1) The operator of an aircraft contravenes this subregulation if:
 - (a) a task specialist of the operator's personnel undertakes training or a check mentioned in this Subpart; and
 - (b) the training or check is conducted other than in accordance with subregulation (2).
- (2) The training or check must be conducted by an individual:
 - (a) who is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
 - (b) who meets the requirements prescribed by the Part 138 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Part 139—Aerodromes

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- 139.965 When CASA must grant approval
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- 139.1005 Suspension or continued suspension of approval by show cause notice
- 139.1010 Grounds for cancellation of approval
- 139.1015 Notice to approved ARFFS provider to show cause
- 139.1020 Cancellation of approval after show cause notice
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Subpart 139.A—Preliminary

139.001 Simplified outline of this Part

- The operator of an aerodrome may apply to CASA for an aerodrome certificate. An aerodrome that has an aerodrome certificate is a certified aerodrome.
- Certain aerodromes are required to be certified. Generally these are aerodromes with terminal instrument flight procedures. Other aerodromes can opt to become certified.
- The operator of a certified aerodrome must meet certain requirements for operating and maintaining the aerodrome. The Part 139 Manual of Standards has detailed requirements (which may be different for different classes of aerodrome).
- An aerodrome (whether certified or not) that provides a frequency confirmation service or air/ground radio service must also meet certain requirements.
- Some objects, structures or emissions sources can create a hazard to aircraft operations at an aerodrome and more generally. CASA can make determinations that such things are hazards, and must be notified of proposed building or other activity that will potentially create such hazards.
- Providers of aerodrome rescue and firefighting services must be approved by CASA and must comply with operating and technical standards.

Note 1: **Aerodrome** is defined in section 3 of the Act. For the reference in that definition to an area being authorised under the regulations for use as an aerodrome, see also regulations 91.410 and 121.205.

Note 2: There are requirements relating to aerodromes that are not in this Part. For example:

- (a) aerodrome operators may have obligations about drug and alcohol management plans (Part 99), or as aeronautical data originators (Part 175); and
- (b) aerodromes may need to meet certain requirements to support operational rules that apply to aircraft operators and pilots (such as in Part 121).

Note 3: Other legislation apart from these Regulations may regulate aspects of aerodromes, such as the *Air Navigation Act 1920*, the *Airports Act 1996*, the *Air Services Act 1995*, the *Airspace Act 2007* and regulations made under those Acts.

139.005 Issue of Manual of Standards for Part 139

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 139 Manual of Standards; or

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- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

139.010 Approvals by CASA for Part 139

- (1) If a provision of this Part refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

139.015 Effect on operation of other laws

Nothing in this Part affects the operation of the following:

- (a) the *Airports (Building Control) Regulations 1996*;
- (b) the *Airports (Protection of Airspace) Regulations 1996*;
- (c) the *Airports (Control of On-Airport Activities) Regulations 1997*.

Subpart 139.B—Aerodrome certificates

139.020 Application for aerodrome certificate

- (1) A person may apply to CASA, in writing, for an aerodrome certificate for an aerodrome.
- (2) The application must be accompanied by a copy of the applicant's proposed aerodrome manual for the aerodrome.
- (3) Regulation 11.045 applies in relation to an aerodrome certificate.

139.025 When aerodromes are required to have an aerodrome certificate

- (1) The operator of an aerodrome must hold an aerodrome certificate for the aerodrome if:
 - (a) there is a terminal instrument flight procedure for the aerodrome; and
 - (b) the procedure is not only for use in a specialised helicopter operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

139.030 Grant of aerodrome certificate

Subject to regulation 11.055, CASA must grant an aerodrome certificate to an applicant if CASA is satisfied that:

- (a) the aerodrome facilities and equipment comply with this Part and the Part 139 Manual of Standards; and
- (b) the proposed aerodrome manual for the aerodrome complies with the requirements mentioned in regulation 139.045; and
- (c) the aerodrome complies with the requirements that apply in relation to the aerodrome under Division 139.C.4 (safety management, emergency preparedness and other systems); and
- (d) the applicant would, if the certificate were granted, be able to operate and maintain the aerodrome safely and in accordance with the aerodrome manual for the aerodrome and the civil aviation legislation.

139.035 Suspension or cancellation of aerodrome certificate by CASA

- (1) CASA may, by written notice given to the holder of an aerodrome certificate, suspend or cancel the certificate if CASA reasonably believes that:
 - (a) the aerodrome facilities and equipment do not comply with this Part or the Part 139 Manual of Standards; or
 - (b) the aerodrome manual for the aerodrome does not comply with the requirements mentioned in regulation 139.045; or

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- (c) the aerodrome does not comply with the requirements that apply in relation to the aerodrome under Division 139.C.4 (safety management, emergency preparedness and other systems); or
 - (d) the holder is not operating or maintaining the aerodrome safely and in accordance with the aerodrome manual for the aerodrome and the civil aviation legislation; or
 - (e) the holder has failed to operate and maintain the aerodrome with a reasonable degree of care and diligence; or
 - (f) a condition to which the certificate is subject has been breached; or
 - (g) the aerodrome facilities and equipment, or the operations or maintenance of the aerodrome, are not of the standard necessary in the interests of the safety of air navigation; or
 - (h) the holder has failed to comply with regulation 139.135.
- (2) Before suspending or cancelling an aerodrome certificate, CASA must:
- (a) give to the holder a show cause notice that:
 - (i) sets out the facts and circumstances that, in the opinion of CASA, would justify the suspension or cancellation; and
 - (ii) invites the holder to show cause, in writing, within 30 days after the date of the notice, why the certificate should not be suspended or cancelled; and
 - (b) take into account any written submissions that the holder makes to CASA within the time allowed under subparagraph (a)(ii).
- (3) Suspension or cancellation under this regulation has effect:
- (a) if a time is specified in the notice given by CASA under subregulation (1)—at that time; or
 - (b) otherwise—at the time the holder is given the written notice under subregulation (1).
- (4) Suspension under this regulation ceases to have effect:
- (a) if the notice given by CASA under subregulation (1) specifies a time at which the suspension is to cease—at that time; or
 - (b) otherwise—at the time CASA directs, by written notice to the person who, immediately before the suspension, was the holder of the aerodrome certificate.
- (5) If an aerodrome certificate is suspended under this regulation, the certificate is not in force during the period of the suspension.

139.040 Notification requirement if aerodrome ceases to be certified

- (1) The operator of an aerodrome contravenes this subregulation if:
- (a) the operator holds an aerodrome certificate for the aerodrome; and
 - (b) the aerodrome ceases to be a certified aerodrome because the aerodrome certificate has been suspended or cancelled under these Regulations or the Act; and

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- (c) the operator does not, as soon as possible after the cessation, give written notice of the cessation to:
 - (i) the AIS; and
 - (ii) if the aerodrome has one or more terminal instrument flight procedures—each certified designer (within the meaning of regulation 173.015) responsible for maintaining a terminal instrument flight procedure for the aerodrome.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 10 penalty units.

Subpart 139.C—Operation and maintenance of a certified aerodrome

Division 139.C.1—Aerodrome manual

139.045 Requirement to have aerodrome manual

- (1) The operator of a certified aerodrome must have an aerodrome manual for the aerodrome that complies with the requirements prescribed by the Part 139 Manual of Standards.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) the information that must be included in an aerodrome manual;
 - (b) keeping an aerodrome manual up-to-date;
 - (c) the accessibility of an aerodrome manual.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the operator does not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.050 Amendments of aerodrome manual

- (1) If the operator of a certified aerodrome amends the aerodrome manual for the aerodrome, the operator must:
 - (a) give CASA written notice of the amendment and a copy of the amended part of the aerodrome manual clearly identifying the amendment; and
 - (b) do so within 30 days after the amendment is made.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 5 penalty units.

139.055 Compliance with aerodrome manual

- (1) The operator of a certified aerodrome must operate the aerodrome in accordance with the procedures set out in the aerodrome's aerodrome manual.

Note: Section 3 of the Act defines *operate*, in relation to an aerodrome, to include manage, maintain and improve the aerodrome.

- (2) However, subregulation (1) does not apply to the operator if:

- (a) the operator does not comply with the procedures set out in the aerodrome's aerodrome manual; and
 - (b) the non-compliance is necessary to ensure the safety of aircraft, aircraft operations or individuals using the aerodrome; and
 - (c) the operator tells CASA of the non-compliance in accordance with regulation 139.060.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 25 penalty units.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

139.060 Notice of non-compliance with aerodrome manual

- (1) This regulation applies if the operator of a certified aerodrome does not comply with a procedure set out in the aerodrome's aerodrome manual as mentioned in paragraphs 139.055(2)(a) and (b).
- (2) The operator must tell CASA, in writing, of the non-compliance within 30 days after the non-compliance.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 5 penalty units.

Division 139.C.2—Aerodrome facilities and equipment

139.065 Aerodrome facilities and equipment

- (1) The Part 139 Manual of Standards may prescribe requirements relating to aerodrome facilities and equipment for certified aerodromes.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) the physical characteristics of the movement area of an aerodrome;
 - (b) visual aids for the movement area and other areas of an aerodrome;
 - (c) the maintenance of visual aids at an aerodrome;
 - (d) wind direction indicators at an aerodrome;
 - (e) visual approach slope indicator systems at an aerodrome;
 - (f) lighting systems at an aerodrome;
 - (g) reference code systems at an aerodrome;
 - (h) the installation, operation or maintenance of aerodrome facilities and equipment;
 - (i) access to an aerodrome, including requirements relating to fencing for the aerodrome;
 - (j) design requirements to avoid the creation of hazards from aircraft propulsion systems at an aerodrome.
- (3) The operator of a certified aerodrome must ensure that the aerodrome facilities and equipment for the aerodrome comply with the requirements mentioned in subregulation (1).
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.070 Planning and carrying out aerodrome works

- (1) The Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) planning aerodrome works at a certified aerodrome;
 - (b) giving notice of planned aerodrome works at a certified aerodrome;
 - (c) carrying out aerodrome works at a certified aerodrome.
- (2) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) The operator of a certified aerodrome must ensure that any aerodrome works at the aerodrome are carried out in a way that does not create a hazard to aircraft or cause confusion to pilots.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 10 penalty units.

Division 139.C.3—Aerodrome inspections, monitoring and reporting

139.075 Aerodrome inspections

- (1) The Part 139 Manual of Standards may prescribe requirements relating to aerodrome inspections.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) different kinds of inspections that must be conducted;
 - (b) aerodrome facilities and equipment that must be inspected as part of inspections;
 - (c) when inspections must be conducted;
 - (d) the qualifications and experience of persons conducting inspections;
 - (e) records of inspections that the operator of an aerodrome must keep;
 - (f) reports of inspections that the operator of an aerodrome must provide to CASA;
 - (g) notifications that the operator of an aerodrome must give to CASA in relation to matters identified in inspections.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.080 Reporting information to AIS providers

- (1) The Part 139 Manual of Standards may prescribe requirements relating to the operator of a certified aerodrome reporting information to an AIS provider.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) information that must be reported;
 - (b) the form and manner in which information must be reported;
 - (c) establishing procedures for reporting.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.085 Reporting changes or occurrences at aerodromes

- (1) The Part 139 Manual of Standards may prescribe requirements relating to reporting changes or occurrences at certified aerodromes.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) changes or occurrences at a certified aerodrome that must be reported;
 - (b) persons to whom changes or occurrences must be reported;
 - (c) how changes or occurrences must be reported;
 - (d) information that must be reported;
 - (e) the form and manner in which information must be reported;
 - (f) establishing procedures for reporting.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.090 Monitoring airspace and reporting infringements

- (1) The Part 139 Manual of Standards may prescribe requirements relating to:
 - (a) monitoring the airspace around a certified aerodrome for infringements, or potential infringements, of the airspace; and
 - (b) reporting such infringements, or potential infringements.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) monitoring the obstacle limitation surfaces of an aerodrome;
 - (b) monitoring other surfaces and obstacles associated with the airspace around an aerodrome;
 - (c) establishing procedures for monitoring;
 - (d) kinds of infringements that must be monitored for and reported;
 - (e) persons to whom infringements must be reported;
 - (f) how infringements must be reported;
 - (g) information that must be reported;
 - (h) the form and manner in which information must be reported;
 - (i) establishing procedures for reporting.
- (3) To avoid doubt, and without limiting subregulation (1) or (2), an infringement of airspace may include a gaseous efflux or other emissions source that affects the airspace.
- (4) The operator of a certified aerodrome contravenes this subregulation if:

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- (a) the operator is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 10 penalty units.

Division 139.C.4—Safety management, emergency preparedness and other systems

139.095 Safety management systems and risk management plans

- (1) The Part 139 Manual of Standards may prescribe:
 - (a) the circumstances in which a certified aerodrome must have a safety management system; and
 - (b) requirements relating to safety management systems for aerodromes; and
 - (c) the circumstances in which a certified aerodrome must have a risk management plan; and
 - (d) requirements relating to risk management plans for aerodromes.
- (2) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the Part 139 Manual of Standards requires the aerodrome to have a safety management system; and
 - (b) any of the following apply:
 - (i) the aerodrome does not have a safety management system;
 - (ii) a requirement mentioned in paragraph (1)(b) that applies in relation to the safety management system for the aerodrome is not met;
 - (iii) a procedure under the safety management system for the aerodrome is not complied with.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the Part 139 Manual of Standards requires the aerodrome to have a risk management plan; and
 - (b) either:
 - (i) the aerodrome does not have a risk management plan; or
 - (ii) a requirement mentioned in paragraph (1)(d) that applies in relation to the risk management plan for the aerodrome is not met.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 10 penalty units.

139.100 Emergency preparedness and aerodrome emergency plans

- (1) The Part 139 Manual of Standards may prescribe:
 - (a) requirements relating to emergency preparedness of aerodromes; and
 - (b) the circumstances in which a certified aerodrome must have an aerodrome emergency plan; and
 - (c) requirements relating to aerodrome emergency plans for aerodromes.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:

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- (a) maintaining and reviewing aerodrome emergency plans;
 - (b) conducting emergency exercises to test the adequacy of procedures and facilities provided for in an aerodrome emergency plan;
 - (c) keeping and retaining records of reviews of an aerodrome emergency plan and exercises conducted to test the plan.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
- (a) the operator is subject to a requirement relating to emergency preparedness mentioned in paragraph (1)(a); and
 - (b) the requirement is not met.
- (4) The operator of a certified aerodrome contravenes this subregulation if:
- (a) the Part 139 Manual of Standards requires the aerodrome to have an aerodrome emergency plan; and
 - (b) either:
 - (i) the aerodrome does not have an aerodrome emergency plan; or
 - (ii) a requirement mentioned in paragraph (1)(c) that applies in relation to the aerodrome emergency plan for the aerodrome is not met.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 10 penalty units.

139.105 Other aerodrome systems

- (1) The Part 139 Manual of Standards may prescribe:
- (a) a kind of system (other than a safety management system) that an aerodrome must have, including (but not limited to) the following:
 - (i) a wildlife hazard management system;
 - (ii) an airside vehicle control system;
 - (iii) an aircraft parking control system; and
 - (b) the circumstances in which a certified aerodrome must have a system of a kind mentioned in paragraph (a); and
 - (c) requirements relating to that kind of system.
- (2) The operator of a certified aerodrome contravenes this subregulation if:
- (a) the Part 139 Manual of Standards requires the aerodrome to have a system of a kind mentioned in paragraph (1)(a); and
 - (b) any of the following apply:
 - (i) the aerodrome does not have a system of that kind;
 - (ii) a requirement mentioned in paragraph (1)(c) that applies in relation to the system for the aerodrome is not met;
 - (iii) a procedure under the system for the aerodrome is not complied with.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 10 penalty units.

Division 139.C.5—Aerodrome personnel

139.110 Aerodrome personnel

Requirement to have personnel

- (1) The operator of a certified aerodrome must have personnel who carry out the responsibilities of the following positions for the aerodrome:
 - (a) accountable manager;
 - (b) reporting officer;
 - (c) if aerodrome works are being carried out at the aerodrome—works safety officer;
 - (d) any other position prescribed by the Part 139 Manual of Standards.
- (2) Without limiting subregulation (1):
 - (a) the personnel of an operator of a certified aerodrome may include any of the following persons:
 - (i) an employee of the operator;
 - (ii) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
 - (iii) an employee of a person mentioned in subparagraph (ii); and
 - (b) more than one person may carry out the responsibilities of a position mentioned in subregulation (1).
- (3) The operator of a certified aerodrome contravenes this subregulation if the operator does not have the personnel for the aerodrome mentioned in subregulation (1).
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 20 penalty units.

Accountable manager

- (5) The responsibilities of an accountable manager for a certified aerodrome are:
 - (a) ensuring that the operator of the aerodrome complies with the civil aviation legislation; and
 - (b) ensuring that the operator of the aerodrome operates and maintains the aerodrome safely and with a reasonable degree of care and diligence; and
 - (c) ensuring that the operator of the aerodrome operates and maintains the aerodrome in accordance with the aerodrome manual for the aerodrome.

Reporting officer

- (6) The responsibilities of a reporting officer for a certified aerodrome are:
 - (a) monitoring the serviceability of the aerodrome; and

- (b) reporting information to AIS providers as required under regulation 139.080; and
- (c) reporting changes or occurrences at the aerodrome as required under regulation 139.085; and
- (d) monitoring airspace and reporting as required under regulation 139.090.

Works safety officer

- (7) The responsibilities of a works safety officer for a certified aerodrome are ensuring aerodrome safety while aerodrome works are being carried out at the aerodrome.

139.115 Training etc. of aerodrome personnel

- (1) The Part 139 Manual of Standards may prescribe requirements relating to the training, knowledge, qualifications or experience of personnel carrying out the responsibilities of positions mentioned in subregulation 139.110(1).
- (2) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel for the aerodrome carries out the responsibilities of a position mentioned in subregulation 139.110(1); and
 - (b) the person does not meet the requirements relating to the position mentioned in subregulation (1) of this regulation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 20 penalty units.

139.120 Aerodrome personnel carrying out responsibilities

- (1) The Part 139 Manual of Standards may prescribe requirements relating to personnel carrying out the responsibilities of positions mentioned in subregulation 139.110(1).
- (2) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel for the aerodrome carries out the responsibilities of a position mentioned in subregulation 139.110(1); and
 - (b) the person does not meet a requirement relating to the position mentioned in subregulation (1) of this regulation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 20 penalty units.

Division 139.C.6—Aerodrome ground surveillance systems

139.125 Condition on aerodrome certificate to operate aerodrome ground surveillance system

Request by ATS provider for condition to be imposed or varied

- (1) An ATS provider for a certified aerodrome may request CASA:
 - (a) to impose a condition on the aerodrome certificate that an aerodrome ground surveillance system must operate in relation to one or more areas of the aerodrome; or
 - (b) if such a condition has been imposed on the aerodrome certificate—to vary the condition.
- (2) A request under paragraph (1)(a) must:
 - (a) specify the areas of the aerodrome in relation to which the aerodrome ground surveillance system is to operate; and
 - (b) include a safety assessment demonstrating that the use of an aerodrome ground surveillance system is necessary to ensure the safe control of aircraft and vehicles operating in those areas of the aerodrome.
- (3) A request under paragraph (1)(b) must:
 - (a) if the variation includes a change to the areas of the aerodrome in relation to which an aerodrome ground surveillance system operates—specify the changes to those areas; and
 - (b) include a safety assessment demonstrating that the requested variation in relation to the use of an aerodrome ground surveillance system is necessary to ensure the safe control of aircraft and vehicles operating in the relevant areas of the aerodrome.
- (4) Before making a request under subregulation (1), the ATS provider must consult the operator of the aerodrome in relation to the request.

CASA may impose or vary condition

- (5) CASA may, in accordance with regulation 11.067:
 - (a) impose the condition mentioned in subregulation (1) of this regulation on an aerodrome certificate; or
 - (b) if such a condition has been imposed on the aerodrome certificate—vary the condition.

Note: For breach of a condition imposed under regulation 11.067, see the offence in regulation 11.077.

- (6) The condition may include requirements relating to the aerodrome ground surveillance system to be operated.
- (7) The condition, or variation of the condition, may be different from the condition or variation requested by the ATS provider.

Notice of decisions etc.

- (8) If CASA decides to impose or vary the condition mentioned in subregulation (1):
 - (a) CASA must give notice of the decision to both the ATS provider and the holder of the aerodrome certificate; and
 - (b) the time the condition or variation takes effect must not be less than 6 months after the date of the notice of the decision.
- (9) If CASA decides to refuse a request from an ATS provider under subregulation (1), CASA must:
 - (a) give written notice of the decision, and the reasons for the decision, to the ATS provider; and
 - (b) do so as soon as practicable.

CASA's other powers to impose or vary conditions not affected

- (10) This regulation does not limit any other power of CASA to impose a condition on an aerodrome certificate or vary a condition of an aerodrome certificate.

Note: See for example the powers in regulations 11.056, 11.067 and 11.068.

139.130 Requirements for aerodrome ground surveillance systems

- (1) The Part 139 Manual of Standards may prescribe requirements relating to aerodrome ground surveillance systems.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) surveillance and communications equipment that must be installed on vehicles moving in areas of an aerodrome in which an aerodrome ground surveillance system operates;
 - (b) establishing procedures for vehicle movements in areas of an aerodrome in which an aerodrome ground surveillance system operates.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) it is a condition of the aerodrome certificate that an aerodrome ground surveillance system operate in relation to the aerodrome; and
 - (b) a requirement mentioned in subregulation (1) applies in relation to the aerodrome ground surveillance system; and
 - (c) the requirement is not met.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 25 penalty units.

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Division 139.C.7—Other matters

139.135 Access to aerodromes to conduct tests

- (1) The operator of a certified aerodrome must allow CASA to conduct tests of aerodrome facilities and equipment for the aerodrome, or operating procedures at the aerodrome, for the purpose of ensuring the safety of aircraft.
- (2) The operator must allow CASA access to any part of the aerodrome, any aerodrome facilities and equipment for the aerodrome or any of the operator's records relating to the aerodrome for the purposes of subregulation (1).
- (3) CASA:
 - (a) must give reasonable notice of any tests to be conducted to the operator; and
 - (b) must carry out the tests at a reasonable time.
- (4) The operation of regulation 305 of CAR is not limited by subregulation (1) or (2) of this regulation.

139.140 Requests for data from aerodrome operator

- (1) CASA may, by written notice given to the operator of a certified aerodrome, request the operator to provide aircraft movement data of a kind prescribed by the Part 139 Manual of Standards for the purposes of this subregulation.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe data relating to the following:
 - (a) the number of aircraft using the aerodrome;
 - (b) the type of aircraft using the aerodrome.
- (3) A person contravenes this subregulation if:
 - (a) CASA gives the person a request under subregulation (1); and
 - (b) the person does not comply with the request within the period mentioned in subregulation (4).
- (4) The person must comply with the request within:
 - (a) if paragraph (b) does not apply—28 days after the request is given; or
 - (b) if CASA specifies a longer period in the request—that period.
- (5) Subregulation (3) does not apply if:
 - (a) the person does not possess the data requested; and
 - (b) the person has taken all reasonable steps available to the person to obtain the data requested and has been unable to obtain the data.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

- (6) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.145 Requests for data from ATS providers

- (1) CASA may, by written notice given to an ATS provider, request the ATS provider to provide aircraft movement data of a kind prescribed by the Part 139 Manual of Standards for the purposes of this subregulation.
- (2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe data relating to the following:
- (a) the number of aircraft using an aerodrome;
 - (b) the type of aircraft using an aerodrome;
 - (c) the nature of the operations undertaken by aircraft at an aerodrome;
 - (d) the flight rules applying to aircraft at an aerodrome.
- (3) The ATS provider must comply with the request within:
- (a) if paragraph (b) does not apply—28 days after the request is given; or
 - (b) if CASA specifies a longer period in the request—that period.

Subpart 139.D—Aerodrome radiocommunication services

Division 139.D.1—Frequency confirmation system

139.150 Frequency confirmation systems for aerodromes

- (1) The Part 139 Manual of Standards may prescribe:
 - (a) the circumstances in which a certified aerodrome must have a frequency confirmation system for the aerodrome; and
 - (b) requirements relating to frequency confirmation systems for aerodromes.
- (2) The operator of an aerodrome contravenes this subregulation if:
 - (a) the aerodrome has a frequency confirmation system; and
 - (b) a requirement mentioned in paragraph (1)(b) that applies in relation to the frequency confirmation system for the aerodrome is not met.
- (3) The operator of a certified aerodrome contravenes this subregulation if:
 - (a) the Part 139 Manual of Standards requires the aerodrome to have a frequency confirmation system; and
 - (b) the aerodrome does not have a frequency confirmation system.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 10 penalty units.

Division 139.D.2—Air/ground radio service

139.155 Air/ground radio service must be approved

- (1) The operator of an aerodrome contravenes this subregulation if:
 - (a) there is an air/ground radio service for the aerodrome; and
 - (b) the operator does not hold an approval under regulation 139.010 for the air/ground radio service.
- (2) CASA may grant an approval mentioned in paragraph (1)(b) only if CASA is satisfied that the service meets the requirements for an air/ground radio service prescribed by the Part 139 Manual of Standards.
- (3) Regulation 11.045 applies in relation to approval of an air/ground radio service.
- (4) An air/ground radio service for which there is an approval mentioned in paragraph (1)(b) is a *certified air/ground radio service*.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 10 penalty units.

139.160 Requirements for operating certified air/ground radio service

Operator of radio service must hold approval

- (1) The operator of an aerodrome contravenes this subregulation if:
 - (a) there is a certified air/ground radio service for the aerodrome; and
 - (b) the service is operated by a person who does not hold an approval under regulation 139.010 to operate the service.
- (2) CASA may grant an approval mentioned in paragraph (1)(b) only if CASA is satisfied that the person meets the requirements for operating a certified air/ground radio service prescribed by the Part 139 Manual of Standards.

Part 139 Manual of Standards may prescribe requirements

- (3) The Part 139 Manual of Standards may prescribe requirements relating to the operation of certified air/ground radio services.
- (4) Without limiting subregulation (3), the Part 139 Manual of Standards may prescribe requirements relating to the following:
 - (a) the facilities to be provided for the operation of a certified air/ground radio service;
 - (b) when a certified air/ground radio service must be operating for an aerodrome;
 - (c) documenting operational procedures for a certified air/ground radio service;

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Regulation 139.160

- (d) information and notifications about a certified air/ground radio service for an aerodrome that the operator of the aerodrome must provide to the NOTAM Office.
- (5) The operator of an aerodrome contravenes this subregulation if:
 - (a) there is a certified air/ground radio service for the aerodrome; and
 - (b) a requirement mentioned in subregulation (3) applies in relation to the service; and
 - (c) the requirement is not met.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1) or (5).

Penalty: 10 penalty units.

Subpart 139.E—Hazards to aircraft operations

Division 139.E.1—Notifying potential hazards

139.165 Notifying CASA of certain proposed objects or structures

- (1) This regulation applies if a person proposes to construct or erect an object or structure that:
 - (a) will have a height of 100 metres or more above ground level; or
 - (b) will include an emissions source that generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
 - (c) is of a kind prescribed by the Part 139 Manual of Standards.
- (2) The person must, as soon as practicable after forming the intention to construct or erect the proposed object or structure, give written notice to CASA of the following:
 - (a) the proposal;
 - (b) the proposed height and location of the object or structure;
 - (c) if the object or structure includes an emissions source—the details of the velocity and location of the emissions;
 - (d) the proposed timeframe for constructing or erecting the object or structure;
 - (e) any other information about the proposal that is prescribed by the Part 139 Manual of Standards for the purposes of this paragraph.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 10 penalty units.

- (4) The kinds of objects or structures that may be prescribed by the Part 139 Manual of Standards under paragraph (1)(c) are not limited by paragraph (1)(a) or (b).

Note: See also Subpart 175.E in relation to requests for data about objects or structures that affect aviation safety.

139.170 Notifying CASA of activities that create certain emissions sources

- (1) This regulation applies if a person proposes to undertake an activity (other than constructing or erecting an object or structure) that will create an emissions source that:
 - (a) generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
 - (b) is of a kind prescribed by the Part 139 Manual of Standards.
- (2) The person must, as soon as practicable after forming the intention to undertake the proposed activity, give written notice to CASA of the following:
 - (a) the proposal;
 - (b) the proposed location of the activity;

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- (c) the proposed timeframe for undertaking the activity;
- (d) the details of the emissions source that will be created;
- (e) any other information about the proposal that is prescribed by the Part 139 Manual of Standards for the purposes of this paragraph.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 10 penalty units.

- (4) The kinds of emissions sources that may be prescribed by the Part 139 Manual of Standards under paragraph (1)(b) are not limited by paragraph (1)(a).

Division 139.E.2—Determination of hazards

139.175 Determination that certain existing objects, structures or emissions sources are a hazard to aircraft operations

- (1) CASA may determine, in writing, that an object or structure that:
 - (a) has a height of 100 metres or more above ground level; or
 - (b) includes an emissions source that generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
 - (c) is of a kind mentioned in regulation 139.185;is a hazard to aircraft operations.
- (2) CASA may determine, in writing, that an emissions source that:
 - (a) generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
 - (b) is of a kind mentioned in regulation 139.185;is a hazard to aircraft operations.
- (3) If CASA makes a determination under subregulation (1) or (2), CASA must:
 - (a) publish in the AIP or NOTAMS the particulars of the hazard to which the determination relates, unless the hazard is of a kind that the operator of a certified aerodrome is required to report under Division 139.C.3 (aerodrome inspections, monitoring and reporting); and
 - (b) if CASA can identify a person who owns, or is in occupation or control of, the object, structure or emissions source—give written notice of the determination to the person.

139.180 Determination that certain proposed objects, structures or emissions sources are a hazard to aircraft operations

- (1) If there is a proposal to construct or erect an object or structure that:
 - (a) will have a height of 100 metres or more above ground level; or
 - (b) will include an emissions source that generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
 - (c) is of a kind mentioned in regulation 139.185;CASA may determine, in writing, that the proposed object or structure will be a hazard to aircraft operations.
- (2) If there is a proposal to undertake an activity (other than constructing or erecting an object or structure) that will create an emissions source that:
 - (a) generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
 - (b) is of a kind mentioned in regulation 139.185;CASA may determine, in writing, that the proposed activity will be a hazard to aircraft operations.

Regulation 139.185

- (3) If CASA makes a determination under subregulation (1) or (2), CASA must give written notice of the determination to:
- (a) the person proposing to construct or erect the object or structure, or undertake the activity; and
 - (b) if the approval of an authority is required to construct or erect the object or structure, or undertake the activity—the authority.

139.185 Kinds of objects, structures or emissions sources that may be hazards

- (1) For the purposes of regulations 139.175 and 139.180, the Part 139 Manual of Standards may prescribe:
- (a) kinds of objects or structures that may constitute a hazard to aircraft operations; and
 - (b) kinds of emissions sources that may constitute a hazard to aircraft operations.
- (2) The kinds of objects or structures that may be prescribed by the Part 139 Manual of Standards under subregulation (1) are not limited by paragraph 139.175(1)(a) or (b) or 139.180(1)(a) or (b).
- (3) The kinds of emissions sources that may be prescribed by the Part 139 Manual of Standards under subregulation (1) are not limited by paragraph 139.175(2)(a) or 139.180(2)(a).

Note: For powers to remove or mark hazards affecting an aerodrome, see the following:

- (a) Division 9 of Part 9 of CAR;
- (b) the *Civil Aviation (Buildings Control) Regulations 1988*;
- (c) Part 12 of the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

Subpart 139.H—Aerodrome rescue and firefighting services

Note: As a signatory to the Chicago Convention, Australia is obliged to require, as part of its domestic law, that certain classes of airport provide rescue and firefighting services of an adequate standard. (See generally section 9.2 of chapter 9 of Annex 14 to the Chicago Convention.) To satisfy that obligation, this Subpart requires operators of aerodromes that have scheduled international traffic, or specified levels of domestic passenger traffic, to provide those services, and sets out the standards that apply to such services. Aerodromes that are not obliged to provide an ARFFS may choose to do so, and this Subpart will apply to a service so provided until the operator gives reasonable notice that it will no longer provide such a service.

Division 139.H.1—General

139.700 Applicability of this Subpart

- (1) This Subpart applies to aerodrome rescue and firefighting services.
- (2) This Subpart sets out:
 - (a) how a person receives approval as a provider of an aerodrome rescue and firefighting service; and
 - (b) the operating and technical standards applicable to such a service.

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as a provider of an aerodrome rescue and firefighting service.

- (3) This Subpart does not apply to:
 - (a) a person who is providing an aerodrome rescue and firefighting service in the course of his or her duties for the Defence Force; or
 - (b) any aerodrome rescue and firefighting service provided by the Defence Force.

139.705 Definitions for this Subpart

- (1) In this Subpart:

airside of an aerodrome has the same meaning as *airside* of an airport in the *Airports Act 1996*.

ARFFS means aerodrome rescue and fire-fighting service.

ARFFS operation means an operation undertaken in carrying out a function mentioned in paragraph 139.710(1)(a) or (b).

ARFFS provider for an aerodrome means the person or organisation that provides ARFFS for the aerodrome.

category of an aerodrome means its category worked out by the method set out in section 9.2 of chapter 9 of Annex 14 to the Chicago Convention.

ERSA means the part of AIP known as En Route Supplement Australia.

Regulation 139.710

Manual of Standards means the document called ‘Manual of Standards (MOS) – Subpart 139.H’ issued by CASA under regulation 139.712, as in force from time to time.

- (2) A reference in this Subpart to an AFC certificate of a particular level is a reference to:
- (a) a certificate of that level issued under the Australian Fire Competencies Scheme (that is, the training scheme administered by the Australian Fire Authorities Council); or
 - (b) a certificate accepted by CASA as indicating that the certificate holder has successfully completed a training program of a standard equivalent to that required for the issue of an AFC certificate of that level.

139.710 Functions of ARFFS

- (1) The functions of an ARFFS for an aerodrome are:
- (a) to rescue persons and property from an aircraft that has crashed or caught fire during landing or take-off; and
 - (b) to control and extinguish, and to protect persons and property threatened by, a fire on the aerodrome, whether or not in an aircraft.
- (2) Nothing in subregulation (1) prevents the ARFFS provider for an aerodrome from performing fire control services or rescue services elsewhere than on an aerodrome, but the provider must give priority to operations mentioned in subregulation (1).

139.711 Person not to provide service without approval

- (1) A person must not provide an ARFFS at an aerodrome unless the person is approved, under Division 139.H.5, to provide the ARFFS.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

139.712 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Subpart that provides for the following matters:
- (a) standards and criteria for the establishment and disestablishment of an ARFFS;
 - (b) standards relating to the procedures, systems and documents required for the provision of an ARFFS;
 - (c) standards for facilities and equipment used to provide an ARFFS;
 - (d) standards, including competency standards, minimum qualifications and training standards, for persons engaged in an ARFFS;
 - (e) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;

(f) any matter necessary or convenient to be provided for the effective operation of this Subpart.

Note: A Manual of Standards is a legislative instrument—see subsections 98(5A) and (5B) of the Act. It must be registered in accordance with the *Legislation Act 2003* and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

(2) CASA must give a copy of a notice about a Manual of Standards for this Subpart (being a notice referred to in subregulation 11.275(3) or regulation 11.280) to each ARFFS provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

139.715 Effect of Manual of Standards

- (1) If CASA sets out, in the Manual of Standards, a way of complying with a requirement of this Subpart, an ARFFS provider who uses that way is taken to have complied with the requirement unless the contrary is shown.
- (2) CASA may take the extent to which an ARFFS provider complies with the Manual into account in deciding whether the service provided by the provider is adequate.

Division 139.H.3—Requirements to be complied with by ARFFS provider

139.750 Requirements in this Division

A requirement in this Division for there to be a system or procedure to do something is a requirement that the system or procedure:

- (a) must exist; and
- (b) must be in use.

139.755 Definition for Division—*applicable standards and requirements*

- (1) In this Division:

applicable standards and requirements, for an aerodrome of a particular category, means:

- (a) for an aerodrome to which subregulation (2) applies—the standards and requirements for an aerodrome of its category set out in:
 - (i) Chapter 9 of Annex 14 to the Chicago Convention; and
 - (ii) the Manual of Standards; or
- (b) for any other aerodrome—the standards and requirements for an aerodrome of its category set out in the Manual of Standards.

- (2) This subregulation applies to:

- (a) an aerodrome from or to which an international passenger air service operates; and
- (b) any other aerodrome through which more than 350 000 passengers passed on air transport flights during the previous financial year.

- (3) In paragraph (2)(a):

international passenger air service means:

- (a) an international air service (within the meaning given by subsection 3(1) of the *Air Navigation Act 1920*) that carries passengers, other than a non-scheduled service (within the meaning given by that subsection); or
- (b) a non-scheduled passenger-carrying flight, or program of non-scheduled passenger-carrying flights, carried out under a permission granted under section 15D of the *Air Navigation Act 1920*; or
- (c) a non-scheduled passenger-carrying flight, or program of non-scheduled passenger-carrying flights, in a category in respect of which the Secretary to the Department has determined, under subsection 15A(3) of that Act, that such a permission is not required.

- (4) For paragraph (2)(b), the number of passengers that pass through an aerodrome is to be determined according to statistics published by the Department.

Note: **Department** means the Department administered by the Minister who administers these Regulations (see section 19A of the *Acts Interpretation Act 1901* as it applies because of section 13 of the *Legislation Act 2003*).

139.760 Inconsistency between Manual and chapter 9 of Annex 14

If a requirement of the Manual of Standards, as it applies to a particular aerodrome, is inconsistent with a requirement of chapter 9 of Annex 14 to the Chicago Convention, as it applies to that aerodrome, the requirement of the Manual prevails to the extent of the inconsistency.

139.765 Knowledge, equipment and expertise to deal with aviation hazards

An ARFFS provider must have the knowledge, equipment and expertise to deal with any hazard likely to arise during an aviation accident or incident, including any hazard mentioned in the Manual of Standards.

139.770 General obligation to maintain service

- (1) An ARFFS provider must ensure that the service is available during the period or periods published in ERSA as the period or periods of its availability.
- (2) Subregulation (1) does not prevent the level of protection provided during predictable periods of reduced activity at the aerodrome from being reduced, within the limit allowed by Chapter 9 of Annex 14 to the Chicago Convention.

139.771 Response time of ARFFS

- (1) An ARFFS must be able to meet the criteria for response time set out in Chapter 9 of Annex 14 to the Chicago Convention.
- (2) Subregulation (1) applies to an ARFFS whether or not Annex 14 to the Chicago Convention applies to the ARFFS.

139.772 Buildings and emergency facilities

- (1) An ARFFS provider for an aerodrome to which subregulation 139.755(2) applies must ensure that the necessary buildings and facilities for the service, including the following, are at the aerodrome:
 - (a) a fire station;
 - (b) communications facilities;
 - (c) facilities for the maintenance of vehicles and equipment;
 - (d) training facilities;
 - (e) storage facilities;
 - (f) if there is a body of water within 1 000 metres of a runway threshold—a boat ramp and boat launching facilities.
- (2) The ARFFS provider must ensure that those buildings and facilities comply with any applicable requirements (including requirements as to location) in the Manual of Standards.

Part 139 Aerodromes

Subpart 139.H Aerodrome rescue and firefighting services

Division 139.H.3 Requirements to be complied with by ARFFS provider

Regulation 139.773

- (3) The ARFFS provider must ensure that there is a facility, in accordance with the requirements of the Manual of Standards, for replenishing the water supply of a fire fighting vehicle.
- (4) The ARFFS provider must ensure that there are the appropriate emergency roads on the aerodrome in accordance with the requirements of the Manual of Standards.
- (5) An ARFFS provider must ensure that there are, at an aerodrome other than one to which subregulation 139.755(2) applies, the following facilities:
 - (a) a standby point for an emergency vehicle that will allow the vehicle to achieve the response time required by the Manual of Standards;
 - (b) storage for a reserve stock of extinguishing agents.

139.773 Officer in charge

- (1) An ARFFS provider must appoint, as officer in charge of ARFFS operations for an aerodrome, a person who is based at the aerodrome and who holds:
 - (a) for an aerodrome categorised as Category 6 or above—an AFC Advanced Diploma that meets the standards in the Manual of Standards; or
 - (b) for an aerodrome categorised as Category 5 or below—an AFC Diploma that meets the standards in the Manual of Standards.
- (2) In paragraphs (1)(a) and (b):

AFC means Australian Fire Competencies.

139.775 Notice about times service is available etc

- (1) An ARFFS provider must ensure that notice is published in ERSAs of the hours during which the service is available.
- (2) If for some reason (such as an emergency on the aerodrome) it becomes temporarily impossible to provide an ARFFS to the standard required by this Subpart, the provider must tell the Australian NOTAM Office:
 - (a) of the reduction in the service; and
 - (b) how long it is likely to be before the full service is restored.
- (3) The provider must tell CASA in writing of any proposed reduction in the standard of service that:
 - (a) will last longer than 24 hours; or
 - (b) reduces the standard of ARFFS provided at the airport concerned to a greater extent than is permissible under Chapter 9 of Annex 14 to the Chicago Convention.

139.780 Agreements with other fire fighting bodies

- (1) An ARFFS provider may make an arrangement:

- (a) for an aerodrome that is a joint user airport (within the meaning of the *Airports Act 1996*)—with the Defence Force for the provision of the ARFFS provider’s services to the Defence Force for the part of the aerodrome under the control of the Force; or
 - (b) with a State or Territory, or another person or body, for the services of the provider for firefighting or rescue in the State or Territory beyond the airside of the aerodrome concerned.
- (2) If a provider makes such an arrangement, the provider must ensure that it is recorded in writing.

139.785 Stock of fire extinguishing agents

- (1) There must be, on the aerodrome, a stock of fire-extinguishing agents of the kind or kinds, and meeting the performance standards, required by the applicable standards and requirements.
- (2) The fire-extinguishing agents must be held in at least the quantities required by those standards and requirements.

139.795 Extinguishing equipment and vehicles

- (1) There must be, on the aerodrome, vehicles and equipment for delivering extinguishing agent onto a fire.
- (2) There must be at least as many vehicles, and at least as much equipment, as required by the applicable standards and requirements.
- (3) Each vehicle or piece of equipment:
 - (a) must be capable of delivering extinguishing agent onto a fire at at least the rate required by the applicable standards and requirements; and
 - (b) must have at least the performance (in other respects) required by those standards and requirements.
- (4) The vehicles must carry ancillary equipment in accordance with the applicable standards and requirements.
- (5) Each vehicle and piece of equipment must be in good working order.
- (6) The vehicles must be of a colour permitted by the applicable standards and requirements.
- (7) The provider must keep maintenance instructions for each vehicle and each piece of the equipment, including all the information necessary to permit an appropriately qualified and technically competent person to carry out maintenance, performance monitoring, defect reporting, fault reporting and record-keeping on or for the vehicle or equipment.

Regulation 139.800

139.800 Other vehicles and equipment

- (1) There must be, at the aerodrome, enough vehicles and equipment (other than vehicles and equipment for delivering extinguishing agent onto a fire) to provide the service, in accordance with the applicable standards and requirements.
- (2) The performance of the vehicles and equipment must be in accordance with the applicable standards and requirements.
- (3) The vehicles must carry ancillary equipment in accordance with the applicable standards and requirements.
- (4) The provider must keep maintenance instructions for each piece of the provider's equipment, including all the information necessary to permit a technically competent person to carry out maintenance, performance monitoring, defect reporting, fault reporting and record-keeping on or for the equipment.

139.805 Vehicles and equipment for firefighting and rescue in difficult environments

- (1) If a significant proportion of aircraft movements at the aerodrome take place over water, swamp or another difficult environment, there must be appropriate vehicles, boats and equipment for firefighting and rescue in that environment within 1 000 metres of the threshold of each runway.
- (2) The vehicles, boats and equipment must be in at least the numbers and quantity required by the applicable standards and requirements.
- (3) The vehicles and boats must be of a colour required or permitted by the applicable standards and requirements.

139.810 Commissioning of certain equipment

An ARFFS provider must not begin to use a piece of operational equipment for the purpose of an ARFFS unless the equipment has been approved by CASA as conforming to specifications and any applicable standards, in accordance with the operator's aerodrome manual, and any applicable standards or requirements in the Manual of Standards.

139.815 Protective clothing and equipment

At the aerodrome there must be, for the firefighters and rescue personnel:

- (a) protective clothing that complies with:
 - (i) if there is a relevant Australian Standard (as in force immediately before this regulation commences)—that Standard; or
 - (ii) if there is no such Australian Standard—any relevant internationally recognised standard;in at least the quantity required by the applicable standards and requirements; and

- (b) other protective equipment in the quantity required by, and of a kind in accordance with, those standards and requirements.

139.820 Communications

- (1) There must be, on the aerodrome, sufficient communications equipment available to provide communication during an ARFFS operation.
- (2) The vehicles used for the service must carry suitable communications equipment.
- (3) A person who is required to operate the equipment must hold an aeronautical radio operator certificate.
- (4) The equipment must not interfere, when in use, with communications equipment used by the air traffic service at the aerodrome.

139.825 Test and maintenance equipment

- (1) The provider must have the necessary equipment and tools, in accordance with the applicable standards and requirements, to test and maintain the equipment used to provide the service.
- (2) If the applicable standards and requirements require particular test or maintenance equipment, particular kinds of test or maintenance equipment, or particular numbers or quantities of a particular type of test or maintenance equipment, the provider must have that equipment or that number or quantity of that type of equipment.

139.830 Commissioning of new vehicles and equipment

The provider must not put a new vehicle, or a new item of equipment that affects the quality or rate of discharge of extinguishing agent, into service unless:

- (a) the vehicle or equipment has been approved by CASA, for conformity to specification and the applicable standards and requirements, in accordance with the provider's operations manual; and
- (b) CASA has acknowledged that the vehicle or equipment meets the applicable standards and requirements; and
- (c) any necessary personnel training has been completed.

139.835 Number of operating personnel

- (1) During any period announced in ERSA as a period during which ARFFS is available at an aerodrome, there must be enough trained personnel available at the aerodrome to operate the equipment and vehicles required to provide the service at full capacity.
- (2) Those personnel must be stationed at places that allow the ARFFS to respond to an emergency at least as quickly as required by the applicable standards and requirements.

Regulation 139.840

139.840 Medical standard of firefighters

- (1) The people employed as firefighters must meet the medical standard for firefighters set out in the Manual of Standards.
- (2) There must be a system of continuing medical checks for the people employed as firefighters that ensures that the ARFFS provider knows whether or not those people continue to meet that standard.

139.845 Qualifications and training of firefighters

- (1) The people employed as firefighters must already be trained to at least AFC Certificate 2 standard, or, if for a particular position the Manual of Standards specifies a higher standard, that higher standard.
- (2) Before being used in any operational capacity, those people must also receive, or have received, appropriate training in dealing with hazards specific to aviation accidents and incidents, to the extent that such training is not part of the training required for an AFC Certificate 2.
- (3) The people employed as firefighters must receive appropriate training to familiarise them with local conditions.
- (4) There must be ongoing training for the people employed as firefighters to ensure that they continue to meet that standard.
- (5) If a significant proportion of aircraft movements at the aerodrome take place over water, swamp or another difficult environment, the firefighters must be appropriately trained to carry out their functions in that environment.

139.850 Operations manual

- (1) There must be an operations manual for the service that complies with the standards set out in the Manual of Standards.
- (2) The operations manual must include a chart showing the organisations that provide services to the provider, setting out the roles and responsibilities of those organisations and how those roles and responsibilities affect the Aerodrome Emergency Procedures for the aerodrome concerned.
- (3) The operations manual must be kept up to date.
- (4) Each of the provider's employees must have ready access to an up-to-date copy of the operations manual.
- (5) The provider must give CASA a copy of the operations manual, and of any changes to it.
- (6) There must be an up-to-date copy of the operations manual at each operational station.
- (7) The provider must comply with the requirements of the operations manual.

139.855 Amendment of operations manual

- (1) An ARFFS provider may amend its operations manual, but an amendment is of no effect until approved in writing by CASA.
- (2) CASA may direct an ARFFS provider to amend its operations manual in a way specified in the direction.
- (3) The provider must comply with the direction.

139.860 Voice data recording

There must be a system to record electronically, in accordance with the standards or requirements set out in the Manual of Standards, any voice communication by radio or telephone in the course of an ARFFS operation.

139.865 Record of accidents or incidents

There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to record the details of any aircraft accident or incident, or building fire, in relation to which the service is required to take any action.

139.870 Contingency plan

- (1) There must be a plan, in accordance with the standards or requirements set out in the Manual of Standards, of the procedures to be used in the event of an emergency that results, or may result, in the service being interrupted.
- (2) The plan must include at least the following:
 - (a) actions to be taken by firefighters and rescue personnel;
 - (b) possible alternative arrangements for providing the service (including arrangements for procuring any necessary replacement vehicles or spare parts, or supplies of extinguishing materials);
 - (c) notification procedures;
 - (d) procedures for re-establishing normal services.

139.875 Records management

- (1) There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to collect, index, store and maintain the records relating to the service.
- (2) The records must include:
 - (a) voice records made under regulation 139.860; and
 - (b) records of accidents or incidents made under regulation 139.865.
- (3) A record must be kept for 5 years (or a shorter period specified for the particular kind of record in the Manual) after the date to which it relates.

Regulation 139.880

139.880 Organisation

The provider must, at all times, maintain an appropriate organisation with a sound and effective management structure, having regard to the nature of the service it provides.

139.885 System for rectification of service failures

There must be a system, in accordance with the standards or requirements in the Manual of Standards, to rectify any failure that results or may result in an interruption in the service or a reduction in the standard of the service.

139.890 Quality control

There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to ensure that the service complies with the requirements of this Subpart.

139.895 Change management

There must be a system, in accordance with the Manual of Standards, to manage changes in:

- (a) equipment and procedures; and
- (b) what the service does; and
- (c) the level or kinds of service provided; and
- (d) the way the service is provided.

139.900 Safety management

There must be a safety management system for the service, in accordance with the standards or requirements in the Manual of Standards, including the policies, procedures and practices necessary to provide the service safely.

139.905 Applicant's organisation

- (1) The provider must tell CASA in writing:
 - (a) who its managers are; and
 - (b) its organisational structure; and
 - (c) how many staff of each class it uses to provide the service.
- (2) The provider must tell CASA in writing about any change in a matter mentioned in paragraph (1)(a), (b) or (c) within 14 days after the change.

139.910 Telling users and CASA about changes

- (1) There must be a procedure, in accordance with the standards and requirements in the Manual of Standards, for an ARFFS provider to give, to aerodrome users, safety-related information about changes, faults or interruptions to the service.

- (2) The procedure must comply with CASA's requirements for reporting information to the Aeronautical Information and Data Service and the Australian NOTAM Office.
- (3) If the provider fails, for a period of 24 hours or longer, to provide the service at the standard required by Division 139.H.3, the ARFFS provider for the aerodrome must tell CASA in writing as soon as practicable:
 - (a) why the service is not being provided at that standard; and
 - (b) how long it is likely to be before the service can be resumed; and
 - (c) what action the service provider has taken and will take to resume the service at that standard.

Division 139.H.4—Conduct of ARFFS operations

139.915 Powers of officer in charge or firefighter

- (1) In this regulation:

firefighter, in relation to an ARFFS operation for an aerodrome, means:

- (a) somebody employed as a firefighter by the ARFFS provider for the aerodrome; or
- (b) a member of a fire brigade, or of a rescue or fire fighting service, who is taking part in the operation in accordance with an arrangement made with such a brigade or service.

officer in charge, in relation to an ARFFS operation for an aerodrome, means:

- (a) the person appointed under regulation 139.773 as officer in charge of ARFFS operations at the aerodrome; or
- (b) if, in accordance with an arrangement made with a fire brigade, or a rescue or fire fighting service, the person in control of the operation is a member of such a brigade or service—that person.

volunteer, in relation to an ARFFS operation, means somebody who has volunteered to help in the operation under the direction of the officer in charge.

- (2) For an ARFFS operation for an aerodrome under this Subpart, the officer in charge may:

- (a) give directions that he or she thinks proper to firefighters and volunteers under his or her control; and
- (b) take measures that he or she thinks proper.

- (3) Without limiting paragraph (2)(b), the officer in charge may do the following things for the purpose of the ARFFS operation:

- (a) enter (by force, if necessary), take possession of and deal with in any appropriate way, premises, an aircraft or other property;
- (b) close a road or other thoroughfare to traffic;
- (c) use a convenient water supply (including shutting off water supply from a main or pipe to obtain greater pressure or supply);
- (d) disconnect electricity supply to premises;
- (e) remove flammable, explosive or other dangerous material from premises, an aircraft or other property;
- (f) order a person to leave premises, an aircraft or other property;
- (g) remove from the vicinity of the operation a person or thing the presence of whom or which is interfering, or is likely to interfere, significantly with the operation;
- (h) take a fire engine or other fire appliance onto land or premises;
- (i) shore up or destroy a wall or building that is insecure or may be dangerous to persons or property;

- (j) direct or authorise a firefighter or a volunteer to do something that, under this regulation, the officer may do.
- (4) For an ARFFS operation, a firefighter may do something mentioned in paragraph (3)(a), (b), (c), (d), (e), (f) or (h) without authorisation under paragraph (3)(j) if there are reasonable grounds for believing that, for the operation:
- (a) it is necessary or desirable to do the thing; and
 - (b) it is not practicable for him or her to get authorisation to do so.
- (5) A person is guilty of an offence punishable by a fine of 10 penalty units if he or she fails to comply with:
- (a) a direction of the officer in charge under paragraph (3)(f); or
 - (b) a direction of the kind mentioned in that paragraph, given by a firefighter or volunteer, if:
 - (i) the firefighter or volunteer has been authorised under paragraph (3)(j) by the officer in charge to give it; or
 - (ii) the conditions in paragraphs (4)(a) and (b) are satisfied in relation to the direction.

Regulation 139.920

Division 139.H.5—Administration

139.920 Definition for Division

In this Division:

show cause notice means a notice under regulation 139.1015.

139.925 How to apply for approval as ARFFS provider

- (1A) An eligible person may apply to CASA for approval as an ARFFS provider.
- (1) A person is eligible to apply for approval as an ARFFS provider if:
- (a) the person is mentioned in column 2 of an item in table 139.925; and
 - (b) the application relates to an aerodrome mentioned in column 3 of that item.
- (2) The application must be in writing.
- (3) The application:
- (a) must set out the applicant's name and address; and
 - (b) if the applicant is a corporation (within the meaning given by the *Corporations Act 2001*)—must set out the applicant's registered address and ACN and the names and addresses of its officers.
- (4) In paragraph (3)(b):
- officer* has the meaning given by section 9 of the *Corporations Act 2001*.
- (5) The applicant must include with the application:
- (a) a copy of the applicant's operations manual, prepared as if the applicant were an approved provider; and
 - (b) information that will enable CASA to decide whether or not the applicant is of sound financial standing; and
 - (c) a statement of the intended location and category of the service to be provided.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Table 139.925

Item	Applicant	Aerodrome
1	the Commonwealth	any aerodrome
2	AA	any aerodrome
2A	Delta Fire Service Pty. Ltd.	Townsville Airport
3	Broome Airport Services Pty Ltd	Broome International Airport
4	Administration of Norfolk Island	Norfolk Island International Airport

Table 139.925

Item	Applicant	Aerodrome
5	a person who is to provide an ARFFS at a particular aerodrome: (a) in cooperation with AA, in accordance with paragraph 11(3)(b) of the <i>Air Services Act 1995</i> ; or (b) by arrangement with AA, in accordance with paragraph 11(3)(c) of the <i>Air Services Act 1995</i>	the aerodrome mentioned in column 2
6	a person who is to provide an ARFFS in accordance with an arrangement mentioned in paragraph 216(1)(e) of the <i>Airports Act 1996</i>	the aerodrome specified in the arrangement mentioned in column 2

139.965 When CASA must grant approval

- (1) Subject to regulation 11.055 and subregulation (3), if a person has applied for approval as an ARFFS provider under this Subpart, CASA must grant the approval.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

 - (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (3) CASA may approve an application only if CASA approves the applicant's draft operations manual.
- (4) CASA must not approve the draft operations manual unless the draft manual complies with the relevant requirements in the Manual of Standards.
- (6) Without limiting regulations 11.056 and 11.067, if the application is made by a person mentioned in column 2 of item 1, 2, 5 or 6 of Table 139.925 in relation to an ARFFS at the corresponding aerodrome, CASA may impose any condition necessary to give effect to an arrangement mentioned in subsection 11(3) of the *Air Services Act 1995*.

139.970 When decision must be made

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035 or 11.040, the time between when CASA makes the request, and when the applicant's officer or officers participates or participate in the interview, or gives CASA the information or copy requested, does not count towards the period.
- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.

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- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.

139.995 Application for variation of approval

- (1) An approved ARFFS provider may apply to vary its approval.
(2) Regulations 139.965 and 139.970 apply to the application.

Note: Part 11 also contains provisions relating to an application for variation of approval.

139.1005 Suspension or continued suspension of approval by show cause notice

- (1) CASA may state, in a show cause notice, that the approval as an approved ARFFS provider of the ARFFS provider concerned is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended:
- (a) if the approval is already suspended when the show cause notice is given to the holder—the approval continues to be suspended until CASA revokes the suspension, or the suspension lapses under subregulation (4); or
 - (b) the approval is suspended from when the notice is given to the approved ARFFS provider concerned.
- (3) CASA may revoke the suspension at any time.
(4) If CASA has not cancelled the approval within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

139.1010 Grounds for cancellation of approval

It is grounds for the cancellation of the approval of an approved ARFFS provider if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) has otherwise been guilty of conduct that renders the holder's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

139.1015 Notice to approved ARFFS provider to show cause

- (1) CASA may give an approved ARFFS provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the approval.
- (2) A show cause notice must:
 - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
 - (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

139.1020 Cancellation of approval after show cause notice

- (1) CASA may cancel an approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the holder a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an approved ARFFS provider, and it decides not to cancel the approval, it:
 - (a) must tell the provider in writing of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

139.1022 Cancellation if holder ceases to provide ARFFS

- (1) CASA must cancel the approval of a person mentioned in column 2 of item 3 or 4 of Table 139.925 if the person ceases to be an ARFFS provider for the aerodrome mentioned in column 3 of the item.
- (2) CASA must cancel the approval of a person mentioned in column 2 of item 5 of Table 139.925 if the cooperation or arrangement mentioned in that item ceases.
- (3) CASA must cancel the approval of a person mentioned in column 2 of item 6 of Table 139.925 if the arrangement mentioned in that item ceases.

Part 141—Recreational, private and commercial pilot flight training, other than certain integrated training courses

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Subpart 141.A—General

141.005 What Part 141 is about

This Part:

- (a) deals with the conduct of recreational, private and commercial pilot flight training, other than certain integrated training courses; and
- (b) makes provision for applicants for, and holders of, Part 141 certificates.

141.010 Aircraft and flight simulation training devices to which Part 141 applies

- (1) This Part applies only to the following:
 - (a) an aeroplane, rotorcraft or airship that is permitted by its flight manual to be flown by one pilot;
 - (b) an aeroplane, rotorcraft or airship covered by a type rating mentioned in a legislative instrument under regulation 142.045;
 - (c) a flight simulation training device for an aircraft mentioned in paragraph (a) or (b).
- (2) Accordingly, a reference in this Part to an *aircraft* is a reference to an aeroplane, rotorcraft or airship mentioned in paragraph (1)(a) or (b).

141.015 Definitions of *Part 141 flight training, authorised Part 141 flight training, Part 141 operator and Part 141 certificate*

- (1) *Part 141 flight training* is any of the following that is conducted in an aircraft or flight simulation training device:
 - (a) training for the grant under Part 61 of a private pilot licence or commercial pilot licence that is not an integrated training course;
 - (b) training for the grant under Part 61 of a recreational pilot licence;
 - (c) training, other than training conducted as a multi-crew operation, for the grant under Part 61 of a flight crew rating other than a type rating;
 - (d) training for the grant under Part 61 of a type rating mentioned in a legislative instrument under regulation 142.045;
 - (e) training, other than training conducted as a multi-crew operation, for the grant under Part 61 of a flight crew endorsement other than:
 - (i) a design feature endorsement; or
 - (ii) a flight activity endorsement;
 - (f) training, other than training conducted as a multi-crew operation, that is given as part of a flight review;
 - (g) differences training:
 - (i) that is required as mentioned in regulation 61.780 or 61.835 for a variant covered by a type rating mentioned in a legislative instrument under regulation 142.045; and

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-
- (ii) that is not conducted by an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138.
 - (2) **Authorised Part 141 flight training**, for a Part 141 operator, is Part 141 flight training mentioned in the operator's Part 141 certificate.
 - (3) A **Part 141 operator** is the holder of a Part 141 certificate.
 - (4) A **Part 141 certificate** is a certificate issued under regulation 141.060.

141.020 Definition of key personnel for Part 141

In this Part:

key personnel, for a Part 141 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

- (a) chief executive officer;
- (b) head of operations.

141.025 Definition of significant change for Part 141

In this Part:

significant change, for a Part 141 operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;
 - (ii) the operator's key personnel;
 - (iii) a person authorised to carry out the responsibilities of any of the key personnel;
 - (iv) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;
 - (v) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
 - (vi) the familiarisation training mentioned in regulation 141.115 for any of the key personnel;
 - (vii) the operator's process for making changes:
 - (A) that are significant changes; and
 - (B) that are not significant changes;
 - (viii) the authorised Part 141 flight training conducted by the operator;
 - (ix) if the operator conducts the training in aircraft—the kinds of aircraft used to conduct the training;
 - (x) if the operator conducts the training in flight simulation training devices:
 - (A) the ownership arrangements for a device; or
 - (B) the types of devices; or
- (b) if the operator conducts the training in foreign registered aircraft:

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- (i) a change in the foreign registered aircraft used in the training; or
- (ii) a change in relation to a foreign registered aircraft used in the training, including a change to its nationality or registration mark; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
 - (i) the procedures by which the operator conducts and manages the training;
 - (ii) training and checking conducted by the operator;
 - (iii) the operator's dangerous goods manual (if any);
 - (iv) the way the operator manages the risk of fatigue in its personnel;
 - (v) the operator's safety policy;
 - (vi) the operator's quality system; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

141.030 Definitions for Part 141

In this Part:

aircraft: see regulation 141.010.

authorised Part 141 flight training, for a Part 141 operator: see subregulation 141.015(2).

conducts: a Part 141 operator **conducts** Part 141 flight training if an instructor for the operator conducts the training on behalf of the operator.

instructor, for a Part 141 operator, means a person engaged by the operator to conduct authorised Part 141 flight training on behalf of the operator.

key personnel, for a Part 141 operator: see regulation 141.020.

low-flying flight training means flight training that is conducted below 500 feet AGL.

operations manual, for a Part 141 operator, means:

- (a) the set of documents approved by CASA under regulation 141.065 in relation to the operator; or
- (b) if the set of documents is changed under regulation 141.080, 141.090 or 141.100 or the process mentioned in regulation 141.095—the set of documents as changed.

Part 141 certificate: see subregulation 141.015(4).

Part 141 flight training: see subregulation 141.015(1).

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personnel, for a Part 141 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 141 flight training:

- (a) an employee of the operator;
- (b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
- (c) an employee of a person mentioned in paragraph (b).

significant change, for a Part 141 operator: see regulation 141.025.

training and checking, for a Part 141 operator, means the training and assessment of proficiency that the operator conducts to ensure that its personnel are competent to perform their duties.

training base, for a Part 141 operator, means a facility from which the operator conducts flight training.

141.035 Approvals by CASA for Part 141

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

141.040 Legislative instruments—flight training

For paragraph 98(5A)(a) of the Act, CASA may issue a legislative instrument to prescribe matters for paragraph 141.260(1)(u).

141.045 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to the following for a Part 141 operator:

- (a) a change of which CASA is notified under regulation 141.080;
- (b) a significant change that is approved by CASA under regulation 141.090;
- (c) a change made under the process mentioned in regulation 141.095;
- (d) a change that is made as a consequence of a change made to the operator's operations manual in accordance with a direction given by CASA under regulation 141.100.

141.050 Part 141 flight training—requirement for Part 141 certificate or approval

- (1) A person commits an offence if:
 - (a) the person conducts Part 141 flight training; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).

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Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that the person must hold:
 - (a) a Part 141 certificate that authorises the person to conduct the training; or
 - (b) an approval under regulation 141.035 to conduct the training.
- (3) An offence against this regulation is an offence of strict liability.

Subpart 141.B—Part 141 certificates

141.055 Part 141 certificates—application

- (1) A person may apply to CASA, in writing, for a Part 141 certificate.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (aa) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
 - (b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
 - (c) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (d) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
 - (e) the Part 141 flight training that the applicant proposes to conduct;
 - (f) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:
 - (i) be capable of operating in accordance with its operations manual and civil aviation legislation; and
 - (ii) operate in accordance with its operations manual and civil aviation legislation.
- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed operations manual; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

141.060 Part 141 certificate—issue

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
 - (a) the applicant's proposed operations manual complies with regulation 141.260;
 - (b) the applicant can conduct the proposed Part 141 flight training safely and in accordance with its operations manual and civil aviation legislation;
 - (c) the applicant's organisation is suitable to ensure that the training can be conducted safely, having regard to the nature of the training;
 - (d) the chain of command of the applicant's organisation is appropriate to ensure that the training can be conducted safely;
 - (e) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the training safely;

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- (f) the facilities of the applicant's organisation are sufficient to enable the training to be conducted safely;
 - (g) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the training can be conducted safely;
 - (h) if the applicant is an individual—the applicant is, or proposes to be, the applicant's chief executive officer;
 - (i) each of the applicant's proposed key personnel:
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required by Subpart 141.D for the position; and
 - (iii) has the qualifications and experience required by the applicant under subparagraph 141.260(1)(e)(i) for the position (if any); and
 - (iv) has the additional qualifications and experience required by CASA under regulation 141.155 for the position (if any).
- (2) For paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:
- (a) the applicant's proposed operations manual;
 - (b) whether the applicant can comply with the proposed operations manual;
 - (c) the content of the undertaking mentioned in paragraph 141.055(2)(f);
 - (d) details of, and reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant:
 - (A) under the law of a foreign country; or
 - (B) by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the training;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For subparagraph (1)(i)(i), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 11.055(4).
- (4) If CASA decides to issue the certificate, CASA must determine the Part 141 flight training the applicant is authorised to conduct, including any limitations or conditions in relation to the flight training.
- (5) The certificate must include:
- (a) the matters mentioned in subregulation (4); and
 - (b) a certificate reference number determined by CASA.
- (6) If CASA approves a significant change to a Part 141 operator under regulation 141.090, CASA may issue a new Part 141 certificate to the operator.
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141.065 Part 141 certificate—approval of operations manual

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed operations manual.

141.070 Part 141 certificate—conditions

Each of the following is a condition of a Part 141 certificate issued to an operator:

- (a) the operator must comply with:
 - (i) each provision of this Part that applies to the operator; and
 - (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
- (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
- (c) each of the positions of the operator's key personnel must be filled;
- (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
- (e) if the operator is an individual—the individual must be the operator's chief executive officer.

141.075 Part 141 certificate—compliance with conditions

- (1) A Part 141 operator commits an offence if the operator contravenes a condition of its Part 141 certificate.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 141.C—Part 141 operators—changes

141.080 Part 141 operators—changes of name etc

- (1) A Part 141 operator commits an offence if the operator:
 - (a) makes a change mentioned in subregulation (2); and
 - (b) does not, before making the change:
 - (i) amend its operations manual to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the operations manual clearly identifying the change.

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the changes are the following:
 - (a) a change to its name (including any operating or trading name) or contact details;
 - (b) if the address of its operational headquarters is different from its mailing address—a change to the address of its operational headquarters.
- (3) An offence against this regulation is an offence of strict liability.

141.085 Part 141 operators—application for approval of significant changes

- (1) A Part 141 operator commits an offence if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
 - (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 141.260(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

- (3) A Part 141 operator commits an offence if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 141.260(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

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Penalty: 50 penalty units.

- (4) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the operator's operations manual affected by the change, clearly identifying the change.
- (5) An offence against this regulation is an offence of strict liability.

141.090 Part 141 operators—approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change for a Part 141 operator if satisfied that the requirements mentioned in subregulation 141.060(1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's operations manual covered by the application.

141.095 Part 141 operators—process for making changes

- (1) A Part 141 operator commits an offence if:
 - (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process described in the operator's operations manual for making changes.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.100 Part 141 operators—CASA directions relating to operations manual or key personnel

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 141 operator to change its operations manual:
 - (a) to remove particular information, procedures or instructions from the operations manual; or
 - (b) to include particular information, procedures or instructions in the operations manual; or
 - (c) to revise or vary the information, procedures or instructions in the operations manual.
- (2) CASA may direct a Part 141 operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
 - (a) carrying out the responsibilities of the position; or
 - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:

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- (a) be in writing; and
 - (b) state the time within which the direction must be complied with.
- (4) A Part 141 operator commits an offence if:
- (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

Subpart 141.D—Part 141 operators—organisation and personnel

141.105 Part 141 operators—organisation and personnel

- (1) A Part 141 operator must maintain an organisational structure that effectively manages its authorised Part 141 flight training, taking into account the following:
 - (a) the nature and complexity of the training;
 - (b) the number and kinds of aircraft or flight simulation training devices used to conduct the training;
 - (c) the number and location of training bases used by the operator;
 - (d) the number of the operator's personnel;
 - (e) the number of course participants undertaking the training.
- (2) A Part 141 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's operations manual or this Subpart.

Penalty: 50 penalty units.

141.110 Part 141 operators—key personnel cannot carry out responsibilities

- (1) A Part 141 operator commits an offence if:
 - (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 30 days; and
 - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

141.115 Part 141 operators—familiarisation training for key personnel

A Part 141 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

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141.120 Part 141 operators—chief executive officer: responsibilities and accountabilities

- (1) The chief executive officer of a Part 141 operator is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator's authorised Part 141 flight training in accordance with the operator's Part 141 certificate, operations manual and civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) sets and maintains standards for the training in accordance with the operator's operations manual; and
 - (ii) complies with civil aviation legislation;
 - (c) if the operator conducts the training in aircraft—ensuring that the operator:
 - (i) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the training; and
 - (ii) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (i) may:
 - (A) affect the operator's safe conduct of the training; or
 - (B) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and
 - (iii) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the training; and
 - (iv) for each foreign registered aircraft (if any) used in the training—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
 - (ca) ensuring that the operator has procedures that ensure that all of the operator's personnel understand the operator's safety policy;
 - (cb) ensuring that the operator has processes for identifying and addressing deficiencies in the operator's authorised Part 141 training;
 - (d) if the operator conducts the training in a flight simulation training device—ensuring that the operator implements and manages the operator's quality system;
 - (f) ensuring that the operator's operations manual is monitored and managed for continuous improvement;
 - (g) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
 - (i) the operator's operations manual; and
 - (ii) civil aviation legislation.

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- (2) The chief executive officer of a Part 141 operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

141.125 Part 141 operators—head of operations: qualifications and experience

- (1) The head of operations of a Part 141 operator must hold:
- (a) an instructor rating and either:
 - (i) a grade 1 training endorsement under Part 61; or
 - (ii) the required training endorsements for all the Part 141 flight training the operator proposes to conduct; or
 - (b) an approval under regulation 141.035 to be the head of operations of the operator.
- (2) For paragraph (1)(b), the matters CASA may consider in deciding whether to approve a person as the head of operations of a Part 141 operator include the following:
- (a) the operator's current and proposed authorised Part 141 flight training;
 - (b) the person's:
 - (i) management experience; and
 - (ii) formal educational qualifications; and
 - (iii) experience as a trainer or educator; and
 - (iv) operational experience; and
 - (v) flight crew qualifications.
- (3) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 141 operator, direct the person to undertake an assessment mentioned in subregulation (4).
- (4) For subregulation (3), the assessment:
- (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

141.130 Part 141 operators—head of operations: responsibilities

- (1) The head of operations of a Part 141 operator must safely manage the operator's authorised Part 141 flight training.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
- (a) ensuring that the operator conducts the training in accordance with principles of competency-based training in a consistent and systematic manner;
 - (b) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's operations manual that apply to the training;

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- (c) setting and maintaining the operator's standards for the training in accordance with the operator's operations manual;
- (d) developing, managing and maintaining the operator's dangerous goods manual (if any);
- (e) ensuring the proper allocation and deployment of aircraft and personnel for use in the training;
- (f) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;
- (g) ensuring that the operator has procedures that include the information mentioned in subregulation (3);
- (h) ensuring that the requirements mentioned in subregulation (4) are complied with for the training;
- (i) if the operator conducts the training in a flight simulation training device:
 - (i) ensuring the correct operation and maintenance of the device; and
 - (ii) ensuring that the device is used only in accordance with the operator's operations manual;
- (j) if the operator conducts the training in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;
- (k) if the operator conducts the training in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;
- (l) if the operator conducts the training in any other device—ensuring that the device:
 - (i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
- (m) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);
- (n) ensuring the operator's personnel understand the operator's safety policy;
- (o) implementing and managing the operator's processes for identifying and addressing deficiencies in training outcomes for the operator's authorised Part 141 training, including the processes mentioned in subregulation (5).

Note: For the definition of *civil aviation legislation*, see section 3 of the Act.

- (3) For paragraph (2)(g), the information is the following:
 - (a) a training plan and syllabus for each kind of training;
 - (b) a description of the operator's process to determine the competency of course participants;
 - (c) a description of the operator's process to manage underperformance of course participants;
 - (d) a description of how the operator ensures supervision of course participants when they are receiving training;
 - (e) information about how the operator:
 - (i) plans, delivers and reviews the training; and

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- (ii) monitors the progress of course participants to clearly defined knowledge and flight standards; and
 - (iii) maintains records of the results achieved by course participants in training activities and assessments; and
 - (iv) ensures that it has the training facilities and resources to provide the training; and
 - (v) maintains its training facilities and resources.
- (4) For paragraph (2)(h), the requirements are the following:
- (a) the conduct of the training must be monitored effectively;
 - (b) each instructor who conducts the training must:
 - (i) be authorised under Part 61 to conduct the training; and
 - (ii) meet the requirements in the operator's operations manual about training in human factors principles and non-technical skills; and
 - (iii) have an understanding of the operator's training syllabus for the training; and
 - (iv) hold a valid standardisation and proficiency check for the operator under regulation 141.190; and
 - (v) be supervised effectively; and
 - (vi) comply with the operator's operations manual.
- (5) For paragraph (2)(o), the processes are the following:
- (a) a process for auditing the training;
 - (b) a process for promoting the continual improvement of the training;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners;
 - (d) a process for regularly assessing the suitability of the operator's facilities and resources for conducting the training;
 - (e) a process for recommending changes to a process mentioned in paragraphs (a), (b), (c) or (d).

141.155 Part 141 operators—key personnel: additional qualification and experience requirements

- (1) This regulation applies to:
- (a) an applicant for a Part 141 certificate; or
 - (b) a Part 141 operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
- (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or

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(c) to complete a stated training course.

- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
- (a) the need to ensure that the applicant or operator can conduct safe authorised Part 141 flight training in accordance with its operations manual and civil aviation legislation;
 - (b) the nature and complexity of the training;
 - (c) the leadership, management and standards-setting skills required by the person for the training;
 - (d) how recently the person has used his or her aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

141.160 Part 141 operators—reference library

- (1) A Part 141 operator commits an offence if the operator does not maintain a reference library that complies with subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the reference library must:
- (a) include the following documents:
 - (i) all operational documents and material;
 - (ii) the civil aviation legislation that is relevant to the operator's authorised Part 141 flight training;
 - (iii) the parts of the AIP that are relevant to the training;
 - (iv) documents that include information about the flight operations of each kind of aircraft operated by the operator to conduct the training that is necessary to ensure the safe conduct of the training;
 - (v) documents that include information about the operation or maintenance of each kind of flight simulation training device operated by the operator to conduct the training;
 - (vi) any other publications, information or data required for the reference library by the operator's operations manual; and
 - (b) be readily available to all members of the operator's personnel; and
 - (c) be up-to-date and in a readily accessible form.
- (3) A Part 141 operator commits an offence if the operator does not keep up-to-date records of the distribution of operational documents to members of the operator's personnel.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

Subpart 141.E—Part 141 operators—instructors

141.165 Part 141 operators—instructors must comply with Part 141 certificate

- (1) An instructor for a Part 141 operator commits an offence if the instructor conducts Part 141 flight training otherwise than in accordance with the operator's Part 141 certificate.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.170 Part 141 operators—instructors must comply with operations manual

- (1) An instructor for a Part 141 operator commits an offence if the instructor conducts authorised Part 141 flight training for the operator otherwise than in accordance with the operator's operations manual.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.175 Part 141 operators—instructors must be authorised under Part 61

- (1) A Part 141 operator commits an offence if:
 - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
 - (b) the instructor is not authorised under Part 61 to conduct the training.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.180 Part 141 operators—instructors must have access to records

- (1) A Part 141 operator commits an offence if:
 - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
 - (b) the instructor does not have access to the operator's training records for course participants.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.185 Part 141 operators—instructors must hold valid standardisation and proficiency check for operator

- (1) A Part 141 operator commits an offence if:
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- (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
- (b) the instructor does not hold a valid standardisation and proficiency check for the operator under regulation 141.190.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.190 Part 141 operators—holding valid standardisation and proficiency check for operator

- (1) An instructor for a Part 141 operator holds a valid standardisation and proficiency check for the operator if:
 - (a) the instructor has successfully completed the operator's standardisation and proficiency check; and
 - (b) the check complies with regulation 141.195; and
 - (c) under subregulation (2) or (3), the check is valid.
- (2) A standardisation and proficiency check is valid for the period comprising:
 - (a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
 - (b) the period of 12 months immediately following the month in which the check was completed.
- (3) If:
 - (a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the *existing check*); and
 - (b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire;

the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

141.195 Part 141 operators—standardisation and proficiency check requirements

- (1) A Part 141 operator's standardisation and proficiency check for an instructor must, for the flight training that the operator has engaged the instructor to conduct, check the competency of the instructor to:
 - (a) deliver ground briefings in accordance with the operator's training syllabus; and
 - (b) deliver flight training in an aircraft or flight simulation training device in accordance with the operator's training syllabus.
- (2) The check must be carried out by:
 - (a) the operator's head of operations; or

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- (b) a person authorised to conduct the check by the operator's head of operations.

141.200 Part 141 operators—instructors—training in human factors principles and non-technical skills

- (1) A Part 141 operator commits an offence if:
- (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
 - (b) the instructor does not meet the requirements in the operator's operations manual about training in human factors principles and non-technical skills.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.205 Part 141 operators—instructors must be competent to conduct flight training in flight simulation training device

- (1) A Part 141 operator commits an offence if:
- (a) an instructor for the operator conducts authorised Part 141 flight training for the operator in a flight simulation training device; and
 - (b) the instructor has not been assessed by the operator as competent to conduct the training in the device.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.210 Part 141 operators—person recommended for flight test

- (1) A Part 141 operator and the operator's head of operations each commit an offence if:
- (a) a person is recommended for a flight test by:
 - (i) the head of operations; or
 - (ii) a person named in the operator's operations manual as responsible for the authorised Part 141 flight training to which the flight test relates; and
 - (b) the person is not eligible under regulation 61.235 to undertake the test.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

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Subpart 141.G Part 141 operators—quality system

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Subpart 141.G—Part 141 operators—quality system

141.225 Part 141 operators—quality system for flight simulation training devices

- (1) A Part 141 operator that conducts authorised Part 141 flight training in a flight simulation training device must have a quality system that ensures the correct operation and maintenance of the device.
- (2) The quality system must cover at least the following matters:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.

Subpart 141.H—Part 141 operators—personnel fatigue management

Note: This Subpart is reserved for future use.

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Subpart 141.I—Part 141 operators—operations manuals

141.260 Part 141 operators—content of operations manual

- (1) An operations manual for a Part 141 operator must include the following:
 - (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the address of:
 - (i) the operator's operational headquarters; and
 - (ii) each of the operator's training bases;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 141.D for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 141.D for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:
 - (A) is absent from the position; or
 - (B) cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is accountable in addition to the matters mentioned in regulation 141.120;
 - (g) the name of each instructor appointed by the operator's head of operations to have responsibility for particular authorised Part 141 flight training;
 - (h) a description of the operator's program for training and assessing personnel in human factors principles and non-technical skills;
 - (i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;
 - (j) a description of the authorised Part 141 flight training conducted by the operator including the training plans and syllabuses for the training;
 - (k) a description of the procedures by which the operator conducts and manages the training, including the supervision of instructors and course participants;
 - (l) if the operator conducts the training in aircraft:

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- (i) for each registered aircraft—the kind of aircraft and its registration mark; and
- (ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and
- (iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and
- (iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and
- (v) a description of each flight training area;
- (m) if the training includes training for a flight crew licence or rating of a kind for which low-flying flight training is required—a description of how the operator will determine a suitable flight training area for the training;
- (ma) a description of the operator’s safety policy;
- (mb) a description of how the operator will identify and address deficiencies in training outcomes of its authorised Part 141 flight training, including the operator’s processes for:
 - (i) auditing the training; and
 - (ii) promoting the continual improvement of the training; and
 - (iii) evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners; and
 - (iv) regularly assessing the suitability of the operator’s facilities and resources for conducting the training; and
 - (v) recommending changes to a process mentioned in subparagraph (i), (ii), (iii) or (iv);
- (n) if the operator conducts the training in flight simulation training devices:
 - (ia) a description of the operator’s quality system;
 - (i) a description of the devices used by the operator in conducting the training; and
 - (ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and
 - (iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and
 - (iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and
 - (v) for any other device—a description of the procedures by which the operator ensures that the device:
 - (A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);

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- (o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
 - (p) the facilities used by the operator for the activities;
 - (q) a description of any operations, other than the training, conducted by the operator;
 - (r) a dangerous goods manual (if any);
 - (s) a description of the operator's process for making changes including:
 - (i) identifying changes that are significant changes; and
 - (ii) identifying changes that are not significant changes; and
 - (iii) telling CASA of the changes;
 - (t) a description of any other matter required to be approved by CASA under these Regulations in relation to the training;
 - (u) a matter prescribed by a legislative instrument under regulation 141.040 for this paragraph.
- (2) An operations manual for a Part 141 operator may include a list of material required for the operator's reference library.

141.265 Part 141 operators—compliance with operations manual by operator

- (1) A Part 141 operator commits an offence if the operator contravenes a provision of its operations manual.
- Penalty: 50 penalty units.
- (2) An offence against this regulation is an offence of strict liability.

141.270 Part 141 operators—providing personnel with operations manual

- (1) A Part 141 operator commits an offence if:
- (a) the operator's operations manual relates to a duty or responsibility of a person who is a member of the operator's personnel; and
 - (b) the operator does not make the part of the operations manual that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.
- Penalty: 50 penalty units.
- (2) An offence against this regulation is an offence of strict liability.

Subpart 141.J—Part 141 operators—logs and records

141.275 Part 141 operators—making and keeping flight training records

- (1) A Part 141 operator commits an offence if:
 - (a) a person completes a session of the operator’s authorised Part 141 flight training; and
 - (b) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if the operator does not retain a record made under subregulation (1) for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

141.280 Part 141 operators—availability of flight training records

- (1) A Part 141 operator commits an offence if:
 - (a) a record is made under regulation 141.275; and
 - (b) the operator does not give a copy of the record to the person to whom it relates within 7 days after the record is made.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if:
 - (a) a record is made under regulation 141.275; and
 - (b) the operator receives a request from another Part 141 operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person’s records to another Part 141 operator if requested; and
 - (d) the operator does not give a copy of the record to the other Part 141 operator within 7 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Part 141 Recreational, private and commercial pilot flight training, other than certain integrated training courses

Subpart 141.K Part 141 operators—miscellaneous offences

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Subpart 141.K—Part 141 operators—miscellaneous offences

141.285 Part 141 operators—suitable facilities, records and resources for flight test

- (1) This regulation applies if a Part 141 operator arranges with a flight examiner for the examiner to conduct a flight test.
- (2) The Part 141 operator commits an offence if suitable facilities, records and resources are not available to the flight examiner for the flight test.

Penalty: 50 penalty units.

141.290 Part 141 operators—pilot in command to be authorised under Part 61

- (1) A Part 141 operator commits an offence if:
 - (a) a person flies an aircraft used in the operator's authorised Part 141 flight training as pilot in command; and
 - (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act.

141.295 Part 141 operators—carriage of passengers prohibited during abnormal operations or low-flying flight training

- (1) A Part 141 operator commits an offence if:
 - (a) during a flight of an aircraft for authorised Part 141 flight training for the operator:
 - (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
 - (ii) low-flying flight training is conducted; and
 - (b) a passenger is carried on the flight.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.300 Part 141 operators—authorisation of carriage of passengers

- (1) A Part 141 operator commits an offence if:
 - (a) a person flies an aircraft used in the operator's authorised Part 141 flight training as pilot in command; and

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- (b) the operator authorises the carriage of a passenger on the flight; and
- (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.305 Part 141 operators—completion of training and assessment of competency for certain solo flights

Student pilots

- (1) A Part 141 operator commits an offence if:
 - (a) a student pilot who is undertaking authorised Part 141 flight training with the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
 - (b) the student pilot does not meet the requirements mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the kinds of solo flight are the following:
 - (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a flight at night.
- (3) For paragraph (1)(b), the requirements are the following:
 - (a) the student pilot must have completed the training mentioned in the operator's operations manual that relates to the conduct of a solo flight of that kind by a student pilot;
 - (b) the student pilot must have been assessed by the operator as competent to conduct the solo flight;
 - (c) if the flight is a flight of a kind mentioned in paragraph (2)(c) or (d)—the student pilot must have completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Holders of pilot licences

- (4) A Part 141 operator commits an offence if:
 - (a) the holder of a pilot licence who is receiving flight training from the operator for a rating or endorsement on the pilot's licence conducts a solo flight at night for the first time; and
 - (b) the flight training is authorised Part 141 training for the operator; and
 - (c) the holder does not meet the requirements mentioned in subregulation (5).

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Penalty: 50 penalty units.

- (5) For paragraph (4)(c), the requirements are the following:
- (a) the holder must have completed the training mentioned in the operator's operations manual that relates to the conduct of a solo flight for flight training for the rating or endorsement;
 - (b) the holder must have been assessed by the operator as competent to conduct the solo flight.
- (6) A Part 141 operator commits an offence if:
- (a) the holder of a pilot licence who is receiving flight training from the operator for a recreational navigation endorsement conducts a solo cross-country flight or a flight at night for the first time; and
 - (b) the holder has not completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Penalty: 50 penalty units.

- (7) An offence against this regulation is an offence of strict liability.

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

141.306 Part 141 operators—appropriate briefing and capability to conduct certain solo flights etc.

- (1) A Part 141 operator commits an offence if:
- (a) a person who is undertaking authorised Part 141 flight training with the operator conducts a solo flight for the first time; and
 - (b) the person does not meet the requirements mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirements are the following:
- (a) the person must have been briefed appropriately for the flight;
 - (b) the person must be capable of conducting the flight safely;
 - (c) if the person is a student pilot—the person must:
 - (i) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (ii) have completed an approved course of training in English language proficiency;
 - (d) the person must have an ARN.

- (3) Strict liability applies to paragraph (1)(a).

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

141.310 Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required

Requirement for approval

- (1) A Part 141 operator commits an offence if:
- (a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
 - (b) the operator does not hold an approval under regulation 141.035 to do the act.

Penalty: 50 penalty units.

Acts in relation to cancelled authorisations

- (2) For paragraph (1)(a), the acts are the following:
- (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which was authorised by a cancelled authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person who was, at the time of the cancellation, employed in connection with an operation the conduct of which was authorised by a cancelled authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation.
- (4) For paragraph (1)(a), the acts are the following:
- (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (c) to conduct an operation, or part of an operation, the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB of the Act in relation to varying AOC conditions.

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Pending applications for authorisations

- (5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.
- (6) For paragraph (1)(a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which would be authorised by the authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

Application for authorisation refused

- (7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.
- (8) For paragraph (1)(a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the use of which would have been authorised by the authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.
- (9) An offence against this regulation is an offence of strict liability.
- (10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on application by the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

suspended authorisation means a civil aviation authorisation that has been suspended otherwise than on application by the holder of the authorisation.

varied authorisation means a civil aviation authorisation that has been varied otherwise than on application by the holder of the authorisation.

141.315 Part 141 operators—maximum period for use of foreign registered aircraft in Australian territory

- (1) A Part 141 operator commits an offence if, in any 12 month period, the operator uses a foreign registered aircraft to conduct authorised activities in Australian

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territory for a total of more than the number of days mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the number of days is:
- (a) 90; or
 - (b) if the operator holds an approval under regulation 141.035 for this regulation in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (3) An offence against this regulation is an offence of strict liability.
- (4) In this regulation:

authorised activity, for a Part 141 operator, means an activity authorised by a civil aviation authorisation held by the operator.

Part 142—Integrated and multi-crew pilot flight training, contracted training and contracted checking

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Subpart 142.A—General

142.005 What Part 142 is about

This Part:

- (a) deals with the conduct of integrated and multi-crew pilot flight training, contracted training and contracted checking; and
- (b) makes provision for applicants for, and holders of, Part 142 authorisations (which are AOCs or other certificates that deal with the training and checking mentioned in paragraph (a)).

Note: See also Division 2 of Part III of the Act in relation to AOCs generally.

142.010 Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices

- (1) This Part applies only to:
 - (a) an aeroplane, rotorcraft or airship; or
 - (b) a flight simulation training device for an aircraft mentioned in paragraph (a).
- (2) Accordingly, a reference in this Part to an *aircraft* is a reference to an aeroplane, rotorcraft or airship.

142.015 Definitions of *Part 142 activity*, *Part 142 flight training*, *Part 142 authorisation*, *Part 142 operator* and *authorised Part 142 activity* for Part 142

- (1) A *Part 142 activity* is any of the following conducted in an aircraft or a flight simulation training device:
 - (a) Part 142 flight training;
 - (b) contracted training;
 - (c) contracted checking.
- (2) *Part 142 flight training* is any of the following:
 - (a) an integrated training course for the grant under Part 61 of a private pilot licence or commercial pilot licence;
 - (b) training for the grant under Part 61 of a multi-crew pilot licence, air transport pilot licence or flight engineer licence;
 - (c) multi-crew cooperation training;
 - (d) training for the grant under Part 61 of a type rating other than a type rating mentioned in an instrument under regulation 142.045;
 - (da) training, conducted as a multi-crew operation, for the grant under Part 61 of a flight crew rating other than a type rating;
 - (e) training, conducted as a multi-crew operation, for the grant under Part 61 of a flight crew endorsement other than:

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- (i) a design feature endorsement; or
- (ii) a flight activity endorsement;
- (f) training that is given as part of a flight review that is conducted as a multi-crew operation;
- (g) differences training:
 - (i) that is required as mentioned in regulation 61.780, 61.835 or 61.1370 for a variant covered by a type rating that is not a type rating mentioned in a legislative instrument under regulation 142.045; and
 - (ii) that is not conducted by an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138.
- (3) An **authorised Part 142 activity**, for a Part 142 operator, is a Part 142 activity mentioned in the operator's Part 142 authorisation.
- (4) A **Part 142 operator** is the holder of a Part 142 authorisation.
- (5) A **Part 142 authorisation** is:
 - (a) an AOC that authorises the conduct of a Part 142 activity in an aircraft; or
 - (b) a certificate under Division 142.B.2 that authorises the conduct of a Part 142 activity in a flight simulation training device.

142.020 Definitions of *contracted checking*, *contracted training* and *contracting operator* for Part 142

In this Part:

contracted checking means checking conducted by a Part 142 operator for a contracting operator.

contracted training means training that is:

- (a) conducted by a Part 142 operator for a contracting operator; and
- (b) the responsibility of the contracting operator under these Regulations.

contracting operator means an aircraft operator who enters into a contract with a Part 142 operator for the Part 142 operator to conduct training or checking that is the responsibility of the aircraft operator under these Regulations.

142.025 Definition of *key personnel* for Part 142

In this Part:

key personnel, for a Part 142 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

- (a) chief executive officer;
- (b) head of operations;
- (c) if the operator conducts authorised Part 142 activities only in aircraft, or aircraft and flight simulation training devices—safety manager;

- (d) if the operator conducts authorised Part 142 activities only in flight simulation training devices—quality assurance manager.

142.030 Definition of *significant change* for Part 142

In this Part:

significant change, for a Part 142 operator, means:

- (a) a change in relation to any of the following:
- (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;
 - (ii) the operator's corporate structure;
 - (iii) the operator's organisational structure;
 - (iv) the operator's key personnel;
 - (v) a person authorised to carry out the responsibilities of any of the key personnel;
 - (vi) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;
 - (vii) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
 - (viii) the familiarisation training mentioned in regulation 142.170 for any of the key personnel;
 - (ix) the operator's process for making changes:
 - (A) that are significant changes; and
 - (B) that are not significant changes;
 - (x) the authorised Part 142 activities conducted by the operator;
 - (xi) if the operator conducts the activities in aircraft—the kinds of aircraft used to conduct the activities;
 - (xii) if the operator conducts the activities in turbine-engined aircraft—any leasing or other arrangements for the supply of a turbine-engined aircraft;
 - (xiii) if the operator conducts the activities in flight simulation training devices:
 - (A) the ownership arrangements for a device; or
 - (B) the types of devices; or
- (b) if the operator conducts the activities in foreign registered aircraft:
- (i) a change in the foreign registered aircraft used in the activities; or
 - (ii) a change in relation to a foreign registered aircraft used in the activities, including a change to its nationality or registration mark; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
- (i) the procedures by which the operator conducts and manages the activities;
 - (ii) the operator's operations manual;
 - (iii) the operator's dangerous goods manual (if any);

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- (iv) the operator's training management system manual;
- (v) the way that the operator manages the risk of fatigue in its personnel;
- (vi) the operator's internal training and checking system manual;
- (vii) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—the operator's safety management system manual;
- (viii) if the operator conducts the activities only in flight simulation training devices—the operator's quality assurance management system manual;
- (ix) if the operator conducts the activities in aircraft:
 - (A) the way the aircraft are managed or maintained; or
 - (B) the way the continuing airworthiness of the aircraft is assured; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

142.035 Definitions for Part 142

In this Part:

aircraft: see regulation 142.010.

authorised Part 142 activity, for a Part 142 operator: see subregulation 142.015(3).

checking means the assessment of proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

conducts: a Part 142 operator **conducts** a Part 142 activity if an instructor or examiner for the operator conducts the activity on behalf of the operator.

contracted checking: see regulation 142.020.

contracting operator: see regulation 142.020.

corporation: see regulation 11.015.

examiner, for a Part 142 operator, means a flight examiner or flight engineer examiner engaged by the operator:

- (a) to conduct flight tests for the grant of a licence, rating or endorsement under Part 61 on behalf of the operator; or
- (b) to conduct contracted checking on behalf of the operator.

exposition, for a Part 142 operator, means:

- (a) the set of documents approved by CASA under regulation 142.095 or 142.115 in relation to the operator; and

- (b) if the set of documents is changed under regulation 142.135, 142.145 or 142.155, or the process mentioned in regulation 142.150—the set of documents as changed.

instructor, for a Part 142 operator, means a person engaged by the operator to conduct Part 142 flight training or contracted training on behalf of the operator.

key personnel, for a Part 142 operator: see regulation 142.025.

low-flying activity means a flight that is conducted below 500 feet AGL, other than:

- (a) climbing from take-off; and
(b) descending for the purpose of landing.

officer, of a corporation, means:

- (a) for a corporation that is a company (within the meaning of the *Corporations Act 2001*)—a director, secretary or executive officer of the corporation; or
(b) for a corporation of any other kind—a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a company (within the meaning of the *Corporations Act 2001*).

Part 142 activity: see subregulation 142.015(1).

Part 142 authorisation: see subregulation 142.015(5).

Part 142 flight training: see subregulation 142.015(2).

personnel, for a Part 142 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 142 activities:

- (a) an employee of the operator;
(b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
(c) an employee of a person mentioned in paragraph (b).

significant change, for a Part 142 operator: see regulation 142.030.

training base, for a Part 142 operator, means a facility at or from which the operator conducts Part 142 activities.

142.040 Approvals by CASA for Part 142

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for the following provisions:

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- (a) paragraph 142.050(3)(b);
- (b) paragraph 142.185(1)(b);
- (c) paragraph 142.185(4)(a).

142.045 Legislative instruments—Part 142 operators

For paragraph 98(5A)(a) of the Act, CASA may issue a legislative instrument to prescribe the following:

- (a) type ratings for paragraph (d) and subparagraph (g)(i) of the definition of **Part 142 flight training** in subregulation 142.015(2);
- (b) matters for paragraph 142.340(1)(v).

142.050 Part 142 activities—requirement for Part 142 authorisation

- (1) A person commits an offence if:
 - (a) the person conducts a Part 142 activity in an aircraft; and
 - (b) the person does not hold an AOC that authorises the person to conduct the activity.

Penalty: 50 penalty units.

- (2) A person commits an offence if:
 - (a) the person conducts a Part 142 activity in a flight simulation training device; and
 - (b) the person does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2)(b), the requirement is that the person must hold:
 - (a) a certificate under Division 142.B.2 that authorises the person to conduct the activity; or
 - (b) an approval under regulation 142.040 to conduct the activity.
- (4) An offence against this regulation is an offence of strict liability.

142.055 Part 142 activities—compliance with Part 142 authorisations: offence for operators

- (1) A Part 142 operator commits an offence if the operator conducts an authorised Part 142 activity for the operator otherwise than in accordance with its Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.060 Part 142 activities—compliance with conditions of Part 142
authorisations: offence for operators**

- (1) A Part 142 operator commits an offence if the operator contravenes a condition of its Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.B—Part 142 authorisations

Division 142.B.1—AOCs for Part 142 activities that involve operation of aircraft

142.065 Prescribed purpose—Part 142 activities involving the operation of aircraft

For subsection 27(9) of the Act, conducting a Part 142 activity that involves the operation of an aircraft is a prescribed purpose.

142.070 Prescribed position—safety manager

For paragraph (e) of the definition of *key personnel* in subsection 28(3) of the Act, the position of safety manager is prescribed for this Part.

142.075 Required material—reference library

For paragraph 28BH(2)(b) of the Act, the following material is required for a Part 142 operator that holds an AOC that authorises the conduct of Part 142 activities that involve the operation of aircraft:

- (a) the civil aviation legislation that is relevant to the activities;
- (b) the parts of the AIP that are relevant to the activities;
- (c) all information about the flight operations of each kind of aircraft that is necessary to ensure the safe conduct of the activities;
- (d) any other publications, information or data required for the reference library by the operator's exposition.

142.080 AOC—application

- (1) A person may apply to CASA for the issue of an AOC that authorises the person to conduct a Part 142 activity that involves the operation of an aircraft.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (aa) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
 - (b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
 - (c) if the applicant is a corporation—the name of each of the officers of the corporation;
 - (d) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (e) if the applicant is a corporation not registered in Australia—the place at which it was incorporated or formed;

- (f) the Part 142 activities that the applicant proposes to conduct;
- (g) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the AOC, the applicant will:
 - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
 - (ii) operate in accordance with its exposition and civil aviation legislation.

Note: See also sections 27AB and 27AC of the Act.

- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

142.085 AOC—conditions for issue

- (1) It is a condition for the issue to the applicant of an AOC that authorises the applicant to conduct Part 142 activities that CASA is satisfied of each of the following:
 - (a) the applicant's proposed exposition complies with regulation 142.340;
 - (b) the applicant can conduct the activities safely and in accordance with its exposition and civil aviation legislation;
 - (c) if the applicant is an individual—the applicant:
 - (i) is a fit and proper person to be issued an AOC that authorises the conduct of the activities; and
 - (ii) is, or proposes to be, the applicant's chief executive officer;
 - (d) if the applicant is a corporation—each officer of the corporation is a fit and proper person to be an officer of a corporation that is issued an AOC that authorises the conduct of the activities;
 - (e) each of the applicant's proposed key personnel:
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required by Subpart 142.D for the position; and
 - (iii) has the qualifications and experience required by the applicant under subparagraph 142.340(1)(e)(i) for the position (if any); and
 - (iv) has the additional qualifications and experience required by CASA under regulation 142.215 for the position (if any).

Note: These matters are in addition to the matters specified in section 28 of the Act.

- (2) For paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:
 - (a) the applicant's proposed exposition;
 - (b) whether the applicant can comply with the proposed exposition;
 - (c) the content of the undertaking mentioned in paragraph 142.080(2)(g);
 - (d) details of, and the reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or

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- (ii) an equivalent authorisation issued to the applicant:
 - (A) under the law of a foreign country; or
 - (B) by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the activities;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document submitted to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For paragraphs (1)(c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:
 - (a) the person's criminal record (if any), whether in Australia or a foreign country;
 - (b) the person's bankruptcy (if any), whether in Australia or a foreign country;
 - (c) the person's history (if any) of serious behavioural problems;
 - (d) any evidence held by CASA that the person has contravened:
 - (i) civil aviation legislation; or
 - (ii) another law relating to transport (including aviation) safety, whether in Australia or a foreign country;
 - (e) the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;
 - (f) the record of compliance with regulatory requirements relating to transport (including aviation) safety of any corporation in Australia or a foreign country in which the person:
 - (i) is or was an officer or partner (however described); or
 - (ii) holds or held a position equivalent to any of the applicant's key personnel;
 - (g) for any corporation in which the person is or was an officer, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country, the following records:
 - (i) the corporation's criminal record (if any);
 - (ii) the corporation's record of insolvency, bankruptcy, receivership or winding up (if any);
 - (iii) the corporation's record (if any) as a body subject to investigation or comment by any statutory authority established to regulate the share dealings or financial affairs of corporations;
 - (h) any other matter relating to the fitness of the person to:
 - (i) for an applicant—hold an AOC that authorises the conduct of the activities; or
 - (ii) for an officer or proposed officer—be an officer of a corporation that holds an AOC that authorises the conduct of the activities.

142.095 AOC—approval of exposition

If CASA issues an AOC to the applicant that authorises the conduct of the proposed Part 142 activities, CASA is taken to have also approved the applicant's proposed exposition.

142.100 AOC—conditions

- (1) For paragraph 28BA(1)(b) of the Act, each of the following is a condition of an AOC issued to an operator that authorises the conduct of Part 142 activities:
 - (a) the operator must comply with each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the activities;
 - (c) each of the positions of the operator's key personnel must be filled;
 - (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the activities;
 - (e) if the operator is an individual—the individual must be the operator's chief executive officer;
 - (f) the positions of chief executive officer and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2);
 - (g) the positions of head of operations and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2).
- (2) For subparagraphs (1)(f)(ii) and (g)(ii), the period is:
 - (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 142.040 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

Division 142.B.2—Certificates for Part 142 activities conducted in flight simulation training devices

142.105 Certificate—application

- (1) A person may apply to CASA, in writing, for a certificate authorising the person to conduct Part 142 activities in flight simulation training devices.
- (2) The application must include the following:
 - (a) the information and documents mentioned in paragraphs 142.080(2)(a) to (f);
 - (b) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:
 - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
 - (ii) operate in accordance with its exposition and civil aviation legislation.
- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

142.110 Certificate—issue

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
 - (a) the matters mentioned in subregulation 142.085(1);
 - (b) the applicant's organisation is suitable to ensure that the activities can be conducted safely, having regard to the nature of the activities;
 - (c) the chain of command of the applicant's organisation is appropriate to ensure that the activities can be conducted safely;
 - (d) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the activities safely;
 - (e) the facilities of the applicant's organisation are sufficient to enable the activities to be conducted safely;
 - (f) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the activities can be conducted safely.
- (2) For subregulation (1), in deciding whether an applicant is capable of conducting the activities safely and in accordance with its exposition and civil aviation legislation, CASA must consider:
 - (a) the matters set out in paragraphs 142.085(2)(a), (b) and (d) to (f); and
 - (b) the content of the undertaking mentioned in paragraph 142.105(2)(b).

- (3) For subregulation (1), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 142.085(3).
- (4) For this regulation, regulation 142.085 applies to an application for a certificate as if:
 - (a) a reference to an AOC were a reference to a certificate; and
 - (b) any other necessary changes had been made.
- (5) If CASA decides to issue the certificate, CASA must determine the Part 142 activities the applicant is authorised to conduct in flight simulation training devices, including any limitations or conditions in relation to the activities.
- (6) The certificate must include:
 - (a) the matters mentioned in subregulation (5); and
 - (b) a certificate reference number determined by CASA.
- (7) If, under regulation 142.145, CASA approves a significant change to a Part 142 operator that holds a certificate under this Division, CASA may issue a new certificate to the operator.

142.115 Certificate—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

142.120 Certificate—conditions

- (1) Each of the following is a condition of a certificate issued to an operator under this Division:
 - (a) the operator must comply with:
 - (i) each provision of this Part that applies to the operator; and
 - (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 142 activities covered by the certificate;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the activities covered by the certificate;
 - (c) each of the positions of the operator's key personnel must be filled;
 - (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the activities;
 - (e) if the operator is an individual—the individual must be the operator's chief executive officer;

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- (f) the positions of chief executive officer and quality assurance manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2);
 - (g) the positions of head of operations and quality assurance manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2).
- (2) For subparagraphs (1)(f)(ii) and (g)(ii), the period is:
- (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 142.040 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

142.125 Certificate holders—reference library

- (1) A Part 142 operator that holds a certificate under this Division commits an offence if the operator does not maintain a reference library that complies with subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the reference library must:
- (a) include the following documents:
 - (i) all operational documents and material;
 - (ii) the civil aviation legislation that is relevant to the operator's authorised Part 142 activities covered by the certificate;
 - (iii) the parts of the AIP that are relevant to the activities;
 - (iv) documents that include information about the operation or maintenance of each kind of flight simulation training device operated by the operator to conduct the activities;
 - (v) any other publications, information or data required for the reference library by the operator's exposition; and
 - (b) be readily available to all members of the operator's personnel; and
 - (c) be up-to-date and in a readily accessible form.
- (3) A Part 142 operator commits an offence if the operator does not keep up-to-date records of the distribution of operational documents to members of the operator's personnel.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

142.130 Certificate holders—regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to the following for a Part 142 operator that holds a certificate under this Division:

- (a) a change of which CASA is notified under regulation 142.135;
- (b) a significant change that is approved by CASA under regulation 142.145;
- (c) a change made under a process mentioned in regulation 142.150;
- (d) a change that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 142.155.

Subpart 142.C—Part 142 operators—changes

142.135 Part 142 operators—changes of name etc

- (1) A Part 142 operator commits an offence if the operator:
 - (a) makes a change mentioned in subregulation (2); and
 - (b) does not, before making the change:
 - (i) amend its exposition to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the changes are the following:
 - (a) a change to its name (including any operating or trading name) or contact details;
 - (b) if the address of the applicant's operational headquarters is different from its mailing address—a change to the address of its operational headquarters.
- (3) An offence against this regulation is an offence of strict liability.

142.140 Part 142 operators—application for approval of significant change

- (1) A Part 142 operator commits an offence if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
 - (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

- (3) A Part 142 operator commits an offence if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340(1)(e)(iv); and

- (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

Penalty: 50 penalty units.

- (4) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the operator's exposition affected by the change, clearly identifying the change.
- (5) An offence against this regulation is an offence of strict liability.

142.145 Part 142 operators—approval of significant changes

- (1) CASA may approve a significant change for a Part 142 operator that holds an AOC that authorises the operator to conduct Part 142 activities only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 142.085(1) will continue to be met.
- (2) Subject to regulation 11.055, CASA must approve a significant change for a Part 142 operator that holds a certificate under Division 142.B.2 if satisfied that the requirements mentioned in subregulation 142.110(1) will continue to be met.
- (3) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application.

142.150 Part 142 operators—process for making changes

- (1) A Part 142 operator commits an offence if:
 - (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process described in the operator's exposition for making changes.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.155 Part 142 operators—CASA directions relating to exposition or key personnel

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 142 operator to change its exposition:
 - (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.

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- (2) CASA may direct a Part 142 operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
 - (a) carrying out the responsibilities of the position; or
 - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) state the time within which the direction must be complied with.
- (4) A Part 142 operator commits an offence if:
 - (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

Subpart 142.D—Part 142 operators—organisation and personnel

Note: For the qualifications for the position of head of aircraft airworthiness and maintenance control, see the qualifications specified in the Part 42 Manual of Standards for the position of continuing airworthiness manager.

142.160 Part 142 operators—organisation and personnel

- (1) A Part 142 operator must maintain an organisational structure that effectively manages its authorised Part 142 activities, taking into account the following:
 - (a) the nature and complexity of the activities;
 - (b) the number and kinds of aircraft or flight simulation training devices used to conduct the activities;
 - (c) the number and location of training bases used by the operator to conduct the activities;
 - (d) the number of the operator's personnel;
 - (e) for Part 142 flight training—the number of course participants undertaking the training;
 - (f) for contracted training—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted training;
 - (g) for contracted checking—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted checking.
- (2) A Part 142 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's exposition or this Subpart.

Penalty: 50 penalty units.

142.165 Part 142 operators—key personnel cannot carry out responsibilities

- (1) A Part 142 operator commits an offence if:
 - (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days; and
 - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or

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- (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

142.170 Part 142 operators—familiarisation training for key personnel

A Part 142 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

142.175 Part 142 operators—chief executive officer: experience

The chief executive officer of a Part 142 operator must have sufficient relevant experience in organisational, operational, financial and people management of air operations to enable the operator to conduct safe operations in accordance with its exposition and civil aviation legislation.

142.180 Part 142 operators—chief executive officer: responsibilities and accountabilities

- (1) The chief executive officer of a Part 142 operator is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator's authorised Part 142 activities in accordance with the operator's Part 142 authorisation, exposition and civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) sets and maintains standards for the activities in accordance with the operator's exposition; and
 - (ii) complies with civil aviation legislation;
 - (c) if the operator conducts the activities in aircraft—ensuring that the operator:
 - (i) implements and manages the operator's safety management system; and
 - (ii) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
 - (iii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and
 - (iv) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the activities; and
 - (v) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (iv) may:

- (A) affect the operator's safe conduct of the activities; or
 - (B) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and
 - (vi) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the activities; and
 - (vii) for each foreign registered aircraft (if any) used in the activities—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
 - (d) if the operator conducts the activities only in flight simulation training devices—ensuring that the operator implements and manages the operator's quality assurance management system;
 - (e) establishing and regularly reviewing the operator's safety performance indicators and targets;
 - (f) ensuring that the operator's exposition is monitored and managed for continuous improvement;
 - (g) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
 - (i) the operator's exposition; and
 - (ii) civil aviation legislation.
- (2) The chief executive officer of a Part 142 operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

142.185 Part 142 operators—head of operations: qualifications and experience

- (1) The head of operations of a Part 142 operator must:
- (a) meet the requirements mentioned in subregulation (2); or
 - (b) hold an approval under regulation 142.040 to be the head of operations for the operator.
- (2) For paragraph (1)(a), the requirements are that the person must:
- (a) hold, and be able to exercise the privileges of, a flight examiner rating; and
 - (b) hold the pilot licence required by subregulation (3); and
 - (c) be authorised under Part 61 to pilot a kind of aircraft that is used to conduct a significant proportion of the operator's authorised Part 142 activities; and
 - (d) have the experience required by subregulation (4); and
 - (e) have a satisfactory record in the conduct or management of air operations; and
 - (f) have sufficient safety and regulatory knowledge to enable the operator to conduct the activities safely and in accordance with its exposition and civil aviation legislation.
- (3) For paragraph (2)(b), the licence required is:
- (a) if any of the activities relate to the operation of an aircraft for a multi-crew operation—an air transport pilot licence; or

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- (b) in any other case—a commercial pilot licence or an air transport pilot licence.
- (4) For paragraph (2)(d), the experience required is:
 - (a) if the operator holds an approval under regulation 142.040 for this paragraph—the experience mentioned in paragraph (5)(a) or (b); or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (5)(a) and (b).
- (5) For subregulation (4), the experience is the following:
 - (a) at least 500 hours flight time on a kind of aircraft used to conduct a significant proportion of the activities;
 - (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (6) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 142 operator, direct the person to undertake an assessment mentioned in subregulation (7).
- (7) For subregulation (6), the assessment:
 - (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

142.190 Part 142 operators—head of operations: responsibilities

- (1) The head of operations of a Part 142 operator must safely manage the authorised Part 142 activities of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
 - (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's exposition that apply to the activities;
 - (b) setting and maintaining the operator's standards for the activities in accordance with the operator's exposition;
 - (c) if the activities include flight training or contracted training—ensuring that the training is conducted in accordance with the operator's training management system;
 - (d) ensuring that the activities are monitored effectively;
 - (e) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);
 - (f) ensuring the proper allocation and deployment of aircraft, flight simulation training devices and personnel for use in the activities;
 - (g) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;

- (h) if the operator conducts an activity in a flight simulation training device—ensuring that the device is used only in accordance with the operator’s exposition;
- (i) if the operator conducts an activity in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;
- (j) if the operator conducts an activity in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;
- (k) if the operator conducts an activity in any other device—ensuring that the device:
 - (i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
- (l) ensuring that each instructor who conducts an activity for the operator:
 - (i) has access to the parts of the operator’s exposition that relate to the instructor’s duties; and
 - (ii) holds a valid standardisation and proficiency check for the operator under regulation 142.325;
- (m) ensuring that each examiner who conducts an activity for the operator has access to the parts of the operator’s exposition that relate to the examiner’s duties;
- (n) ensuring that each instructor or examiner who conducts an activity for the operator:
 - (i) is authorised to conduct the activity under Part 61; and
 - (ii) has successfully completed the training set out in the operator’s internal training and checking system manual; and
 - (iii) meets the requirements in the operator’s exposition about training in human factors principles and non-technical skills;
- (o) reporting to the chief executive officer on the operator’s compliance with the matters mentioned in paragraph (n);
- (p) ensuring that each instructor or examiner who conducts contracted training or contracted checking for the operator has access to the contracting operator’s training and checking manual;
- (q) if an instructor attempts but does not successfully complete a standardisation and proficiency check mentioned in the operator’s internal training and checking system manual—telling CASA, in writing, within 14 days after the date of the attempt, of the person’s name, position and ARN;
- (r) ensuring that the operator establishes and maintains effective communication, in relation to the activities, with CASA and each contracting operator for which the operator conducts contracted training or contracted checking;
- (s) ensuring that written reports are provided to the head of training and checking of each contracting operator in relation to the performance of each person for whom the operator conducts contracted training or contracted checking;

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- (t) if the operator conducts the activities in aircraft—ensuring that the operator complies with section 28BH of the Act in relation to flight crew.

142.195 Part 142 operators—safety manager: experience

The safety manager of a Part 142 operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement its safety management system in accordance with its exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a safety manager if the operator conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices: see regulation 142.025, definition of *key personnel*.

142.200 Part 142 operators—safety manager: responsibilities

- (1) The safety manager of a Part 142 operator must manage the safety management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
 - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
 - (c) managing the maintenance and continuous improvement of the following systems:
 - (i) safety management system;
 - (ii) fatigue risk management system (if any).

142.205 Part 142 operators—quality assurance manager: experience

The quality assurance manager of a Part 142 operator must have:

- (a) sufficient relevant quality assurance management experience to capably lead, manage and set standards to enable the operator to safely implement its quality assurance management system in accordance with its exposition; and
- (b) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 142 activities safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a quality assurance manager if the operator conducts authorised Part 142 activities only in flight simulation training devices: see regulation 142.025, definition of *key personnel*.

142.210 Part 142 operators—quality assurance manager: responsibilities

- (1) The quality assurance manager of a Part 142 operator must manage the quality assurance management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the quality assurance manager include:
 - (a) managing the operation of the quality assurance management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the quality assurance management system; and
 - (c) managing the maintenance and continuous improvement of the quality assurance management system.

142.215 Part 142 operators—key personnel: additional qualifications and experience requirements

- (1) This regulation applies to:
 - (a) an applicant for a Part 142 authorisation; and
 - (b) a Part 142 operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
 - (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or
 - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
 - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation;
 - (b) the nature and complexity of the activities;
 - (c) the leadership, management and standards-setting skills required by the person for the activities;
 - (d) how recently the person has used his or her aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

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Subpart 142.E—Part 142 operators—instructors and examiners

142.220 Part 142 activities—instructors and examiners must comply with Part 142 authorisation

- (1) An instructor or examiner for a Part 142 operator commits an offence if the instructor or examiner conducts a Part 142 activity otherwise than in accordance with the operator's Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.225 Part 142 activities—instructors and examiners must comply with exposition

- (1) An instructor or examiner for a Part 142 operator commits an offence if the instructor or examiner conducts an authorised Part 142 activity for the operator otherwise than in accordance with the operator's exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.230 Part 142 operators—instructors and examiners must be authorised under Part 61

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor or examiner is not authorised under Part 61 to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.235 Part 142 operators—instructors and examiners must have access to records

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor or examiner does not have access to the operator's records for the persons participating in the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.240 Part 142 operators—instructors and examiners must be competent to conduct authorised Part 142 activities in flight simulation training devices

- (1) A Part 142 operator commits an offence if:
- (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator in a flight simulation training device; and
 - (b) the instructor or examiner has not been assessed by the operator as competent to conduct the activity in the device.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.245 Part 142 operators—person recommended for flight test

- (1) A Part 142 operator and the operator's head of operations each commit an offence if:
- (a) a person is recommended for a flight test by:
 - (i) the head of operations; or
 - (ii) a person named in the operator's exposition as responsible for the Part 142 activity to which the flight test relates; and
 - (b) the person is not eligible under regulation 61.235 to undertake the test.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

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Subpart 142.F—Part 142 operators—training management system

142.250 Part 142 operators—training management system

A Part 142 operator must have a training management system that meets the requirements of regulation 142.255.

142.255 Part 142 operators—training management system requirements

The training management system must include the following:

- (a) for each kind of Part 142 flight training or contracted training that is an authorised Part 142 activity for the operator—a course outline, detailed syllabus, standards to be met and record forms;
- (b) the procedures to be followed when a standard is not met;
- (c) an auditable system for maintaining records of the results of the operator's flight training or contracted training.

Subpart 142.G—Part 142 operators—safety management system

142.260 Part 142 operators—safety management system

A Part 142 operator that conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices, must have a safety management system that meets the requirements of regulation 142.265.

142.265 Part 142 operators—safety management system requirements

- (1) The safety management system must be a systemic approach to managing safety that:
 - (a) includes the matters mentioned in subregulation (2); and
 - (b) ensures that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes; and
 - (c) if the operator conducts the training in flight simulation training devices:
 - (i) ensures the correct operation and maintenance of the devices; and
 - (ii) without limiting subparagraph (i), includes the matters mentioned in subregulation 142.275(2); and
 - (d) integrates human factors principles.
- (2) For paragraph (1)(a), the matters are the following:
 - (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
 - (b) a statement of the operator's safety policy, objectives and planning, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers (including key personnel);
 - (iii) the appointment of safety management personnel;
 - (iv) how human factors principles are integrated into the safety management system;
 - (v) a safety management system implementation plan;
 - (vi) relevant third party relationships and interactions;
 - (vii) coordination of an emergency response plan;
 - (viii) safety management system documentation;
 - (c) a safety risk management system, including:
 - (i) hazard identification processes; and
 - (ii) risk assessment and mitigation processes;
 - (d) a safety assurance system, including:
 - (i) details of processes for:
 - (A) safety performance monitoring and measurement; and

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- (B) internal safety investigation; and
 - (C) management of change; and
 - (D) continuous improvement of the safety management system; and
 - (ii) if the operator operates an aircraft mentioned in subregulation (3) for the activities—a flight data analysis program that meets the requirements mentioned in subregulation (4);
 - (e) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication.
- (3) For subparagraph (2)(d)(ii), the aircraft are the following:
- (a) an aeroplane with a maximum certificated take-off weight of more than 27 000 kg;
 - (b) a rotorcraft with a maximum certificated take-off weight of more than 7 000 kg.
- (4) For subparagraph (2)(d)(ii), the requirements are that the flight data analysis program must:
- (a) regularly record and analyse the operational flight data of individual and aggregated operations for the purpose of improving the safety of flight operations; and
 - (b) be provided by:
 - (i) the operator; or
 - (ii) another appropriate person; and
 - (c) ensure that, except as mentioned in subregulations (6) and (7):
 - (i) the identity of a person who is the source of data is protected from disclosure to anyone other than the following:
 - (A) a person whose duties require the person to analyse operational flight data;
 - (B) a person who has access to the person's identity solely for the purpose of analysing operational flight data;
 - (C) a pilot appointed by the operator to liaise with flight crew in relation to matters arising from the flight data analysis program; and
 - (ii) no punitive action in relation to the data may be taken by the operator against the person.
- (5) For subparagraph (4)(b)(ii), the provision of the flight data analysis program by an appropriate person does not in any way compromise the operator's responsibility to provide, and ensure the effectiveness of, the program.
- (6) For paragraph (4)(c), the identity of a person who is the source of data may be disclosed:
- (a) with the written consent of the person; or
 - (b) under a court order.

- (7) For paragraph (4)(c), the identity of a person who is the source of data may be disclosed, and the operator may take punitive action against the person, if the operator has evidence that the person:
- (a) deliberately contravened a provision of civil aviation legislation or the operator's exposition; or
 - (b) persistently engaged in unsafe actions without appropriate safety reasons.
- (8) Without limiting paragraph (1)(b), the system must include the following:
- (a) a process for auditing the activities;
 - (b) a process for promoting the continual improvement of the activities;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;
 - (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
 - (e) a process for recommending changes to the following:
 - (i) the safety management system;
 - (ii) the training management system;
 - (iii) the internal training and checking system.

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Subpart 142.H—Part 142 operators—quality assurance management system

142.270 Part 142 operators—quality assurance management system

A Part 142 operator that conducts authorised Part 142 activities only in flight simulation training devices must have a quality assurance management system that meets the requirements of regulation 142.275.

142.275 Part 142 operators—quality assurance management system requirements

- (1) The quality assurance system must:
 - (a) ensure the correct operation and maintenance of the flight simulation training devices; and
 - (b) ensure that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes.
- (2) Without limiting paragraph (1)(a), the system must include the following:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.
- (3) Without limiting paragraph (1)(b), the system must include the following:
 - (a) a process for auditing the activities;
 - (b) a process for promoting the continual improvement of the activities;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;
 - (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
 - (e) a process for recommending changes to the following:
 - (i) the quality assurance management system;
 - (ii) the training management system;
 - (iii) the internal training and checking system.

Subpart 142.I—Part 142 operators—personnel fatigue management

Note: This Subpart is reserved for future use.

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Subpart 142.J—Part 142 operators—internal training and checking

142.310 Part 142 operators—internal training and checking system

A Part 142 operator must have an internal training and checking system for its personnel that meets the requirements of regulation 142.315.

142.315 Part 142 operators—internal training and checking system requirements

The internal training and checking system must include the following:

- (a) a description of the operator's internal training and checking, including details of how the training and checking is conducted;
- (b) a description of the duties and responsibilities assigned to personnel conducting internal training and checking;
- (d) procedures that ensure that each of the operator's personnel:
 - (i) has an understanding of the operator's training management system; and
 - (ii) completes internal training and checking as described under paragraph (a); and
 - (iii) is supervised effectively;
- (e) command responsibility during flights for internal training and checking;
- (f) for each kind of internal training and checking conducted by or for the operator—the minimum number of check pilots and the minimum crew qualifications required by the operator for the training (if any);
- (g) any general restrictions, specifications or safety precautions for internal training and checking (including in relation to fuel load, ballast and minimum weather conditions);
- (h) methods of conducting internal training and checking including the following:
 - (i) the standards to be achieved;
 - (ii) training sequences for common faults;
 - (iii) the method of simulating emergencies or malfunctions;
- (i) procedures that ensure that an instructor who conducts an authorised Part 142 activity for the operator holds a valid standardisation and proficiency check for the operator under regulation 142.325;
- (j) procedures that ensure that an instructor who uses a flight simulation training device to conduct an authorised Part 142 activity for the operator is competent to use the device to conduct the activity.

142.320 Part 142 operators—proficiency of instructors

- (1) A Part 142 operator commits an offence if:
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- (a) an instructor for the operator conducts an authorised Part 142 activity for the operator; and
- (b) the instructor does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that the instructor must:
 - (a) hold a valid standardisation and proficiency check for the operator under regulation 142.325; or
 - (b) be successfully participating in the operator's internal training and checking system.
- (3) An offence against this regulation is an offence of strict liability.

142.325 Part 142 operators—holding valid standardisation and proficiency check for operator

- (1) An instructor for a Part 142 operator holds a valid standardisation and proficiency check for the operator if:
 - (a) the instructor has successfully completed the operator's standardisation and proficiency check; and
 - (b) the check complies with regulation 142.330; and
 - (c) under subregulation (2) or (3), the check is valid.
- (2) A standardisation and proficiency check is valid for the period comprising:
 - (a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
 - (b) the period of 12 months immediately following the month in which the check was completed.
- (3) If:
 - (a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the *existing check*); and
 - (b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire;the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

142.330 Part 142 operators—standardisation and proficiency check requirements

- (1) A Part 142 operator's standardisation and proficiency check for an instructor must check the competency of the instructor to conduct the Part 142 activity that the operator has engaged the instructor to conduct.
- (2) The check must be carried out by:
 - (a) the operator's head of operations; or

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- (b) a person authorised to conduct the check by the operator's head of operations.

142.335 Part 142 operators—instructors and examiners—training in human factors principles and non-technical skills

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor or examiner does not meet the requirements in the operator's exposition about training in human factors principles and non-technical skills.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.K—Part 142 operators—expositions

142.340 Part 142 operators—content of exposition

- (1) An exposition for a Part 142 operator must include the following:
 - (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the address of:
 - (i) the operator's operational headquarters; and
 - (ii) each of the operator's training bases;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 142.D for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 142.D for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:
 - (A) is absent from the position; or
 - (B) cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 142.180;
 - (g) if the operator's authorised Part 142 activities include Part 142 flight training—the name of each instructor appointed by the operator's head of operations to have responsibility for particular flight training;
 - (h) a description of the operator's program for training and assessing personnel in human factors principles and non-technical skills;
 - (i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;
 - (j) a description of the authorised Part 142 activities conducted by the operator including:
 - (i) for Part 142 flight training or contracted training:
 - (A) the training plans and syllabuses for the training; and
 - (B) the areas of operation for the training; and

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- (C) checklists (if any) and the circumstances when the use of a checklist is permitted; and
- (ii) minimum qualifications and experience for personnel conducting the activities; and
- (iii) command responsibility during flights for the activities; and
- (iv) for contracted training or contracted checking—procedures to ensure that the operator conducts the training or checking in accordance with the contracting operator’s training and checking manual and standard operating procedures (if any);
- (k) a description of the procedures by which the operator conducts and manages the activities, including the supervision of instructors and persons participating in activities;
- (l) if the operator conducts the activities in aircraft:
 - (i) for each registered aircraft that is flown into, out of or outside Australian territory in the course of conducting the activities—the kind of aircraft and its registration mark; and
 - (ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and
 - (iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and
 - (iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and
 - (v) a description of each flight training area;
- (m) if the operator conducts the activities in relation to a flight crew licence or rating of a kind for which a low-flying activity is required—a description of how the operator will determine a suitable flight training area for the activity;
- (n) if the operator conducts the activities in flight simulation training devices:
 - (i) a description of the devices used by the operator in conducting the activities; and
 - (ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and
 - (iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and
 - (iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and
 - (v) for any other device—a description of the procedures by which the operator ensures that the device:
 - (A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);

- (o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
 - (p) the facilities used by the operator for the activities;
 - (q) a description of any operations, other than authorised Part 142 activities, conducted, or proposed to be conducted, by the operator;
 - (r) a description of any aeronautical or aviation-related services provided, or to be provided, by third parties to the operator;
 - (s) the following manuals:
 - (i) an operations manual;
 - (ii) a dangerous goods manual (if any);
 - (iii) a training management system manual that describes the operator's training management system;
 - (iv) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—a safety management system manual that describes the operator's safety management system;
 - (v) if the operator conducts the activities only in flight simulation training devices—a quality assurance management system manual that describes the operator's quality assurance management system;
 - (vi) an internal training and checking system manual that describes the operator's internal training and checking system;
 - (t) a description of the operator's process for making changes including:
 - (i) identifying changes that are significant changes; and
 - (ii) identifying changes that are not significant changes; and
 - (iii) telling CASA of the changes;
 - (u) a description of any other matter required to be approved by CASA under these Regulations in relation to Part 142 activities;
 - (v) a matter prescribed by a legislative instrument under regulation 142.045 for this paragraph.
- (2) A manual mentioned in paragraph (o) or any of subparagraphs (1)(s)(ii) to (vi) may be included as part of the operator's operations manual.
- (3) An exposition for a Part 142 operator may include a list of material required for the operator's reference library.

142.345 Part 142 operators—compliance with exposition by operator

- (1) A Part 142 operator commits an offence if the operator contravenes a provision of its exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.350 Part 142 operators—providing personnel with exposition

- (1) A Part 142 operator commits an offence if:
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- (a) the operator's exposition relates to a duty or responsibility of a person who is a member of the operator's personnel; and
- (b) the operator does not make the part of the exposition that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.L—Part 142 operators—logs and records

142.355 Part 142 operators—making and keeping records

- (1) A Part 142 operator commits an offence if:
 - (a) a person participates in an authorised Part 142 activity conducted by the operator; and
 - (b) a record of the person's participation, including a description and assessment of the person's performance, is not made within 21 days after the activity is conducted.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if the operator does not retain a record made under subregulation (1) for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

142.360 Part 142 operators—availability of records

- (1) A Part 142 operator commits an offence if the operator does not make a record made under regulation 142.355 available, on request, to the person to whom the record relates.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if:
 - (a) a record is made under regulation 142.355; and
 - (b) the operator receives a request from another Part 142 operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another Part 142 operator if requested; and
 - (d) the operator does not give a copy of the record to the other Part 142 operator within 7 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

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Subpart 142.M—Part 142 operators—miscellaneous offences

142.365 Part 142 operators—pilot in command for training to be authorised under Part 61

- (1) A Part 142 operator commits an offence if:
 - (a) a person flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator; and
 - (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act.

142.370 Part 142 operators—carriage of passengers prohibited during abnormal operations or low-flying activity

- (1) A Part 142 operator commits an offence if:
 - (a) during a flight of an aircraft for an authorised Part 142 activity for the operator:
 - (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
 - (ii) a low-flying activity is conducted; and
 - (b) a passenger is carried on the flight.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.375 Part 142 operators—authorisation of carriage of passengers

- (1) A Part 142 operator commits an offence if:
 - (a) a person flies an aircraft used in an authorised Part 142 activity for the operator as pilot in command; and
 - (b) the operator authorises the carriage of a passenger on the flight; and
 - (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator

- (1) This regulation applies if:
 - (a) a person seeks to undertake part of an integrated training course with a Part 142 operator (the *current operator*); and
 - (b) the person has previously undertaken part of the course with one or more other Part 142 operators (the *previous operators*).
- (2) The current operator commits an offence if:
 - (a) the operator provides part of the course to the person; and
 - (b) the operator does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2)(b), the requirement is that the current operator must have determined:
 - (a) what part of the course the person has completed with the previous operators; and
 - (b) what part of the course the person needs to complete with the current operator to ensure that, taken together, the parts of the course provided by the previous and current operators will meet the standards specified in the Part 61 Manual of Standards for the course.
- (4) An offence against this regulation is an offence of strict liability.

142.385 Part 142 operators—completion of training and assessment of competency for certain solo flights

Student pilots

- (1) A Part 142 operator commits an offence if:
 - (a) a student pilot who is undertaking authorised Part 142 flight training with the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
 - (b) the student pilot does not meet the requirements mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the kinds of solo flight are the following:
 - (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a flight at night.
- (3) For paragraph (1)(b), the requirements are the following:

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- (a) the student pilot must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight of that kind by a student pilot;
- (b) the student pilot must have been assessed by the operator as competent to conduct the solo flight;
- (c) if the flight is a flight of a kind mentioned in paragraph (2)(c) or (d)—the student pilot must have completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Holders of pilot licences

- (4) A Part 142 operator commits an offence if:
 - (a) the holder of a pilot licence who is receiving flight training from the operator for a rating or endorsement on the pilot's licence conducts a solo flight at night for the first time; and
 - (b) the flight training is authorised Part 142 training for the operator; and
 - (c) the holder does not meet the requirements mentioned in subregulation (5).

Penalty: 50 penalty units.

- (5) For paragraph (4)(c), the requirements are the following:
 - (a) the holder must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight for flight training for the rating or endorsement;
 - (b) the holder must have been assessed by the operator as competent to conduct the solo flight.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

142.386 Part 142 operators—appropriate briefing and capability to conduct certain solo flights etc.

- (1) A Part 142 operator commits an offence if:
 - (a) a person who is undertaking authorised Part 142 flight training with the operator conducts a solo flight for the first time; and
 - (b) the person does not meet the requirements mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirements are the following:
 - (a) the person must have been briefed appropriately for the flight;
 - (b) the person must be capable of conducting the flight safely;
 - (c) if the person is a student pilot—the person must:
 - (i) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or

- (ii) have completed an approved course of training in English language proficiency;
 - (d) the person must have an ARN.
- (3) Strict liability applies to paragraph (1)(a).

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required

Requirement for approval

- (1) A Part 142 operator commits an offence if:
- (a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
 - (b) the operator does not hold an approval under regulation 142.040 to do the act.

Penalty: 50 penalty units.

Acts in relation to cancelled authorisations

- (2) For paragraph (1)(a), the acts are the following:
- (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which was authorised by a cancelled authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the cancellation, employed in connection with an operation the conduct of which was authorised by a cancelled authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation.
- (4) For paragraph (1)(a), the acts are the following:
- (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;

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- (c) to conduct an operation, or part of an operation, the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB of the Act in relation to varying AOC conditions.

Pending applications for authorisations

- (5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.
- (6) For paragraph (1)(a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which would be authorised by the authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

Application for authorisation refused

- (7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.
- (8) For paragraph (1)(a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the use of which would have been authorised by the authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.
- (9) An offence against this regulation is an offence of strict liability.
- (10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on application by the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

suspended authorisation means a civil aviation authorisation that has been suspended otherwise than on application by the holder of the authorisation.

varied authorisation means a civil aviation authorisation that has been varied otherwise than on application by the holder of the authorisation.

142.395 Part 142 operators—maximum period for use of foreign registered aircraft in Australian territory

- (1) A Part 142 operator commits an offence if, in any 12 month period, the operator uses a foreign registered aircraft to conduct authorised activities in Australian territory for a total of more than the number of days mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the number of days is:
- (a) 90; or
 - (b) if the operator holds an approval under regulation 142.040 for this regulation in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (3) An offence against this regulation is an offence of strict liability.
- (4) In this regulation:

authorised activity, for a Part 142 operator, means an activity authorised by a civil aviation authorisation held by the operator.

Part 143—Air Traffic Services Training Providers

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Subpart 143.A—General

143.005 Applicability of this Part

- (1) This Part:
 - (a) applies to a person that wants to become, or is, an ATS training provider; and
 - (b) sets out certain administrative rules applying to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
 - (a) a person who is providing ATS training in the course of his or her duties for the Defence Force; or
 - (b) any ATS training provided by the Defence Force.

143.010 Definitions for this Part

In this Part:

Australian National Training Authority means the Australian National Training Authority established by the *Australian National Training Authority Act 1992*.

Australian Qualifications Framework means the framework set out in a document called ‘Australian Qualifications Framework Implementation Handbook’ published by the Australian Qualifications Framework (AQF) Advisory Board in 1998.

Australian Quality Training Framework means the quality arrangements for vocational education and training services set out in the document called ‘Australian Quality Training Framework – Standards for Registered Training Organisations’ published by the Australian National Training Authority in 2001.

Manual of Standards – Part 65 means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

Manual of Standards – Part 143 means the document called ‘Manual of Standards (MOS) – Part 143’ issued by CASA under regulation 143.017, as in force from time to time.

training provider means a person who, or entity that, provides vocational education and training.

training recognition authority, in relation to a State or Territory, means a body that has, under a law of the State or Territory, the responsibility for registering training providers in that State or Territory.

143.015 What is an ATS training provider

An ATS training provider is a person approved, under Subpart 143.F, to provide the training relating to air traffic services that is covered by the approval.

143.016 Person not to provide service without approval

- (1) A person must not provide training relating to air traffic services unless the person:
 - (a) is approved, under Division 143.F.2, to provide the training; or
 - (b) is an ATS provider within the meaning in Part 172.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

143.017 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
 - (a) standards, including procedures, plans, systems and documentation, for the provision of air traffic services training;
 - (b) standards for facilities and equipment used to provide air traffic services training;
 - (c) standards, including competency standards and minimum qualifications, for instructors engaged in air traffic services training;
 - (d) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
 - (e) any matter necessary or convenient to be provided for the effective operation of this Part.

Note: A Manual of Standards is a legislative instrument—see subsections 98(5A) and (5B) of the Act. It must be registered in accordance with the *Legislation Act 2003* and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275(3) or regulation 11.280) to each ATS training provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 143.B—Approval as an ATS training provider

143.020 What an application must be accompanied by

An application for approval as an ATS training provider must be accompanied by:

- (a) a written statement setting out details of the training relating to air traffic services that the applicant proposes to provide; and
- (b) a written statement setting out details of the relevant qualifications and experience of the applicant and applicant's personnel, including the number of suitably qualified personnel who will be involved in providing the training; and
- (c) enough information to show that the applicant is a registered training organisation whose registration:
 - (i) is in force; and
 - (ii) is for training delivery covering the training; and
- (d) a written statement describing the arrangements the applicant has made to comply with the requirements of Subparts 143.C and 143.D.

143.025 When applicant is eligible for approval

For Subpart 143.F, an applicant is eligible to become an ATS training provider for particular training relating to air traffic services if the applicant:

- (aa) is any of the following:
 - (i) the Commonwealth;
 - (ii) AA;
 - (iii) a person who is to provide air traffic services training services in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*;
 - (iv) a person who is to provide air traffic services training services by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*; and
- (a) is a registered training organisation whose registration:
 - (i) is in force; and
 - (ii) is for training delivery covering that training; and
- (b) is able to comply with the requirements of Subparts 143.C and 143.D or will be able to do so if the applicant is approved.

143.027 CASA may impose conditions on approvals

Without limiting regulations 11.056 and 11.067, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11(3) of the *Air Services Act 1995*.

143.050 Variation of approvals

- (1) If an ATS training provider wants to vary its approval, it must apply to CASA, under Subpart 143.F, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.

Subpart 143.C—Requirements to be complied with by ATS training providers

Division 143.C.1—Requirements for training

143.055 Standard for training

An ATS training provider must ensure that the training relating to air traffic services that it provides:

- (a) is of at least the standard required by the Manual of Standards – Part 65;
and
- (b) complies with the Australian Qualifications Framework.

143.060 Training plan

An ATS training provider must have, and put into effect, a training plan for the training relating to air traffic services covered by its approval that is in accordance with the standards and requirements set out in the Manual of Standards – Part 65.

Division 143.C.2—Personnel

143.065 Personnel

An ATS training provider must have, at all times, enough suitably qualified personnel to enable it to provide, in accordance with both the Australian Quality Training Framework and the standards and requirements set out in the Manual of Standards – Part 65, the training relating to air traffic services that is covered by its approval.

143.070 Qualifications for certain personnel

An ATS training provider must not give to a person responsibility as an instructor or assessor for any training relating to air traffic services that it provides unless the person:

- (a) has suitable qualifications and experience in accordance with the Australian Quality Training Framework; and
- (b) satisfies the requirements of the Manual of Standards – Part 65 for persons having that responsibility.

Division 143.C.3—Reference materials, documents and records

143.075 Reference materials

- (1) An ATS training provider must maintain a set of the reference materials mentioned in regulation 143.080 for use by members of its personnel who have responsibilities as instructors or assessors for any training relating to air traffic services that it provides.
- (2) The provider must maintain another set of the reference materials for use by anyone undertaking training relating to air traffic services that it provides.
- (3) The provider must keep the reference materials up to date and in a readily accessible form.
- (4) The instructors and assessors and anyone undertaking training must have ready access to the reference materials.

143.080 Material to be included in reference materials

For regulation 143.075, the reference materials to be maintained by the provider must include the following:

- (a) copies of the Act and these Regulations;
- (b) copies of Annexes 1, 6, 11 and 12 to the Chicago Convention;
- (c) a copy of the AIP;
- (d) copies of the Manual of Standards – Part 65 and the Manual of Standards – Part 143;
- (e) all manuals and documents specified in the Manual of Standards – Part 65 and Manual of Standards – Part 143.

143.085 Documents and records

- (1) The provider must keep documents and records of the kinds specified in the Manual of Standards – Part 143.
- (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.
- (3) The provider must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

143.090 Document and record control system

- (1) The provider must establish, and put into effect, a system, in accordance with the standards set out in the Manual of Standards – Part 143, for controlling the documents and records required to be kept under regulation 143.085.
- (2) The system must include the policies and procedures for making, amending and preserving those documents and records.

Subpart 143.D—Telling CASA about changes

143.095 Advice on organisational changes

The provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any training relating to air traffic services that is covered by its approval within 7 days after the change occurs.

143.100 Discontinuing training

- (1) The provider must not discontinue any training relating to air traffic services that is covered by its approval, unless it has given CASA at least 28 days written notice that the training is to be discontinued.
- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances:
 - (a) it was not reasonably practicable for the provider to give to CASA at least 28 days notice; and
 - (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued.

143.105 Status as registered training organisation

If an ATS training provider, for any reason at any time after its approval as an ATS training provider, loses its status as a registered training organisation, it must, within 7 days, tell CASA in writing accordingly.

Subpart 143.E—Miscellaneous

143.110 Unapproved training

An ATS training provider must not provide any training relating to air traffic services unless:

- (a) its approval:
 - (i) is in force; and
 - (ii) covers that training; and
- (b) it is a registered training organisation whose registration:
 - (i) is in force; and
 - (ii) is for training delivery covering that training.

Subpart 143.F—Administration

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as an ATS training provider.

Division 143.F.1—Preliminary

143.115 Applicability of this Subpart

This Subpart:

- (a) sets out certain administrative rules applying to CASA in its administration of this Part; and
- (b) includes certain generic provisions applying to anyone who wants to become, or is, an ATS training provider.

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Division 143.F.2—Approvals

143.118 Applying for approval

Subject to regulation 143.120, a person may apply to CASA, in writing, for approval as an ATS training provider.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

143.120 Joint applications not permitted

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

143.130 Applications by corporations etc—what must be included

- (1) An application from a person other than an individual must set out:
 - (a) the applicant's registered address and ACN; and
 - (b) the names and addresses of its officers.
- (2) In paragraph (1)(b):

officer has the meaning given by section 9 of the *Corporations Act 2001*.

143.145 CASA may require demonstrations of procedures or equipment

Regulation 11.045 applies in relation to an approval as an ATS training provider.

143.175 Grant of approval

Subject to regulation 11.055, if an applicant has applied for approval as an ATS training provider under this Part, CASA must grant the approval.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

143.180 When decision must be made

- (1) If CASA does not make a decision about an application within the period mentioned in subregulation (2) after receiving it, CASA is taken to have refused the application.
- (2) The period is 6 months.

- (3) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (4) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (5) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.
- (6) In this regulation:

application includes an application to vary an approval under this Division.

Division 143.F.4—Suspension and cancellation of approvals

143.215 Definition for this Division

In this Division:

show cause notice means a notice under regulation 143.230.

143.220 Suspension of approval by show cause notice

- (1) CASA may state, in a show cause notice, that an ATS training provider's approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.4 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended, the approval is suspended from when the notice is given to the provider.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval under regulation 143.235, within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

143.225 Grounds for cancellation of approval

It is grounds for the cancellation of an ATS training provider's approval if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) does not meet, or continue to meet, a requirement of this Part for getting the approval; or
- (d) has otherwise been guilty of conduct that renders the provider's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

143.230 Notice to show cause

- (1) CASA may give an ATS training provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the provider's approval.
- (2) A show cause notice must:
 - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and

- (b) invite the provider to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

143.235 Cancellation of approval after show cause notice

- (1) Subject to regulation 143.245, CASA may cancel an ATS training provider's approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the provider a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the provider; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an ATS training provider, and it decides not to cancel the provider's approval, it:
 - (a) must tell the provider, in writing, of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

143.245 Cancellation if cooperation or arrangement ceases

- (1) CASA must cancel the approval of a person mentioned in subparagraph 143.025(aa)(iii) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 143.025(aa)(iv) if the arrangement mentioned in that subparagraph ceases.

Part 144—Distribution organisations

Note: This Part heading is reserved for future use.

Part 145—Continuing airworthiness—Part 145 approved maintenance organisations

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Subpart 145.A—General

145.005 Purpose of Part

This Part:

- (a) sets out matters relating to Part 145 organisations, including:
 - (i) requirements for approval as a Part 145 organisation; and
 - (ii) requirements that apply to Part 145 organisations; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note: See Division 202.GE.2.1 for transitional provisions under which Part 145 organisations can be approved to undertake CAR maintenance activities.

145.010 Definitions for Part

(1) In this Part:

accountable manager, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, each approval rating that it holds, and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the maintenance services set out in its exposition; and
- (c) ensuring that the organisation has adequate resources available to enable it to provide maintenance services in accordance with its exposition; and
- (d) establishing and promoting policies for safety management and quality systems in accordance with the requirements of this Part and Part 42.

approval certificate means a certificate issued under regulation 145.035.

approval rating means a rating for a kind of aircraft, aeronautical product or specialist maintenance specified in the Part 145 Manual of Standards.

exposition, for a Part 145 organisation, means the document that is approved by CASA under regulation 145.030 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 145.055—that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 145.060—the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 145.065—that change.

quality manager, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for the quality management system described in the Part 145 Manual of Standards for the organisation.

responsible manager, for a Part 145 organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

safety manager, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for the safety management system described in the Part 145 Manual of Standards for the organisation.

significant change, in relation to a Part 145 organisation, has the meaning given by subregulation (2).

Note: See the Dictionary for definitions of other terms used in this Part.

- (2) A **significant change**, in relation to a Part 145 organisation, means any of the following changes:
- (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's maintenance facility, including the addition of a new maintenance facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) the position of quality manager in the organisation; or
 - (iii) any of the positions of responsible manager in the organisation; or
 - (iv) the position of safety manager in the organisation;
 - (d) a change to the maintenance services provided by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
 - (e) a change to the permitted training that it is approved to provide;
 - (f) a change to the organisation's facilities, equipment, tools, materials, procedures or certifying employees that could adversely affect the organisation's ability to provide maintenance services that it is approved to provide.

145.015 Part 145 Manual of Standards

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part that specifies matters affecting the maintenance or airworthiness of aircraft.
- (2) In particular, a Manual of Standards may specify the following matters:
 - (a) maintenance that is specialist maintenance for a Part 145 organisation;
 - (b) ratings for kinds of aircraft, aeronautical products and specialist maintenance;
 - (c) requirements for a Part 145 organisation's exposition;
 - (d) the privileges that apply to an approval rating;
 - (e) requirements for a Part 145 organisation, including requirements in relation to the following:
 - (i) facilities;

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- (ii) managers;
- (iii) certifying employees;
- (iv) employee qualifications;
- (v) the grant of certification authorisations;
- (vi) training;
- (vii) equipment, tools and materials;
- (viii) aeronautical products;
- (ix) maintenance data;
- (x) writing procedures for carrying out maintenance;
- (xi) production planning;
- (xii) the issue of certificates of release to service;
- (xiii) in-house maintenance and in-house release documents;
- (xiv) the fabrication of parts in the course of carrying out maintenance;
- (xv) records;
- (xvi) defect reporting;
- (xvii) a quality management system, including auditing;
- (xviii) a safety management system;
- (xix) a procedure for making changes to the organisation that are not significant changes;
- (f) requirements for providing permitted training;
- (g) requirements for a Part 145 organisation in relation to arranging for the manufacturer of an aircraft or aircraft engine that forms part of a permitted aircraft type to provide training and assessment for the permitted aircraft type to the organisation's employees.

145.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a Part 145 organisation that is approved by CASA under regulation 145.055; or
- (b) a change to a Part 145 organisation of which CASA is notified under regulation 145.060; or
- (c) a change to a Part 145 organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 145.065.

Subpart 145.B—Approval of Part 145 organisations

145.025 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a Part 145 organisation.
- (2) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;
 - (b) the approval rating sought by the applicant for:
 - (i) each kind of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) each kind of specialist maintenance that the applicant proposes to provide;
 - (c) if the applicant intends to provide permitted training for its employees—each aircraft type, aircraft system or subset of an aircraft system for which the applicant intends to provide training.

Note 1: An application must be in the approved form, include all the information required by these Regulations, and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

145.030 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a Part 145 organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 145 Manual of Standards; and
 - (b) the applicant has facilities, equipment, materials, maintenance data and tools that are suitable for:
 - (i) providing maintenance services for the kinds of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
 - (ii) providing the specialist maintenance that the applicant proposes to provide; and
 - (iii) providing the permitted training that the applicant proposes to provide for its employees; and
 - (c) the facilities, equipment, materials, maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 145 Manual of Standards; and

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- (d) the applicant has nominated an individual for each of the following positions in the organisation:
 - (i) accountable manager;
 - (ii) quality manager;
 - (iii) safety manager; and
- (e) the applicant has nominated an individual for each position of responsible manager in the organisation; and
- (f) each individual nominated for a position mentioned in paragraph (d) or (e) is appropriately qualified to hold the position; and
- (g) the audit requirements of the applicant's quality management system will be carried out by a person who is not:
 - (i) the accountable manager; or
 - (ii) a responsible manager.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) If CASA decides to approve an applicant as a Part 145 organisation, CASA must determine:
 - (a) the approval rating for each kind of aircraft or aeronautical product for which the applicant is approved to provide maintenance services; and
 - (b) the approval rating for each kind of specialist maintenance that the applicant is approved to provide; and
 - (c) any limitations applying to an approval rating mentioned in paragraph (a) or (b); and
 - (d) the permitted training that the applicant is approved to provide for its employees.
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

145.035 Approval certificate

- (1) If CASA approves an applicant as a Part 145 organisation, CASA must issue a certificate setting out the matters mentioned in paragraphs 145.030(2)(a) to (c).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a Part 145 organisation under regulation 145.055, CASA may issue a new approval certificate to the organisation.

145.040 Privileges for Part 145 organisations

- (1) A Part 145 organisation may provide:
 - (a) maintenance services that it is approved to provide; and
-

- (b) permitted training that it is approved to provide for its employees.
- (2) A Part 145 organisation may arrange for training and assessment for a permitted aircraft type to be provided by the manufacturer of the aircraft or the aircraft engine.

145.045 Approval subject to conditions

It is a condition of approval of a Part 145 organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its exposition; and
 - (ii) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (iii) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (iv) any limitations applying to an approval rating mentioned in subparagraph (ii) or (iii); and
 - (v) the Part 145 Manual of Standards; and
 - (vi) Part 42 and this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1: The approval is also subject to the conditions set out in Part 11.

Note 2: Subpart 11.G empowers CASA to issue directions.

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Subpart 145.C—Changes to Part 145 organisations

145.050 Application for approval of significant changes to organisations

- (1) If a Part 145 organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
 - (a) the change is of the kind mentioned in paragraph 145.010(2)(c); and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;

the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

Note 3: Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval—see regulation 145.045.

145.055 Approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a Part 145 organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 145.030(1) will continue to be met.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

145.060 Changes to Part 145 organisations that are not significant changes

- (1) A change that is not a significant change to a Part 145 organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.

- (2) If such a change is made, the organisation must, within 28 days after making the change:
- (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

145.065 CASA may direct Part 145 organisations to change exposition

- (1) CASA may direct a Part 145 organisation to change its exposition:
- (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 145 Manual of Standards.
- (3) A direction under this regulation must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note: The Part 145 organisation must comply with the direction—see regulation 145.085.

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Subpart 145.D—Requirements and offences for Part 145 organisations

145.070 Provision of maintenance services

- (1) If a Part 145 organisation provides maintenance services, it must provide the services only in accordance with:
 - (a) its exposition; and
 - (b) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
 - (c) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
 - (d) any limitations applying to an approval rating mentioned in paragraph (b) or (c); and
 - (e) the privileges that apply to the approval rating under the Part 145 Manual of Standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

145.075 Provision of permitted training

- (1) If a Part 145 organisation provides permitted training for its employees, it must:
 - (a) provide only the permitted training that it is approved to provide; and
 - (b) provide the permitted training only in accordance with its exposition.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

145.080 Providing employees with exposition

- (1) If a Part 145 organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

145.085 Complying with directions

- (1) If CASA gives a direction to a Part 145 organisation under regulation 145.065, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Part 147—Continuing airworthiness—maintenance training organisations

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Subpart 147.A—General

147.005 Purpose of Part

This Part:

- (a) sets out matters relating to maintenance training organisations, including:
 - (i) requirements for approval as a maintenance training organisation; and
 - (ii) requirements that apply to maintenance training organisations; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

147.010 Definitions for Part

(1) In this Part:

accountable manager, for a maintenance training organisation, means the individual, appointed by the organisation, who is responsible for ensuring that the organisation:

- (a) complies with its exposition and these Regulations; and
- (b) is able to finance the provision of the kinds of maintenance training set out in its exposition; and
- (c) has adequate resources available to enable it to provide maintenance training in accordance with its exposition.

aircraft type has the meaning given by regulation 66.010.

approval certificate means a certificate issued under regulation 147.035.

assessment means an assessment of units of competency for category training, or elements for aircraft type training, by any or all of the following means:

- (a) examination of theory by means of written questions or oral questions or both;
- (b) practical testing of the skills acquired in practical training;
- (c) consideration of evidence for recognition of prior learning.

Examples: Evidence that may be assessed for recognition of prior learning

- 1 Responses to interview questions.
- 2 Formal qualifications and other documents evidencing an area of competence.
- 3 Third party verification.
- 4 Workplace observation.
- 5 Sample examination results or sample practical test results.

course plan, for a maintenance training organisation and a maintenance training course, means the plan for the maintenance training course set out in the organisation's exposition.

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exposition, for a maintenance training organisation, means the document that is approved by CASA under regulation 147.030 in relation to the organisation, including:

- (a) if a change to the document is approved under regulation 147.055—that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under subregulation 147.060—the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 147.065—that change.

feedback system, for a quality management system, has the meaning given by the Part 147 Manual of Standards.

practical training means training that allows a student who has undertaken training in theory to practise applying the theory.

quality management system, for a maintenance training organisation, means the quality management system described in the Part 147 Manual of Standards.

recognition of prior learning means full or partial credit given in a unit of competency for category training, or in an element for aircraft type training, for prior work experience, training or qualifications attained in Australia or a foreign country.

responsible manager, for a maintenance training organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

significant change, in relation to a maintenance training organisation, has the meaning given by subregulation (2).

theory means a theoretical element of aircraft type training or category training.

Note: See the Dictionary for definitions of other terms used in this Part.

- (2) A **significant change**, in relation to a maintenance training organisation, means any of the following changes:
 - (a) a change to the organisation's name;
 - (b) a change to the location of the organisation's maintenance training facility, including the addition of a new maintenance training facility;
 - (c) a change in the personnel holding:
 - (i) the position of accountable manager in the organisation; or
 - (ii) any of the positions of responsible manager in the organisation;
 - (d) a change to a course or a course plan provided by the organisation, other than a change resulting from a change to Appendix I, II, III or IV to the Part 66 Manual of Standards;

- (e) a change to the organisation's quality management system, other than a change involving the taking of any necessary corrective action under the feedback system;
- (f) a change to the organisation's facilities, personnel, record management system, instructional equipment, maintenance training material or procedures that could adversely affect the organisation's ability to provide the maintenance training that it is approved to provide.

147.015 Part 147 Manual of Standards

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part that specifies matters affecting the maintenance or airworthiness of aircraft.
- (2) In particular, a Manual of Standards may specify the following matters:
 - (a) the category training a maintenance training organisation may be approved to provide;
 - (b) the aircraft type training a maintenance training organisation may be approved to provide;
 - (c) the kinds of assessment a maintenance training organisation may be approved to carry out;
 - (d) requirements for a maintenance training organisation's exposition;
 - (e) requirements for a maintenance training organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) employees, including employee qualifications;
 - (iii) records of instructors and assessors;
 - (iv) course plans;
 - (v) conduct of assessments;
 - (vi) instructional equipment;
 - (vii) maintenance training material;
 - (viii) records;
 - (ix) training procedures and the quality management system, including auditing;
 - (x) assessments;
 - (xi) a procedure for making changes to the organisation that are not significant changes.

147.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a maintenance training organisation that is approved by CASA under regulation 147.055; or
- (b) a change to a maintenance training organisation of which CASA is notified under regulation 147.060; or

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- (c) a change to a maintenance training organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 147.065.

Subpart 147.B—Approval of maintenance training organisations

147.025 Applying for approval

- (1) A person (the *applicant*) may apply to CASA for approval as a maintenance training organisation.
- (2) Only a person who is a registered training organisation may apply for approval as a maintenance training organisation to provide category training or carry out assessment of units of competency.
- (3) The application must:
 - (a) be in writing; and
 - (b) be signed by a person who is, or proposes to be, the applicant's accountable manager.
- (4) The application must include the following:
 - (a) a copy of the applicant's proposed exposition;
 - (b) if the applicant is seeking approval to provide category training—the categories of aircraft engineer licence for which the applicant proposes to provide training;
 - (c) if the applicant is seeking approval to provide aircraft type training—the ratings for which the applicant proposes to provide training;
 - (d) the kinds of assessment that the applicant proposes to carry out;
 - (e) whether the applicant is seeking approval to recognise prior learning for assessment purposes.

Note 1: An application must be in the approved form, include all the information required by these Regulations, and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

147.030 Issuing approval

- (1) Subject to regulation 11.055, CASA must approve an applicant as a maintenance training organisation if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 147 Manual of Standards; and
 - (b) the applicant has facilities, personnel, a record management system, instructional equipment, maintenance training material and a quality management system that comply with the Part 147 Manual of Standards; and
 - (c) the applicant has nominated an individual for the position of accountable manager in the organisation; and

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- (d) the applicant has nominated an individual for each position of responsible manager in the organisation; and
- (e) each individual nominated for a position mentioned in paragraph (c) or (d) is appropriately qualified to hold the position.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) If CASA decides to approve an applicant as a maintenance training organisation, CASA must determine:
 - (a) whether the organisation is approved to provide:
 - (i) category training; or
 - (ii) aircraft type training; or
 - (iii) both category training and aircraft type training; and
 - (b) if the organisation is approved to provide category training—the categories of aircraft engineer licence for which the applicant is approved to provide training; and
 - (c) if the organisation is approved to provide aircraft type training—the ratings for which the applicant is approved to provide training; and
 - (d) the kinds of assessment that the organisation is approved to carry out; and
 - (e) whether the organisation may recognise prior learning for assessment purposes.
- (3) Subject to regulation 11.055, CASA must approve an applicant to provide category training if:
 - (a) CASA has approved the applicant as a maintenance training organisation; and
 - (b) CASA is satisfied that the applicant meets the criteria set out in Appendices I, II and IV to the Part 66 Manual of Standards.
- (4) Subject to regulation 11.055, CASA must approve an applicant to provide aircraft type training if:
 - (a) CASA has approved the applicant as a maintenance training organisation; and
 - (b) CASA is satisfied that the applicant meets the criteria set out in Appendix III to the Part 66 Manual of Standards.
- (5) In approving the applicant, CASA also approves the applicant's proposed exposition.

147.035 Approval certificate

- (1) If CASA approves an applicant as a maintenance training organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 147.030(2).

- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a maintenance training organisation under regulation 147.055, CASA may issue a new approval certificate to the organisation.

147.040 Privileges for maintenance training organisations

A maintenance training organisation may:

- (a) provide maintenance training that it is approved to provide; and
- (b) carry out assessments that it is approved to carry out; and
- (c) if the organisation is approved to recognise prior learning for assessment purposes—carry out assessments based on recognition of prior learning; and
- (d) issue certificates, in the approved form, to students who have successfully completed that training and assessment.

147.045 Approval subject to conditions

It is a condition of approval of a maintenance training organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
 - (i) its approval as a maintenance training organisation; and
 - (ii) its exposition; and
 - (iii) the Part 147 Manual of Standards; and
 - (iv) this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1: The approval is also subject to the conditions set out in Part 11.

Note 2: Subpart 11.G empowers CASA to issue directions.

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Subpart 147.C—Changes to maintenance training organisations

147.050 Application for approval of significant changes to organisations

- (1) If a maintenance training organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the proposed change; and
 - (c) include a copy of the part of the exposition consequentially affected by the proposed change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
 - (a) the change is:
 - (i) a change of the kind mentioned in paragraph 147.010(2)(c); or
 - (ii) a change of the kind mentioned in paragraph 147.010(2)(f) in relation to the personnel of the organisation; and
 - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;

the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

Note 3: Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval—see regulation 147.045.

147.055 Decision on application for approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change to a maintenance training organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 147.030(1) will continue to be met.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

 - (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
 - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

147.060 Changes to maintenance training organisations that are not significant changes

- (1) A change that is not a significant change to a maintenance training organisation must be made in accordance with the amendment procedure set out in the organisation's exposition.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
 - (a) update its exposition; and
 - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

147.065 CASA may direct maintenance training organisations to change exposition

- (1) CASA may direct a maintenance training organisation to change its exposition:
 - (a) to remove particular information from the exposition; or
 - (b) to include particular information in the exposition; or
 - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 147 Manual of Standards.
- (3) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.

Note: The maintenance training organisation must comply with the direction—see regulation 147.085.

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Subpart 147.D—Requirements and offences for maintenance training organisations

147.070 Provision of maintenance training and assessment

- (1) If a maintenance training organisation provides maintenance training, carries out assessments or issues certificates, it must do so only in accordance with:
 - (a) its approval as a maintenance training organisation; and
 - (b) its exposition; and
 - (c) the Part 147 Manual of Standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

147.075 Assessment of foreign licences

- (1) In assessing a person, a maintenance training organisation must not give credit to the person for holding a licence (however described) that was issued to the person by an excluded State.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note 1: Subregulation 66.060 prevents the recognition of a licence issued by an excluded State.

Note 2: For recognition of a foreign licence issued by a recognised State, see regulations 66.030 and 66.035.

Note 3: For recognition of a foreign licence not issued by a recognised State, see regulations 66.040, 66.045, 66.050 and 66.055.

147.080 Providing employees with exposition

- (1) If a maintenance training organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

147.085 Complying with directions

- (1) If CASA gives a maintenance training organisation a direction under regulation 147.065, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Part 149—Approved self-administering aviation organisations

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Subpart 149.A—General

149.005 Approvals by CASA for Part 149

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.

149.010 Manual of Standards for Part 149

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 149 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

149.015 Aviation administration functions—ASAO certificate required

- (1) A person must not perform an aviation administration function if the person does not hold an ASAO certificate authorising the person to perform the function.

Note: This regulation does not apply to certain sport aviation bodies for a limited period: see regulation 202.861.

- (2) Subregulation (1) does not apply if the person is otherwise permitted, under these Regulations, to perform the function.

Note: A defendant bears an evidential burden in relation to the matter in this subregulation: see subsection 13.3(3) of the *Criminal Code*.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

149.020 Compliance with conditions of ASAO certificate

- (1) An ASAO must not contravene a condition of its ASAO certificate.
- (2) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 149.B—ASAO certificates

149.060 CASA may limit number of ASAO certificates

- (1) For the purposes of subsection 98(5A) of the Act, CASA may issue a legislative instrument imposing limits on the number of ASAO certificates that may be issued if CASA is satisfied that exceeding the limit is likely to have an adverse effect on the safety of air navigation.
- (2) A limit may be imposed:
 - (a) indefinitely or for a specified period; or
 - (b) generally or in relation to a specified class of aviation administration functions.
- (3) CASA may, by legislative instrument, vary or revoke an instrument made under subregulation (1).

149.070 Application for ASAO certificate

- (1) A person may apply to CASA, in writing, for the issue of an ASAO certificate to the person.
- (2) However, a body corporate may make an application only if it is incorporated in Australia.
- (3) An application for an ASAO certificate must include the following:
 - (a) the applicant's name and contact details;
 - (b) any operating or business name of the organisation (the **applicant's organisation**) established, or proposed to be established, by the applicant to perform the aviation administration functions covered by the application on behalf of the ASAO, including its ABN (if any);
 - (c) the principal physical address at which the person proposed to be appointed as the accountable manager of the applicant's organisation will perform their duties and responsibilities;
 - (d) if the applicant is a corporation—the name of each of the officers of the corporation, its ACN and the address of its registered office;
 - (e) details of the aviation administration functions covered by the application, including:
 - (i) the kinds of aircraft (if any) that the applicant proposes to administer; and
 - (ii) the activities that the applicant proposes to administer; and
 - (iii) any ASAO enforcement powers that the ASAO proposes to exercise;
 - (f) a written undertaking from the person proposed to be appointed as the accountable manager of the applicant's organisation that, if CASA issues the certificate, the applicant and the applicant's organisation will:

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- (i) be capable of operating in accordance with the applicant's exposition and the civil aviation legislation; and
 - (ii) operate in accordance with the applicant's exposition and the civil aviation legislation.
- (4) The application must be:
- (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person proposed to be appointed as the accountable manager of the applicant's organisation.

149.075 Issue of ASAO certificate

- (1) Subject to regulations 11.055 and 149.060, CASA must issue an ASAO certificate to an applicant if CASA is satisfied:
- (a) that the applicant's proposed exposition complies with regulation 149.340; and
 - (b) about the following matters in relation to the organisation (the ***applicant's organisation***) established, or proposed to be established, by the applicant to perform, on behalf of the applicant, the aviation administration functions covered by the application:
 - (i) the applicant's organisation can perform the functions safely and in accordance with the applicant's exposition and the civil aviation legislation;
 - (ii) the applicant's organisation has the facilities and equipment required by regulation 149.280;
 - (iii) the applicant's organisation has the reference materials required by regulation 149.285; and
 - (c) that the applicant has nominated an individual for each of the key personnel positions of the applicant's organisation; and
 - (d) that the individuals nominated to hold the positions of accountable manager and safety manager of the applicant's organisation have the qualifications and experience required by the applicant's proposed exposition; and
 - (e) that each individual nominated to hold any other key personnel position of the applicant's organisation is appropriately qualified to hold the position.
- (2) If CASA decides to issue the ASAO certificate, CASA must:
- (a) determine the aviation administration functions that the applicant is authorised to perform, including:
 - (i) the kinds of aircraft (if any) that the applicant is authorised to administer; and
 - (ii) the activities that the applicant is authorised to administer; and
 - (iii) the ASAO enforcement powers (if any) that the ASAO may exercise; and
 - (b) determine the period (not exceeding 5 years) for which the certificate is in force.

149.080 Approval of exposition

If CASA issues an ASAO certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

149.085 Conditions of ASAO certificate

Each of the following is a condition of an ASAO certificate issued to an ASAO:

- (a) the ASAO must comply with the ASAO's exposition and the civil aviation legislation;
- (b) the ASAO must comply with any direction given to the ASAO, or obligation imposed on the ASAO, by CASA under these Regulations;
- (c) each of the key personnel of the ASAO must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of the civil aviation legislation that applies to the ASAO's approved functions;
- (d) each vacancy in the key personnel of the ASAO must be:
 - (i) notified to CASA within the period specified in the ASAO's exposition; and
 - (ii) filled within the period specified in the ASAO's exposition;
- (e) each of the personnel of the ASAO must comply with each provision of the civil aviation legislation that applies to the ASAO's approved functions;
- (f) the position of safety manager and any other key personnel position in the ASAO's organisation may be occupied by the same person simultaneously only:
 - (i) in an unforeseen circumstance, and for the period specified in the ASAO's exposition; or
 - (ii) in the circumstances, and for the period, for which the ASAO holds an approval under regulation 149.005.

149.090 Form of ASAO certificate

An ASAO certificate must include the following:

- (a) the name of the ASAO;
- (b) the date of issue of the certificate;
- (c) the aviation administration functions of the ASAO determined under paragraph 149.075(2)(a);
- (d) the period determined under paragraph 149.075(2)(b) for which the certificate is in force;
- (e) a certificate reference number determined by CASA.

Subpart 149.C—Changes to exposition or personnel

149.110 Certain changes to exposition must be pre-approved by CASA

- (1) A change to an ASAO's exposition must be approved by CASA under regulation 149.115 before the change is made.
- (2) Subregulation (1) does not apply if the change is of a kind specified in the ASAO's exposition in accordance with paragraph 149.340(h).

Note: Such a change may need to be notified to CASA within a specified period after the change is made: see paragraph 149.340(i).

149.115 Approval of changes to exposition

Application for approval

- (1) An ASAO may apply to CASA for the approval of a change to the ASAO's exposition.
- (2) The application must:
 - (a) be in the approved form; and
 - (b) be accompanied by a copy of the part of the ASAO's exposition affected by the change, clearly identifying the change; and
 - (c) comply with the requirements (if any) prescribed by the Part 149 Manual of Standards.

Decision on application

- (3) CASA must, by written notice given to the applicant, do one of the following within 21 days after receiving the application:
 - (a) if subregulation (4) applies—grant the approval;
 - (b) refuse to grant the approval.
- (4) For the purposes of paragraph (3)(a), this subregulation applies if CASA is satisfied that:
 - (a) the requirements mentioned in subregulation 149.075(1) will continue to be met in relation to the ASAO; and
 - (b) approving the change would not be likely to have an adverse effect on the safety of air navigation.

Request for further information

- (5) CASA may, by written notice, request further information from the applicant about the application.
- (6) If a notice is given under subregulation (5):
 - (a) the 21-day period stops on the day the notice is given; and

- (b) that period begins again on the day after the information is received by CASA.
- (7) More than one notice may be given under subregulation (5) in relation to an application.

149.120 CASA directions relating to exposition or personnel

- (1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to an ASAO, direct the ASAO to change the ASAO's exposition:
 - (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may, by written notice given to an ASAO, direct the ASAO to remove any of the key personnel of the ASAO from the person's position if CASA is satisfied that the person is not:
 - (a) carrying out the responsibilities of the position; or
 - (b) if the person is the accountable manager of the ASAO's organisation—properly managing matters for which the person is accountable.
- (3) A notice under this regulation must state the time within which the direction must be complied with.
- (4) If CASA gives an ASAO a direction under this regulation, the ASAO must comply with the direction within the time specified in the notice.
- (5) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (4).

Penalty: 50 penalty units.

Subpart 149.D—Organisation and personnel

149.195 Organisation and personnel

- (1) An ASAO's organisation must maintain a structure that effectively manages the ASAO's approved functions, taking into account the nature and complexity of the functions.
- (2) An ASAO's organisation must have enough suitably competent, qualified and trained personnel to enable the ASAO to perform the ASAO's approved functions in accordance with the ASAO's exposition and the civil aviation legislation.
- (3) An ASAO contravenes this subregulation if any of the ASAO's key personnel carries out a responsibility of the person's position in a way that contravenes the ASAO's exposition or this Subpart.
- (4) An ASAO commits an offence if the ASAO contravenes subregulation (3).

Penalty: 50 penalty units.

149.200 Notifying CASA if key personnel cannot carry out responsibilities

- (1) If an ASAO becomes aware that any of the ASAO's key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days, the ASAO must tell CASA of that fact within:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—5 days after the ASAO becomes aware of that fact; or
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—10 days after the ASAO becomes aware of that fact.
- (2) An ASAO commits an offence if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

149.205 Familiarisation training for key personnel

An ASAO must ensure that, before a person appointed as any of the ASAO's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

149.210 Experience etc. of key personnel

- (1) The accountable manager of an ASAO:
 - (a) must have the experience and qualifications required by the ASAO's exposition; and

- (b) is responsible for managing, and is accountable for, the matters set out in the ASAO's exposition.
- (2) The safety manager of an ASAO:
 - (a) must have the experience and qualifications required by the ASAO's exposition; and
 - (b) is responsible for the matters set out in the ASAO's exposition.
- (3) The key personnel of an ASAO, other than the accountable manager and the safety manager of the ASAO:
 - (a) are responsible for the matters set out in the ASAO's exposition; and
 - (b) must have experience and qualifications that are commensurate with the risk associated with the ASAO's approved functions.

149.215 Reporting interference with decisions of key personnel

- (1) If the accountable manager of an ASAO becomes aware that a person has overridden an aviation safety-related decision of a member of the key personnel of the ASAO, the accountable manager must report the matter to CASA, in writing, as soon as practicable, and in any case not later than 7 days, after becoming aware of the matter.

Note: CASA may direct an ASAO to remove the accountable manager of the ASAO if he or she does not comply with this subregulation: see subregulation 149.120(2).

- (2) If the safety manager of an ASAO becomes aware that a person has overridden an aviation safety-related decision of a member of the key personnel of the ASAO, the safety manager must report the matter to CASA, in writing, as soon as practicable, and in any case not later than 7 days, after becoming aware of the matter.

Note: CASA may direct an ASAO to remove the safety manager of the ASAO if he or she does not comply with this subregulation: see subregulation 149.120(2).

149.220 Register of key personnel and appointed persons

- (1) An ASAO must maintain a register containing the following information for each of the ASAO's key personnel:
 - (a) the title of the position;
 - (b) the name of the person occupying the position;
 - (c) the date the person began occupying the position;
 - (d) if applicable—the date the person ceased to occupy the position.
- (2) An ASAO must maintain a register containing the following information for each person appointed by the ASAO to perform an approved function on behalf of the ASAO:
 - (a) the name of the person;
 - (b) each approved function of the ASAO that the person performs on behalf of the ASAO;
 - (c) the date the person began performing each function;

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(d) if applicable—the date the person ceased performing each function.

Subpart 149.E—Systems, facilities, reference materials and rules

149.270 Safety management system

An ASAO must have a safety management system that:

- (a) is appropriate for the ASAO's approved functions, taking into account the nature and complexity of the functions, and the size of the ASAO; and
- (b) complies with the requirements prescribed by the Part 149 Manual of Standards.

149.275 Audit and surveillance system

An ASAO must have an audit and surveillance system that complies with the requirements prescribed by the Part 149 Manual of Standards.

149.280 Facilities and equipment

An ASAO's organisation must have the facilities and equipment that are necessary for performing the ASAO's approved functions, including appropriate equipment to allow the ASAO's personnel to perform their duties.

149.285 Reference materials

- (1) An ASAO must provide access to up-to-date copies of the following reference materials that are relevant to the performance of the ASAO's approved functions:
 - (a) the civil aviation legislation;
 - (b) technical standards and practices;
 - (c) technical bulletins and instructions;
 - (d) manuals for equipment used by the ASAO's personnel;
 - (e) any other materials prescribed by the Part 149 Manual of Standards.
- (2) An ASAO must ensure that the ASAO's personnel have ready access to the reference materials.

149.290 Aviation administration and enforcement rules

- (1) An ASAO must prepare rules (the *aviation administration and enforcement rules*) that provide for the following:
 - (a) the process for applying for an authorisation from the ASAO to undertake an activity administered by the ASAO, including the information that must be included in the application;
 - (b) the eligibility criteria for the issuing of an authorisation by the ASAO to undertake an activity administered by the ASAO;
 - (c) conditions that may be attached to an authorisation issued by the ASAO;

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- (d) procedures relating to the variation, suspension and cancellation of authorisations at the authorisation holder's request;
 - (e) procedures relating to the internal review of decisions made by the ASAO;
 - (f) if the ASAO is authorised to exercise ASAO enforcement powers:
 - (i) the circumstances in which those powers may be exercised; and
 - (ii) procedures relating to the exercise of those powers;
 - (g) procedures that require safe conduct by authorisation holders at all times;
 - (h) measures for providing an authorisation holder with preventative, corrective or remedial solutions to identified training or skills deficiencies;
 - (i) any disciplinary action that may be undertaken by the ASAO in relation to authorisation holders;
 - (j) an effective and appropriate review process in relation to any preventative, corrective, remedial or disciplinary action undertaken by the ASAO;
 - (k) any other matter prescribed by the Part 149 Manual of Standards.
- (2) The aviation administration and enforcement rules of an ASAO must have due regard to procedural fairness.

Subpart 149.F—Expositions

149.340 Content of exposition

An exposition for an ASAO must include the following:

- (a) for each of the ASAO's key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the ASAO for the position in addition to the qualifications and experience required under the Part 149 Manual of Standards for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in the Part 149 Manual of Standards for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder is absent from the position or cannot carry out the responsibilities;
 - (v) a description of how the ASAO will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
- (b) for each position occupied by a person appointed by the ASAO to perform an approved function on behalf of the ASAO, the following information:
 - (i) the duties and responsibilities of the position;
 - (ii) how a person will be selected, trained and authorised to perform the duties and responsibilities of the position;
 - (iii) the qualifications, knowledge and experience required for the position;
- (c) a description of the approved functions of the ASAO;
- (d) a description of the procedures by which the ASAO ensures that the performance of the ASAO's approved functions comply with:
 - (i) the ASAO's exposition; and
 - (ii) the civil aviation legislation;
- (e) a description of the ASAO's safety management system required by regulation 149.270;
- (f) a description of the ASAO's audit and surveillance system required by regulation 149.275;
- (g) the ASAO's aviation administration and enforcement rules;
- (h) the kinds of changes to the ASAO's exposition that do not require approval by CASA;
- (i) the ASAO's process for managing changes to the ASAO's exposition that do not require approval by CASA, including:
 - (i) procedures for notifying the ASAO's personnel and CASA of such changes; and
 - (ii) the period within which such changes are to be so notified;

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- (j) a description of the procedures by which the ASAO will ensure compliance with regulation 149.550, should any of the circumstances specified in that regulation arise;
- (k) any other matter required to be included in the exposition by the Part 149 Manual of Standards or these Regulations.

149.345 Compliance with exposition

- (1) An ASAO must not contravene a provision of the ASAO's exposition.
- (2) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

149.350 Access to exposition etc.

- (1) An ASAO contravenes this subregulation if:
 - (a) the ASAO does not keep its exposition in a readily accessible form; or
 - (b) a member of the ASAO's personnel does not have ready access to the exposition; or
 - (c) the holder of an authorisation issued by the ASAO does not have ready access to the exposition; or
 - (d) CASA does not have ready access to the exposition; or
 - (e) the ASAO does not keep the exposition up-to-date.
- (2) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 149.G—Authorisations

149.400 Grounds for refusal of application for authorisation

- (1) An ASAO must not reject an application by a person for an authorisation to undertake an activity administered by the ASAO on grounds other than the eligibility criteria set out in the ASAO's aviation administration and enforcement rules.

Note: For review by CASA of decisions by ASAOs, see Subpart 149.K.

- (2) Subregulation (1) does not apply if the ASAO reasonably believes that acceptance of the application would constitute an offence against the civil aviation legislation.

149.405 Disclosure of information in application for authorisation

- (1) A person contravenes this subregulation if:
 - (a) the person applies to an ASAO for an authorisation to undertake an activity; and
 - (b) the person does not disclose, in the application, details of each cancellation, variation or suspension (other than at the person's request) of authorisations:
 - (i) held by the person that are the same in substance as the authorisation applied for; and
 - (ii) issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; in the period starting 10 years before the making of the application.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

149.410 Authorisation holders must comply with ASAO's exposition

- (1) The holder of an authorisation issued by an ASAO contravenes this subregulation if:
 - (a) a provision of the ASAO's exposition applies to the holder; and
 - (b) the holder contravenes the provision.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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149.415 Notice of suspension, variation or cancellation of authorisation

CASA-issued authorisation—cancellation etc. by CASA

- (1) Subregulation (2) applies if:
 - (a) a person holds an authorisation (the **first authorisation**) issued by CASA; and
 - (b) CASA suspends, varies or cancels the first authorisation other than at the person's request; and
 - (c) a person holds an authorisation (the **second authorisation**) issued by an ASAO.
- (2) The person must, within 7 days after the suspension, variation or cancellation takes effect, give written notice of the suspension, variation or cancellation to the ASAO.

ASAO-issued authorisation—cancellation etc. by ASAO or CASA

- (3) Subregulation (4) applies if:
 - (a) a person holds an authorisation (the **first authorisation**) issued by an ASAO to undertake an activity; and
 - (b) CASA or the ASAO suspends, varies or cancels the first authorisation other than at the person's request; and
 - (c) the person holds an authorisation issued by another sport aviation body.
- (4) The person must, within 7 days after the suspension, variation or cancellation takes effect, give written notice of the suspension, variation or cancellation to the other sport aviation body.

ASAO-issued authorisation—cancellation etc. by national aviation authority of a foreign country

- (5) Subregulation (6) applies if:
 - (a) a person holds an authorisation (the **first authorisation**) issued by an ASAO; and
 - (b) the person holds an authorisation (the **other authorisation**) issued by a national aviation authority of a foreign country; and
 - (c) the other authorisation is suspended, varied or cancelled other than at the person's request.
- (6) The person must, within 7 days after the suspension, variation or cancellation takes effect, give written notice of the suspension, variation or cancellation to the ASAO and CASA.

Offence

- (7) A person commits an offence of strict liability if the person contravenes subregulation (2), (4) or (6).

Penalty: 50 penalty units.

149.425 Reporting conduct of authorisation holders etc.

- (1) An ASAO must give a report to CASA, in writing, if the ASAO reasonably believes that:
 - (a) both of the following apply:
 - (i) the holder of an authorisation issued by the ASAO has contravened the ASAO's exposition;
 - (ii) despite remedial or disciplinary action taken by the ASAO, the conduct of the holder of the authorisation jeopardises the safety of civil aviation; or
 - (b) both of the following apply:
 - (i) a person is undertaking an activity for which the person is required, under these Regulations, to hold an authorisation issued by an ASAO;
 - (ii) the person does not hold an authorisation issued by the ASAO to undertake the activity; or
 - (c) a person is undertaking an activity for which the person holds an authorisation issued by an ASAO in a way that contravenes the authorisation; or
 - (d) an aircraft that has ceased to be registered under Part 47 or administered by the ASAO is being flown.
- (2) An ASAO must give the report to CASA within the time specified in the ASAO's exposition.
- (3) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (2).

Penalty: 50 penalty units.

149.430 Reporting applications for authorisations in certain circumstances

Reporting of all variations and cancellations

- (1) An ASAO contravenes this subregulation if:
 - (a) a person applies to the ASAO for an authorisation to undertake an activity; and
 - (b) the ASAO knows that the person holds, or has held, an authorisation (the **other authorisation**):
 - (i) that is the same in substance as the authorisation applied for; and
 - (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
 - (c) the ASAO knows that the other authorisation was varied or cancelled other than at the person's request; and
 - (d) the ASAO does not report details of the application to CASA, in writing, within 7 days after the person makes the application.

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Reporting of current suspensions

- (2) An ASAO contravenes this subregulation if:
- (a) a person applies to the ASAO for an authorisation to undertake an activity; and
 - (b) the ASAO knows that the person holds an authorisation (the ***other authorisation***):
 - (i) that is the same in substance as the authorisation applied for; and
 - (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
 - (c) the ASAO knows that, at the time of the application, the other authorisation is suspended other than at the person's request; and
 - (d) the ASAO does not report details of the application to CASA, in writing, within 7 days after the person makes the application.
- (3) An ASAO commits an offence if the ASAO contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

149.435 ASAO to refuse to issue authorisation if suspended etc.

Other authorisation currently suspended

- (1) An ASAO contravenes this subregulation if:
- (a) a person applies to the ASAO for an authorisation (the ***new authorisation***) to undertake an activity; and
 - (b) the ASAO knows that the person holds an authorisation (the ***other authorisation***):
 - (i) that is the same in substance as the new authorisation; and
 - (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
 - (c) the ASAO knows that, at the time of the application, the other authorisation is suspended other than at the person's request; and
 - (d) the ASAO issues the new authorisation to the person.

Other authorisation is or has been varied

- (2) An ASAO contravenes this subregulation if:
- (a) a person applies to the ASAO for an authorisation (the ***new authorisation***) to undertake an activity; and
 - (b) the ASAO knows that the person holds, or has held, an authorisation (the ***other authorisation***):
 - (i) that is the same in substance as the new authorisation; and
 - (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
 - (c) the ASAO knows that the other authorisation was varied other than at the person's request; and

(d) the ASAO issues the new authorisation to the person.

Other authorisation has been cancelled

- (3) An ASAO contravenes this subregulation if:
- (a) a person applies to the ASAO for an authorisation (the **new authorisation**) to undertake an activity; and
 - (b) the ASAO knows that the person has held an authorisation (the **other authorisation**):
 - (i) that is the same in substance as the new authorisation; and
 - (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
 - (c) the ASAO knows that the other authorisation was cancelled other than at the person's request; and
 - (d) the ASAO issues the new authorisation to the person.

Exception—CASA approval

- (4) Subregulation (1), (2) or (3) does not apply if, before the new authorisation is issued, CASA has given approval under this subregulation to the ASAO to issue the new authorisation to the person.

Note: A defendant bears an evidential burden in relation to the matter in this subregulation: see subsection 13.3(3) of the *Criminal Code*.

Offence

- (5) An ASAO commits an offence if the ASAO contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

- (6) Strict liability applies to paragraphs (1)(a) and (d), (2)(a) and (d) and (3)(a) and (d).

149.440 ASAO to refuse to issue authorisation if exclusion period is in force

- (1) An ASAO contravenes this subregulation if:
- (a) a person applies to the ASAO for an authorisation authorising the person to undertake an activity; and
 - (b) the ASAO knows that an exclusion period is in force under an order under section 30A of the Act in relation to the person and an authorisation that is the same in substance as the authorisation applied for; and
 - (c) the ASAO issues the authorisation.
- (2) Subregulation (1) does not apply if, before the authorisation is issued, CASA has given approval under this subregulation to the ASAO to issue the authorisation to the person.

Note: A defendant bears an evidential burden in relation to the matter in this subregulation: see subsection 13.3(3) of the *Criminal Code*.

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(3) An ASAO commits an offence if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 149.H—Authorisations and enforcement

149.490 Direction to ASAO to exercise ASAO enforcement powers

- (1) CASA may, if satisfied that it is necessary in the interests of the safety of air navigation, direct an ASAO to exercise an ASAO enforcement power in relation to the holder of an authorisation issued by the ASAO.
- (2) The ASAO must comply with the direction within 20 days.
- (3) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (2).

Penalty: 50 penalty units.

149.495 Variation, suspension and cancellation of authorisations issued by ASAOs

- (1) CASA may exercise the powers in subregulation (2):
 - (a) if an ASAO does not comply with a direction under regulation 149.490 within 20 days; or
 - (b) on written request of an ASAO; or
 - (c) on CASA's own initiative;if CASA is satisfied that it is necessary in the interests of the safety of air navigation to do so.
- (2) CASA may, by written notice given to the holder of an authorisation issued by an ASAO, vary, suspend or cancel the authorisation.
- (3) Before making a decision under subregulation (2), CASA must:
 - (a) give the holder of the authorisation a notice setting out the reasons why CASA is considering making the decision; and
 - (b) allow the holder of the authorisation to show cause, within such reasonable time as CASA specifies in the notice, why CASA should not make the decision.
- (4) A variation or suspension has effect for the period specified in the notice, unless earlier revoked by CASA.
- (5) A cancellation takes effect on the day specified in the notice.
- (6) If CASA varies, suspends or cancels an authorisation issued by an ASAO, CASA must notify the ASAO in writing of the variation, suspension or cancellation as soon as practicable.
- (7) The suspension of an authorisation issued by an ASAO under this regulation does not prevent the revocation of the authorisation by the ASAO or by CASA.

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149.500 Effect of suspension or cancellation by CASA of authorisations issued by ASAOs

- (1) If CASA suspends an authorisation issued by an ASAO under regulation 149.495, the authorisation is taken not to be in force during the period of suspension.
- (2) If:
 - (a) CASA suspends an authorisation issued by an ASAO under regulation 149.495; and
 - (b) under the civil aviation legislation, a person is required to hold the authorisation to undertake an activity;the person to whom the authorisation was issued is taken not to be the holder of the authorisation for the period of the suspension.
- (3) If an authorisation is cancelled by CASA under regulation 149.495, the person to whom the authorisation was issued is not eligible to apply for the grant of, and must not be granted, another authorisation that is the same in substance as the cancelled authorisation until 3 years after the day the cancellation takes effect.

Subpart 149.J—Information and documents

149.540 Providing information or documents to CASA

- (1) CASA may, by notice given to an ASAO, require the ASAO to:
 - (a) give to CASA information of the kind specified in the notice; or
 - (b) produce to CASA documents of the kind specified in the notice.
- (2) The information or documents must relate to the ASAO's approved functions.
- (3) The notice must:
 - (a) be in writing; and
 - (b) specify the manner and form in which the information or documents must be given.
- (4) If an ASAO is given a notice under this regulation, the ASAO must comply with the notice within the period specified in the notice (which must end at least 7 days after the notice is given).
- (5) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (4).

Penalty: 50 penalty units.

149.550 Copies of documents to CASA

- (1) An ASAO must provide to CASA copies of all documents used by the ASAO in the performance of its approved functions if any of the following events occur:
 - (a) the ASAO becomes incapable of complying with the ASAO's obligations under the civil aviation legislation;
 - (b) if the ASAO is an individual—the ASAO becomes insolvent under administration;
 - (c) if the ASAO is a body corporate—the ASAO becomes a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
 - (d) CASA cancels the ASAO certificate issued to the ASAO.
- (2) The copies of documents required by subregulation (1) must be provided to CASA within 30 days after the event occurs.

Subpart 149.K—Review of ASAO decisions

149.605 Application for internal review by ASAO

- (1) This regulation applies if a person is dissatisfied with one of the following decisions:
 - (a) a decision of an ASAO to refuse to issue an authorisation to the person;
 - (b) a decision of an ASAO to issue an authorisation to the person in terms different from those applied for;
 - (c) a decision of an ASAO to vary, suspend or cancel an authorisation issued to the person other than at the person's request;
 - (d) a decision to attach conditions to an authorisation issued to the person, other than at the person's request;
 - (e) a decision to vary conditions attached to an authorisation issued to the person, other than at the person's request.
- (2) The person may apply to the ASAO for internal review of the decision, in accordance with the procedures specified in the ASAO's aviation administration and enforcement rules.
- (3) The ASAO may:
 - (a) affirm, vary or set aside the decision; and
 - (b) if the ASAO sets aside the decision—make such other decision as the ASAO considers appropriate.
- (4) If the ASAO has not made a decision on the application within 21 days after receiving the application, the ASAO is taken to have affirmed the decision on that day.
- (5) A decision made under subregulation (3), or taken to have been made because of the operation of subregulation (4), by an ASAO is an **internal review decision**.

149.610 Application for review by CASA

- (1) If a person who made an application under subregulation 149.605(2) is dissatisfied with the internal review decision of the ASAO, the person may apply to CASA for a review of the internal review decision.
- (2) The application must be made:
 - (a) in the approved form; and
 - (b) within 21 days after the internal review decision, or such longer period as CASA allows.
- (3) An application under this regulation is not taken to have been made unless:
 - (a) it is made in the manner approved by CASA for that purpose; and
 - (b) it is made in the approved form; and
 - (c) it includes all of the information required by the form; and

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- (d) the applicant has notified the ASAO of the application in accordance with regulation 149.615; and
 - (e) if a fee is payable for the application—that fee has been paid.
- (4) The making of an application to CASA for review of an internal review decision of an ASAO does not affect the operation of the decision or prevent the taking of action to implement the decision.

149.615 Notifying the ASAO of application

If a person makes an application under regulation 149.610 for review of an internal review decision made by an ASAO, the person must notify the ASAO, in writing, of that fact.

149.620 ASAO to provide information and documents to CASA

- (1) If an ASAO receives a notice under regulation 149.615, the ASAO must, within 28 days after receiving the notice, give the following to CASA:
- (a) a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the internal review decision of the ASAO;
 - (b) copies of every document that is in the ASAO's possession or under the ASAO's control and is relevant to the review by CASA of the internal review decision.
- (2) An ASAO commits an offence of strict liability if:
- (a) the ASAO is subject to a requirement under subregulation (1); and
 - (b) the ASAO fails to comply with the requirement.

Penalty: 50 penalty units.

149.625 CASA may request further information etc. from applicant for review

- (1) If CASA reasonably believes that it is necessary to do so for the purposes of conducting the review, CASA may request that the applicant for review of an internal review decision of an ASAO do one or more of the following:
- (a) provide further information or documents to CASA;
 - (b) submit to an examination or test conducted by CASA;
 - (c) attend an interview with CASA.
- (2) CASA may refuse to make a decision on the application for review until a request under subregulation (1) is complied with.

149.630 Review procedures and review decision

- (1) In conducting a review of an internal review decision of an ASAO:
- (a) the procedures for conducting the review are within the discretion of CASA; and
 - (b) CASA is not bound by the rules of evidence; and

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- (c) CASA may inform itself in any way it thinks fit; and
 - (d) the review is to be conducted with as little technicality and formality, and as quickly and economically, as a proper consideration of the matters permit.
- (2) On review of an internal review decision of an ASAO, CASA must make a decision:
- (a) affirming the internal review decision; or
 - (b) varying the internal review decision; or
 - (c) setting the internal review decision aside and substituting a new decision; or
 - (d) setting the internal review decision aside and remitting the matter to the ASAO for reconsideration in accordance with any directions or recommendations of CASA.
- (3) A decision under subregulation (2) comes into effect on the day specified by CASA.
- (4) CASA must, as soon as practicable after making a decision under subregulation (2), give written notice to the applicant and the ASAO of:
- (a) the decision; and
 - (b) the reasons for the decision.

Part 171—Aeronautical telecommunication service and radionavigation service providers

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Subpart 171.A—General

171.005 Applicability of this Part

- (1) This Part sets out:
 - (a) the requirements for a person to be approved as a provider of a ground-based aeronautical telecommunication or radionavigation service; and
 - (b) the requirements for the operation and maintenance of those services; and
 - (c) certain administrative rules relating to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
 - (a) a person who is providing an aeronautical telecommunication or radionavigation service in the course of his or her duties for the Defence Force; or
 - (b) any aeronautical telecommunication or radionavigation service provided by the Defence Force.

171.010 Interpretation

- (1) In this Part:

accuracy, in relation to a radionavigation service or facility, means the degree to which the value measured or displayed by the service or facility conforms to the true value.

approval means an approval, given by CASA, to provide a telecommunication or radionavigation service.

availability, for a telecommunication service, radionavigation service or support service, means the percentage of its operating hours that the service is not interrupted.

configuration, in relation to:

- (a) a telecommunication or radionavigation service—means the configuration of each facility and any interconnection between facilities that make up the service; and
- (b) a facility—means the configuration of equipment, hardware, software and data, and the interconnections between equipment.

coverage, in relation to a telecommunication or radionavigation service, means the volume of airspace in which, or the locations between which, the service is nominally provided.

Example 1: The volume of airspace in which an aeronautical broadcasting service can be received and used.

Example 2: The places served by an aeronautical fixed line telecommunication service.

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functional specification, for a telecommunication service, a radionavigation service or a support service, is a general description of the service, its operating principles and its functions.

Example: The functional specification of an aeronautical radionavigation service may describe the kind of service, each standard to which it operates, the accuracy of its signal and the aircraft for which the service is provided.

hazard means a source of potential harm to aviation safety.

integrity, of a telecommunication service, a radionavigation service or a support service:

- (a) means the likelihood that the information supplied by the service at a particular moment is correct; and
- (b) includes the ability of the service to warn users promptly when the service should not be used.

key personnel, in relation to a service provider, means the person or persons who manage 1 or more of the following:

- (a) operations;
- (b) maintenance;
- (c) safety.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 171’ issued by CASA under regulation 171.017, as in force from time to time.

operating hours, for a telecommunication or radionavigation service, means the times during which the service provider must, under its approval, operate the service.

operations manual means a manual of the kind described in Subpart 171.D, prepared by a service provider or a person applying for approval.

recovery time means the period during which a service is interrupted.

reliability, of a telecommunication service, a radionavigation service or a support service, means the probability that the service will perform its function or functions without failure for a specified period.

risk means risk to aviation safety.

safety means aviation safety.

service provider means a person approved to operate and maintain a telecommunication or radionavigation service, and whose approval is not suspended or revoked.

technical specification, for a telecommunication service or facility, or a radionavigation service or facility, is a detailed description, that may use technical terms and concepts, of:

- (a) the way in which the service or facility operates and performs its functions; and
- (b) the technical standards to which the service or facility has been designed and manufactured.

Example: The technical specification of a particular kind of radionavigation service may include its frequency band, channel spacing, frequency tolerance, effective radiated transmitter power, antenna type and gain, effective radiated power and radial phase modulation.

technician means a person who is engaged by a service provider to do 1 or more of the following:

- (a) operate a facility;
- (b) maintain a facility;
- (c) conduct measurements of the performance of, and calibration of, a facility during a flight inspection.

(2) For this Part:

- (a) a telecommunication or radionavigation service is provided using 1 or more **facilities** at 1 or more locations, each facility consisting of:
 - (i) 1 item of equipment; or
 - (ii) items of interconnected equipment;at a particular location; and
- (b) a service is **interrupted** if, during its operating hours:
 - (i) it is not operating because it has failed or has been suspended; or
 - (ii) it is operating outside its technical specification.

171.012 Meaning of *telecommunication service*

(1) In this Part, **telecommunication service** means any of the following:

- (a) 1 or both of the following, within the meaning given for each in Volume II of Annex 10 to the Chicago Convention:
 - (i) an aeronautical broadcasting service;
 - (ii) an aeronautical fixed service;
- (b) an aeronautical mobile service, within the meaning given in Volume II of Annex 10 to the Chicago Convention, that is used to support an air traffic service of a kind mentioned in Annex 11 to the Chicago Convention;
- (c) any system that processes or displays air traffic control data.

(2) However, none of the following is a **telecommunication service**:

- (a) an aerodrome weather information broadcast service (within the meaning in AIP);
- (b) a certified air/ground radio service at an aerodrome;
- (c) a frequency confirmation system at an aerodrome;
- (d) pilot activated lighting (within the meaning in AIP) at an aerodrome;
- (e) a UNICOM service (within the meaning in AIP).

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171.015 Person not to provide service without approval

- (1) A person that is not a service provider must not provide a telecommunication or radionavigation service.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

171.017 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
- (a) standards relating to the procedures, systems and documents required for the provision of a radionavigation service or a telecommunication service;
 - (b) standards for facilities and equipment used to provide a radionavigation service or a telecommunication service;
 - (c) standards, including competency standards and minimum qualifications, for a technician or, if a service provider is an individual, a service provider;
 - (d) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
 - (e) any matter necessary or convenient to be provided for the effective operation of this Part.

Note: A Manual of Standards is a legislative instrument—see subsections 98(5A) and (5B) of the Act. It must be registered in accordance with the *Legislation Act 2003* and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275(3) or regulation 11.280) to each service provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 171.B—Approval of service providers

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as a telecommunication or radionavigation service provider.

171.020 Application

- (1A) Subject to regulation 171.022, an eligible person may apply to CASA for approval as a provider of a telecommunication service or a radionavigation service, or both.
- (1) For subregulation (1A), a person is an eligible person if the person is any of the following:
- (a) the Commonwealth;
 - (b) AA;
 - (c) a person who is to provide a telecommunication service, a radionavigation service, or both:
 - (i) in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*; or
 - (ii) by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*.
- (2) An application must be in writing, and must include:
- (a) the applicant's name and address; and
 - (b) a copy of the applicant's operations manual, prepared as if the applicant were a service provider; and
 - (c) a statement, prepared by referring to the list of services in the Manual of Standards, showing each kind of telecommunication or radionavigation service for which the application is being made; and
 - (d) a statement of the intended location and coverage of each service.
- (3) If an application is made to provide a telecommunication or radionavigation service that would not comply with 1 or more of the standards set out in:
- (a) Annexes 10, 11 and 14 to the Chicago Convention; and
 - (b) the Manual of Standards;
- the application must also describe the reasons for, and consequences of, the non-compliance.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

171.022 Joint applications not permitted

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.

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- (2) An application purportedly made by a partnership is not a valid application for any purpose.

171.025 If applicant is a corporation

- (1) For regulation 171.020, if the applicant is a corporation, the application must include:
 - (a) the applicant's registered address and ACN; and
 - (b) the names and addresses of its officers.
- (2) In paragraph (1)(b):

officer has the meaning given by section 9 of the *Corporations Act 2001*.

Note: See Subpart 171.E for provisions about administration of applications.

171.026 CASA may ask for demonstration of service

Regulation 11.045 applies in relation to an approval as a provider of a telecommunication service or a radionavigation service.

171.027 Grant of approval

- (1) Subject to regulation 11.055 and subregulation (2), if a person (the *applicant*) has applied for approval as a provider of a telecommunication service or a radionavigation service under this Part, CASA must grant the approval.
- (2) CASA may approve the applicant only if CASA approves the applicant's draft operations manual.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

171.028 When decision must be made

- (1) If CASA does not make a decision about an application within 90 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and

when the applicant makes the written submission does not count towards the period.

(5) In this regulation:

application includes an application to vary an approval under this Division.

171.029 Conditions

- (1) Without limiting regulations 11.056 and 11.067, CASA may impose, on an approval, a condition that restricts:
 - (a) the kind of telecommunication or radionavigation service to be provided;
or
 - (b) the way in which a service is provided; or
 - (c) the coverage of a service; or
 - (d) the time during which a service is provided.
- (2) In particular, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11(3) of the *Air Services Act 1995*.

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Subpart 171.C—Obligations and privileges of service provider

171.030 Service by provider

- (1) A telecommunication or radionavigation service must be provided in accordance with:
 - (a) the approval; and
 - (b) the service provider's operations manual.
- (2) Subregulation (1) does not apply to:
 - (a) a test transmission made in accordance with regulation 171.055; or
 - (b) a telecommunication or radionavigation service provided in an emergency.

171.035 Changes by service provider to service

- (1) This regulation applies if a service provider wants to make a change to its telecommunication or radionavigation service (including by providing an additional service):
 - (a) the effect of which would be that the provider's telecommunication or radionavigation service would no longer be in accordance with the certificate issued to the provider under regulation 171.250 (as in force before 27 June 2011) or regulation 11.060; or
 - (b) that requires prior notification to CASA because of a requirement to do so in the safety management system prepared in accordance with regulation 171.086.
- (2) Before making the change the service provider must:
 - (a) prepare a draft amendment of the operations manual that reflects the proposed change; and
 - (b) send a copy of the draft amendment to CASA.
- (2A) A service provider that complies with subregulation (2) in relation to making a change is taken to have applied for the approval of the proposed change under Subpart 171.E.
- (3) If CASA approves the draft amendment of the manual, the provider may:
 - (a) incorporate the amendment into the manual; and
 - (b) after approval of the change comes into effect in accordance with regulation 11.065, make the change.

171.040 Changes by service provider to operations manual

A provider may change its operations manual without changing its service if it sends CASA a copy of the amendment to the manual.

171.050 Technicians

- (1) A service provider must ensure that each technician is competent and holds the qualifications specified in the Manual of Standards for a technician of that kind.
- (2) In particular, the provider must ensure that each technician has been:
 - (a) appropriately trained; and
 - (b) assessed as competent by a person who is qualified in accordance with the standard set out in the Manual of Standards.
- (3) A service provider must give each technician a certificate that:
 - (a) names the technician; and
 - (b) describes the operation and maintenance functions that the technician may perform; and
 - (c) describes the kinds of facility or facilities for which the technician is authorised to perform those functions; and
 - (d) states the period during which the certificate is effective.

171.055 Test transmissions

A service provider may make a test transmission if:

- (a) the transmission is necessary to test a service, facility or equipment; and
- (b) the provider takes any one or more of the following precautions:
 - (i) a reasonable time before commencing the transmission, the provider tells AIS about the transmission;
 - (ii) at the commencement of the transmission, the service provider identifies the transmission as a test transmission;
 - (iii) the transmission contains information identifying it as a test transmission.

171.065 Interruption to service

- (1) This regulation applies if a telecommunication or radionavigation service is interrupted or if the service provider knows that the service is to be interrupted.
- (2) If the service is published in an AIP the service provider must tell AIS about the interruption.
- (3) If it is practicable to do so the service provider must tell users of the service about the interruption.

171.070 Test equipment

A service provider's facility or facilities must be tested and maintained using test equipment that is maintained and calibrated in accordance with the standards in the Manual of Standards.

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171.075 Documents to be maintained

- (1) The following documents must be maintained by a service provider:
 - (a) the operations manual;
 - (b) any technical manual used by the service provider at the facility;
 - (c) any documents of a kind listed in the Manual of Standards that relate to the provider's service.
- (2) For subregulation (1), a document is *maintained*, if it:
 - (a) includes all amendments (other than draft amendments prepared for regulation 171.035); and
 - (b) bears the date of:
 - (i) the creation of the document; or
 - (ii) for a revised document—the most recent revision of the document;and
 - (c) is available to the personnel who must refer to the document; and
 - (d) identifies the person who authorised the creation and any revision of the document.
- (3) For paragraph (1)(b), a *technical manual* means a document, other than the operations manual, that contains technical information about the operation and maintenance of a facility.

Example: An equipment manufacturer's instruction book.
- (4) A service provider must ensure that:
 - (a) a master copy of each document mentioned in this regulation is kept safely; and
 - (b) copies of documents are kept in a form that enables amendments to be made; and
 - (c) any document that has been replaced can not be used by mistake.

171.080 Records

- (1) A service provider must retain each document that:
 - (a) is given to or is created by or for the service provider; and
 - (b) could relate to aviation safety; and
 - (c) helps provide a history of events that relate to the design, installation, testing, operation, maintenance, modification or repair of, or changes to, each facility.
- (2) A document for subregulation (1) includes any record of a kind mentioned in the Manual of Standards that is given to, or created by or for, the provider.

Examples: Records of the operational performance of a service, changes to the configuration of a facility, records showing software upgrades, or records of commissioning procedures.
- (3) A document retained for this regulation must be:
 - (a) stored so it can be retrieved if needed for an aviation safety investigation; and

(b) retained for at least 5 years.

171.085 Security program

- (1) A service provider must have, and put into effect, the security program set out in the operations manual.
- (2) The security program must be in accordance with the standards set out in the Manual of Standards.

171.086 Safety management system

- (1) A service provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to safely provide the telecommunication and radionavigation services permitted under its approval.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The service provider must keep its safety management system under review and must take such corrective action as is necessary to ensure that it operates properly.

Subpart 171.D—Contents of operations manual

171.090 Operations manual to contain or refer to information

- (1) An operations manual must contain the information mentioned in this Subpart that applies to each telecommunication or radionavigation service and kind of facility of the service provider.
- (2) A requirement under this Subpart to include particular information in an operations manual may be satisfied by referring, in the manual, to that information in another document held by the service provider.

Example: An equipment manufacturer's technical manual.

171.095 Organisation and management of service provider

An operations manual must include an organisation chart of the service provider that shows:

- (a) the names, relevant qualifications, relevant experience and positions of the key personnel; and
- (b) the number of technicians who will provide each service; and
- (c) whether the people mentioned in paragraphs (a) and (b) are employees.

171.100 Way in which standards are met

- (1) An operations manual must:
 - (a) contain each standard that relates to the design, installation, testing, operation or maintenance of the service provider's services and facilities; and
 - (b) explain how each standard is met.

- (2) For subregulation (1):

standards means any of the following standards that apply to the service or facility:

- (a) an ICAO standard;
- (b) a standard set out in Annex 10 to the Chicago Convention;
- (c) a standard in the Manual of Standards;
- (d) any other standard included in the operations manual.

171.105 Functional specification and performance values of services

- (1) An operations manual must include:
 - (a) the functional specification of each of the service provider's telecommunication or radionavigation services; and
 - (b) the values or characteristics for each of the following that apply to the service:

- (i) availability;
 - (ii) reliability;
 - (iii) accuracy;
 - (iv) integrity.
- (2) The values mentioned in paragraph (1)(b) must be derived or measured from either or both of:
- (a) the configuration of each service; and
 - (b) the known performance of each service.
- (3) An operations manual must also describe the method used to calculate each of the values.
- (4) For a radionavigation service, the integrity values or characteristics must be given for each kind of navigation aid facility that forms part of the service.

171.110 Technical description

An operations manual must describe, for each telecommunication or radionavigation service provided:

- (a) the kind and location of each facility; and
- (b) the technical specification of each kind of facility; and
- (c) how each facility interconnects with any other facility or service; and
- (d) the way in which the service provider monitors each facility to ensure that it is operating in accordance with its technical specification.

171.115 Safe operation

- (1) An operations manual must describe the following:
- (a) the procedure that records the way in which each telecommunication or radionavigation service and each related facility is configured at any time;
 - (b) the procedure used to design each facility and each item of equipment so that it provides a safe service;
 - (c) the procedure that ensures that the design of, or changes to, a service or facility are authorised by a person who is qualified and competent to do so;
 - (d) the method to be used to specify any changes to a service or facility, and to design, test and implement those changes;
 - (e) the procedure to be used to commission a new service or facility;
 - (f) the system to be used to maintain a record of the operational performance of a service;
 - (g) the procedure to be used to monitor the performance of each service and facility, and to compare the results with the appropriate technical specification;
 - (h) the procedure to be used if a service fails or a facility fault occurs, including the way in which the failure or fault is to be reported and rectified;

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- (i) the procedure to be used to report and rectify any defects found during operation and maintenance of the facility;
 - (j) the procedure to be used to:
 - (i) detect and correct any latent defects in equipment; and
 - (ii) change software to adapt to any changes to the configuration of hardware; and
 - (iii) change the design of equipment or facilities to adapt to any change to the functional or technical specification.
- (2) For subparagraph (1)(j)(ii), **software** includes any form of data or instructions for an electronic device.

171.120 Facility operation and maintenance plan

- (1) For this regulation:

flight inspection means a test of the accuracy, coverage or any other aspect of the performance of a service or facility conducted by using test equipment on board an aircraft in flight.

- (2) An operations manual must contain, for each kind of facility, an operation and maintenance plan that includes the following:
- (a) the procedures used for maintenance, including the procedures used for repair;
 - (b) a description of the system used to schedule maintenance;
 - (c) the interval between performance inspections and the method used to determine the interval;
 - (d) a copy of the operating and maintenance instructions for the facility;
 - (e) an analysis of the workload of technicians and key personnel that takes into account the numbers of these people and their qualifications;
 - (f) if 1 or more flight inspections are necessary:
 - (i) the standards and procedures used for flight inspections; and
 - (ii) the interval between flight inspections; and
 - (iii) the identity of the person or persons who will conduct flight inspections.

171.125 Safety management system

An operations manual must include information about the safety management system set out in regulation 171.086.

171.140 Test equipment

An operations manual must describe the procedures to maintain and calibrate test equipment.

171.145 Interruption to service

- (1) An operations manual must:
 - (a) describe the procedure to be used if a telecommunication or radionavigation service is interrupted; and
 - (b) specify an acceptable recovery time for each service; and
 - (c) describe the procedure to be used if the acceptable recovery time of a service is exceeded; and
 - (d) if there is a method to provide an alternative service if a service is interrupted—describe the method.
- (2) Paragraph (1)(d) does not apply if, under an ATS agreement, an ATS provider is to arrange the alternative service.

171.150 Document control

An operations manual must describe the system by which documents mentioned in regulation 171.080 are stored and retrieved.

171.155 Security program

An operations manual must describe the security program mentioned in regulation 171.085.

171.160 Changes to procedures

An operations manual must describe the method by which changes are made to the operation and maintenance procedures.

Regulation 171.220

Subpart 171.E—Suspension and cancellation of approvals, and directions to vary manuals

171.220 Suspension and cancellation of approvals

- (1) CASA may state, in a show cause notice, that an approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended:
 - (a) if the approval is already suspended when the show cause notice is given to the holder—the approval continues to be suspended until CASA revokes the suspension, or the suspension lapses under subregulation (4); or
 - (b) the approval is suspended from when the notice is given to the holder.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval within 3 months after the day the show cause notice is given to the service provider, the suspension lapses at the end of that period.

171.225 Notice to approval holder to show cause

- (1) CASA may give an approval holder a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the approval.
- (2) A show cause notice must:
 - (a) tell the approval holder of the facts and circumstances that justify the cancellation of the approval; and
 - (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

171.230 Grounds for cancellation of approval

It is grounds for the cancellation of an approval if the holder:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) has otherwise been guilty of conduct that renders the holder's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

171.235 Cancellation of approval after show cause notice

- (1) CASA may cancel an approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the holder a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the holder; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) Subregulation (1) does not apply in relation to an approval in circumstances in which CASA must cancel the approval.
- (3) If CASA has given a show cause notice to an approval holder, and it decides not to cancel the approval, it:
 - (a) must tell the holder in writing of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

171.237 Cancellation if cooperation or arrangement ceases

- (1) CASA must cancel the approval of a person mentioned in subparagraph 171.020(1)(c)(i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 171.020(1)(c)(ii) if the arrangement mentioned in that subparagraph ceases.

171.245 CASA's power to direct variation of manual

- (1) If necessary in the interests of the safety of air navigation, CASA may direct a service provider in writing to vary its operations manual, within a reasonable period specified in the direction, in a way specified in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period mentioned in subregulation (1).
- (3) If the service provider does not comply with the direction within the period (including any extension of it), the manual is taken to cease to be approved at the end of the period.
- (4) After complying with the direction, the holder must give CASA a copy of the manual as so varied.

Part 172—Air Traffic Service Providers

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Subpart 172.A—General

172.005 Applicability of this Part

- (1) This Part:
 - (a) applies to a person that wants to become, or is, an ATS provider; and
 - (b) sets out certain administrative rules applying to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
 - (a) a person who is providing an air traffic service in the course of his or her duties for the Defence Force; or
 - (b) any air traffic service provided by the Defence Force.

172.010 Definitions for this Part

In this Part:

airspace authority means:

- (a) the body having the responsibility for making determinations under regulation 5, declarations under regulation 6 and designations under regulation 8 of the *Airspace Regulations 2007*; or
- (b) if another body is given that responsibility under other regulations having the same or similar effect—that body.

air traffic service means an air traffic service of a kind mentioned in Annex 11, other than a certified air/ground radio service at an aerodrome.

Annex 10 means Annex 10 to the Chicago Convention.

Annex 11 means Annex 11 to the Chicago Convention.

ICAO Doc. 4444 means Doc. 4444-RAC/501 (Procedures for Air Navigation Services – Rules of the Air and Air Traffic Services) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

ICAO Doc. 7030 means Doc. 7030 (Regional Supplementary Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 172’ issued by CASA under regulation 172.022, as in force from time to time.

provider’s operations manual, in relation to an ATS provider, means the manual maintained by the provider under regulation 172.060.

172.015 What is an ATS provider

An ATS provider is a person approved, under Subpart 172.F, to provide the air traffic services that are covered by the approval.

172.020 Providing air traffic service without approval

- (1) A person that is not an ATS provider must not provide an air traffic service.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

172.022 Issue of Manual of Standards

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
- (a) standards, including procedures, systems and documents used to provide an air traffic service;
 - (b) standards for facilities and equipment used to provide an air traffic service;
 - (c) standards for the training and checking of an ATS provider's personnel;
 - (d) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
 - (e) any matter necessary or convenient to be provided for the effective operation of this Part.

Note: A Manual of Standards is a legislative instrument—see subsections 98(5A) and (5B) of the Act. It must be registered in accordance with the *Legislation Act 2003* and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

- (2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275(3) or regulation 11.280) to each ATS provider.

Note: Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 172.B—Approval as an ATS provider

172.024 Applicant for approval as ATS provider

A person is eligible to apply for approval as an ATS provider if the person is any of the following:

- (a) the Commonwealth;
- (b) AA;
- (c) a person who is to provide an air traffic service:
 - (i) in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*; or
 - (ii) by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*.

172.030 When applicant is eligible for approval

For Subpart 172.F, an applicant is eligible to become an ATS provider if the applicant is able to comply with the requirements of Subparts 172.C and 172.D or will be able to do so if the applicant is approved.

172.055 Variation of approvals

- (1) If an ATS provider wants to vary its approval, it must apply to CASA, under Subpart 172.F, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.

Subpart 172.C—Requirements to be complied with by ATS providers

Division 172.C.1—Operations manual

172.060 Operations manual

- (1) An ATS provider must, at all times, maintain an operations manual that complies with the standards set out in the Manual of Standards.
- (2) The provider:
 - (a) must keep the manual in a readily accessible form; and
 - (b) must ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides has ready access to the manual.
- (3) The provider must amend the manual whenever it is necessary to do so to keep it in an up to date form.
- (4) If the provider is given a direction, under regulation 172.300, to amend the manual, the provider must comply with the direction.
- (5) The provider must ensure:
 - (a) that all the amendments are incorporated in all copies of the manual kept by the operator; and
 - (b) that copies of the amendments are given to CASA.

Division 172.C.2—Air traffic service

172.065 Standards for air traffic service

- (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:
 - (a) the standards set out in the Manual of Standards; and
 - (b) the standards set out or referred to in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP.
- (2) However, the provider may deviate from the standards if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.
- (3) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.

172.070 Aeronautical telecommunications procedures

An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:

- (a) the radiotelephony procedures set out in Parts 1 and 2 of the AIP; and
- (b) the procedures for aeronautical telecommunications set out in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP.

172.075 ICAO Doc. 4444 and ICAO Doc. 7030

- (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with the procedures and rules set out in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP.
- (2) If a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides, the provider must also ensure that the service is provided in accordance with that procedure.
- (3) However, the provider may deviate from a procedure or rule mentioned in subregulation (1), or a regional supplementary procedure mentioned in subregulation (2), if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.
- (4) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.

172.080 Compliance with provider's operations manual

An ATS provider must ensure that any air traffic service that it provides is provided in accordance with its provider's operations manual.

172.085 Priority of standards

If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with a standard in the Manual of Standards and a standard in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP, and it is not possible to comply with both standards, the provider is only required to ensure that the service is provided in accordance with the standard in the Manual.

172.090 Priority of inconsistent procedures

- (1) In this regulation:
procedure includes rules.
- (2) If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with 2 or more procedures that are inconsistent, the provider is only required to ensure that the service is provided in accordance with whichever of the procedures has the highest priority.
- (3) For this regulation, 2 or more procedures are inconsistent if:
 - (a) it is not possible to comply with both or all of the procedures; or
 - (b) they require the same, or substantially similar, action to be taken at different times or in a different way.
- (4) The order of priority of a procedure is as follows (starting with those of highest priority):
 - (a) procedures in Parts 1 and 2 of the AIP;
 - (b) procedures for aeronautical telecommunications in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP;
 - (c) procedures in ICAO Doc. 7030;
 - (d) procedures in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP;
 - (e) any procedures in the provider's operations manual.

Division 172.C.3—Standards for facilities and equipment

172.095 Facilities and equipment

- (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in the Manual of Standards, the air traffic services covered by its approval.
- (2) The equipment must include equipment of the kinds specified in the Manual of Standards.
- (3) Any equipment and facilities mentioned in chapter 6 of Annex 11 that the provider uses in providing an air traffic service must comply with the standards of that chapter.
- (4) If the provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in the Manual of Standards.

Division 172.C.4—Organisation and personnel

172.100 Definition for this Division

In this Division:

trained, in relation to a member of an ATS provider's personnel, means trained in accordance with any relevant requirements set out in the provider's training and checking program mentioned in regulation 172.140.

172.105 Organisation

An ATS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.

172.110 Personnel

An ATS provider must have, at all times, enough suitably qualified and trained personnel to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.

172.115 Supervisory personnel

An ATS provider must have, at all times, enough suitably qualified and trained personnel who are able to supervise the provision of any air traffic service that it provides.

172.120 Qualifications for certain personnel

- (1) An ATS provider must not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides unless:
 - (a) CASA has authorised the person to perform the function under regulation 65.035; or
 - (b) the person holds an ATC licence with a rating for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function; or
 - (c) the person performs the function under the supervision of another person who holds an ATC licence with a rating for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function.
- (2) The provider must not give to a person responsibility for a flight service function to be performed in connection with any air traffic service that it provides unless:

Part 172 Air Traffic Service Providers

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Division 172.C.4 Organisation and personnel

Regulation 172.120

- (a) CASA has authorised the person to perform the function under regulation 65.050; or
 - (b) the person holds a flight service licence with a rating for the function and an endorsement for the aerodrome for which, or the airspace in relation to which, the person performs the function; or
 - (c) the person performs the function under the supervision of another person who holds a flight service licence with a rating for the function and an endorsement for the aerodrome for which, or the airspace in relation to which, the person performs the function.
- (3) The provider must not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides if the person is subject to a direction under regulation 65.255.
- (4) The provider must not give to a person responsibility for a flight service function to be performed in connection with any air traffic service that it provides if the person is subject to a direction under regulation 65.255.

Division 172.C.5—Arrangements to maintain service

172.125 Agreements with service providers

- (1) In this regulation:

service provider means a person:

- (a) that is approved, under Part 171, to provide a telecommunication service, radionavigation service, or both; and
 - (b) whose approval is in force.
- (2) An ATS provider (other than an ATS provider that is also a service provider) must have an agreement with a service provider for any telecommunication service or radionavigation service that the service provider provides to the ATS provider.
- (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.

172.130 Agreements with aerodrome operators

- (1) In this regulation:

vehicle includes boat.

- (2) If an ATS provider (other than an ATS provider that is also an aerodrome operator) provides an air traffic service for a controlled aerodrome, the provider must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.
- (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.

172.135 Arrangements for transfer of information

- (1) An ATS provider must have, at all times, adequate arrangements to ensure that it gets, and will continue to get, the services and information necessary to provide the air traffic services covered by its approval.
- (2) The provider must have, at all times, adequate arrangements to ensure that it is able, and will continue to be able, to provide information in connection with any of those air traffic services to another person whose duties or functions reasonably require that information.

Division 172.C.6—Management

172.140 Training and checking program

An ATS provider must, at all times, provide a training and checking program, in accordance with the Manual of Standards, to ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides is competent to perform those functions.

172.145 Safety management system

- (1) An ATS provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to provide the air traffic services covered by its approval safely.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The provider must keep under review its safety management system and take such corrective action as is necessary to ensure that it operates properly.

172.150 Contingency plan

- (1) An ATS provider must have a contingency plan, in accordance with the standards set out in the Manual of Standards, of the procedures to be followed if, for any reason, an air traffic service being provided by it is interrupted.
- (2) The plan must include:
 - (a) the actions to be taken by the members of the provider's personnel responsible for providing the service; and
 - (b) possible alternative arrangements for providing the service; and
 - (c) the arrangements for resuming normal operations for the service.

172.155 Security program

- (1) An ATS provider must have, and put into effect, a security program that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its air traffic services.
- (2) The security program must be in accordance with the standards set out in the Manual of Standards.

Division 172.C.7—Reference materials, documents, records and log books

172.160 Reference materials

- (1) An ATS provider must maintain the following reference materials:
 - (a) copies of the Act and these Regulations;
 - (b) copies of Annex 11 and Volume II of Annex 10;
 - (c) a copy of ICAO Doc. 4444;
 - (d) if a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides—a copy of ICAO Doc. 7030;
 - (e) a copy of the parts of the AIP that are relevant to any air traffic services that it provides;
 - (f) the Manual of Standards;
 - (g) all manuals and documents specified in the Manual of Standards;
 - (h) a copy of any instruction issued by it to its personnel in relation to the provision of its air traffic services.
- (2) The provider must keep the reference materials up to date and in a readily accessible form.
- (3) The provider's personnel who perform functions in connection with any air traffic service that the provider provides must have ready access to the reference materials.

172.165 Documents and records

- (1) An ATS provider must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.
- (3) The provider must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

172.170 Document and record control system

- (1) An ATS provider must establish, and put into effect, a system for controlling documents and records relating to the air traffic services that it provides, including the policies and procedures for making, amending, preserving and disposing those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.

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Subpart 172.C Requirements to be complied with by ATS providers

Division 172.C.7 Reference materials, documents, records and log books

Regulation 172.175

- (3) The documents and records must include the documents and records required to be kept under regulation 172.165.

172.175 Logbooks

- (1) An ATS provider must keep, for each air traffic service that it provides from a particular location, a logbook in accordance with the standards set out in the Manual of Standards.
- (2) The provider must ensure that information of the kinds mentioned in the Manual is recorded in each logbook.
- (3) The provider must, at CASA's request, make each logbook, or a copy of it or an extract from it, available for inspection by CASA.

Division 172.C.8—Notice of air traffic service

172.180 Availability of air traffic service

- (1) An ATS provider must give to the AIS details of each air traffic service that it provides in particular airspace, or for a particular aerodrome, including the hours during which the service is available.
- (2) An ATS provider must tell the AIS about changes, interruptions or the unavailability of any of its air traffic services, if it is practicable to do so.

Subpart 172.D—Telling CASA about changes

172.185 Advice on organisational changes

An ATS provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any of its air traffic services within 7 days after the change occurs.

172.190 Discontinuing air traffic service

- (1) An ATS provider must not discontinue an air traffic service that it provides, unless it has given CASA at least 7 days written notice that the service is to be discontinued.
- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances:
 - (a) it was not reasonably practicable for the provider to give to CASA at least 7 days notice; and
 - (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued.

Subpart 172.E—Miscellaneous

172.195 ATS provider must not provide unauthorised air traffic service

An ATS provider must not provide an air traffic service unless its approval:

- (a) is in force; and
- (b) covers that service.

Subpart 172.F—Administration

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as an ATS provider.

Division 172.F.1—Preliminary

172.200 Applicability of this Subpart

This Subpart:

- (a) sets out certain administrative rules applying to CASA in its administration of this Part; and
- (b) includes certain generic provisions applying to anyone who wants to become, or is, an ATS provider.

Division 172.F.2—Approvals

172.202 Applying for approval

Subject to regulation 172.205, a person may apply to CASA, in writing, for approval as an ATS provider.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

172.205 Joint applications not permitted

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

172.215 Applications by corporations etc—what must be included

- (1) An application from a person other than an individual must set out:
 - (a) the applicant's registered address and ACN; and
 - (b) the names and addresses of its officers.
- (2) In paragraph (1)(b):

officer has the meaning given by section 9 of the *Corporations Act 2001*.

172.230 CASA may require demonstrations of procedures or equipment

Regulation 11.045 applies in relation to an approval as an ATS provider.

172.260 When CASA must approve an applicant

- (1) Subject to regulation 11.055 and subregulation (2), if an applicant has applied for approval as an ATS provider under this Part, CASA must grant the approval.
- (2) CASA must refuse an application for an approval for an air traffic service to be provided in particular airspace, or for a particular aerodrome, if anyone else who is an ATS provider already provides that service in that airspace or for that aerodrome.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

Regulation 172.265

172.265 When decision must be made

- (1) If CASA does not make a decision about an application within the period mentioned in subregulation (2) after receiving it, CASA is taken to have refused the application.
- (2) The period is 6 months.
- (3) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (4) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (5) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.
- (6) In this regulation:

application includes an application to vary an approval under this Division.

172.270 Conditions

Without limiting regulations 11.056 and 11.067, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11(3) of the *Air Services Act 1995*.

Division 172.F.4—Directions to amend provider's operations manual

172.300 CASA may direct amendments to provider's operations manual

- (1) If necessary in the interests of the safety of air navigation, CASA may direct an ATS provider, in writing, within a reasonable period specified in the direction, to amend its provider's operations manual in a way specified in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1).

Division 172.F.5—Suspension and cancellation of approvals

172.305 Definition for this Division

In this Division:

show cause notice means a notice under regulation 172.320.

172.310 Suspension of approval by show cause notice

- (1) CASA may state, in a show cause notice, that an ATS provider's approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended, the approval is suspended from when the notice is given to the provider.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval under regulation 172.325, within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

172.315 Grounds for cancellation of approval

It is grounds for the cancellation of an ATS provider's approval if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) does not meet, or continue to meet, a requirement of this Part for getting the approval; or
- (d) has otherwise been guilty of conduct that renders the provider's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

172.320 Notice to show cause

- (1) CASA may give an ATS provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the provider's approval.
- (2) A show cause notice must:
 - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and

- (b) invite the provider to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

172.325 Cancellation of approval after show cause notice

- (1) CASA may cancel an ATS provider's approval only if:
 - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
 - (b) CASA has given the provider a show cause notice in relation to the grounds for the proposed cancellation; and
 - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the provider; and
 - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an ATS provider, and it decides not to cancel the provider's approval, it:
 - (a) must tell the provider, in writing, of the decision; and
 - (b) must, if the approval is suspended, revoke the suspension.

172.327 Cancellation if cooperation or arrangement ceases

- (1) CASA must cancel the approval of a person mentioned in subparagraph 172.024(c)(i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 172.024(c)(ii) if the arrangement mentioned in that subparagraph ceases.

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Subpart 173.A—General

173.005 Applicability

- (1) This Part:
 - (a) provides for the standards that apply to the design of instrument flight procedures; and
 - (b) applies to the following persons:
 - (i) persons who want to become, or are, certified designers or authorised designers of terminal instrument flight procedures and certain employees of those persons;
 - (ii) persons who design instrument flight procedures other than terminal instrument flight procedures.
- (2) This Part also sets out certain rules that apply to CASA in administering procedure design certificates and procedure design authorisations.
- (3) Nothing in this Part applies:
 - (a) in relation to the design of terminal instrument flight procedures for use by an aircraft in circumstances where one or more engines of the aircraft become inoperative while it is on an IFR flight; or
 - (b) to a person who carries on design work on such procedures.

173.010 Definitions for this Part

In this Part, unless the contrary intention appears:

authorised designer has the meaning given by regulation 173.025.

certified designer has the meaning given by regulation 173.015.

chief designer, for a certified designer, means a person appointed as chief designer for the certified designer under Division 173.B.3.

continental shelf means the continental shelf of Australia, within the meaning of the Seas and Submerged Lands Act 1973.

design work, in relation to a terminal instrument flight procedure, means any of the following work:

- (a) designing the procedure or a part of the procedure;
- (b) verifying, maintaining, reviewing or amending the procedure;
- (c) supervising a person carrying on any work mentioned in paragraph (a) or (b).

employee, of a certified designer or an authorised designer, includes a person who carries on design work on a terminal instrument flight procedure for the designer in the course of performing services for the designer.

Regulation 173.015

ICAO Doc. 8168 (PANS-OPS) means Doc.8168-OPS/611 Volume II (Procedures for Air Navigation Services – Construction of Visual and Instrument Flight Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

Manual of Standards means the document called ‘*Manual of Standards (MOS) Part 173 – Standards Applicable to the Provision of Instrument Flight Procedure Design*’, published by CASA, as in force from time to time.

Note: The Manual of Standards is available from CASA’s website at:
www.casa.gov.au.

operations manual:

- (a) in relation to a certified designer, means the manual maintained by the designer under regulation 173.075; and
- (b) in relation to an authorised designer, means the manual maintained by the designer under regulation 173.250.

procedure design authorisation has the meaning given by regulation 173.030.

procedure design certificate has the meaning given by regulation 173.020.

type of terminal instrument flight procedure means a type of terminal instrument flight procedure mentioned in the Manual of Standards.

validate has the same meaning as in the Manual of Standards.

verify has the same meaning as in regulation 173.090.

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.

173.015 What is a certified designer

A **certified designer** is a person who is the holder of a procedure design certificate that is in force.

173.020 What is a procedure design certificate

A **procedure design certificate** is a certificate that:

- (a) is granted by CASA to a person under this Part; and
- (b) certifies that the person is authorised to carry on design work on a terminal instrument flight procedure of a type covered by the certificate subject to any conditions set out in the certificate.

173.025 What is an *authorised designer*

An *authorised designer* is a person who is the holder of a procedure design authorisation that is in force.

173.030 What is a *procedure design authorisation*

A *procedure design authorisation* is an authorisation that:

- (a) is granted by CASA to a person under this Part; and
- (b) authorises the person to carry on either of the following activities:
 - (i) review or amend a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country;
 - (ii) carry on design work on a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than the distance specified in the Manual of Standards from the nearest land.

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.

- (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;

Regulation 173.040

- (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.

(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.

173.040 Designing instrument flight procedures other than terminal instrument flight procedures

(1) A person who designs an instrument flight procedure that is not a terminal instrument flight procedure must, in designing the procedure, meet any standards for the design of such a procedure set out in the Manual of Standards.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

Subpart 173.B—Certified designers

Division 173.B.1—Certification as certified designer

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for certification as a certified designer.

173.045 Applications for procedure design certificates

- (1) A person may apply to CASA, in writing, for a procedure design certificate.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (2) The application:

(b) must state:

- (i) the applicant's name and address; or
- (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and

(c) must contain or be accompanied by:

- (i) a written statement specifying the type or each type of terminal instrument flight procedure proposed to be covered by the procedure design certificate; and
- (ii) a written statement setting out the name, qualifications and relevant experience of the individual who is proposed to be the chief designer for the applicant's organisation; and
- (iii) a written statement setting out the qualifications and relevant experience of any other member of the applicant's personnel whose duties would, if the certificate were granted to the applicant, include carrying on design work under the certificate; and

(d) must be accompanied by a copy of the operations manual under which the applicant proposes to design, or engage in design work on, terminal instrument flight procedures of the type or types concerned.

Note: Part 11 also contains provisions relating to an application for a procedure design certificate.

173.050 Criteria for grant of procedure design certificates

For regulation 173.335, a person who has applied for the grant of a procedure design certificate must, if the certificate is granted, be able to comply with the requirements of Division 173.B.2.

Regulation 173.055

173.055 Procedure design certificate

- (1) If CASA grants a procedure design certificate to a person under Subpart 173.E, CASA must state on the certificate:
- (a) the person's name and principal place of business; and
 - (b) the type or each type of terminal instrument flight procedure covered by the certificate; and
 - (c) any conditions applicable to it; and
 - (d) the date when it comes into force; and
 - (e) any other information that CASA thinks should be included.

173.065 How long procedure design certificates remain in force

A procedure design certificate remains in force unless it is cancelled.

173.070 Applications to vary procedure design certificates

An application to vary a procedure design certificate must contain, or have with it, a copy of the proposed variation.

Division 173.B.2—Requirements to be complied with by certified designers

173.075 Certified designer to maintain operations manual

- (1) A certified designer must, at all times, maintain an operations manual that meets the standards for operations manuals set out in the Manual of Standards.
- (2) A certified designer:
 - (a) must keep the manual in a readily accessible form; and
 - (b) must ensure that each employee of the designer whose duties include carrying on design work under the designer's procedure design certificate has ready access to the manual; and
 - (c) must amend the manual whenever it is necessary to do so to keep it in an up-to-date form.
- (3) A certified designer must ensure:
 - (a) that all amendments of the manual are incorporated in all copies of the manual kept by the certified designer; and
 - (b) that copies of the amendments are given to CASA.

173.080 Compliance with operations manual

A certified designer must, in carrying on design work authorised under the designer's procedure design certificate, comply with the designer's operations manual.

173.085 Standards for design of terminal instrument flight procedures etc

- (1) A certified designer designing a terminal instrument flight procedure under the certified designer's procedure design certificate must ensure that the procedure is designed in accordance with:
 - (a) any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS); and
 - (b) any applicable standards set out in the Manual of Standards.
- (2) If, apart from this subregulation, a certified designer would be required to ensure that a terminal instrument flight procedure is designed in accordance with a standard set out or referred to in the ICAO Doc. 8168 (PANS-OPS) and a standard set out in the Manual of Standards, and it is not possible to comply with both standards, the designer is only required to ensure that the procedure is designed in accordance with the Manual of Standards.

173.090 Verification of terminal instrument flight procedures

- (1) A certified designer must establish procedures for verifying terminal instrument procedures that it is authorised to design under the designer's procedure design certificate or on which the designer is authorised to carry on design work.

Regulation 173.095

- (2) The verification procedures:
- (a) must provide for 2 qualified designers to check independently the design of each terminal instrument flight procedure designed, or on which design work is carried on, under the certified designer's procedure design certificate; and
 - (b) must provide for one of those checks to be made by a qualified designer who did not carry on the design work concerned.
- (3) In this regulation, a reference to verifying a terminal instrument flight procedure is a reference to the process of checking the procedure (including all data, computations and drawings for the procedure) in accordance with any applicable standards set out in the Manual of Standards.

- (4) In this regulation:

qualified designer, in relation to a terminal instrument flight procedure, means an individual who:

- (a) is the holder, or an employee of the holder, of a procedure design certificate that authorises the holder to design terminal instrument flight procedures of the same type as the terminal instrument flight procedure concerned; and
- (b) has successfully completed:
 - (i) an approved course of training in the methods and practices contained in ICAO Doc. 8168 (PANS-OPS); and
 - (ii) any training for persons carrying on design work on terminal instrument flight procedures that is specified in the operations manual under which the qualified designer performs the designer's duties; and
- (c) meets the experience requirements for performing the functions of a qualified designer set out in the Manual of Standards.

173.095 Validation of terminal instrument flight procedures

- (1) A certified designer must ensure that each terminal instrument flight procedure designed under the designer's procedure design certificate is validated by a CASA pilot in accordance with any applicable standards set out in the Manual of Standards.

- (2) In this regulation:

CASA pilot means a pilot:

- (a) who is an officer of CASA; and
- (b) who meets the standards set out in the Manual of Standards for carrying out a validation flight check of a terminal instrument flight procedure.

validation flight check has the same meaning as in the Manual of Standards.

173.100 Publication of terminal instrument flight procedures

- (1) A certified designer must ensure that each terminal instrument flight procedure designed under the designer's procedure design certificate is given to the AIS for publication in the AIP together with a certificate by the certified designer's chief designer to the effect that the procedure is designed and validated in accordance with any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS) and the Manual of Standards.
- (2) However, the designer need not give a terminal instrument flight procedure to the AIS if the procedure is for use only by an aircraft in a specialised helicopter operation.
- (3) A certified designer must ensure that all procedures designed under its procedure design certificate that are not given to the AIS for publication in the AIP are given to CASA.

173.105 Radio navigation aids

A certified designer must ensure that a terminal instrument flight procedure designed under the designer's procedure design certificate does not require the use of a ground-based radio-navigation aid other than one that is operated and maintained by a person certificated to do so under Part 171.

173.110 Maintenance of terminal instrument flight procedures

- (1) Subject to subregulation (2), a certified designer is responsible for maintaining, in accordance with the standards for the maintenance of terminal instrument flight procedures set out in the Manual of Standards, a terminal instrument flight procedure designed under the designer's procedure design certificate or for which that responsibility is transferred to the certified designer under regulation 173.215.
- (2) The certified designer ceases to be responsible for the maintenance of the procedure:
 - (a) if the certified designer has notified CASA and, if the procedure is published in the AIP, the AIS, under regulation 173.210, that the designer has ceased to have that responsibility:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice—on the later day; or
 - (b) if the certified designer's responsibility for the maintenance of the procedure is transferred to another certified designer in accordance with regulation 173.215—on the day when the responsibility is transferred; or
 - (c) if the certified designer has notified CASA and, if the procedure is published in the AIP, the AIS, under regulation 173.200, that the designer has ceased to design the type of terminal instrument flight procedure concerned:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice—on the later day; or

Regulation 173.115

- (d) if the certified designer's procedure design certificate is varied under Subpart 173.E to exclude that type of procedure—on the day when the variation takes effect; or
- (e) if the certified designer ceases to be a certified designer—on the day when the designer ceases to be a certified designer.

173.115 Certified designer to provide facilities etc

- (1) A certified designer must provide and maintain adequate facilities for carrying on design work on terminal instrument flight procedures under the designer's procedure design certificate, including:
 - (a) providing premises and equipment appropriate for the certified designer's employees to carry on the design work; and
 - (b) ensuring that those employees have access to all necessary data for designing the procedures including:
 - (i) accurate and current databases or charts detailing terrain and obstacle information; and
 - (ii) accurate and current navigation aid coordinate data; and
 - (iii) accurate and current aerodrome reference point and threshold data.
- (2) A certified designer must, if an aeronautical database and aeronautical data is required for designing a terminal instrument flight procedure under the designer's procedure design certificate, have, and put into effect, procedures to ensure the integrity of the database and the data.

173.120 Certified designer to have appropriate organisation

A certified designer must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable the designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate in accordance with these Regulations.

173.125 Certified designer to have sufficient personnel

A certified designer:

- (a) must employ a sufficient number of personnel to enable the designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate in accordance with these Regulations; and
- (b) must ensure that those personnel:
 - (i) are suitably qualified and competent to perform their duties; and
 - (ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

173.130 Supervisory personnel

A certified designer must ensure that each employee who is occupying or acting in a supervisory position in the designer's organisation in relation to design work

on terminal instrument flight procedures carried on under the designer's procedure design certificate meets the standards for supervisory positions set out in the Manual of Standards.

173.135 Certified designer to appoint chief designer

A certified designer must not carry on design work on a terminal instrument flight procedure under the designer's procedure design certificate unless:

- (a) the certified designer has appointed a person to be the chief designer for the designer's organisation; and
- (b) the appointment is approved by CASA and is in force; and
- (c) the functions of the chief designer are being carried out by the person or, if the chief designer is temporarily absent from duty, another person:
 - (i) who is appointed by the certified designer to act as chief designer; and
 - (ii) whose appointment is approved by CASA and is in force.

173.140 Certified designer to provide training and checking program

A certified designer must provide a training and checking program that is of an adequate standard to ensure that the employees of the designer maintain their competence and are provided with ongoing training appropriate to their duties.

173.145 Certified designer to have safety management system

- (1) A certified designer must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary for managing design work on terminal instrument flight procedures carried on under the designer's procedure design certificate.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The designer must keep its safety management system under review and take any necessary corrective action to ensure that it operates properly.

173.150 Certified designer to maintain reference materials

- (1) A certified designer must maintain reference materials of the kinds specified in the Manual of Standards.
- (2) A certified designer must keep the reference materials up-to-date and in a readily accessible form.
- (3) Each employee of the certified designer who carries on design work on a terminal instrument flight procedure under the certified designer's procedure design certificate must have ready access to the reference materials.

Regulation 173.155

173.155 Certified designer to keep documents and records

- (1) A certified designer must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual of Standards specifies for the particular kind of document or record.
- (3) The designer must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

173.160 Certified designer to have document and record control system

- (1) A certified designer must establish, and put into effect, a system for controlling documents and records relating to the terminal instrument flight procedures on which the designer carries on design work under the certified designer's procedure design certificate, including the policies and procedures for making, amending, preserving and disposing of those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under this Division.

Division 173.B.3—Chief designer

173.165 Approval for appointment of chief designer

- (1) A certified designer must not appoint a person as chief designer unless the appointment is approved by CASA.
- (2) To be appointed as chief designer, a person must, at the time of appointment, meet the standards for the chief designer for a certified designer's organisation set out in the Manual of Standards.

173.170 Approval for appointment to act as chief designer

- (1) A certified designer must not appoint a person to act as chief designer for the certified designer unless the appointment is approved by CASA.
- (2) To be appointed to act as chief designer, a person must, at the time of appointment, have sufficient qualifications and experience to enable the individual to carry out the functions of the appointment properly, having regard to the nature and scope of the design work carried on by the chief designer.

173.175 Appointment likely to have adverse effect on air safety

- (1) Without limiting the matters that CASA may take into account in deciding whether to approve an appointment of a person as chief designer or an appointment of a person to act as chief designer, CASA is not required to approve the appointment if the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) In deciding whether approval of the appointment of a person would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the following:
 - (a) the person's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety;
 - (b) the experience of the person in aviation;
 - (c) the person's knowledge of the regulatory requirements applicable to civil aviation in Australia;
 - (d) any evidence held by CASA that the person has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.

Note: Section 30A of the Act allows the Court to make an order excluding a person from a particular aviation activity. Such an order may have the effect of precluding the approval or acceptance of an appointment while the order is in force.

Regulation 173.180

173.180 Chief designer's functions and duties

The chief designer for a certified designer's organisation is responsible to the certified designer for the following:

- (a) ensuring that any design work on the terminal instrument flight procedures that is carried on under the designer's procedure design certificate is carried on in accordance with these Regulations;
- (b) appointing persons as employees of the certified designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate;
- (c) effectively managing work done in relation to those terminal instrument flight procedures by those persons;
- (d) issuing certificates as required by regulation 173.100.

173.185 Duration of approval

- (1) An approval under regulation 173.165 or 173.170 stops being in force if:
 - (a) the appointment to which it relates ends; or
 - (b) it is withdrawn.
- (2) An approval is not in force during any period in which it is suspended.

173.190 Withdrawal or suspension of approval of appointment

- (1) CASA may, by notice in writing to a person appointed as the chief designer, or to act as the chief designer, for a certified designer's organisation, withdraw or suspend approval of the person's appointment if continuing approval of the appointment would be likely to have an adverse effect on the safety of air navigation.
- (2) In deciding whether continuing approval of a person's appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the matters mentioned in subregulation 173.175(2).
- (3) The notice:
 - (a) must set out the reasons for the withdrawal or suspension; and
 - (b) in the case of a suspension, must specify the period of suspension or state when, or in what circumstances, it will end.
- (4) CASA must give a copy of the notice to the certified designer.
- (5) If CASA suspends approval of a person's appointment, the person must not carry out the functions of the appointment during the period of the suspension.
- (6) If CASA withdraws approval of a person's appointment:
 - (a) for the purposes of these Regulations, the appointment is taken to end; and
 - (b) the person must not continue to carry out the functions of the position to which the appointment relates.

Division 173.B.4—Miscellaneous

173.195 Advice on organisational changes

A certified designer must tell CASA, in writing, of a change of circumstances that materially affects its capacity to design a terminal instrument flight procedure under the designer's procedure design certificate, or engage in any design work on that procedure, within 7 days after the change occurs.

173.200 Discontinuing design work on terminal instrument flight procedures of a particular type

- (1) If a certified designer ceases to carry on design work on terminal instrument flight procedures of a particular type, the certified designer must give written notice to that effect to CASA, and, if any of the procedures are published in the AIP, the AIS, within 7 days after ceasing to carry on the design work concerned.
- (2) Subregulation (1) does not apply if, having regard to the certified designer's circumstances, it is not reasonably practicable for the designer to give CASA or, if applicable, the AIS, at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.205 Notifying the AIS of a variation to a procedure design certificate

If a certified designer's procedure design certificate is varied under Subpart 173.E to exclude a particular type of terminal instrument flight procedure and the designer has given any procedures of that type to the AIS for publication in the AIP, the designer must give written notice to the AIS of the variation within 7 days after the day when the variation takes effect.

173.210 Discontinuing maintenance of particular terminal instrument flight procedures

- (1) If a certified designer ceases to be responsible for the maintenance of a terminal instrument flight procedure, the certified designer must give written notice to that effect to CASA and, if the procedure is published in the AIP, to the AIS, within 7 days after ceasing to have that responsibility.
- (2) Subregulation (1) does not apply if, having regard to the certified designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.215 Transfer of maintenance responsibility

- (1) A certified designer may transfer the designer's responsibility for maintaining a terminal instrument flight procedure under regulation 173.110 to another certified designer whose procedure design certificate authorises that designer to design terminal instrument flight procedures of the same type as the procedure concerned.

Regulation 173.215

- (2) If a certified designer accepts responsibility for the maintenance of a terminal instrument flight procedure under this regulation, the designer:
 - (a) must give written notice to the transferor to that effect; and
 - (b) must give written notice of the transfer to CASA and, if the procedure is published in the AIP, to the AIS, within 14 days after the transfer.
- (3) A transfer takes effect on the day when the certified designer accepting responsibility for maintaining the procedure gives notice to the transferor under paragraph (2)(a) or, if a later day is specified in the notice, on the later day.
- (4) If a certified designer transfers the designer's responsibility for maintaining a terminal instrument flight procedure, the designer must give written notice of the transfer to CASA and, if the procedure is published in the AIP, to the AIS, within 14 days after the transfer.

Subpart 173.C—Authorised designers

Division 173.C.1—Authorisation as authorised designer

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for the grant of a procedure design authorisation.

173.220 Applications for procedure design authorisations

- (1) A person may apply to CASA, in writing, for a procedure design authorisation.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (2) The application:

(b) must state:

- (i) the applicant's name and address; or
- (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and

(c) must contain or be accompanied by:

- (i) a written statement specifying the activity mentioned in subparagraph 173.030(b)(i) or (ii) that is proposed to be authorised under the authorisation, including specifying the type or each type of terminal instrument flight procedure proposed to be covered by the authorisation; and
- (ii) a written statement setting out the qualifications and relevant experience of each member of the applicant's personnel whose duties would, if the authorisation were granted to the applicant, include carrying on the design work concerned; and

(d) must be accompanied by a copy of the operations manual under which the applicant proposes to carry on that activity.

Note: Part 11 also contains provisions relating to an application for a procedure design authorisation.

173.225 Criteria for grant of procedure design authorisations

For regulation 173.335, a person who has applied for the grant of a procedure design authorisation must, if the authorisation is granted, be able to comply with the requirements of Division 173.C.2.

173.240 How long procedure design authorisations remain in force

A procedure design authorisation remains in force unless it is cancelled.

Regulation 173.245

173.245 Applications to vary procedure design authorisations

An application to vary a procedure design authorisation must contain, or have with it, a copy of the proposed variation.

Division 173.C.2—Requirements to be complied with by authorised designers

173.250 Operations manual

- (1) An authorised designer must, at all times, maintain an operations manual that meets the standards set out in the Manual of Standards.
- (2) An authorised designer:
 - (a) must keep the manual in a readily accessible form; and
 - (b) must ensure that each employee of the designer whose duties include carrying on design work authorised by the designer's procedure design authorisation has ready access to the manual; and
 - (c) must amend the manual whenever it is necessary to do so to keep it in an up-to-date form.
- (3) An authorised designer must ensure:
 - (a) that all amendments of the manual are incorporated in all copies of the manual kept by the designer; and
 - (b) that copies of the amendments are given to CASA.

173.255 Compliance with operations manual

An authorised designer must, in carrying on the activity authorised by the designer's procedure design authorisation, comply with the designer's operations manual.

173.260 Standards for design of terminal instrument flight procedures etc

- (1) An authorised designer designing a terminal instrument flight procedure under the authorised designer's procedure design authorisation must ensure that the procedure is designed in accordance with:
 - (a) any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS); and
 - (b) any applicable standards set out in the Manual of Standards.
- (2) If, apart from this subregulation, an authorised designer would be required to ensure that a terminal instrument flight procedure is designed in accordance with a standard set out or referred to in the ICAO Doc. 8168 (PANS-OPS) and a standard set out in the Manual of Standards, and it is not possible to comply with both standards, the designer is only required to ensure that the procedure is designed in accordance with the Manual of Standards.

173.265 Off-shore installations

- (1) This regulation applies to an authorised designer who is authorised to carry on the activity mentioned in subparagraph 173.030(b)(ii).

Regulation 173.270

- (2) The authorised designer must ensure that a copy of each terminal instrument flight procedure designed under the designer's procedure design authorisation is given to CASA.
- (3) The authorised designer must ensure that a terminal instrument flight procedure designed under the designer's procedure design authorisation does not require the use of a ground-based radio-navigation aid other than one that is operated and maintained by a person certificated to do so under Part 171.

173.270 Maintenance of terminal instrument flight procedures

- (1) Subject to subregulation (2), an authorised designer is responsible for maintaining, in accordance with the standards for the maintenance of terminal instrument flight procedures set out in the Manual of Standards, a terminal instrument flight procedure designed under the designer's procedure design authorisation or a terminal instrument flight procedure for which that responsibility is transferred to the authorised designer under regulation 173.305.
- (2) The authorised designer ceases to be responsible for the maintenance of the procedure:
 - (a) if the authorised designer has notified CASA, under regulation 173.300, that the designer has ceased to have that responsibility:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice—on the later day; or
 - (b) if the authorised designer's responsibility for the maintenance of the procedure is transferred to a certified designer or another authorised designer under regulation 173.305—on the day when the responsibility is transferred; or
 - (c) if the authorised designer has notified CASA, under regulation 173.295, that the designer has ceased to design the type of terminal instrument flight procedure concerned:
 - (i) on the day when the notice is given; or
 - (ii) if a later day is specified in the notice—on the later day; or
 - (d) if the authorised designer's procedure design authorisation is varied under Subpart 173.E to exclude that type of procedure—on the day when the authorisation is varied; or
 - (e) if the authorised designer ceases to be an authorised designer—on the day when the designer ceases to be an authorised designer.

173.275 Authorised designer to have sufficient personnel

An authorised designer:

- (a) must employ a sufficient number of personnel to enable the designer to carry on the activity authorised by the designer's procedure design authorisation in accordance with these Regulations; and
- (b) must ensure that those personnel:
 - (i) are suitably qualified and competent to perform their duties; and

- (ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

173.280 Authorised designer to maintain reference materials

- (1) An authorised designer must maintain reference materials of the kinds specified in the Manual of Standards.
- (2) An authorised designer must keep the reference materials up-to-date and in a readily accessible form.
- (3) Each employee of the authorised designer whose duties include carrying on design work that is authorised under the designer's procedure design authorisation must have ready access to the reference materials.

173.285 Authorised designer to keep documents and records

- (1) An authorised designer must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual of Standards specifies for the particular kind of document or record.
- (3) The designer must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

173.290 Authorised designer to have document and record control system

- (1) An authorised designer must establish, and put into effect, a system for controlling documents and records relating to the activity authorised under the authorised designer's procedure design authorisation, including the policies and procedures for making, amending, preserving and disposing of those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under this Division.

Division 173.C.3—Miscellaneous

173.295 Discontinuing design work on terminal instrument flight of a particular type

- (1) If an authorised designer ceases to carry on design work on terminal instrument flight procedures of a particular type, the authorised designer must give written notice to CASA to that effect within 7 days after ceasing to carry on the design work concerned.
- (2) Subregulation (1) does not apply if, having regard to the authorised designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.300 Discontinuing maintenance of terminal instrument flight procedures

- (1) If an authorised designer ceases to be responsible for the maintenance of a terminal instrument flight procedure, the authorised designer must give written notice to CASA to that effect within 7 days after ceasing to have that responsibility.
- (2) Subregulation (1) does not apply if, having regard to the authorised designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

173.305 Transfer of maintenance responsibility

- (1) An authorised designer may transfer the designer's responsibility for maintaining a terminal instrument flight procedure under regulation 173.270:
 - (a) to a certified designer whose procedure design certificate authorises that designer to design terminal instrument flight procedures of the same type as the procedure concerned; or
 - (b) to another authorised designer whose procedure design authorisation authorises that designer to design such a terminal instrument flight procedure.
- (2) If a certified designer or an authorised designer accepts responsibility for the maintenance of a terminal instrument flight procedure under this regulation, the designer:
 - (a) must give written notice to the transferor to that effect; and
 - (b) must give written notice of the transfer to CASA within 14 days after the transfer.
- (3) A transfer takes effect on the day when the certified designer or authorised designer accepting responsibility for maintaining the procedure gives notice to the transferor under subregulation (2) or, if a later day is specified in the notice, on the later day.

Regulation 173.305

- (4) If an authorised designer transfers the designer's responsibility for maintaining a terminal instrument flight procedure, the designer must give written notice of the transfer to CASA within 14 days after the transfer.

Regulation 173.310

Subpart 173.D—Performance of design work

173.310 Certified designer not to exceed the limitations of the designer's procedure design certificate

A certified designer must not carry on design work on a terminal instrument flight procedure that is not of a type covered by the designer's procedure design certificate.

173.315 Authorised designer not to exceed the limitations of authorisation

A authorised designer must not carry on an activity mentioned in paragraph 173.030(b)(i) or (ii) unless that activity is authorised by the designer's procedure design authorisation.

Subpart 173.E—Administration

Division 173.E.1—Grant of procedure design certificates and procedure design authorisations

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to the grant of a procedure design certificate or procedure design authorisation.

173.330 CASA may require demonstrations of equipment etc

Regulation 11.045 applies in relation to a procedure design certificate or procedure design authorisation.

173.335 Grant of procedure design certificate or procedure design authorisation

Subject to regulation 11.055, if an applicant has applied for the grant of a procedure design certificate or procedure design authorisation under this Part, CASA must grant the certificate or authorisation.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue or grant, or cancelling, suspending or varying, a certificate or authorisation; or
- (b) a decision imposing a condition on a certificate or authorisation.

See also section 31 of the Act.

173.345 CASA may grant certificate or authorisation subject to conditions

- (2) Without limiting regulation 11.056, CASA may grant a procedure design certificate or procedure design authorisation subject to a condition requiring its holder to permit an authorised inspector (within the meaning given by Division 173.E.5) to exercise the powers of an authorised inspector under that Division in relation to the certificate or authorisation.
- (3) However, such a condition is not taken to require the holder to permit the exercise of those powers:
 - (a) unless the inspector first shows his or her identity card to the holder, or another person on behalf of the holder, if asked to do so by the holder or other person; or
 - (b) at a time other than during normal business hours.
- (4) Such a condition is not taken to authorise the inspector to use force to any extent in exercising those powers.

173.350 When decision must be made

- (1) If CASA does not make a decision about an application under this Part within 6 months after receiving it, CASA is taken to have refused the application.

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- (2) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, attends the interview, or gives CASA the information or copy requested, does not count towards the period.
- (2A) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (3) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the submission does not count towards the period.
- (4) In this regulation:

application includes an application to vary a procedure design certificate or procedure design authorisation.

Division 173.E.3—Directions to amend certified designer's or authorised designer's operations manual

173.375 CASA may direct amendments to designer's operations manual

- (1) If necessary in the interests of the safety of air navigation, CASA may, in writing, direct a certified designer or an authorised designer, within a reasonable period specified in the direction, to amend the designer's operations manual by:
 - (a) including in the manual the information or other things set out or described in the direction; or
 - (b) altering the information or other things in the manual in the manner set out in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1).

Division 173.E.4—Suspension and cancellation of procedure design certificates and procedure design authorisations

173.380 Suspension or cancellation of procedure design certificate or procedure design authorisation by CASA

- (1) CASA may, by written notice given to a certified designer or authorised designer, suspend or cancel the designer's procedure design certificate or procedure design authorisation if there are reasonable grounds for believing that the designer:
 - (a) has breached a condition of the certificate or authorisation; or
 - (b) has contravened a provision of this Part; or
 - (c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate or authorisation; or
 - (d) has otherwise been guilty of conduct that renders the designer's continued holding of the certificate or authorisation likely to have an adverse effect on the safety of air navigation.

- (2) Before suspending or cancelling a certified designer's procedure design certificate or an authorised designer's procedure design authorisation, CASA:
 - (a) must give written notice to the designer of the facts or circumstances that, in the opinion of CASA, amount to grounds for the suspension or cancellation of the certificate; and
 - (b) must invite the designer to show cause in writing, within 30 days after the date of the notice, why the certificate or authorisation should not be suspended or cancelled; and
 - (c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the designer explaining why the certificate should not be cancelled.

Note: Most decisions in relation to certificates and authorisations are reviewable by the Administrative Appeals Tribunal. See section 31 of the Act and regulation 201.4.

Division 173.E.5—Authorised inspectors

173.390 CASA may appoint authorised inspectors

- (1) The Director may, in writing, appoint an officer of CASA as an authorised inspector.
- (2) The instrument of appointment may:
 - (a) describe the premises and activities in relation to which the inspector may use his or her powers under regulation 173.400; and
 - (b) specify the duration of the appointment; and
 - (c) specify that the appointment is subject to 1 or more conditions.

173.395 Identity card

- (1) CASA must issue each authorised inspector with an identity card that includes a recent photograph of the inspector.
- (2) No more than 7 days after ceasing to be an authorised inspector, a person must return his or her identity card to CASA.

Penalty: 1 penalty unit.

- (3) An offence against subregulation (2) is an offence of strict liability.

173.400 Powers of authorised inspector

- (1) The powers that an authorised inspector may exercise are the powers to do any or all of the following:
 - (a) enter and inspect premises connected with, or used for the purposes of, design work that is carried on by, or for, a certified designer or authorised designer or where any documents or records relating to that work are kept;
 - (b) observe the practices and procedures of the certified designer or authorised designer (including the designer's employees) in carrying on design work under the designer's procedure design certificate or procedure design authorisation;
 - (c) inspect the designer's facilities used for, or in relation to, that work;
 - (d) inspect and test any systems and equipment used for, or in relation to, that work;
 - (e) inspect any documents or records maintained, or required to be kept under this Part, by the designer in relation to that work;
 - (f) make a copy of any document or record that the authorised inspector inspects.
- (2) However, an authorised inspector may exercise his or her powers only:
 - (a) at premises connected with, or used for the purposes of, design work that is carried on by, or for, a certified designer or authorised designer or where any documents or records relating to that work are kept; and

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- (b) with the permission of the certified designer or authorised designer; and
 - (c) if the designer, or a person on behalf of the designer, so requests—after the designer or person has been shown the inspector’s identity card; and
 - (d) during normal business hours; and
 - (e) to ensure that design work is being carried on in accordance with these Regulations.
- (3) The cost of any copying carried out for the purposes of paragraph (1)(f) must be met by CASA.

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Subpart 175.A—Aeronautical information management— general

175.005 What Part 175 is about

- (1) This Part establishes standards and requirements for the quality and integrity of data and information used in air navigation.
- (2) Subpart 175.B establishes standards and requirements for AIS providers—persons responsible for the publication of aeronautical data and aeronautical information in the Integrated Aeronautical Information Package and on aeronautical charts.
- (3) Subpart 175.C establishes standards and requirements for data service providers—persons authorised to publish aeronautical data, aeronautical information or aeronautical charts, or to supply aeronautical data, that pilots may use as an alternative to the Integrated Aeronautical Information Package and aeronautical charts published by AIS providers.
- (4) Subpart 175.D sets out requirements for aeronautical data originators—persons responsible for providing aeronautical data and aeronautical information to AIS providers for publication in the Integrated Aeronautical Information Package and on aeronautical charts.
- (5) Subpart 175.E contains powers that can be used to gather data about objects and structures that affect aviation safety.

Note: The data gathered under Subpart 175.E will be used in air navigation applications, including the following:

- (a) the design of terminal instrument flight procedures;
- (b) the calculation of lowest safe altitudes;
- (c) aircraft operating limitations analysis;
- (d) minimum safe altitude warning systems;
- (e) the publication of visual navigation charts.

175.010 Application of Part 175

This Part does not apply to the following:

- (a) a person who is providing an AIS in the course of his or her duties for the Defence Force;
- (b) an AIS provided by the Defence Force.

175.015 Definitions for Part 175

In this Part:

corporation has the meaning given by regulation 11.015.

officer, of a corporation, means:

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- (a) for a corporation that is a company (within the meaning of the *Corporations Act 2001*)—a director, secretary or executive officer of the corporation; or
- (b) for a corporation of any other kind—a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a company (within the meaning of the *Corporations Act 2001*).

175.020 References in Part 175 to Annexes 3, 4 and 15

In this Part, a reference to Annex 3, 4 or 15 to the Chicago Convention is a reference to the Annex subject to the differences mentioned in Gen 1.7 of Part 1 of the AIP.

175.025 Issue of Manual of Standards for Part 175

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:
 - (a) required or permitted by this Part to be prescribed by the Manual of Standards; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.
- (2) CASA must give a copy of a notice mentioned in subregulation 11.275(3) or regulation 11.280, about a Manual of Standards for this Part, to each AIS provider and data service provider.

Subpart 175.B—Aeronautical information management— AIS providers

Division 175.B.1—AIS providers—general

175.030 Definitions for Subpart 175.B

In this Subpart:

accountable manager, for an AIS provider, means the individual, appointed by the provider, who has the following responsibilities:

- (a) responsibility for ensuring that the provider's AIS is provided in accordance with the provider's exposition and this Subpart;
- (b) responsibility for ensuring that the provider is able to finance, and has adequate resources to provide, its AIS in accordance with the provider's exposition and this Subpart;
- (c) responsibility for the provider's safety management system required by regulation 175.225 and its implementation.

exposition, for an AIS provider, means:

- (a) the documents approved by CASA under regulation 175.060 in relation to the provider; or
- (b) if the documents are changed under regulation 175.070, 175.075 or 175.080—the documents as changed.

175.035 Provision of AIS—requirement for certificate

- (1) A person commits an offence if:
 - (a) the person provides an AIS; and
 - (b) the person does not hold a certificate under regulation 175.055 that authorises the person to provide the AIS.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Division 175.B.2—AIS provider certificates

175.040 AIS provider certificates—who may apply

- (1) A person mentioned in subregulation (2) may apply to CASA, in writing, for a certificate authorising the person to provide an AIS.
- (2) For subregulation (1), the persons are the following:
 - (a) the Commonwealth;
 - (b) AA;
 - (c) a person who proposes to provide the AIS:
 - (i) in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*;
 - (ii) by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*.
- (3) However, an application cannot be made:
 - (a) by 2 or more persons jointly; or
 - (b) on behalf of a partnership.

175.045 AIS provider certificates—requirements for application

- (1) An application under regulation 175.040 must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (b) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
 - (c) if the applicant is a corporation—the name of each of the officers of the corporation;
 - (d) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (e) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
 - (f) the services that the applicant proposes to provide as part of the AIS;
 - (g) the following information about each service:
 - (i) the location from which the service is proposed to be provided;
 - (ii) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service is proposed to cover;
 - (iii) the hours during which the service is proposed to be available;
 - (h) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's accountable manager that, if CASA issues the certificate, the applicant will:
 - (i) be capable of operating in accordance with its exposition and this Subpart; and
 - (ii) operate in accordance with its exposition and this Subpart.

- (2) The application must be accompanied by a copy of the applicant's proposed exposition.

175.050 AIS provider certificates—CASA may ask for demonstration of service, facility or equipment

Regulation 11.045 applies in relation to a certificate under regulation 175.055.

175.055 AIS provider certificates—issue of certificate

- (1) Subject to regulation 11.055, CASA must issue a certificate to an applicant if satisfied that:
- (a) the applicant's proposed exposition complies with regulation 175.200; and
 - (b) the individual named in the applicant's exposition as the applicant's accountable manager:
 - (i) has the authority to carry out the responsibilities of the position; and
 - (ii) has an understanding of this Part and the applicant's exposition; and
 - (c) the applicant is able and willing to conduct the AIS safely and in accordance with its exposition and this Subpart; and
 - (d) if the applicant proposes to provide the AIS in cooperation or by arrangement with another person—the AIS will be provided in accordance with any agreement relating to the cooperation or arrangement.
- (2) If CASA decides to issue the certificate, CASA must determine:
- (a) the services that the applicant is authorised to provide as part of the AIS; and
 - (b) the following about each service:
 - (i) the location from which the service is to be provided;
 - (ii) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service is to cover;
 - (iii) the hours during which the service is to be available.
- (3) The certificate must include the following:
- (a) the applicant's name and operational headquarters;
 - (b) the matters mentioned in subregulation (2);
 - (c) a certificate reference number determined by CASA.
- (4) CASA must issue a new certificate to an AIS provider if CASA:
- (a) approves a change under subregulation 175.070(4); or
 - (b) directs a change under regulation 175.080 that causes the certificate to contain anything that is not, or is no longer, correct.

175.060 AIS provider certificates—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

Regulation 175.065

175.065 AIS provider certificates—conditions

- (1) It is a condition of a certificate issued to an AIS provider that the provider must comply with:
 - (a) this Subpart; and
 - (b) any direction given to the provider, or obligation imposed on the provider, by CASA under a provision of these Regulations.
- (2) An AIS provider commits an offence if the provider contravenes the condition mentioned in subregulation (1).

Penalty: 50 penalty units.
- (3) An offence against this regulation is an offence of strict liability.

175.067 AIS provider certificates—cancellation of certificate if cooperation or arrangement ceases

- (1) CASA must cancel a certificate under regulation 175.055 held by a person mentioned in subparagraph 175.040(2)(c)(i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel a certificate under regulation 175.055 held by a person mentioned in subparagraph 175.040(2)(c)(ii) if the arrangement mentioned in that subparagraph ceases.

Division 175.B.3—AIS providers—changes

175.070 AIS providers—changes to services—matters included in certificate

- (1) An AIS provider must not make a change to the services that it provides as part of its AIS unless the change has been approved by CASA.
- (2) An AIS provider must not make a change to any of the following about a service that it provides as part of its AIS unless the change has been approved by CASA:
 - (a) the location from which the service is provided;
 - (b) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service covers;
 - (c) the hours during which the service is available.
- (3) An application for approval of a change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the provider's exposition affected by the change, clearly identifying the change.
- (4) Subject to regulation 11.055, CASA must approve a change for an AIS provider if satisfied that the requirements mentioned in regulation 175.055 will continue to be met.
- (5) If CASA approves the change, CASA is taken to have also approved the changes to the provider's exposition covered by the application.

175.075 AIS providers—other changes

An AIS provider must not make a change other than a change mentioned in regulation 175.070 unless the AIS provider has:

- (a) amended its exposition to reflect the change; and
- (b) given CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

175.080 AIS providers—CASA directions relating to exposition

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to an AIS provider, direct the provider to change its exposition.
- (2) A notice under this regulation must state the time within which the direction must be complied with.

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Subpart 175.B Aeronautical information management—AIS providers

Division 175.B.3 AIS providers—changes

Regulation 175.085

175.085 AIS providers—notifying CASA of changes in circumstances

An AIS provider must give CASA written notice of any change of circumstance which significantly affects its ability to provide its AIS within 7 days after the change occurs.

Division 175.B.4—AIS providers—requirements for provision of AIS

175.090 AIS providers—provision of AIS must comply with laws

- (1) The requirements of this Subpart are in addition to requirements that apply to an AIS provider under the following:
 - (a) the civil aviation legislation, other than this Subpart;
 - (b) the *Airspace Act 2007*;
 - (c) the *Airspace Regulations 2007*.
- (2) However, if it is not possible for an AIS provider to comply with both a requirement under legislation mentioned in subregulation (1) and a requirement under this Subpart in relation to a particular matter, the provider is required to comply only with the requirement under the legislation mentioned in subregulation (1) in relation to the matter.
- (3) If a circumstance mentioned in subregulation (2) arises, the AIS provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

175.095 AIS providers—compliance with exposition

An AIS provider must comply with its exposition.

175.100 AIS providers—provision of AIS must comply with standards

- (1) An AIS provider must provide a service that it provides as part of its AIS in accordance with the standards mentioned in the following that apply to the service:
 - (a) the Part 175 Manual of Standards;
 - (b) Annexes 4 and 15 to the Chicago Convention;
 - (c) if PANS-AIM is in force—that document;
 - (d) ICAO Documents 8126 and 8697;
 - (e) the other AIS applicable ICAO documents;
 - (f) the aeronautical data processing standards.
- (2) However, if 2 standards mentioned in different documents mentioned in subregulation (1) apply in relation to a particular matter, and it is not possible for the provider to comply with both standards in relation to the matter, then the provider is required to comply only with the standard mentioned in the document that is first mentioned in subregulation (1) in relation to the matter.
- (3) If a circumstance mentioned in subregulation (2) arises, the provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

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175.105 AIS providers—standards for development and publication of Integrated Aeronautical Information Package and aeronautical charts

- (1) An AIS provider must publish aeronautical data and aeronautical information as an Integrated Aeronautical Information Package or on aeronautical charts.
- (2) The data and information must be developed from data that complies with the standards for data accuracy and integrity mentioned in Annexes 11 and 14 to the Chicago Convention.
- (3) The format and quality of the data and information must be suitable for the intended end use of the data and information.
- (4) The data and information must be published in accordance with the standards mentioned in the following:
 - (a) the Part 175 Manual of Standards;
 - (b) Annexes 4 and 15 to the Chicago Convention;
 - (c) if PANS-AIM is in force—that document;
 - (d) ICAO Documents 8126 and 8697;
 - (e) the other AIS applicable ICAO documents.
- (5) However, if 2 standards mentioned in different documents mentioned in subregulation (4) apply in relation to a particular matter, and it is not possible for the provider to comply with both standards in relation to the matter, then the provider is required to comply only with the standard mentioned in the document that is first mentioned in subregulation (4) in relation to the matter.
- (6) If a circumstance mentioned in subregulation (5) arises, the provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.
- (7) An aeronautical chart published by the provider must:
 - (a) be a chart of a type mentioned in Annex 4 to the Chicago Convention; and
 - (b) contain the aeronautical data and aeronautical information required for the function of a chart of that type as mentioned in Annex 4 to the Chicago Convention.

AIS provided in cooperation or arrangement with AA

- (8) If an AIS provider is providing its AIS in cooperation, or by arrangement, with AA, AA must ensure that subregulation (1) is complied with.

175.110 AIS providers—standards for aeronautical data processing system

- (1) An AIS provider must:
 - (a) have an automated system for the processing of aeronautical data and aeronautical information as part of providing its AIS; and
 - (b) update the data in the system as necessary; and

- (c) ensure that the system:
 - (i) allows the digital exchange and supply of aeronautical data and aeronautical information; and
 - (ii) can provide the data and information in a format suitable for its intended use; and
 - (d) ensure that the format and standards for the exchange and supply of aeronautical data and aeronautical information comply with the following:
 - (i) Annexes 4 and 15 to the Chicago Convention;
 - (ii) if PANS-AIM is in force—that document;
 - (iii) ICAO Documents 8126 and 8697;
 - (iv) the other AIS applicable ICAO documents; and
 - (e) ensure that aeronautical data and aeronautical information is exchanged and supplied as required by the following:
 - (i) Annexes 4 and 15 to the Chicago Convention;
 - (ii) if PANS-AIM is in force—that document;
 - (iii) ICAO Documents 8126 and 8697;
 - (iv) the other AIS applicable ICAO documents.
- (2) However, if 2 documents mentioned in paragraph (1)(d) apply in relation to a particular matter, and it is not possible for the provider to comply with both documents in relation to the matter, then the provider is required to comply only with the document that is first mentioned in paragraph (1)(d) in relation to the matter.
- (3) Also, if 2 documents mentioned in paragraph (1)(e) apply in relation to a particular matter, and it is not possible for the provider to comply with both documents in relation to the matter, then the provider is required to comply only with the document that is first mentioned in paragraph (1)(e) in relation to the matter.
- (4) If a circumstance mentioned in subregulation (2) or (3) arises, the provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

175.115 AIS providers—contravention of exposition or standards

- (1) An AIS provider may contravene regulation 175.095, 175.100, 175.105 or 175.110 if the contravention is necessary in the interests of aviation safety.
- (2) The provider must, as soon as practicable after the contravention occurs, give CASA written notice of the contravention, including an estimate of how long the contravention will last.

175.120 AIS providers—NOTAM service

If an AIS provider provides a NOTAM service, the provider must ensure that the service:

- (a) operates 24 hours a day, every day of the year; and

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- (b) issues a NOTAM in the following circumstances:
 - (i) the circumstances mentioned in Annex 15 to the Chicago Convention;
 - (ii) when required by Australian law;
 - (iii) when it is necessary in the interests of aviation safety; and
- (c) has agreements with international NOTAM offices for the exchange of NOTAMS; and
- (d) is connected to the aeronautical fixed service.

175.125 AIS providers—briefing service

If an AIS provider provides a briefing service, the provider must ensure that the service:

- (a) is an automated pre-flight information service; and
- (b) operates 24 hours a day, every day of the year; and
- (c) allows self-briefing by flight crew members and other operational personnel; and
- (d) is capable of providing flight crew members and other operational personnel with:
 - (i) aeronautical data and aeronautical information to enable pre-flight planning of flights; and
 - (ii) pre-flight information bulletins, within the meaning of Annex 15 to the Chicago Convention; and
 - (iii) NOTAMS that are relevant to a proposed flight; and
 - (iv) meteorological information that is relevant to a proposed flight; and
- (e) allows flight crew members or other operational personnel to enter a flight plan; and
- (f) provides information that assists in the provision of a flight information service.

175.130 AIS providers—post-flight information service

If an AIS provider provides a post-flight information service, the provider must ensure that the service:

- (a) is capable of receiving reports by flight crew members on:
 - (i) the state and operation of air navigation facilities and services; and
 - (ii) the presence of birds and other wildlife that may affect aircraft operations; and
- (b) disseminates the information received in a format and timeframe appropriate to the operational significance of the information.

175.135 AIS providers—CASA directions about NOTAMS for a location

- (1) CASA may, by written notice given to an AIS provider, direct the provider to do the following:
 - (a) allow NOTAMS to be published that relate only to a particular location;
 - (b) publish NOTAMS:

- (i) that relate only to the location; and
 - (ii) that contain details stated in the notice.
- (2) A notice under this regulation must state the time within which the direction must be complied with.

175.140 AIS providers— aerodromes not covered by Part 139—removal of references in AIP

- (1) This regulation applies if an AIS provider becomes aware of an aeronautical data originator:
- (a) who is responsible for aeronautical data or aeronautical information about an aerodrome that is not a certified aerodrome; and
 - (b) who has not complied with Subpart 175.D in relation to the aerodrome.
- (2) The provider must remove any references to the aerodrome that the provider has published in the AIP from the AIP when the AIP is next amended.

Note: The aeronautical data or aeronautical information for which the aeronautical data originator is responsible must be specified in a data product specification: see paragraph 175.160(4)(a).

175.145 AIS providers—publication of aeronautical charts relating to areas etc. outside authority

- (1) This regulation applies if an AIS provider publishes an aeronautical chart that includes aeronautical data or aeronautical information that relates to an area, aerodrome, airspace or ATS route not covered by the provider's certificate.
- (2) This Subpart, other than this regulation, does not apply to the publication of the data or information if the data or information accurately reflects data or information that is published:
- (a) by another AIS provider under this Subpart; or
 - (b) by an AIS of a foreign country.

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Division 175.B.5—AIS providers—requirements about aeronautical data and aeronautical information

175.150 AIS providers—CASA directions relating to aeronautical data or aeronautical information

- (1) This regulation applies in relation to aeronautical data or aeronautical information that an AIS provider publishes:
 - (a) in the Integrated Aeronautical Information Package; or
 - (b) on an aeronautical chart.
- (2) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to the provider, direct the AIS provider to do the following:
 - (a) add to, amend, or remove the data or information;
 - (b) give CASA stated information or records relating to any change to the data or information.
- (3) A notice under this regulation must state the time within which the direction must be complied with.

175.155 AIS providers—integrity of aeronautical data and aeronautical information

- (1) This regulation applies in relation to aeronautical data or aeronautical information that an AIS provider publishes:
 - (a) in the Integrated Aeronautical Information Package; or
 - (b) on an aeronautical chart.
- (2) The provider must ensure that the integrity of the data or information is maintained during the processing of the data and information by the provider.
- (3) The provider must ensure that the data or information:
 - (a) is obtained from entities responsible for the data or information; and
 - (b) is kept up-to-date; and
 - (c) is traceable to its origin.
- (4) The provider must verify that the data or information:
 - (a) has not been altered from the source data while it is in storage or transit or while it is being formatted; and
 - (b) has been checked for accuracy against the source data before publication; and
 - (c) has been published only during the period when the data or information is valid.
- (5) The provider must verify:
 - (a) that the data or information is complete; and

- (b) that all of the data or information needed to support the intended use of the data or information has been published.
- (6) If the data or information was provided to the provider, the provider must verify that the data or information was provided in a format that is suitable for use by the provider.
- (7) If the data or information is for inclusion in a NOTAM, the provider must verify that the data or information was provided to the provider by a NOTAM authorised person.

175.160 AIS providers—giving data product specifications to aeronautical data originators

- (1) An AIS provider must give a person a written data product specification that complies with subregulation (4) if the person is responsible for aeronautical data or aeronautical information that the provider has published, or will publish:
 - (a) in the Integrated Aeronautical Information Package; or
 - (b) on an aeronautical chart.
- (2) Subregulation (3) applies if the provider is also responsible for aeronautical data or aeronautical information that the provider has published, or will publish:
 - (a) in the Integrated Aeronautical Information Package; or
 - (b) on an aeronautical chart.
- (3) The provider must give a written data product specification that complies with subregulation (4) to the area of the provider's organisation responsible for the data or information.
- (4) For subregulations (1) and (3), the data product specification must include the following:
 - (a) the aeronautical data or aeronautical information for which the person or area is responsible;
 - (b) the standards for the accuracy and resolution of the data or information that the person or area will provide to the provider;
 - (c) the dates by which the data or information must be provided;
 - (d) the format for the data or information;
 - (e) the details of the authenticated electronic means for providing the data or information;
 - (f) the procedures for managing requests for alterations to the data or information;
 - (g) the procedures for giving notice of, and for rectifying, errors and omissions detected in the data or information;
 - (h) the procedures the provider will follow to verify that changes to the data or information have been approved by the person or area;
 - (i) the circumstances (if any) in which the person or area must ask the provider to issue a NOTAM.

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175.165 AIS providers—revoking data product specifications

An AIS provider must, in writing, revoke a data product specification given to a person, or an area of the provider's organisation, under regulation 175.160, if the person or part of the organisation is no longer responsible for the aeronautical data or aeronautical information mentioned in the data product specification.

175.170 AIS providers—compliance with data product specification

An AIS provider must comply with the procedures mentioned in a data product specification given by the provider under regulation 175.160.

175.175 AIS providers—correction and notification of errors and omissions in aeronautical data and aeronautical information

- (1) This regulation applies if an AIS provider becomes aware of an error or omission in aeronautical data or aeronautical information that the provider publishes:
 - (a) in the Integrated Aeronautical Information Package; or
 - (b) on an aeronautical chart.
- (2) The provider must, as soon as practicable after the provider becomes aware of the error or omission:
 - (a) record and investigate the error or omission; and
 - (b) ensure that the error or omission is corrected by the most appropriate means taking into account the operational significance of the error or omission; and
 - (c) ensure that notice of the corrected aeronautical data or aeronautical information is given to persons who had received the data or information; and
 - (d) identify the root cause of the error or omission; and
 - (e) establish and implement processes to eliminate the root cause of the error or omission.
- (3) The provider must give CASA written notice of any significant error or omission that may affect the safety of air navigation as soon as practicable after the provider becomes aware of the error or omission.

175.180 AIS providers—storage and security of aeronautical data and aeronautical information

An AIS provider must ensure that aeronautical data and aeronautical information necessary for the provision of its AIS:

- (a) is stored digitally; and
- (b) is kept secure to prevent unauthorised access or alteration.

175.185 AIS providers—timing of effective dates and distribution of certain documents and information

- (1) An AIS provider that publishes any of the following documents or information must ensure that the document or information becomes effective only on an AIRAC effective date:
 - (a) an AIP Amendment;
 - (b) an AIP Supplement;
 - (c) an aeronautical chart;
 - (d) information mentioned in Appendix 4 (Information to be notified by AIRAC) of Annex 15 to the Chicago Convention.
- (2) The provider must distribute the document or information so that a recipient receives the document or information at least 28 days before the document or information becomes effective.
- (3) However, if the document or information contains, or is, information mentioned in Part 3 of Appendix 4 (Information to be notified by AIRAC) of Annex 15 to the Chicago Convention, the provider must distribute the document or information so that a recipient receives the document or information at least 56 days before the document or information becomes effective.
- (4) The provider must ensure that a document or information that becomes effective in accordance with subregulation (1) and is distributed in accordance with subregulation (2) or (3) is identified by the acronym “AIRAC”.
- (5) However, the provider may contravene subregulation (1), (2) or (3) if the contravention is necessary in the interests of aviation safety.
- (6) If the provider contravenes subregulation (1), (2) or (3), the provider must give CASA written notice of the contravention as soon as practicable after the contravention occurs.

175.190 AIS providers—licence agreements with data service providers for supply of data sets

- (1) An AIS provider must enter into a licence agreement with each data service provider.
- (2) The licence agreement must cover any of the following that the data service provider requires for its authorised data service activities:
 - (a) aeronautical data and aeronautical information that the AIS provider publishes in the Integrated Aeronautical Information Package;
 - (b) aeronautical charts that the AIS provider publishes.
- (3) The licence agreement must:
 - (a) require the AIS provider to supply data sets containing the data, information or charts covered by the agreement to the data service provider; and

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Division 175.B.5 AIS providers—requirements about aeronautical data and aeronautical information

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- (b) allow the data service provider to use, format and publish the data, information or charts; and
 - (c) include a complete data product specification of the data sets; and
 - (d) detail when the data sets will be supplied to the data service provider; and
 - (e) detail the authenticated electronic means by which the data sets will be supplied to the data service provider; and
 - (f) describe the method of protection to be applied to the data sets to ensure that data is not corrupted during the transfer; and
 - (g) include the method by which requests, by either party, for alterations to the data, information or charts are to be managed; and
 - (h) describe how errors and omissions detected in the data, information or charts are to be notified and rectified.
- (4) The licence agreement may include charges for the supply of the data sets to the data service provider.

175.195 AIS providers—compliance with licence agreement

An AIS provider must comply with each licence agreement it has entered into under regulation 175.190.

Division 175.B.6—AIS providers—organisational requirements

175.200 AIS providers—exposition

- (1) The exposition of an AIS provider must contain the following:
 - (a) the provider's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the location and address of:
 - (i) the provider's operational headquarters; and
 - (ii) each of the provider's operational facilities;
 - (c) the name of the provider's accountable manager;
 - (d) a description and diagram of the provider's organisational structure showing formal reporting lines;
 - (e) if the provider is a corporation—a description of the provider's corporate structure;
 - (f) for each operational position, including each operational supervisory position, within the organisational structure:
 - (i) a statement of the duties and responsibilities of the position; and
 - (ii) the recent experience requirements for the position (if any); and
 - (iii) the endorsements and qualifications required for the position (if any); and
 - (iv) the currency requirements (if any) for the endorsements or qualifications;
 - (g) a description of how the provider determines the number of operational personnel, including operational supervisory personnel, required to provide its AIS;
 - (h) a list of the services that the provider provides as part of its AIS;
 - (i) the following information about each service:
 - (i) the location from which the service is provided;
 - (ii) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service covers;
 - (iii) the hours during which the service is available;
 - (j) a description of the procedures that ensure that each service is provided in accordance with this Subpart;
 - (k) a description and an example of the format used for the publication of the Integrated Aeronautical Information Package and aeronautical charts published by the provider;
 - (l) a description of the format for the digital exchange or supply of aeronautical data;
 - (m) a description of the arrangements that ensure that the AIS provider receives, on a daily basis, the aeronautical data and aeronautical information necessary for providing its AIS;
 - (n) a description of the arrangements that ensure that the provider is able to continue to provide its AIS to persons who reasonably require the service;

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Subpart 175.B Aeronautical information management—AIS providers

Division 175.B.6 AIS providers—organisational requirements

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- (o) a copy of each agreement (if any) entered into by the provider to provide its AIS in cooperation or by arrangement with another person;
- (p) a copy of:
 - (i) each data product specification given by the provider under regulation 175.160; and
 - (ii) each licence agreement entered into by the provider under regulation 175.190;
- (q) a copy of any data product specification the provider has in relation to any aeronautical data it supplies or receives as part of its AIS;
- (r) a copy of the provider's data, personnel and physical security program;
- (s) a description of the processes and documents used to present to personnel the relevant standards, rules and procedures mentioned in the following:
 - (i) the Part 175 Manual of Standards;
 - (ii) Annexes 4 and 15 to the Chicago Convention;
 - (iii) if PANS-AIM is in force—that document;
 - (iv) ICAO Documents 8126 and 8697;
 - (v) the other AIS applicable ICAO documents;
 - (vi) the aeronautical data processing standards;
 - (vii) the provider's instructions for the provision of its AIS (if any) that relate to particular operational facilities;
- (t) details of any recommended practices mentioned in the following documents that the provider does not follow:
 - (i) Annexes 4 and 15 to the Chicago Convention;
 - (ii) if PANS-AIM is in force—that document;
 - (iii) ICAO Documents 8126 and 8697;
 - (iv) the other AIS applicable ICAO documents;
 - (v) the aeronautical data processing standards;
- (u) a copy of each document that contains operational instructions for personnel;
- (v) a description of the procedures that ensure all operational personnel are familiar with any operational changes that have occurred since they last performed operational duties;
- (w) a description of the provider's training and checking system, as required by regulation 175.220;
- (x) a description of the provider's safety management system, as required by regulation 175.225;
- (y) a description of the provider's quality management system, as required by regulation 175.230;
- (z) a copy of the provider's contingency plan, as required by regulation 175.240;
- (za) a description of the provider's record keeping procedures, as required by regulation 175.255;
- (zb) a description of the procedures used in commissioning new facilities, equipment and services;

- (zc) a description of the procedures that ensure that all equipment, including software, is operated in accordance with the manufacturer's operating instructions and manuals;
 - (zd) a description of the procedures for making changes.
- (2) The provider must:
- (a) keep the exposition in a readily accessible form; and
 - (b) ensure that operational personnel and CASA have ready access to the exposition; and
 - (c) keep the exposition up-to-date.

175.205 AIS providers—organisational structure

An AIS provider must have an appropriate organisation with a sound and effective management structure that enables the provider to provide its AIS in accordance with its exposition and this Subpart.

175.210 AIS providers—personnel—general

An AIS provider must have enough suitably competent, qualified and trained personnel to:

- (a) enable the provider to provide its AIS in accordance with its exposition and this Subpart; and
- (b) supervise the provision of each service it provides as part of its AIS.

175.215 AIS providers—personnel—accountable manager

An AIS provider must have an accountable manager.

175.220 AIS providers—personnel—training and checking system for operational personnel

- (1) An AIS provider must have a training and checking system that ensures that the provider's operational personnel maintain their competence and are provided with ongoing training appropriate to their duties.
- (2) Without limiting subregulation (1), the training and checking system must ensure that each person who is a member of the provider's operational personnel:
 - (a) is trained and proven to be proficient in the performance of the person's duties; and
 - (b) meets the recent experience requirements (if any) under the provider's exposition for the person's position; and
 - (c) holds each endorsement or qualification (if any) that is required under the provider's exposition for the person's position; and
 - (d) meets the currency requirements (if any) under the provider's exposition for the endorsements and qualifications.

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175.225 AIS providers—safety management system

- (1) An AIS provider must have a safety management system that:
 - (a) is a systemic approach to managing safety; and
 - (b) integrates human factors principles; and
 - (c) includes the matters mentioned in subregulation (2).
- (2) For paragraph (1)(c), the matters are the following:
 - (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
 - (b) a statement of the provider's safety policy, objectives and planning, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers;
 - (iii) the appointment of safety management personnel;
 - (iv) how human factors principles are integrated into the safety management system;
 - (v) a safety management system implementation plan;
 - (vi) relevant third party relationships and interactions;
 - (vii) coordination of an emergency response plan;
 - (viii) safety management system documentation;
 - (c) a safety risk management process, including:
 - (i) hazard identification processes; and
 - (ii) risk assessment and mitigation processes;
 - (d) a safety assurance system, including details of processes for:
 - (i) safety performance monitoring and measurement; and
 - (ii) internal safety investigation; and
 - (iii) management of change; and
 - (iv) continuous improvement of the safety management system;
 - (e) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication.

175.230 AIS providers—quality management system

An AIS provider must have a quality management system that:

- (a) is based on the elements of the latest edition of the ISO 9001 standard, as in force from time to time, that are relevant to the provision of AIS; and
- (b) includes quality management procedures that address the quality management requirements mentioned in the aeronautical data processing standards.

175.235 AIS providers—facilities, equipment, data and information

- (1) An AIS provider must have the facilities and equipment that are necessary for providing its AIS, including appropriate premises and equipment to allow operational personnel to perform their duties.
- (2) An AIS provider must provide its operational personnel with access to the aeronautical data and aeronautical information required for the publication of the Integrated Aeronautical Information Package, or the aeronautical charts, that the provider publishes.

175.240 AIS providers—contingency plan

- (1) An AIS provider must have a contingency plan that sets out the procedures to be followed if a service provided as part of its AIS is interrupted.
- (2) The contingency plan must include:
 - (a) the actions to be taken by personnel responsible for providing the service; and
 - (b) possible alternative arrangements for providing the service; and
 - (c) arrangements for resuming normal provision of the service.

175.245 AIS providers—reference materials

- (1) An AIS provider must have up-to-date copies of the following reference materials in a readily accessible form:
 - (a) the civil aviation legislation relevant to the provision of its AIS;
 - (b) Annexes 4, 11, 14 and 15 to the Chicago Convention;
 - (c) if PANS-AIM is in force—that document;
 - (d) ICAO Documents 8126 and 8697;
 - (e) the other AIS applicable ICAO documents;
 - (f) the aeronautical data processing standards;
 - (g) any instructions issued by the provider to its personnel in relation to the provision of its AIS;
 - (h) manuals for equipment used by personnel in the provision of its AIS.
- (2) The provider must ensure that operational personnel have ready access to the reference materials.

175.250 AIS providers—annual review by accountable manager

An AIS provider must ensure that its accountable manager:

- (a) conducts an annual review of the provider against the requirements of its exposition and this Subpart; and
- (b) addresses any deficiencies that are identified during the review; and
- (c) gives CASA a report of the annual review, including:
 - (i) any significant deficiencies identified since any previous annual review; and

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- (ii) how the deficiencies are to be addressed.

175.255 AIS providers—records

- (1) An AIS provider must have procedures for making, collecting, indexing, storing, securing, maintaining, accessing and disposing of the following:
- (a) records that identify all incoming and outgoing aeronautical data and aeronautical information;
 - (b) records that identify each person who is authorised by the provider to process, check, edit, publish or supply aeronautical data and aeronautical information;
 - (c) records that list the endorsements, qualifications and competencies of personnel who process, check, edit, publish or supply aeronautical data and aeronautical information;
 - (d) records that identify each AIP responsible person for an aeronautical data originator that provides aeronautical data or aeronautical information to the provider;
 - (e) records that identify each NOTAM authorised person for an aeronautical data originator that requests the provider to issue NOTAMS;
 - (f) records that identify each occurrence of an error or omission in aeronautical data or aeronautical information published by the provider in the Integrated Aeronautical Information Package or on an aeronautical chart;
 - (g) records that contain the results of any audit or review of the provider's AIS.
- (2) The provider must ensure that a record mentioned in subregulation (1) is legible and permanent.

175.260 AIS providers—retention period for aeronautical data, aeronautical information and records

Aeronautical data and information

- (1) Subregulation (2) applies if aeronautical data or aeronautical information necessary for the provision of an AIS provider's AIS:
- (a) has been published by the provider; and
 - (b) has become effective; and
 - (c) is not a Commonwealth record within the meaning of the *Archives Act 1983*.
- (2) The provider must keep the data or information for at least 7 years after the data or information ceases to be effective.

Records

- (3) Subregulation (4) applies if a record mentioned in subregulation 175.255(1) is not a Commonwealth record within the meaning of the *Archives Act 1983*.

- (4) The provider must keep the record:
- (a) if the record relates to aeronautical data or aeronautical information mentioned in subregulation (1)—for as long as the data or information is required to be kept; or
 - (b) otherwise—for at least 7 years after the record is made.

Subpart 175.C—Aeronautical information management— data service providers

Division 175.C.1—Data service providers—general

175.265 Definitions for Subpart 175.C

In this Subpart:

accountable manager, for a data service provider, means the individual, appointed by the provider, who has the following responsibilities:

- (a) responsibility for ensuring that the provider's authorised data service activities are conducted in accordance with its exposition and this Subpart;
- (b) responsibility for ensuring that the provider is able to finance, and has adequate resources to conduct, its authorised data service activities in accordance with its exposition and this Subpart;
- (c) responsibility for the provider's safety management system required by regulation 175.405 and its implementation.

exposition, for a data service provider, means:

- (a) the documents approved by CASA under regulation 175.300 in relation to the provider; or
- (b) if the documents are changed under regulation 175.310, 175.315 or 175.320—the documents as changed.

175.270 Conduct of data service activity—requirement for certificate

- (1) A person commits an offence if:
 - (a) the person conducts a data service activity; and
 - (b) the person does not hold a certificate under regulation 175.295 that authorises the person to conduct the activity.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply to an AIS provider publishing aeronautical data, aeronautical information or an aeronautical chart in the course of providing an AIS.
- (3) Subregulation (1) does not apply to an aerodrome operator publishing one of the following charts, as mentioned in Annex 4 to the Chicago Convention:
 - (a) an Aerodrome Obstacle Chart—ICAO Type A;
 - (b) an Aerodrome Obstacle Chart—ICAO Type B;
 - (c) an Aerodrome Terrain and Obstacle Chart—ICAO (Electronic);
 - (d) a Precision Approach Terrain Chart—ICAO.
- (4) Subregulation (1) does not apply to a person who supplies navigation equipment or a navigation system containing aeronautical data in a database, if the database

has been supplied to the person by a third party for use in the equipment or system.

Note: A defendant bears an evidential burden in relation to the matters in subregulations (2), (3) and (4): see subsection 13.3(3) of the *Criminal Code*.

(5) An offence against this regulation is an offence of strict liability.

175.275 CASA to publish list of data service providers

- (1) CASA must publish a list of:
 - (a) data service providers; and
 - (b) the matters mentioned in subregulation 175.295(2) for each of the data service providers.
- (2) CASA must keep the list up-to-date.

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Division 175.C.2—Data service provider certificates

175.280 Data service provider certificates—who may apply

- (1) A person may apply to CASA, in writing, for a certificate authorising the person to conduct a data service activity.
- (2) However, an application cannot be made:
 - (a) by 2 or more persons jointly; or
 - (b) on behalf of a partnership.

175.285 Data service provider certificates—requirements for application

- (1) An application under regulation 175.280 must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (b) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
 - (c) if the applicant is a corporation—the name of each of the officers of the corporation;
 - (d) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (e) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
 - (f) a description of the data service activities the applicant proposes to conduct;
 - (g) the area of coverage of the aeronautical data, aeronautical information or aeronautical charts covered by the activities;
 - (h) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's accountable manager that, if CASA issues the certificate, the applicant will:
 - (i) be capable of operating in accordance with its exposition and this Subpart; and
 - (ii) operate in accordance with its exposition and this Subpart.
- (2) The application must be accompanied by a copy of the applicant's proposed exposition.

175.290 Data service provider certificates—CASA may ask for demonstration of service, facility or equipment

Regulation 11.045 applies in relation to a certificate under regulation 175.295.

175.295 Data service provider certificates—issue of certificate

- (1) Subject to regulation 11.055, CASA must issue a certificate to an applicant if satisfied that:
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- (a) the applicant's proposed exposition complies with regulation 175.380; and
 - (b) the individual named in the applicant's exposition as the applicant's accountable manager:
 - (i) has the authority to carry out the responsibilities of the position; and
 - (ii) has an understanding of this Part and the applicant's exposition; and
 - (c) the applicant is able and willing to conduct the data service activities mentioned in the application safely and in accordance with its exposition and this Subpart.
- (2) If CASA decides to issue the certificate, CASA must determine:
- (a) the data service activities the applicant is authorised to conduct; and
 - (b) the area of coverage of the aeronautical data, aeronautical information or aeronautical charts covered by the activities.
- (3) The certificate must include the following:
- (a) the applicant's name and operational headquarters;
 - (b) the matters mentioned in subregulation (2);
 - (c) a certificate reference number determined by CASA.
- (4) CASA must issue a new certificate to a data service provider if CASA:
- (a) approves a change under subregulation 175.310(4); or
 - (b) directs a change under regulation 175.320 that causes the certificate to contain anything that is not, or is no longer, correct.

175.300 Data service provider certificates—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

175.305 Data service provider certificates—conditions

- (1) It is a condition of a certificate issued to a data service provider that the provider must comply with:
- (a) this Subpart; and
 - (b) any direction given to the provider, or obligation imposed on the provider, by CASA under a provision of these Regulations.
- (2) A data service provider commits an offence if the provider contravenes the condition mentioned in subregulation (1).
- Penalty: 50 penalty units.
- (3) An offence against this regulation is an offence of strict liability.

Division 175.C.3—Data service providers—changes

175.310 Data service providers—changes to authorised data service activities—matters included in certificate

- (1) A data service provider commits an offence if:
 - (a) the provider makes a change to the provider’s authorised data service activities; and
 - (b) the change has not been approved by CASA.Penalty: 50 penalty units.
- (2) A data service provider commits an offence if:
 - (a) the provider makes a change to the area of coverage for aeronautical data, aeronautical information or an aeronautical chart covered by an authorised data service activity; and
 - (b) the change has not been approved by CASA.Penalty: 50 penalty units.
- (3) An application for approval of a change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the provider’s exposition affected by the change, clearly identifying the change.
- (4) Subject to regulation 11.055, CASA must approve a change for a data service provider if satisfied that the requirements mentioned in regulation 175.295 will continue to be met.
- (5) If CASA approves the change, CASA is taken to have also approved the changes to the provider’s exposition covered by the application.
- (6) An offence against this regulation is an offence of strict liability.

175.315 Data service providers—other changes

- (1) A data service provider commits an offence if:
 - (a) the provider makes a change other than a change mentioned in regulation 175.310; and
 - (b) the provider did not, before making the change, comply with subregulation (2).Penalty: 50 penalty units.
 - (2) For paragraph (1)(b), the provider must:
 - (a) amend its exposition to reflect the change; and
 - (b) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.
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- (3) An offence against this regulation is an offence of strict liability.

175.320 Data service providers—CASA directions relating to exposition

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a data service provider, direct the provider to change its exposition.
- (2) A direction under this regulation must state the time within which the direction must be complied with.
- (3) The provider commits an offence if the provider does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

175.325 Data service providers—notifying CASA of changes in circumstances

- (1) A data service provider commits an offence if:
- (a) a change of circumstance occurs which significantly affects the provider's ability to conduct its authorised data service activities; and
 - (b) the provider does not give CASA written notice of the change of circumstance within 7 days after the change occurs.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

175.330 Data service providers—notifying CASA of intention to cease activities

- (1) A data service provider commits an offence if:
- (a) the provider ceases to conduct an authorised data service activity; and
 - (b) the provider did not, at least 2 months before ceasing to conduct the activity, give CASA written notice of the following:
 - (i) the provider's intention to cease conducting the activity;
 - (ii) the date on which the provider intended to cease conducting the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Division 175.C.4—Data service providers—requirements for provision of data service

175.335 Data service providers—standards for data service provision

- (1) A data service provider commits an offence if:
 - (a) the provider publishes or supplies aeronautical data or aeronautical information in conducting a data service activity; and
 - (b) the data or information does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the data or information must be the same as the data or information published in the following:
 - (a) the AIP;
 - (b) an AIP Amendment;
 - (c) an AIP Supplement;
 - (d) a permanent NOTAM;
 - (e) an aeronautical chart published by an AIS provider;
 - (f) an aeronautical chart mentioned in subregulation 175.270(3) published by an aerodrome operator.

- (3) A data service provider commits an offence if the provider contravenes a provision of the Part 175 Manual of Standards.

Penalty: 50 penalty units.

- (4) A data service provider commits an offence if:
 - (a) the provider processes aeronautical data or aeronautical information; and
 - (b) the provider does so other than in accordance with the aeronautical data processing standards.

Penalty: 50 penalty units.

- (5) Subregulation (4) does not apply in relation to a particular matter if:
 - (a) 2 standards mentioned in the Part 175 Manual of Standards and the aeronautical data processing standards apply in relation to the matter; and
 - (b) it is not possible for the provider to comply with both standards in relation to the matter.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

- (6) A data service provider commits an offence if:
 - (a) a circumstance mentioned in subregulation (5) arises; and
 - (b) the provider does not, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

Penalty: 50 penalty units.

175.340 Data service providers—compliance with exposition

- (1) A data service provider commits an offence if the provider contravenes a provision of its exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

175.345 Data service providers—standards for aeronautical data processing system

- (1) A data service provider commits an offence if the provider does not meet a requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the requirements are the following:

- (a) the provider must have an automated system for the processing of aeronautical data and aeronautical information as part of conducting its authorised data service activities;
- (b) the provider must update the data in the system as necessary.

- (3) A data service provider commits an offence if:

- (a) the provider has a system mentioned in paragraph (2)(a); but
- (b) the system does not:
 - (i) allow the digital exchange and supply of aeronautical data and aeronautical information; or
 - (ii) provide the data and information in a format suitable for its intended use.

Penalty: 50 penalty units.

Division 175.C.5—Data service providers—requirements about aeronautical data and aeronautical information

175.350 Data service providers—CASA directions to amend aeronautical data or aeronautical information

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a data service provider, direct the provider to add to, amend, or remove any aeronautical data or aeronautical information that the provider publishes or supplies in conducting a data service activity.
- (2) A direction under this regulation must state the time within which the direction must be complied with.
- (3) The provider commits an offence if the provider does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

175.355 Data service providers—integrity of aeronautical data and aeronautical information

- (1) A data service provider commits an offence if:
 - (a) the provider publishes or supplies aeronautical data or aeronautical information in conducting a data service activity; and
 - (b) the provider has not verified the matters mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the matters are the following:
 - (a) that the data or information was not altered from the source data while in storage or transit or while being formatted;
 - (b) that the data or information was checked for accuracy against the source data before publication or supply;
 - (c) that the data or information is complete;
 - (d) that all of the data or information needed to support the intended use of the data or information has been published or supplied.

175.360 Data service providers—correction and notification of errors and omissions in aeronautical data and aeronautical information

Correction of errors and omissions

- (1) A data service provider commits an offence if:

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- (a) the provider becomes aware of an error or omission in aeronautical data or aeronautical information that it publishes or supplies in conducting a data service activity; and
- (b) the provider does not comply with subregulation (2) as soon as practicable after becoming aware of the error or omission.

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the provider must do the following:
 - (a) record and investigate the error or omission;
 - (b) ensure that the error or omission is corrected by the most appropriate means taking into account the operational significance of the error or omission;
 - (c) ensure that notice of the corrected aeronautical data or aeronautical information is given to persons who had received the data or information;
 - (d) identify the root cause of the error or omission;
 - (e) establish and implement processes to eliminate the root cause of the error or omission.

Notifying CASA of errors and omissions

- (3) A data service provider commits an offence if:
 - (a) the provider becomes aware of an error or omission in aeronautical data or aeronautical information that it publishes or supplies in conducting a data service activity; and
 - (b) the error or omission is a significant error or omission that may affect the safety of air navigation; and
 - (c) the provider does not give CASA written notice of the error or omission as soon as practicable after the provider becomes aware of the error or omission.

Penalty: 50 penalty units.

Notifying AIS provider of errors and omissions

- (4) A data service provider commits an offence if:
 - (a) the provider identifies an error or omission in aeronautical data or aeronautical information supplied by an AIS provider; and
 - (b) the provider does not tell the AIS provider of the error or omission as soon as practicable after identifying the error or omission.

Penalty: 50 penalty units.

175.365 Data service providers—storage and security of aeronautical data and aeronautical information

- (1) A data service provider commits an offence if aeronautical data or aeronautical information necessary for its authorised data service activities:
 - (a) is not stored digitally; or

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(b) is not kept secure to prevent unauthorised access or alteration.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

175.370 Data service providers—effective dates and validity of aeronautical data, information and charts

(1) A data service provider commits an offence if:

- (a) the provider publishes or supplies aeronautical data, aeronautical information or an aeronautical chart in conducting a data service activity; and
- (b) the data, information or chart does not become effective on the same date, or remain valid for the same period, as the corresponding data, information or chart contained in the following:
 - (i) the AIP;
 - (ii) an AIP Amendment;
 - (iii) an AIP Supplement;
 - (iv) a permanent NOTAM;
 - (v) an aeronautical chart published by an AIS provider;
 - (vi) an aeronautical chart mentioned in subregulation 175.270(3) published by an aerodrome operator.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply if:

- (a) the corresponding data, information or chart was:
 - (i) published by an AIS provider in contravention of subregulation 175.185(1); or
 - (ii) distributed by an AIS provider in contravention of subregulation 175.185(2) or (3); and
- (b) the data service provider publishes or supplies the data, information or chart by the next effective AIRAC date following the publication or distribution of the corresponding data, information or chart.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

(3) An offence against this regulation is an offence of strict liability.

175.375 Data service providers—compliance with licence agreement with AIS providers

A data service provider commits an offence if the provider contravenes a provision of a licence agreement, mentioned in regulation 175.190, entered into by the provider.

Penalty: 50 penalty units.

Division 175.C.6—Data service providers—organisational requirements

175.380 Data service providers—exposition

- (1) The exposition of a data service provider must contain the following:
 - (a) the provider's name (including any operating or trading name), address, contact details and ABN (if any);
 - (b) the location and address of:
 - (i) the provider's operational headquarters; and
 - (ii) each of the provider's operational facilities;
 - (c) the name of the provider's accountable manager;
 - (d) a description and diagram of the provider's organisational structure showing formal reporting lines;
 - (e) if the provider is a corporation—a description of the provider's corporate structure;
 - (f) for each operational position, including each operational supervisory position, within the organisational structure:
 - (i) a statement of the duties and responsibilities of the position; and
 - (ii) the recent experience requirements for the position (if any); and
 - (iii) the qualifications required for the position (if any); and
 - (iv) the currency requirements (if any) for the qualifications;
 - (g) a description of how the provider determines the number of operational personnel, including operational supervisory personnel, required for the provider's authorised data service activities;
 - (h) a description of the data service activities that the provider conducts;
 - (i) the area of coverage of the aeronautical data, aeronautical information and aeronautical charts covered by the activities;
 - (j) a description of the procedures that ensure that each of the provider's authorised data service activities is provided in accordance with this Subpart;
 - (k) a description and an example of the formats used for the aeronautical data, aeronautical information and aeronautical charts published or supplied by the provider in conducting its authorised data service activities;
 - (l) a description of the format for the digital exchange or supply of aeronautical data;
 - (m) a description of the arrangements that ensure that the provider receives, on a daily basis, the aeronautical data and aeronautical information necessary for conducting the provider's authorised data service activities;
 - (n) a description of the arrangements that ensure that the provider is able to continue to publish or supply aeronautical data or aeronautical information, in conducting its authorised data service activities, to persons who reasonably require the data or information;

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Subpart 175.C Aeronautical information management—data service providers

Division 175.C.6 Data service providers—organisational requirements

Regulation 175.380

- (o) a copy of any licence agreement mentioned in regulation 175.190 entered into by the provider;
 - (p) a copy of any data product specification in relation to any aeronautical data that the provider receives from an AIS provider;
 - (q) a copy of the provider's data, personnel and physical security program;
 - (r) a description of the processes and documents used to present to personnel the relevant aeronautical data and aeronautical information contained in the following:
 - (i) the AIP;
 - (ii) AIP Amendments;
 - (iii) AIP Supplements;
 - (iv) permanent NOTAM;
 - (v) aeronautical charts;
 - (vi) the provider's instructions for conducting its authorised data service activities that relate to particular operational facilities;
 - (s) a description of the processes and documents used to present to personnel the relevant standards, rules and procedures contained in:
 - (i) the Part 175 Manual of Standards; and
 - (ii) the aeronautical data processing standards;
 - (t) a copy of each document that contains operational instructions for personnel;
 - (u) a description of the procedures that ensure all operational personnel are familiar with any operational changes that have occurred since they last performed operational duties;
 - (v) a description of the provider's training and checking system, as required by regulation 175.400;
 - (w) a description of the provider's safety management system, as required by regulation 175.405;
 - (x) a description of the provider's quality management system, as required by regulation 175.410;
 - (y) a copy of the provider's contingency plan, as required by regulation 175.420;
 - (z) a description of the provider's record keeping procedures, as required by regulation 175.435;
 - (za) a description of the procedures used in commissioning new facilities, equipment and services;
 - (zb) a description of the procedures that ensure that all equipment, including software, is operated in accordance with the manufacturer's operating instructions and manuals;
 - (zc) a description of the procedures for making changes.
- (2) The provider commits an offence if:
- (a) the provider does not keep the exposition in a readily accessible form; or
 - (b) operational personnel do not have ready access to the exposition; or
 - (c) CASA does not have ready access to the exposition; or

- (d) the provider does not keep the exposition up-to-date.

Penalty: 50 penalty units.

175.385 Data service providers—organisational structure

A data service provider must have an appropriate organisation with a sound and effective management structure that enables the provider to conduct its authorised data service activities in accordance with its exposition and this Subpart.

175.390 Data service providers—personnel—general

A data service provider must have enough suitably competent, qualified and trained personnel to:

- (a) enable the provider to conduct its authorised data service activities in accordance with its exposition and this Subpart; and
- (b) supervise the conduct of each of its authorised data service activities.

175.395 Data service providers—personnel—accountable manager

A data service provider must have an accountable manager.

175.400 Data service providers—personnel—training and checking system for operational personnel

- (1) A data service provider must have a training and checking system that ensures that the provider's operational personnel maintain their competence and are provided with ongoing training appropriate to their duties.
- (2) Without limiting subregulation (1), the training and checking system must ensure that each person who is a member of the provider's operational personnel:
 - (a) is trained and proven to be proficient in the performance of the person's duties; and
 - (b) meets the recent experience requirements (if any) under the provider's exposition for the person's position; and
 - (c) holds each qualification (if any) that is required under the provider's exposition for the person's position; and
 - (d) meets the currency requirements (if any) under the provider's exposition for the qualifications.

175.405 Data service providers—safety management system

- (1) A data service provider must have a safety management system that:
 - (a) is a systemic approach to managing safety; and
 - (b) integrates human factors principles; and
 - (c) includes the matters mentioned in subregulation (2).
 - (2) For paragraph (1)(c), the matters are the following:
-

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- (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
- (b) a statement of the data service provider's safety policy, objectives and planning, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers;
 - (iii) the appointment of safety management personnel;
 - (iv) how human factors principles are integrated into the safety management system;
 - (v) a safety management system implementation plan;
 - (vi) relevant third party relationships and interactions;
 - (vii) coordination of an emergency response plan;
 - (viii) safety management system documentation;
- (c) a safety risk management process, including:
 - (i) hazard identification processes; and
 - (ii) risk assessment and mitigation processes;
- (d) a safety assurance system, including details of processes for:
 - (i) safety performance monitoring and measurement; and
 - (ii) internal safety investigation; and
 - (iii) management of change; and
 - (iv) continuous improvement of the safety management system;
- (e) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication.

175.410 Data service providers—quality management system

A data service provider must have a quality management system that:

- (a) is based on the elements of the latest edition of the ISO 9001 standard, as in force from time to time, that are relevant to the processing, publication and supply of aeronautical data and aeronautical information for the provider's authorised data service activities; and
- (b) includes quality management procedures that address the quality management requirements mentioned in the aeronautical data processing standards.

175.415 Data service providers—facilities, equipment, data and information

- (1) A data service provider must have the facilities and equipment that are necessary for conducting its authorised data service activities, including appropriate premises and equipment to allow operational personnel to perform their duties.
- (2) A data service provider must provide its operational personnel with access to the aeronautical data and aeronautical information required for conducting its authorised data service activities.

175.420 Data service providers—contingency plan

- (1) A data service provider must have a contingency plan that sets out the procedures to be followed if an authorised data service activity for the provider is interrupted.
- (2) The contingency plan must include:
 - (a) the actions to be taken by personnel responsible for conducting the activity; and
 - (b) possible alternative arrangements for conducting the activity; and
 - (c) arrangements for resuming normal conduct of the activity.

175.425 Data service providers—reference materials

- (1) A data service provider must have up-to-date copies of the following reference materials in a readily accessible form:
 - (a) the civil aviation legislation relevant to the conduct of the data service provider's authorised data service activities;
 - (b) the AIP;
 - (c) any AIP Amendments;
 - (d) any AIP Supplements;
 - (e) any permanent NOTAM;
 - (f) any aeronautical charts published by an AIS provider;
 - (g) any aeronautical charts mentioned in subregulation 175.270(3) published by an aerodrome operator;
 - (h) the aeronautical data processing standards;
 - (i) any instructions issued by the provider to its personnel in relation to the conduct of the data service provider's authorised data service activities;
 - (j) manuals for equipment used by personnel in the conduct of the provider's authorised data service activities.
- (2) The provider must ensure that operational personnel have ready access to the reference materials.

175.430 Data service providers—annual review by accountable manager

- (1) A data service provider commits an offence if the provider's accountable manager contravenes subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the accountable manager must:
 - (a) conduct an annual review of the provider against the requirements of its exposition and this Subpart; and
 - (b) address any deficiencies that are identified during the review; and
 - (c) give CASA a report of the annual review, including:
 - (i) any significant deficiencies identified since any previous annual review; and

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- (ii) how the deficiencies are to be addressed.

175.435 Data service providers—records

- (1) A data service provider must have procedures for making, collecting, indexing, storing, securing, maintaining, accessing and disposing of the following:
- (a) records that identify all incoming and outgoing aeronautical data and aeronautical information;
 - (b) records that identify each person who is authorised by the provider to process, check, edit, publish or supply aeronautical data and aeronautical information;
 - (c) records that list the qualifications and competencies of personnel who process, check, edit, publish or supply aeronautical data and aeronautical information;
 - (d) records that identify each occurrence of an error or omission in:
 - (i) aeronautical data or aeronautical information that the provider receives; or
 - (ii) aeronautical data or aeronautical information that the provider publishes or supplies in conducting a data service activity;
 - (e) records that contain the results of any audit or review of the provider's activities.
- (2) The provider must ensure that a record mentioned in subregulation (1) is legible and permanent.

175.440 Data service providers—retention period for aeronautical data, aeronautical information and records

Aeronautical data and information

- (1) A data service provider commits an offence if:
- (a) the provider publishes or supplies aeronautical data or aeronautical information in conducting a data service activity; and
 - (b) the provider does not keep a copy of the data or information for at least 7 years after the data or information ceases to be effective.

Penalty: 50 penalty units.

Records

- (2) A data service provider commits an offence if the provider does not keep a record mentioned in subregulation 175.435(1):
- (a) if the record relates to aeronautical data or aeronautical information mentioned in subregulation (1)—for as long as the data or information is required to be kept; or
 - (b) otherwise—for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Subpart 175.D—Aeronautical information management— aeronautical data originators

Division 175.D.1—Aeronautical data originators—general

175.445 Aeronautical data originators—AIP responsible person and NOTAM authorised persons

AIP responsible persons

- (1) An aeronautical data originator commits an offence if:
 - (a) the originator provides aeronautical data or aeronautical information to an AIS provider; and
 - (b) the originator has not appointed a single senior manager within the originator's organisation as the AIP responsible person for the originator.

Penalty: 50 penalty units.

- (2) An AIP responsible person is responsible for the provision of aeronautical data or aeronautical information, other than in NOTAMS, from the originator to an AIS provider.
- (3) An aeronautical data originator commits an offence if:
 - (a) the originator appoints a person as the AIP responsible person for the originator; and
 - (b) the person does not have the knowledge and competence to carry out the responsibilities of an AIP responsible person.

Penalty: 50 penalty units.

NOTAM authorised persons

- (4) An aeronautical data originator commits an offence if:
 - (a) the originator asks an AIS provider to issue, review or cancel a NOTAM; and
 - (b) the originator has not appointed a person in the originator's organisation as a NOTAM authorised person for the originator.

Penalty: 50 penalty units.

- (5) A NOTAM authorised person is responsible for requesting the issue, review and cancellation of NOTAMS for the originator.
- (6) An aeronautical data originator commits an offence if:
 - (a) the originator appoints a person as a NOTAM authorised person for the originator; and
 - (b) the person does not have the knowledge and competence to request the issue, review and cancellation of NOTAMS.

Penalty: 50 penalty units.

175.450 Aeronautical data originators—telling AIS provider of AIP responsible person and NOTAM authorised persons

- (1) An aeronautical data originator commits an offence if:
 - (a) the originator provides aeronautical data or aeronautical information to an AIS provider; and
 - (b) the originator has not told the AIS provider, in writing, of the following:
 - (i) the name of the AIP responsible person for the originator;
 - (ii) the names of the NOTAM authorised persons (if any) for the originator;
 - (iii) any changes (if any) to the persons who occupy the positions mentioned in subparagraphs (i) and (ii) since any previous provision of aeronautical data or aeronautical information to the AIS provider.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

175.455 Aeronautical data originators—requirement to provide updated aeronautical data or aeronautical information published other than in NOTAMS

- (1) This regulation applies if an aeronautical data originator becomes aware of a change that is needed to aeronautical data or aeronautical information:
 - (a) for which the originator is responsible; and
 - (b) that has been published by an AIS provider:
 - (i) in the Integrated Aeronautical Information Package (other than in NOTAMS); or
 - (ii) on an aeronautical chart.

Note: The aeronautical data or aeronautical information for which the aeronautical data originator is responsible must be specified in a data product specification: see paragraph 175.160(4)(a).

- (2) The originator commits an offence if the originator does not, as soon as practicable after becoming aware of the need for the change, provide the AIS provider with the following:
 - (a) updated aeronautical data or aeronautical information;
 - (b) the date the updated data or information becomes effective.

Penalty: 50 penalty units.

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175.460 Aeronautical data originators—requirements in relation to providing aeronautical data or aeronautical information published other than in NOTAMS

- (1) This regulation applies if an aeronautical data originator provides aeronautical data or aeronautical information to an AIS provider for publication:
 - (a) in the Integrated Aeronautical Information Package (other than in NOTAMS); or
 - (b) on an aeronautical chart.

Requirements for providing data or information

- (2) The originator must:
 - (a) provide the data or information to the AIS provider in accordance with the requirements of the data product specification given to the originator by the AIS provider, including in relation to the standards for accuracy and resolution and timeframes; and
 - (b) provide the data or information so that the AIS provider can readily identify any changes from existing published data or information; and
 - (c) provide, with the data or information, a statement of any consultation undertaken under subregulation (4); and
 - (d) provide, with the data or information, any consequential changes that need to be made to other aeronautical data or aeronautical information published:
 - (i) in the Integrated Aeronautical Information Package (other than in NOTAMS); or
 - (ii) on aeronautical charts.

Note: Compliance with the timeframes specified in the data product specification allows the AIS provider to comply with regulation 175.185.

Additional requirement for Bureau of Meteorology

- (3) If the originator is the Bureau of Meteorology, the originator must provide the data or information in accordance with the standards and format mentioned in Annex 3 to the Chicago Convention.

Consultation with aviation organisations about data or information

- (4) If the data or information will cause an aviation organisation to make plans for changes to the organisation's operations or procedures, the originator must, before providing the data or information to the AIS provider, consult the organisation about the data or information.

175.465 Aeronautical data originators—annual review of aeronautical data and aeronautical information

- (1) An aeronautical data originator commits an offence if the originator contravenes subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the originator must:
- (a) review, at least annually, the aeronautical data and aeronautical information in the Integrated Aeronautical Information Package (other than in NOTAMS), and on aeronautical charts, for which the originator is responsible; and
 - (b) keep a record of a review mentioned in paragraph (a) for at least 3 years; and
 - (c) if CASA requests a copy of a record mentioned in paragraph (b)—comply with the request.

Note: The aeronautical data or aeronautical information for which the aeronautical data originator is responsible must be specified in a data product specification: see paragraph 175.160(4)(a).

- (3) An offence against this regulation is an offence of strict liability.

175.470 Aeronautical data originators—requirements in relation to requests for issue of NOTAMS

- (1) This regulation applies if:
- (a) an aeronautical data originator becomes aware that a circumstance exists; and
 - (b) the circumstance is specified in a data product specification given to the originator by an AIS provider as a circumstance that requires the originator to ask the AIS provider to issue a NOTAM.

Requesting issue of NOTAM

- (2) The originator must, as soon as practicable after becoming aware of the circumstance, ask the AIS provider to issue a NOTAM in accordance with the data product specification.

Changes to data and information to be readily identifiable

- (3) If the request for a NOTAM will change any existing published aeronautical data or aeronautical information, the originator must ensure that the change can be readily identified.

Data and information to be suitable for publication

- (4) The originator must ensure that the aeronautical data or aeronautical information included in the request for a NOTAM is suitable for publication in NOTAM format.

Consultation with aviation organisations about NOTAM

- (5) If a NOTAM that the originator asks the AIS provider to issue will cause an aviation organisation to make plans for changes to the organisation's operations

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Subpart 175.D Aeronautical information management—aeronautical data originators

Division 175.D.1 Aeronautical data originators—general

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or procedures, the originator must, before asking the AIS provider to issue the NOTAM, consult the organisation about the NOTAM.

**Division 175.D.2—Aeronautical data originators—Geoscience
Australia**

175.475 Aeronautical data originators—responsibilities of Geoscience Australia

The Commonwealth of Australia as represented by Geoscience Australia is responsible for:

- (a) providing AIS providers with magnetic variation updates; and
- (b) providing AIS providers with terrain, topographic and cultural data, as mentioned in Annexes 4 and 15 to the Chicago Convention, for publication:
 - (i) in the Integrated Aeronautical Information Package; or
 - (ii) on an aeronautical chart.

Subpart 175.E—Aeronautical information management— objects and structures that affect aviation safety

175.480 Objects and structures that affect aviation safety—application of Subpart 175.E

This Subpart applies to an object or structure:

- (a) that has a maximum height of at least 100 m above ground level; or
- (b) that penetrates an obstacle limitation surface of an aerodrome; or
- (c) that penetrates an obstacle data collection surface, as mentioned in Appendix 8 of Annex 15 to the Chicago Convention; or
- (d) that is an obstacle that is required to be included on an Aerodrome Obstacle Chart—ICAO Type A, as mentioned in Annex 4 to the Chicago Convention; or
- (e) that is an obstacle that is required to be included on an Aerodrome Obstacle Chart—ICAO Type B, as mentioned in Annex 4 to the Chicago Convention; or
- (f) if AA requires data about the object or structure in the interests of aviation safety.

175.485 Objects and structures that affect aviation safety—requests for data by AA

- (1) Under this Subpart, AA may request the following data about an object or structure:
 - (a) the person who owns, controls or operates the object or structure;
 - (b) the name, identification or designation of the object or structure;
 - (c) the type of object or structure, including whether the object or structure is a building, telecommunications tower or wind turbine;
 - (d) the geographic location of the object or structure;
 - (e) the height of the object or structure;
 - (f) the elevation above mean sea level of the object or structure;
 - (g) whether the object or structure is marked;
 - (h) if the object or structure is marked—how it is marked;
 - (i) whether the object or structure is lit;
 - (j) if the object or structure is lit—how it is lit;
 - (k) any other data that is necessary in the interests of aviation safety.
- (2) A request for data under this Subpart must state the following:
 - (a) the format in which the data must be provided;
 - (b) that the request must be complied with within 28 days after receiving the request.

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- (3) A request for data under this Subpart may state other requirements in relation to the data (for example, the degree of accuracy or resolution of the data).

Extension of time for compliance

- (4) The recipient of a request may, before the end of 28 days after receiving the request, ask AA for an extension.
- (5) AA may, by written notice given to the recipient, grant the extension.

175.490 Objects and structures that affect aviation safety—requests for data from owners etc.

- (1) AA may, by written notice given to a person who owns, controls or operates an object or structure, request the person to give AA data mentioned in subregulation 175.485(1) about the object or structure.
- (2) A person commits an offence if:
- (a) AA gives the person a request under this regulation; and
 - (b) the person does not comply with subregulation (3) or (4).

Penalty: 50 penalty units.

- (3) For paragraph (2)(b), the person must comply with the request within:
- (a) if AA grants an extension under subregulation 175.485(5)—the time stated in the notice of extension; or
 - (b) if paragraph (a) does not apply—28 days after receiving the request.
- (4) For paragraph (2)(b), the person must specify the degree of accuracy of the data the person supplies.
- (5) Subregulation (2) does not apply if:
- (a) the person does not possess the data requested; and
 - (b) the person has taken all reasonable steps available to the person to obtain the data requested and has been unable to obtain the data.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

- (6) An offence against this regulation is an offence of strict liability.

175.495 Objects and structures that affect aviation safety—requests for data from aerodrome operators

- (1) AA may, by written notice given to an aerodrome operator, request the operator to give AA data mentioned in subregulation 175.485(1), that the operator possesses, about an object or structure.
- (2) An aerodrome operator commits an offence if:
- (a) AA gives the operator a request under this regulation; and
 - (b) the operator does not comply with the request within:

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- (i) if AA grants an extension under subregulation 175.485(5)—the time stated in the notice of extension; or
- (ii) if subparagraph (i) does not apply—28 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

175.500 Objects and structures that affect aviation safety—requests for data from government authorities

- (1) AA may, by written notice given to a Commonwealth, State, Territory or local government authority, request the authority to give AA data mentioned in subregulation 175.485(1), that the authority possesses, about an object or structure.
- (2) The authority must comply with the request.



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Dictionary and Endnotes

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About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 11 April 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Subpart 200.B—Exemption from certain Regulations

200.005 Parasails

(1) A parasail is exempt from CASR (other than this regulation) if the conditions in section 95.14 of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In these Regulations:

parasail means a parachute tethered to a point or vehicle on the ground or to a watercraft and deriving lift chiefly from aerodynamic reactions on flexible surfaces remaining fixed under given conditions of flight.

200.008 Defence Force aircraft operated by civilian flight crew

(1) This regulation applies to a Defence Force aircraft that is being flown and operated by persons, other than members of the Defence Force, who hold commercial or higher category licences, and that is engaged in:

- (a) flight testing; or
- (b) search and rescue; or
- (c) support of aircraft development and flight test programs; or
- (d) any other activity authorised by the Defence Force.

(2) The aircraft is exempt from CASR (other than this regulation) if the conditions in section 95.20 of the Civil Aviation Orders, as in force from time to time, are complied with.

(3) In this regulation:

flight testing, of an aircraft, means flying performed on behalf of the contractor or Defence Force to establish that the aircraft meets all the requirements of the contractor or Defence Force after manufacture or major servicing and inspection.

Subpart 200.C—Authorisation to fly

200.020 Authorised flight without certificate of airworthiness

For paragraph 20AA(3)(b) of the Act, an Australian aircraft that is exempt from CASR is authorised to fly without a certificate of airworthiness.

200.025 Flying unregistered aircraft

For paragraph 20AB(1)(a) of the Act, a person is taken to hold a civil aviation authorisation that is in force and authorises the person to perform a duty that is essential to the operation of an unregistered Australian aircraft during flight time if:

- (a) the person holds a pilot certificate granted by a sport aviation body (other than an ASAO) that administers aviation activities in the aircraft; and
- (b) the person operates the aircraft in accordance with the sport aviation body's operations manual.

200.030 Flying unregistered aircraft—offence

A person commits an offence if:

- (a) the person pilots an unregistered Australian aircraft; and
- (b) a sport aviation body (other than an ASAO) administers aviation activities in the aircraft; and
- (c) the person does not:
 - (i) hold a pilot certificate granted by the sport aviation body; and
 - (ii) operate the aircraft in accordance with the sport aviation body's operations manual.

Penalty: 50 penalty units.

Part 201—Miscellaneous

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201.001 Appointment of authorised persons

- (1) CASA may appoint a person, or the persons included in a class of persons, to be an authorised person in relation to any one or more of the following:
 - (a) CASR;
 - (b) a particular provision of CASR;
 - (c) CAR;
 - (d) a particular provision of CAR.
- (2) CASA may appoint a person only if CASA is satisfied that the person has the qualifications and experience to be an authorised person.
- (3) CASA may appoint a class of persons only if CASA is satisfied that each person included in the class has the qualifications and experience to be an authorised person.
- (4) An appointment may be made subject to conditions stated in the instrument of appointment.

201.002 Identity cards

CASA must issue identity cards

- (1) CASA must issue an authorised person with an identity card if the person:
 - (a) is an officer; and
 - (b) performs functions or duties or exercise powers under any one or more of the following provisions:
 - (i) subregulation 30(4) of CAR;
 - (ii) subregulation 33(2) of CAR;
 - (iii) regulation 43A of CAR;
 - (iv) regulation 50D of CAR;

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- (v) regulation 53 of CAR;
 - (vi) regulation 290 of CAR;
 - (vii) regulation 302 of CAR;
 - (viii) regulation 305 of CAR;
 - (ix) a provision of CASR under which the person may enter premises or exercise inspection powers.
- (2) The identity card is valid for the period that the person has been appointed as an authorised person for.
- (3) The identity card must:
- (a) contain a photograph of the person that is no more than 5 years old; and
 - (b) specify which of the following the person is appointed as an authorised person for:
 - (i) CASR;
 - (ii) a particular provision of CASR;
 - (iii) CAR;
 - (iv) a particular provision of CAR; and
 - (c) specify any conditions of the appointment.

Returning identity cards

- (4) A person contravenes this subregulation if:
- (a) the person has been issued with an identity card; and
 - (b) the person ceases to be an authorised person for any or all of the provisions specified in the card; and
 - (c) the person does not return the card to CASA within 7 days of the person ceasing to be an authorised person.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 10 penalty units.

Display and production of identity cards

- (6) If an authorised person is performing functions or exercising powers in accordance with CASR or CAR, the person must:
- (a) wear their identity card so that it can be readily seen; and
 - (b) upon request, show their identity card.

201.002A Authorised persons requesting cockpit entry or occupation of seat etc.

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) during the flight, an authorised person requests to enter the cockpit; and
 - (b) the request is for the purposes of, or in connection with, the authorised person performing their duties; and
 - (c) the authorised person produces or displays their identity card; and

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- (d) the pilot in command refuses or fails to comply with the request.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) during the flight, an authorised person requests to occupy a particular seat or particular position on the aircraft; and
 - (b) the request is for the purposes of, or in connection with, the authorised person performing their duties; and
 - (c) the authorised person produces or displays their identity card; and
 - (d) the pilot in command refuses or fails to comply with the request.
- (3) Subregulation (1) or (2) does not apply if the pilot in command is satisfied that the safety of the aircraft, or of any person or property, is likely to be endangered as a result of the entry of the authorised person to the cockpit, or the occupation of the seat or position by the authorised person (as the case may be).
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) subregulation (1) or (2) applies in relation to a request (the **first request**) by an authorised person; and
 - (b) the authorised person requests the pilot in command to report to CASA the reasons for the refusal or failure to comply with the first request; and
 - (c) the pilot in command fails to give the report to CASA in the approved form within 7 days of the refusal or failure.

Note: Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

201.003 Commonwealth and CASA not liable in certain cases

- (1) Neither the Commonwealth nor CASA is liable in negligence or otherwise for any loss or damage incurred by anyone because of, or arising out of, the design, construction, restoration, repair, maintenance or operation of a limited category aircraft or an experimental aircraft, or any act or omission of CASA done or made in good faith in relation to any of those things.
- (2) Neither the Commonwealth nor CASA is liable in negligence or otherwise for any loss or damage incurred by anyone because of, or arising out of, CASA exercising powers to conduct tests under regulation 139.135, or any act or omission of CASA done or made in good faith in relation to those powers.

201.004 Review of decisions

- (1) In this regulation:

authorisation: see regulation 11.015.

Regulation 201.004

Decisions made by CASA

- (2) An application may be made to the Administrative Appeals Tribunal for the review of a decision of CASA mentioned in table 201.004.

Table 201.004 Reviewable decisions

Item	A decision...
1	under a provision of these Regulations: (a) refusing to grant or issue an authorisation; or (b) cancelling or suspending an authorisation otherwise than on the application of the authorisation-holder; or (c) varying an authorisation otherwise than on the application of the authorisation-holder; or (d) refusing to vary an authorisation
2	under a provision of these Regulations imposing a condition on, or varying a condition of, an authorisation otherwise than on the application of the authorisation-holder
2A	under Subpart 11.D refusing, because of regulation 47.131B, to cancel the registration of an aircraft
3	under Division 11.F.1 or 11.F.2 refusing to grant an exemption
4	under regulation 21.043 refusing to consider an application for a type certificate
4A	under subregulation 21.176(5) or Division 132.D.2: (a) to assign a permit index number to the aircraft; or (b) to refuse to assign a new permit index number requested by the aircraft's registered operator
5	under regulation 21.855 refusing approval to remove or alter information on a critical part
6	under regulation 21.870 agreeing that it is impractical to mark information on a part
7	under subregulation 39.004(2) or (3) refusing to issue an instrument of approval or exclusion
8	under regulation 39.007 refusing to revoke or amend an Australian airworthiness directive
8A	under regulation 42.640 directing that an authorisation issued by a continuing airworthiness management organisation to a pilot licence holder be changed or cancelled
9	under regulation 45.060 refusing approval to place a design, mark or symbol on an aircraft
10	under regulation 45.065 refusing approval to display different markings
10A	under regulation 45.070 refusing approval to display different markings, or no markings, for the purposes of an exhibition
10B	under regulation 45.100 refusing approval to display different words, or no words, for the purposes of an exhibition
10C	under regulation 45.135 refusing approval of a method of displaying aircraft markings
11	under regulation 45.140 refusing approval to attach an aircraft identification plate other than in accordance with regulation 45.125
12A	under regulation 47.110 refusing, because of subregulation 47.110(9), to amend the Australian Civil Aircraft Register and give a certificate of registration
13	under regulation 47.131C or 47.132 cancelling the registration of an aircraft
14	under regulation 47.175 assigning fewer dealer's marks to an aircraft dealer than were applied for by the dealer

Regulation 201.004

Table 201.004 Reviewable decisions

Item	A decision...
15	under Subpart 67.B refusing to appoint a person as a DAME or DAO
16	under regulation 67.095 cancelling the appointment of a person as a DAME or DAO
17	under regulation 90.010 refusing to exclude an aircraft or aeronautical product from the operation of a provision of Part 90
17A	under subregulation 91.980(1) imposing conditions on the operation of foreign registered aircraft in Australian territory
17B	under subregulation 119.105(1) directing an Australian air transport operator to change its exposition
17C	under subregulation 119.105(2) directing an Australian air transport operator to remove key personnel
17D	under subregulation 119.135(5) directing a head of flying operations of an Australian air transport operator to undertake an assessment
17E	under subregulation 119.145(5) directing a head of training and checking of an Australian air transport operator to undertake an assessment
17F	under subregulation 119.165(2) directing an Australian air transport operator that key personnel of the operator must have additional qualifications or experience
17G	under subregulation 119.165(3) directing key personnel of an Australian air transport operator to undertake an examination, interview or training
17H	under subregulation 131.115(1) directing a balloon transport operator to change its exposition
17J	under subregulation 131.115(2) directing a balloon transport operator to remove key personnel
17K	under subregulation 131.145(3) directing a head of flying operations of a balloon transport operator to undertake an assessment
17L	under subregulation 131.175(2) directing a balloon transport operator that key personnel of the operator must have additional qualifications or experience
17M	under subregulation 131.175(3) directing key personnel of a balloon transport operator to undertake an examination, interview or training
18	under regulation 137.040 refusing to approve a standard operations manual
19	under subregulation 137.045(6) refusing to accept: <ul style="list-style-type: none"> (a) an application for an AOC submitted later than required under subregulation 137.045(1); or (b) a manual or schedule of differences that is submitted later than required under subregulation 137.045(4); or (c) an application for the variation of an AOC submitted later than required under subregulation 137.045(5)
20	under regulation 137.080 refusing to approve a proposed amendment to an operations manual
21	under regulation 137.085 refusing to approve a proposed amendment to a schedule of differences
22	under regulation 137.090 refusing to approve a proposed amendment to a standard operations manual

Regulation 201.004

Table 201.004 Reviewable decisions

Item	A decision...
23	under subregulation 138.068(1) directing an aerial work operator to change its operations manual
23A	under subregulation 138.068(2) directing an aerial work operator to remove key personnel
23B	under subregulation 138.090(4) directing a head of operations of an aerial work operator to undertake an assessment
23C	under subregulation 138.100(5) directing a head of training and checking of an aerial work operator to undertake an assessment
23D	under subregulation 138.120(2) directing an aerial work operator that key personnel of the operator must have additional qualifications or experience
23E	under subregulation 138.120(3) directing key personnel of an aerial work operator to undertake an examination, interview or training
24	under regulation 139.125, refusing to impose, or to vary, a condition on an aerodrome certificate in relation to the operation of an aerodrome ground surveillance system
25	under subregulation 141.100(1) directing a Part 141 operator to change its operations manual
25A	under subregulation 141.100(2) directing a Part 141 operator to remove key personnel
25B	under subregulation 141.125(3) directing a head of operations of a Part 141 operator to undertake an assessment
25C	under subregulation 141.155(2) directing a Part 141 operator that key personnel of the operator must have additional qualifications or experience
25D	under subregulation 141.155(3) directing key personnel of a Part 141 operator to undertake an examination, interview or training
25E	under subregulation 142.155(1) directing a Part 142 operator to change its exposition
25F	under subregulation 142.155(2) directing a Part 142 operator to remove key personnel
25G	under subregulation 142.185(6) directing a head of operations of a Part 142 operator to undertake an assessment
25H	under subregulation 142.215(2) directing a Part 142 operator that key personnel of the operator must have additional qualifications or experience
25J	under subregulation 142.215(3) directing key personnel of a Part 142 operator to undertake an examination, interview or training
26	under subregulation 149.120(2) giving a direction to an ASAO
27	under regulation 149.490 giving a direction to an ASAO
28	under regulation 149.495 varying, suspending or cancelling an authorisation issued by an ASAO
29	under regulation 149.630 affirming, varying, setting aside or remitting an internal review decision of an ASAO

Note: See also section 31 of the Act.

Decisions made by other decision-makers

- (3) Applications may be made to the Administrative Appeals Tribunal for review of a decision mentioned in subregulation (5) that is made:
- (a) under a provision of these Regulations; and

Regulation 201.016

(b) by a person mentioned in subregulation (4) who may make the decision under the provision.

(4) For paragraph (3)(b), the persons are the following:

- (a) an authorised person;
- (b) an examiner;
- (c) an instructor;
- (d) the holder of an approval under regulation 61.040, 141.035 or 142.040;
- (e) a limited category organisation.

(5) For subregulation (3), the decisions are the following:

- (a) a decision refusing to grant or issue an authorisation;
- (b) a decision varying an authorisation otherwise than on the application of the authorisation-holder;
- (c) a decision refusing to vary an authorisation;
- (d) a decision imposing a condition on, or varying a condition of, an authorisation otherwise than on the application of the authorisation-holder;
- (e) under subregulation 21.176(5) or Division 132.D.2, a decision by a limited category organisation:
 - (i) to assign a permit index number to a limited category aircraft; or
 - (ii) to refuse to assign a new permit index number requested by the registered operator of a limited category aircraft.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person, whose interests are affected by the decision, notice of:

- (a) the making of the decision; and
- (b) the person's right to have the decision reviewed.

201.016 Disclosure etc. of information

Safety of air navigation

(1) CASA is authorised to disclose information covered by subregulation (2) in the circumstance that:

- (a) the disclosure is to a person:
 - (i) providing an air traffic service (within the meaning of Part 172) in Australian territory; or
 - (ii) carrying out search and rescue operations in Australian territory; and
- (b) the disclosure is necessary for the safety of air navigation.

Note: For further authorisation to collect, use and disclose information covered by this subregulation that is personal information, see the *Privacy Act 1988*.

(2) The information is the following about an individual who holds a civil aviation authorisation:

- (a) the person's name;
- (b) the person's ARN (if any);
- (c) the person's address;

- (d) the person's telephone number;
- (e) details of each civil aviation authorisation and any medical certificate that the person holds.

Registered RPA

- (3) CASA is authorised to disclose information relating to an aircraft registered under Division 47.C.2 in the circumstance that:
 - (a) the disclosure is to a person providing an air traffic service (within the meaning of Part 172) in Australian territory; or
 - (b) the disclosure is to an enforcement body (within the meaning of the *Privacy Act 1988*) and is for the purposes of one or more enforcement related activities conducted by, or on behalf of, the enforcement body.

Note: For further authorisation to collect, use and disclose information covered by this subregulation that is personal information, see the *Privacy Act 1988*.

201.020 Service of documents

Despite section 28A of the *Acts Interpretation Act 1901*, service may be effected on CASA only at its principal office at:

16 Furzer Street
Phillip ACT 2606

201.022 Carriage of medicines—relationship with other laws

- (1) This regulation applies if a provision of these Regulations or of a Manual of Standards:
 - (a) requires that a medicine or drug must be carried on an aircraft; or
 - (b) prescribes a requirement in relation to the carriage or use of a medicine or drug on an aircraft.
- (2) None of the following persons are required to obtain or have a licence, approval or permission for carrying or using the medicine or drug on the aircraft:
 - (a) the operator of the aircraft;
 - (b) the pilot in command of the aircraft;
 - (c) a crew member of the aircraft.
- (3) This regulation applies despite any other law of a State or Territory.

201.025 Prescription of matters for definitions in these Regulations

For subsection 98(5A) of the Act, CASA may issue instruments prescribing matters for definitions in these Regulations relating to matters mentioned in the subsection.

201.030 Approvals by CASA—definitions in these Regulations

- (1) If a definition in these Regulations refers to a person holding an approval under this regulation, a person may apply, in writing, to CASA for the approval.

Regulation 201.030

- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

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Subpart 202.GG—Transitional provisions for Part 147 (Continuing airworthiness—maintenance training organisations)

- 202.840 Recognised organisations taken to be maintenance training organisations
- 202.841 Applications for approval as a recognised organisation made but not finally determined before 27 June 2011
- 202.842 CASA may direct the making of applications under regulation 147.025

Subpart 202.GI—Transitional provisions for Part 149 (Approved self-administering aviation organisations)

Division 202.GI.1—Amendments made by the Civil Aviation Legislation Amendment (Part 149) Regulations 2018

- 202.860 Definition of *commencement day* for Division 202.GI.1
- 202.862 Transitional—holders of authorisations from bodies that become ASAOs

Subpart 202.HA—Transitional provisions for Part 171 (Aeronautical telecommunication service and radionavigation service providers)

- 202.880 Manual of Standards for Part 171

Subpart 202.HB—Transitional provisions for Part 172 (Air traffic service providers)

- 202.900 Manual of Standards for Part 172

Subpart 202.HC—Transitional provisions for Part 173 (Instrument flight procedure design)

Subpart 202.HD—Transitional provisions for Part 174 (Aviation meteorological services)

Subpart 202.HE—Transitional provisions for Part 175 (Aeronautical information management)

Subpart 202.HL—Transitional provisions for Part 200 (Exemptions)

Subpart 202.HM—Transitional provisions for Part 201 (Miscellaneous)

Subpart 202.AB—Transitional provisions for Part 1 (Preliminary)

Note: This Subpart heading is reserved for future use.

Part 202 Transitional

Subpart 202.AD Transitional provisions for Part 11 (Regulatory administrative procedures)

Division 202.AD.2 Amendments made by Schedule 3 to the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019

Regulation 202.014

Subpart 202.AD—Transitional provisions for Part 11 (Regulatory administrative procedures)

Division 202.AD.2—Amendments made by Schedule 3 to the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019

202.014 Applications by agents for authorisations

The amendments made by Schedule 3 to the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019* apply in relation to an application to CASA for an authorisation covered by subregulation 11.033(2) (as inserted by those amendments) if the application is made on or after the commencement of that Schedule.

Note: Subregulation 11.033(2) covers remote pilot licences under Division 101.F.3, and other authorisations determined under subregulation 11.033(3).

Subpart 202.AF—Transitional provisions for Part 13 (Enforcement)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.030 to 202.049 are reserved for use in this Subpart.

Part 202 Transitional

Subpart 202.AJ Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

Division 202.AJ.1 Transitional provisions relating to certification of aircraft and aircraft components

Regulation 202.049A

**Subpart 202.AJ—Transitional provisions for Part 21
(Certification and airworthiness requirements for
aircraft and parts)**

**Division 202.AJ.1—Transitional provisions relating to certification of
aircraft and aircraft components**

**Subdivision 202.AJ.1.A—Amendments made by Civil Aviation and Civil
Aviation Safety Amendment Regulations 2011 (No. 1)**

**202.049A Certain design standards taken to be applicable airworthiness
standards for regulation 21.017**

- (1) A design standard for an aircraft:
 - (a) that was issued under regulation 21 of CAR; and
 - (b) that was in force immediately before 27 June 2011;is taken, on and after 27 June 2011, to be an applicable airworthiness standard for the aircraft for regulation 21.017.
- (2) A design standard for an aircraft component:
 - (a) that was issued under regulation 21A of CAR; and
 - (b) that was in force immediately before 27 June 2011;is taken, on and after 27 June 2011, to be an applicable airworthiness standard for the aircraft component for regulation 21.017.

**Subdivision 202.AJ.1.B—Amendments made by Civil Aviation
Amendment Regulations 1999 (No. 5)**

202.050 Certificates of type approval

- (1) A certificate of type approval for an aircraft, or an aircraft engine or a propeller, that was, immediately before 1 October 1998, in force under regulation 22 of CAR as then in force continues in force on and after that date as if it were a type certificate issued under regulation 21.013A or 21.029.
- (2) A certificate of type approval for an aircraft that was, immediately before 1 October 1998, in force under regulation 22A of CAR as then in force continues in force on and after that date as if it were a type acceptance certificate issued under regulation 21.029A.
- (3) A certificate of type approval continued in force under this regulation remains subject to any condition to which it was subject immediately before 1 October 1998.

202.051 Certificates of airworthiness

- (1) A certificate of airworthiness that was, immediately before 1 October 1998, in force under regulation 24 of CAR as then in force continues in force on and after that date as if it were a certificate of airworthiness issued under regulation 21.176.
- (2) A certificate of airworthiness continued in force under subregulation (1) remains subject to any condition to which it was subject immediately before 1 October 1998.
- (3) Subject to Division 7 of Part 4A of CAR, a direction that was, immediately before 1 October 1998, in force under paragraph 25(1)(b) of CAR as then in force continues in force on and after that date according to its terms.

202.052 Export certificate of airworthiness

An export certificate of airworthiness that was, immediately before 1 October 1998, in force under regulation 28 of CAR as then in force continues in force on and after that date as if it were an export airworthiness approval issued under regulation 21.324.

Subdivision 202.AJ.1.D—Amendments made by the Civil Aviation Legislation Amendment (Part 132) Regulation 2016

202.052AA Definitions for Subdivision 202.AJ.1.D

In this Subdivision:

commencement time means the commencement of the *Civil Aviation Legislation Amendment (Part 132) Regulation 2016*.

202.052B Applications for certain limited category certificates made but not finally determined before commencement time

- (1) This regulation applies if, before the commencement time, an application for a limited category certificate for an aircraft was made but had not been finally determined.
- (2) The application must be determined in accordance with regulations 21.176 and 21.189 as in force before the commencement time.

202.052C Application of subregulations 21.176(5) and (5A)—limited category certificates issued on or after commencement time

Subregulations 21.176(5) and (5A) apply to a limited category certificate for an aircraft issued on or after the commencement time.

Part 202 Transitional

Subpart 202.AJ Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

Division 202.AJ.1 Transitional provisions relating to certification of aircraft and aircraft components

Regulation 202.052D

202.052D Certain special purpose operations for limited category aircraft

- (1) This regulation applies if, immediately before the commencement time, a person held a special certificate of airworthiness for operating an historic or ex-military aircraft in adventure style operations.
- (2) The person is taken, on and after the commencement time, to hold a special certificate of airworthiness for conducting adventure flights in an historic or ex-military aircraft.

202.052E Certain experimental certificates for certain ex-armed forces aircraft expire no later than 6 months after the commencement time

- (1) This regulation applies to an experimental certificate for an ex-armed forces aircraft if:
 - (a) it was in force or under suspension immediately before the commencement time; and
 - (b) it was issued for a purpose mentioned in paragraph 21.191(d) (exhibition).

Note: A suspended certificate is taken not to be in force: see regulations 11.132, 21.002C and 21.195B.

- (2) The certificate expires at the earliest of the following times:
 - (a) if a period for which the certificate is in force is specified in the certificate—the end of the period;
 - (b) when a limited category certificate is issued for the aircraft;
 - (c) when the certificate is cancelled;
 - (d) when the aircraft ceases to be registered in Australia;
 - (e) the day after the end of the period of 6 months beginning at the commencement time.
- (3) This regulation applies despite subregulation 21.195B(2).

Division 202.AJ.2—Transitional provisions relating to approvals of designs of modifications and repairs

Subdivision 202.AJ.2.A—Amendments made by the Civil Aviation and Civil Aviation Safety Amendment Regulations 2011 (No. 1)

202.053 Approvals of systems of certification under regulation 34 of CAR

Despite the repeal of regulation 34 of CAR:

- (a) an approval of a system of certification under that regulation, being an approval that was in force immediately before 27 June 2011, continues in force on and after 27 June 2011 according to its terms; and
- (b) CASA may vary, suspend or revoke the approval as if that regulation had not been repealed.

202.054 Approvals of designs of modifications and repairs under regulation 35 of CAR

- (1) Despite the repeal of regulation 35 and subregulations 47(4) and (7) of CAR:
 - (a) an approval of a design of a modification or repair that was in force under subregulation 35(2) or (6) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
 - (b) an authorisation that was in force under subregulation 35(3) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
 - (c) subregulations 47(4) and (7) of CAR, as in force immediately before 27 June 2011, continue to apply to such an authorisation as if neither regulation 35 of CAR, nor those subregulations, had been repealed; and
 - (d) CASA may vary, suspend or revoke such an approval or authorisation as if regulation 35 of CAR had not been repealed.
- (2) If:
 - (a) before 27 June 2011, an application was made to CASA or an authorised person under regulation 35 of CAR for the approval of the design of a modification or repair; and
 - (b) the application was not finally determined by CASA or the authorised person immediately before 27 June 2011;the application is taken, on and after 27 June 2011, to be an application for a modification/repair design approval made to CASA or the authorised person under regulation 21.405.

202.055 Approvals of aircraft components for use as replacements under regulation 36 of CAR

- (1) Despite the repeal of regulation 36 and subregulations 47(4) and (7) of CAR:

Part 202 Transitional

Subpart 202.AJ Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

Division 202.AJ.2 Transitional provisions relating to approvals of designs of modifications and repairs

Regulation 202.056

- (a) an approval of an aircraft component, or aircraft components included in a type of aircraft component, for use as a replacement that was in force under subregulation 36(2) or (6) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
- (b) an authorisation that was in force under subregulation 36(3) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
- (c) subregulations 47(4) and (7) of CAR, as in force immediately before 27 June 2011, continue to apply to such an authorisation as if neither regulation 36 of CAR, nor those subregulations, had been repealed; and
- (d) CASA may vary, suspend or revoke such an approval or authorisation as if regulation 36 of CAR had not been repealed.

(2) If:

- (a) before 27 June 2011, an application was made to CASA or an authorised person for an approval under regulation 36 of CAR; and
- (b) the application was not finally determined by CASA or the authorised person immediately before 27 June 2011;

the application is taken, on and after 27 June 2011, to be an application for a modification/repair design approval made to CASA or the authorised person under regulation 21.405.

202.056 Use of aircraft material for particular purposes under regulation 36A of CAR

(1) Despite the repeal of regulation 36A of CAR:

- (a) a direction under subregulation 36A(2) of CAR that was in force immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
- (b) subregulation 36A(3) of CAR, as in force immediately before 27 June 2011, continues to apply to such a direction as if regulation 36A of CAR had not been repealed; and
- (c) CASA may vary, suspend or revoke such a direction as if regulation 36A of CAR had not been repealed.

(2) Despite the repeal of regulation 36A of CAR:

- (a) an approval of an aircraft material, being an approval that was in force under subregulation 36A(3A) of CAR immediately before 27 June 2011, continues in force on and after 27 June 2011 according to its terms; and
- (b) CASA may vary, suspend or revoke such an approval as if regulation 36A of CAR had not been repealed.

(3) If:

- (a) before 27 June 2011, a person asked CASA or an authorised person to approve the use of aircraft material for a particular purpose under regulation 36A of CAR; and
- (b) CASA or the authorised person has not, before 27 June 2011, decided whether or not to approve the use of the material;

the request is taken, on and after 27 June 2011, to be an application for a modification/repair design approval made to CASA or the authorised person under regulation 21.405.

202.058 Approval of changes to flight manuals under regulations 55 and 55A of CAR

- (1) Despite the repeal of regulation 55 of CAR, an approval of a change to an aircraft's flight manual that was in force under that regulation immediately before 27 June 2011 continues in force on and after 27 June 2011 as if it were an approval given under regulation 21.006A.
- (2) If:
 - (a) before 27 June 2011, a person asked CASA or an authorised person to approve a change to an aircraft's flight manual under regulation 55 of CAR; and
 - (b) CASA or the authorised person has not, before 27 June 2011, decided whether or not to give the approval;the request is taken, on and after 27 June 2011, to be an application for approval of the change made to CASA or the authorised person under regulation 21.006A.
- (3) Despite the repeal of regulation 55A of CAR, an approval of a change to an aircraft's flight manual that was in force under that regulation immediately before 27 June 2011 continues in force on and after 27 June 2011 as if it were an approval given by CASA under regulation 21.006A.
- (4) If:
 - (a) before 27 June 2011, an application was made under regulation 55A of CAR for the approval of a change to an aircraft's flight manual; and
 - (b) the application was not finally determined by CASA immediately before 27 June 2011;the application is taken, on and after 27 June 2011, to be an application for approval of the change under regulation 21.006A.

Subdivision 202.AJ.2.B—Amendments made by the Civil Aviation Legislation Amendment (Part 21) Regulation 2014

202.058A Approval of damage as permissible unserviceability under regulation 21.007

Despite the amendment of regulation 21.007 by the *Civil Aviation Legislation Amendment (Part 21) Regulation 2014*, an approval of damage as a permissible unserviceability that was in force immediately before 1 May 2014 continues in force in accordance with its terms.

Part 202 Transitional

Subpart 202.AJ Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

Division 202.AJ.3 Transitional provisions relating to authorised persons

Regulation 202.059

Division 202.AJ.3—Transitional provisions relating to authorised persons

Subdivision 202.AJ.3.A—Amendments made by the Civil Aviation and Civil Aviation Safety Amendment Regulations 2011 (No. 1)

202.059 Authorised persons for regulations 35, 36 and 36A of CAR

- (1) This regulation applies to a person who was, immediately before 27 June 2011, an authorised person appointed under regulation 6 of CAR for the purposes of regulation 35, 36 or 36A of CAR (as in force before 27 June 2011).
- (2) CASA is taken to have appointed the person on 27 June 2011 under regulation 201.001 to be an authorised person for regulations 21.006A and 21.009 and the provisions of Subpart 21.M.
- (3) The appointment is subject to the conditions to which the person's appointment as an authorised person under regulation 6 of CAR was subject to immediately before 27 June 2011.
- (4) However, the appointment expires:
 - (a) when the person's appointment as an authorised person for regulation 35, 36 or 36A of CAR would have expired; or
 - (b) at the end of 26 June 2013; or
 - (c) when it is revoked;whichever happens first.

Subpart 202.AK—Transitional provisions for Part 22 (Airworthiness standards for sailplanes and powered sailplanes)

202.060 Approvals under airworthiness instruments in force before 1 July 2009

- (1) Despite the amendments of Part 22 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under a repealed provision; and
 - (ii) was in effect immediately before 1 July 2009;has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:

repealed provision means regulation 22.006, 22.007, 22.008 or 22.009 as in force immediately before 1 July 2009.

Part 202 Transitional

Subpart 202.AL Transitional provisions for Part 23 (Airworthiness standards for aeroplanes in the normal, utility, acrobatic or commuter category)

Regulation 202.070

**Subpart 202.AL—Transitional provisions for Part 23
(Airworthiness standards for aeroplanes in the
normal, utility, acrobatic or commuter category)**

202.070 Approvals under airworthiness instruments in force before 1 July 2009

- (1) Despite the amendments of Part 23 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under a repealed provision; and
 - (ii) was in effect immediately before 1 July 2009;has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:

repealed provision means regulation 23.007 or 23.008 as in force immediately before 1 July 2009.

Subpart 202.AN—Transitional provisions for Part 25 (Airworthiness standards for aeroplanes in the transport category)

202.090 Approvals under airworthiness instruments in force before 1 July 2009

- (1) Despite the amendments of Part 25 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under the former regulation 25.006; and
 - (ii) was in effect immediately before 1 July 2009;has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.

- (2) In this regulation:

the former regulation 25.006 means regulation 25.006 as in force immediately before 1 July 2009.

Part 202 Transitional

Subpart 202.AO Transitional provisions for Part 26 (Airworthiness standards for aircraft in the primary category or intermediate category)

**Subpart 202.AO—Transitional provisions for Part 26
(Airworthiness standards for aircraft in the primary
category or intermediate category)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.100 to 202.109 are reserved for use in this Subpart.

Subpart 202.AP—Transitional provisions for Part 27 (Airworthiness standards for rotorcraft in the normal category)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.110 to 202.119 are reserved for use in this Subpart.

Part 202 Transitional

Subpart 202.AR Transitional provisions for Part 29 (Airworthiness standards for rotorcraft in the transport category)

Subpart 202.AR—Transitional provisions for Part 29 (Airworthiness standards for rotorcraft in the transport category)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.120 to 202.129 are reserved for use in this Subpart.

Subpart 202.AT—Transitional provisions for Part 31 (Airworthiness standards for manned free balloons)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.130 to 202.139 are reserved for use in this Subpart.

Subpart 202.AU—Transitional provisions for Part 32 (Airworthiness standards for engines for very light aeroplanes)

202.140 Approvals under airworthiness instruments in force before 1 July 2009

- (1) Despite the amendments of Part 32 taking effect on 1 July 2009:
 - (a) an approval that:
 - (i) was given by CASA under the former regulation 32.004; and
 - (ii) was in effect immediately before 1 July 2009;has effect on and after 1 July 2009 as if those amendments had not been made; and
 - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:

the former regulation 32.004 means regulation 32.004 as in force immediately before 1 July 2009.

Subpart 202.AV—Transitional provisions for Part 33 (Airworthiness standards for aircraft engines)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.150 to 202.159 are reserved for use in this Subpart.

Part 202 Transitional

Subpart 202.AX Transitional provisions for Part 35 (Airworthiness standards for aircraft propellers)

Subpart 202.AX—Transitional provisions for Part 35 (Airworthiness standards for aircraft propellers)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.160 to 202.169 are reserved for use in this Subpart.

Subpart 202.AZ—Transitional provisions for Part 39 (Airworthiness directives)

202.170 Airworthiness directives

If an airworthiness directive issued under regulation 37A of CAR, or such an airworthiness directive as subsequently varied, had effect immediately before 1 January 2000, then, subject to these Regulations, the airworthiness directive, or the airworthiness directive as varied, continues to have effect on and after that day as if it were an airworthiness directive issued by CASA under regulation 39.001.

202.171 Application for exemption from, or variation of, requirement of airworthiness directive

If an application under regulation 42ZR of CAR for an exemption from, or a variation of, a requirement of an airworthiness directive, in so far as it relates to a particular aircraft, was still pending immediately before 1 January 2000, the application has effect as if it were a written request made by the applicant, on that day, for CASA to exclude, under regulation 39.004, the aircraft from the operation of the airworthiness directive.

202.172 Exemption from requirement of airworthiness directive

If an exemption from a requirement of an airworthiness directive granted, under regulation 42ZS of CAR, in relation to an aircraft was still in force immediately before 1 January 2000, then, subject to these Regulations, the exemption has effect as if it were an instrument issued under regulation 39.004, on that day, excluding the aircraft from the operation of the airworthiness directive.

Subpart 202.BA—Transitional provisions for Part 42 (Continuing airworthiness requirements for aircraft and aeronautical products)

202.180 Application of Part 42

- (1) Part 42 applies to:
 - (a) a registered aircraft that is used to conduct a Part 121 operation that is a scheduled air transport operation; and
 - (aa) a registered aircraft that is used to conduct a Part 135 operation that is a scheduled air transport operation; and
 - (b) a registered aircraft for which an election under regulation 202.181 is in force; and
 - (c) an aeronautical product for an aircraft mentioned in paragraph (a) or (b).
- (2) Part 42 applies to a Part 145 organisation that is providing maintenance services for:
 - (a) an aircraft mentioned in paragraph (1)(a) or (b); or
 - (b) an aeronautical product for an aircraft mentioned in paragraph (1)(a) or (b).
- (3) Part 42 applies to an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on an aircraft mentioned in paragraph (1)(a) or (b).

202.181 Election that Part 42 is to apply to an aircraft

- (1) This regulation applies to any of the following:
 - (a) a registered aircraft that is used to conduct a Part 121 operation that is not a scheduled air transport operation;
 - (b) a registered aircraft that is used to conduct a Part 133 operation;
 - (c) a registered aircraft that is used to conduct a Part 135 operation that is not a scheduled air transport operation;
 - (d) a registered aircraft that is used to conduct an aerial work operation under an aerial work certificate;
 - (e) a registered aircraft that is used to conduct an aerial application operation under an AOC;
 - (f) a registered aircraft that is used to conduct authorised Part 141 flight training or an authorised Part 142 activity;
 - (g) a registered large aircraft that is not authorised to operate under an AOC, an aerial work certificate or a Part 141 certificate.
- (2) The registered operator of the aircraft may, by written notice given to CASA, elect that Part 42 is to apply to the aircraft.
- (3) An election under this regulation must be in the approved form.

Regulation 202.183

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- (4) An election under this regulation is not revocable.
 - (5) However, an election under this regulation for an aircraft ceases to be in force if there is a change of registered operator for the aircraft.

202.183 Application of subparagraph 42.030(2)(c)(ii) (airworthiness review certificates) to existing and new aircraft

Existing aircraft

- (1) Subparagraph 42.030(2)(c)(ii) applies to the registered operator of an existing aircraft of a particular type and model on and after the day that is 3 years after the approval day for the operator for that type and model of aircraft.
- (2) An aircraft of a particular type and model is an **existing aircraft** for a registered operator if the aircraft is mentioned in the registered operator's AOC on the approval day for the operator for that type and model of aircraft.

New aircraft

- (3) Subparagraph 42.030(2)(c)(ii) applies to the registered operator of a new aircraft of a particular type and model on and after the day after the approval day for the operator for that type and model of aircraft.
- (4) An aircraft of a particular type and model is a **new aircraft** for a registered operator if the aircraft was added to the registered operator's AOC after the approval day for the operator for that type and model of aircraft.

Approval day

- (5) In this regulation:

approval day, for the registered operator of a particular type and model of aircraft, means the day when the operator is approved as a continuing airworthiness management organisation for that type and model of aircraft.

202.185 Approved maintenance programs taken to include approved systems of maintenance

For Part 42, a reference to an approved maintenance program for an aircraft is taken to include an approved system of maintenance for the aircraft.

202.186 Approved reliability programs taken to include reliability programs included in approved systems of maintenance

For Part 42, a reference to an approved reliability program for an aircraft is taken to include a reliability program included in an approved system of maintenance for the aircraft.

Regulation 202.187

202.187 Defects recorded in maintenance releases (regulation 42.355)

- (2) For regulation 42.355, if a maintenance release that is in force for an aircraft immediately before Part 42 begins to apply to the aircraft is endorsed with information about a defect in the aircraft, the defect is taken to be recorded in the continuing airworthiness records system for the aircraft.

- (3) In this regulation:

maintenance release, for the registered operator of an aircraft, includes another document approved by CASA for use by the operator as an alternative for the purposes of regulation 49 or 50 of CAR.

202.188 References to authorised release certificates (subparagraphs 42.420(5)(a)(i) and (b)(i))

For subparagraphs 42.420(5)(a)(i) and (b)(i), a reference to an authorised release certificate is taken to include an authorised release certificate, within the meaning given by subclause 18(1) of Part 2 of the Dictionary, that is issued before 27 June 2013.

202.191 Maintenance certification taken to include certification of completion of maintenance (paragraph 42.745(c))

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation:
- (a) was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components; and
 - (b) carried out maintenance on an aircraft.
- (2) For paragraph 42.745(c), a reference to maintenance certification having been performed for maintenance carried out on an aircraft is taken to include, in relation to maintenance mentioned in paragraph (1)(b), certification of the completion of the maintenance in accordance with regulation 42ZE or 42ZN of CAR.

202.193 Reference to maintenance carried out in accordance with Part 42 (subparagraph 42.795(c)(i))

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation:
- (a) was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components; and
 - (b) carried out maintenance:
 - (i) on an aeronautical product that is an aircraft component; and
 - (ii) in accordance with the approved maintenance data for the component.

Note: For the definition of *approved maintenance data*, see subsection 2(1) of CAR.

Regulation 202.194

- (2) For subparagraph 42.795(c)(i), a reference to maintenance having been carried out on the product in accordance with Part 42 is taken to include maintenance mentioned in paragraph (1)(b).

202.194 CASA may direct making of applications under regulation 42.585

- (1) CASA may direct the registered operator of an aircraft of a particular type and model to make an application under regulation 42.585 for approval as a continuing airworthiness management organisation for that type and model of aircraft.
- (2) A direction under this regulation must:
- (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (3) A person to whom a direction is given must comply with the direction within the time specified in the direction.

Note: CASA intends to give directions under this regulation to assist it in managing the implementation of Part 42.

Part 202 Transitional

Subpart 202.BD Transitional provisions for Part 45 (Display of nationality and registration marks)

Division 202.BD.1 Amendments made by the Civil Aviation Amendment Regulation 2000 (No. 3)

Regulation 202.200

Subpart 202.BD—Transitional provisions for Part 45 (Display of nationality and registration marks)

Division 202.BD.1—Amendments made by the Civil Aviation Amendment Regulation 2000 (No. 3)

202.200 Australian aircraft marked in accordance with CAR

Despite Part 45, an Australian aircraft registered before 1 October 2000 need not bear markings that comply with that Part until it is repainted if, until then, the aircraft bears nationality marks and registration marks in accordance with Division 7 of Part 3 of CAR (as in force immediately before 1 October 2000).

**Division 202.BD.2—Amendments made by Schedule 3 to the Civil
Aviation Legislation Amendment (Airworthiness and Other
Matters—2015 Measures No. 1) Regulation 2015**

202.205 Approvals—markings on aircraft

- (1) This regulation applies to an approval that was in force under regulation 45.090 immediately before 4 July 2016.
- (2) The approval has effect, on and after 4 July 2016, as if it were an approval granted under regulation 45.060.

202.210 Exemptions—antique, experimental and ex-military aircraft

Despite the amendments of these Regulations made by Schedule 3 to the *Civil Aviation Legislation Amendment (Airworthiness and Other Matters—2015 Measures No. 1) Regulation 2015*, regulation 45.100 (as in force immediately before 4 July 2016) continues to apply to an aircraft covered by paragraphs 45.100(1)(a) and (b) until the aircraft is repainted as if a reference in that regulation to regulations 45.045, 45.050, 45.055, 45.060, 45.065, 45.070, 45.075, 45.080 and 45.085 were a reference to the requirements prescribed by the Part 45 Manual of Standards under regulation 45.050.

202.215 Directions—aircraft with special configuration

- (1) This regulation applies to a written direction that was in force under regulation 45.105 immediately before 4 July 2016.
- (2) The direction has effect, on and after 4 July 2016, as if it were an approval granted under regulation 45.065.

202.217 Directions—identification plates

- (1) This regulation applies to a written direction that was in force under regulation 45.150 immediately before 4 July 2016.
- (2) The direction has effect, on and after 4 July 2016, as if it were an approval granted under regulation 45.140.

Subpart 202.BF—Transitional provisions for Part 47 (Registration of aircraft and related matters)

Division 202.BF.1—Transitional provisions relating to the commencement of Part 47

202.220 Definitions for Division 202.BF.1

In this Division:

certificate of registration means a certificate of registration issued under the old Regulations.

eligible person has the meaning given by regulation 47.010.

old Regulations means CAR as in force immediately before 15 November 2004.

property interest has the meaning given by the old Regulations.

registered operator has the meaning given by regulation 47.100.

202.221 Continuation of Aircraft Register

- (1) For Subpart 47.B, the Aircraft Register mentioned in regulation 8 of the old Regulations (the *Aircraft Register*) continues in existence under the name *Australian Civil Aircraft Register*.
- (2) Entries made in the Aircraft Register under Part 3 of the old Regulations are incorporated in, and form part of, the Australian Civil Aircraft Register.

202.222 Reference to holder of a certificate of registration

- (1) A reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft.
- (2) A duty imposed on the holder of a certificate of registration of an aircraft is taken to be imposed on the registered operator of the aircraft.

202.223 Registration under CAR to continue

- (1) The registration of an aircraft in the Aircraft Register continues as if the old Regulations were still in force until:
 - (a) the day when CASA registers, or refuses to register, the aircraft under Part 47; or
 - (b) CASA cancels the registration.

Note: After 15 November 2005, CASA may cancel or suspend the registration of an aircraft if the owner of the aircraft does not reply to a request made under subregulation 202.225(5).

- (2) However, CASA must not accept an application for a change of any details about an aircraft that are kept in the Aircraft Register, other than an application for:
 - (a) a change of name or address of the holder of the certificate of registration, or a property interest holder, of the aircraft; or
 - (b) the cancellation of the registration of the aircraft.
- (3) If the registration of an aircraft is suspended under the old Regulations, the suspension continues as if the old Regulations were still in force.

202.224 Pending applications or notices

- (1) This regulation applies if:
 - (a) before 15 November 2004, a person applied to CASA or sent CASA a notice under Part 3 of the old Regulations; and
 - (b) on or after 15 November 2004, CASA had not decided about the application or acted on the notice.
- (2) CASA must decide about the application or act on the notice as if the old Regulations were still in force.

202.225 Application to register aircraft under Part 47

- (1) The owner of an aircraft that is registered in the Aircraft Register may apply to CASA to register the aircraft under Part 47.
- (2) The application must be made in an approved form and include:
 - (a) the aircraft's registration mark, manufacturer, model and serial number; and
 - (b) the name, address and signature of the owner of the aircraft; and
 - (c) the registered operator's name and postal address, and:
 - (i) if the registered operator is an individual—his or her home address; or
 - (ii) if the registered operator is a corporation—the address of the corporation's registered office; and
 - (d) the name, address and signature of the person who holds the certificate of registration; and
 - (e) the name, address and signature of each person who holds a property interest in the aircraft.
- (3) If CASA receives an application in accordance with subregulation (2), CASA must register the aircraft.
- (4) However, CASA may approve an application without 1 or more of the signatures required by paragraph (2)(e), if there is other evidence available to demonstrate that the application is genuine.
- (5) If, after 15 November 2005, CASA asks an applicant, or the owner of an aircraft, to provide information, or take an action, to complete an application in the approved form, the applicant, or owner, must provide the information, or take the action, within 90 days of CASA making the request.

Part 202 Transitional

Subpart 202.BF Transitional provisions for Part 47 (Registration of aircraft and related matters)

Division 202.BF.1 Transitional provisions relating to the commencement of Part 47

Regulation 202.225

Note: Regulation 47.045 of CASR sets out relevant directions about communicating with CASA.

- (6) CASA may cancel or suspend the registration of the aircraft if the applicant, or owner of the aircraft, fails to comply with subregulation (5).

Note: An explanation of the procedures that apply in relation to a suspension are set out in the advisory circular AC 47-1 which can be viewed at, or downloaded from, CASA's website: www.casa.gov.au.

Division 202.BF.2—Amendments made by the Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014

202.226 Definitions for Division 202.BF.2

In this Division:

amending regulation means the *Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014*.

commencement means the commencement of the amending regulation.

202.227 Application of regulation 47.131A

Regulation 47.131A applies if:

- (a) CASA became aware, before commencement, that a registered operator of an aircraft was not an eligible person, but CASA has not, as at commencement, issued a notice cancelling the registration of the aircraft;
or
- (b) CASA becomes aware, after commencement, that a registered operator of an aircraft is not an eligible person (whether the aircraft is registered before or after commencement).

202.228 Application of regulation 47.165

The amendment of regulation 47.165 made by the amending regulation applies in relation to applications under that regulation approved after commencement (whether the application is made before or after commencement).

Subpart 202.CB—Transitional provisions for Part 61 (Flight crew licensing)

Division 202.CB.1—Amendments made by regulations commencing 1 September 2014

- Note: The regulations comprise:
- (a) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*; and
 - (b) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*; and
 - (c) the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*.

Subdivision 202.CB.1.1—General

202.260 Application of Division 202.CB.1—balloons excluded

This Division does not apply in relation to an old authorisation for a balloon.

202.261 Definitions for Division 202.CB.1

In this Division:

amendments means:

- (a) the amendments of these Regulations made by:
 - (i) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*; and
 - (ii) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*; and
 - (iii) the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*; and
- (b) the amendments of the following commencing immediately before the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*:
 - (i) Civil Aviation Order 29.6;
 - (ii) Civil Aviation Order 29.10;
 - (iii) Civil Aviation Order 29.11; and
- (c) the amendments of Civil Aviation Order 82.6 commencing on 1 September 2014.

approved course of training: see regulation 61.010.

Certificate IV in Training and Assessment: see regulation 61.010.

cessation time, for an old authorisation that is continued in force under this Division, means the earliest of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;

- (b) when CASA grants a new authorisation to the holder of the old authorisation as a replacement for the old authorisation;
- (c) the end of 31 August 2018.

continued authorisation means an old authorisation that is continued in force under subregulation 202.263(1) or subparagraph 202.264(2)(b)(ii).

new authorisation means a flight crew licence, rating or endorsement granted under Part 61.

old authorisation:

- (a) means a civil aviation authorisation to carry out an activity essential to, or associated with, the operation of an aircraft in flight (a **flight activity**) issued under either of the following before 1 September 2014:
 - (i) Part 5 of CAR;
 - (ii) a relevant CAO; and
- (b) includes the following:
 - (i) an appointment as an approved person under a relevant CAO for a flight activity;
 - (ii) an approval or certification, including a certification in a personal log book, under CAR or a relevant CAO to carry out a flight activity;
 - (iii) a delegation under CAR to give a permission (however described) to conduct a flight activity.

relevant CAO means any of the following:

- (a) a Civil Aviation Order made under Part 5 of CAR;
- (b) Civil Aviation Order 29.6;
- (c) Civil Aviation Order 29.10;
- (d) Civil Aviation Order 29.11;
- (e) Civil Aviation Order 82.6.

time-limited authorisation: see regulation 11.015.

202.262 Application of Division 202.CB.1 to student pilot licences

- (1) This Division applies to a student pilot licence issued under Part 5 of CAR only if the holder of the licence passed a general flying progress test under Part 5 of CAR before 1 September 2014.
- (2) For this Division, the student pilot licence is taken to be equivalent to a recreational pilot licence.

Subdivision 202.CB.1.2—Continued authorisations

202.263 Continuation of old authorisations

- (1) Despite the amendments, an old authorisation that was in force immediately before 1 September 2014 is continued in force on and after 1 September 2014 according to its terms.

Regulation 202.264

- (2) Part 61 applies to the continued authorisation as if it were the equivalent new authorisation.
- (2A) For subregulation (2), if the old authorisation is an aircraft endorsement for a type of aircraft for which there is no equivalent pilot type rating, the aircraft endorsement is taken to be equivalent to a class rating for the class of aircraft that includes the type of aircraft.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 61.

202.264 Continuation of suspended old authorisations

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the amendments:
 - (a) the suspension continues according to its terms on and after 1 September 2014; and
 - (b) if the suspension ends before the cessation time for the authorisation:
 - (i) the old authorisation comes back into force at the end of the suspension; and
 - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
 - (iii) Part 61 applies to the old authorisation as if it were the equivalent new authorisation; and
 - (iv) the old authorisation ceases to be in force at its cessation time.
- (3) Subparagraph (2)(b)(iv) applies despite Parts 11 and 61.

202.265 Non-finalised action to vary, suspend or cancel old authorisations

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

202.266 Removal of conditions on certain continued authorisations

Pilot licence conditions about airspace

- (1) Subregulation (2) applies to a continued authorisation that is equivalent to a pilot licence if the authorisation is subject to the condition that operations are limited to:
 - (a) flight within 25 nautical miles of the departure aerodrome; or
 - (b) flight within a flight training area; or
 - (c) flight direct between the departure aerodrome and a flight training area.
- (2) If this subregulation applies, CASA must remove the condition if:

- (a) the licence holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the licence holder meets the requirements for the grant of a private pilot licence or commercial pilot licence under Part 61.
- (3) Subregulation (4) applies to a continued authorisation that is equivalent to a pilot licence if the authorisation is subject to the condition that operations as pilot in command are limited to uncontrolled airspace and any other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.
- (4) If this subregulation applies, CASA must remove the condition if:
- (a) the licence holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the licence holder meets the requirements for the grant of a controlled airspace endorsement under Part 61.

Instrument rating conditions about acting as pilot in command under IFR

- (5) Subregulation (6) applies to a continued authorisation that is equivalent to an instrument rating if the authorisation is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.
- (6) If this subregulation applies, CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
- (a) the holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the holder meets the requirements for the grant, under Part 61, of:
 - (i) an instrument rating; and
 - (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

Type rating conditions about acting as pilot in command

- (7) Subregulation (8) applies to a continued authorisation that is equivalent to an aircraft type rating if the authorisation is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (8) If this subregulation applies, CASA must remove the condition if:
- (a) the holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the holder meets the requirements for the grant of the type rating under Part 61.
- (9) In this regulation:

instructor: see regulation 61.010.

pilot licence: see regulation 61.010.

Regulation 202.267

202.267 Flight review and proficiency check requirements

- (1) Subregulation (2) applies to the holder of a continued authorisation at a particular time if:
 - (a) the continued authorisation is equivalent to a private instrument rating; and
 - (b) the holder would have met the flight review requirements for the continued authorisation at that time if the amendments had not been made.
- (2) Despite Part 61, the holder is taken to meet the flight review requirements for the continued authorisation at that time.
- (3) Subregulation (4) applies to the holder of a continued authorisation (the *first authorisation*) at a particular time if:
 - (a) the first authorisation is equivalent to a rating, other than a private instrument rating, for which there are flight review requirements under Part 61; and
 - (b) the holder also holds a continued authorisation (the *second authorisation*), other than a student pilot licence, that is equivalent to a flight crew licence; and
 - (c) the holder would have met the flight review requirements for the second authorisation at that time if the amendments had not been made.
- (4) Despite Part 61, the holder is taken to meet the flight review requirements for the first authorisation at that time.
- (5) Subregulation (6) applies at a particular time if:
 - (a) an old authorisation that is continued in force under this Division was, before the amendments, a time-limited authorisation; and
 - (b) the old authorisation would have remained in force at that time if the amendments had not been made.
- (6) Despite Part 61, the holder of the old authorisation is taken to meet the proficiency check requirements for the equivalent new authorisation at that time.

202.268 Removal of limitation on exercise of privileges of private or commercial pilot licences—multi-crew operations

- (1) Regulation 61.510 does not apply to the holder of a continued authorisation that is equivalent to a private pilot licence if, before 1 September 2015, the holder conducted a multi-crew operation.
- (2) Regulation 61.575 does not apply to the holder of a continued authorisation that is equivalent to a commercial pilot licence if, before 1 September 2015, the holder conducted a multi-crew operation.

Note: Under regulations 61.510 and 61.575, a licence holder is authorised to exercise the privileges of the licence only if the holder has completed an approved course of training in multi-crew cooperation.

202.268A Removal of limitation on exercise of privileges of class rating for aircraft prescribed under regulation 61.062

Regulation 61.747 does not apply to the holder of a continued authorisation that is equivalent to a class rating if:

- (a) the holder held an aircraft endorsement, for an aircraft covered by the class rating, that was in force immediately before 1 September 2014; and
- (b) the endorsement was for a type of aircraft prescribed in an instrument under regulation 61.062.

202.269 Personal log books under regulation 5.51 of CAR—certain continued authorisations

- (1) This regulation applies to the holder of a continued authorisation that is equivalent to:
 - (a) a flight crew licence; or
 - (b) a certificate of validation for a flight crew licence.
- (2) Regulation 61.355 (Retention of personal logbooks) applies to the holder as if a reference to a personal logbook under regulation 61.345 or 61.350 included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.
- (3) Regulation 61.365 (Production of personal logbooks) applies to the holder as if a reference to the holder's personal logbook included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.

202.270 Extended meaning of *licence document* in Part 61

- (1) This regulation applies to the holder of a continued authorisation.
- (2) A reference to a licence document in Part 61 is taken to include a reference to the document issued to the holder by CASA showing the authorisations that were granted to the holder before 1 September 2014 under:
 - (a) Part 5 of CAR; or
 - (b) a relevant CAO.

202.271 Expiry of Subdivision 202.CB.1.2 at end of 31 August 2018

This Subdivision, and the entries for this Subdivision in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

Regulation 202.272

Subdivision 202.CB.1.3—New authorisations for holders of old authorisations

202.272 Grant of equivalent new authorisations for certain holders of old authorisations

Certain holders of old authorisations taken to meet requirements for grant of equivalent new authorisations

- (1) This regulation applies in relation to a person if:
 - (a) the person held an old authorisation at any time before 1 September 2014 (other than an old authorisation that is equivalent to a flight examiner rating); and
 - (b) the old authorisation was not surrendered or cancelled at any time before 1 September 2018; and
 - (c) on or after 1 September 2018, the person applies in accordance with these Regulations to CASA for the grant under Part 61 of the equivalent new authorisation.
- (2) The person is taken to meet the requirements for the grant of the equivalent new authorisation, despite Part 61.
- (3) However, if the old authorisation was an aircraft endorsement, the person is taken to meet the requirements for the grant of the equivalent aircraft class or type rating only if the person also held, immediately before 1 September 2014, an old authorisation that is equivalent to a flight crew licence.

Grant of equivalent new authorisation

- (4) CASA must (subject to subregulations (2) and (3) and Part 11) grant the equivalent new authorisation to the person under the provision of Part 61 that provides for the grant of the equivalent new authorisation.
- (5) If, when CASA grants the equivalent new authorisation, the old authorisation would have been suspended if the old authorisation had continued in force, the equivalent new authorisation is suspended until the time the suspension of the old authorisation would, according to its terms, have ended.
- (6) If, when CASA grants the equivalent new authorisation, the old authorisation would have been subject to a condition (other than a condition set out in a relevant CAO) if the old authorisation had continued in force, the equivalent new authorisation must be granted subject to an equivalent condition.

202.273 References to authorisations granted on the basis of regulation 202.272

A reference in these Regulations to an authorisation (however described) granted on the basis of regulation 202.272 is a reference to an authorisation granted under that regulation whether before or after the commencement of the *Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2018*.

Subdivision 202.CB.1.4—Other provisions

202.274 Non-finalised applications for old authorisations

- (1) An application for the issue of an old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be an application for the grant of the equivalent new authorisation.
- (2) For subregulation (1), and despite Parts 11 and 61, if a person met the requirements for the grant of an old authorisation before 1 September 2014, but the old authorisation had not been granted, the person is taken to meet the requirements for the grant of the equivalent new authorisation on 1 September 2014.
- (3) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

202.275 Eligibility for ratings—former holders of time-limited authorisations

- (1) This regulation applies to a person if:
 - (a) before 1 September 2014, the person held an old authorisation that is equivalent to an operational rating (other than a flight examiner rating); and
 - (b) the old authorisation was time-limited; and
 - (c) the old authorisation expired before 1 September 2014.
- (2) Despite Parts 11 and 61, the person is taken to meet the requirements for the grant of the equivalent operational rating.
- (3) In this regulation:

operational rating: see regulation 61.010.
- (4) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

202.276 Flight review and proficiency check requirements for certain new authorisations

- (1) Subregulation (2) applies at a particular time to the holder of a new authorisation granted on the basis of regulation 202.272 if:
 - (a) the new authorisation has flight review requirements; and
 - (b) the holder would have met the flight review requirements for the equivalent continued authorisation if it were still in force at that time.
- (2) Despite Part 61, the holder is taken to meet the flight review requirements for the new authorisation at that time.

Part 202 Transitional

Subpart 202.CB Transitional provisions for Part 61 (Flight crew licensing)

Division 202.CB.1 Amendments made by regulations commencing 1 September 2014

Regulation 202.277

- (2A) To avoid doubt, the holder of an aircraft class rating or type rating granted on the basis of regulation 202.272 must meet the flight review requirements for the rating under Part 61.
- (3) Subregulation (4) applies at a particular time to the holder of a new authorisation granted on the basis of regulation 202.272 if:
 - (a) the new authorisation has proficiency check requirements; and
 - (b) the new authorisation is equivalent to an old authorisation that was a time-limited authorisation; and
 - (c) the old authorisation would not have expired by that time if the amendments had not been made.
- (4) Despite Part 61, the holder is taken to meet the proficiency check requirements for the new authorisation at that time.
- (5) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

202.277 Personal logbooks—obligations for holders of old authorisations etc.

- (1) Subregulation (2) applies to a person who, immediately before 1 September 2014, was required under regulation 5.51 of CAR to have a personal log book (the *old logbook*).
- (2) Regulations 61.355 (retention of personal logbooks) and 61.365 (production of personal logbooks) apply to the person as if the old logbook was a personal logbook required to be kept under regulation 61.345 or 61.350.

202.277C English competency for certain holders of student pilot licences

- (1) Subregulation (2) applies to a person who:
 - (a) held a student pilot licence immediately before 1 September 2014; and
 - (b) had not passed a general flying progress flight test under Part 5 of CAR before that day.
- (2) The person is taken to have been assessed by CASA as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards.

202.278 Grant of pilot type ratings on basis of overseas training and assessment

- (1) An applicant for a pilot type rating is taken to meet the requirements of subregulation 61.810(3) (Requirements for grant of pilot type ratings) if CASA is satisfied that:
 - (a) the applicant has completed training, conducted by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct the training, for the grant of an overseas rating; and

- (b) the applicant has been assessed, by a person who is authorised by the national aviation authority of the recognised foreign State to conduct the assessment, as meeting the flight test standard for the grant of the overseas rating; and
 - (c) the training meets the standards specified in the Part 61 Manual of Standards for training for the rating; and
 - (d) the overseas rating is at least equivalent to the rating.
- (2) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2023 as if they had been repealed by another regulation.

202.279 Instrument proficiency checks partially conducted by foreign-authorised person

- (1) This regulation applies in relation to:
- (a) an instrument proficiency check mentioned in paragraph 61.650(3)(d) or (e) for the holder of a multi-crew pilot licence; and
 - (b) an instrument proficiency check mentioned in paragraph 61.695(3)(d) or (e) for the holder of an air transport pilot licence; and
 - (c) an instrument proficiency check mentioned in paragraph 61.880(3)(e) or (f) for the holder of an instrument rating.
- (2) The holder is taken to have successfully completed the instrument proficiency check if:
- (a) a person who is authorised by the national aviation authority of a recognised State to conduct an instrument proficiency check (however named) conducts a check of the holder; and
 - (b) the check meets the authority's flight standards for a proficiency check; and
 - (c) CASA or a flight examiner:
 - (i) assesses the holder against the knowledge standards mentioned in the Part 61 Manual of Standards for the instrument proficiency check; and
 - (ii) is satisfied that the holder meets the knowledge standards; and
 - (iii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check.
- (3) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2023 as if they had been repealed by another regulation.

202.281 Expiry of Division 202.CB.1 at end of 31 August 2025

This Division, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2025 as if they had been repealed by another regulation.

Part 202 Transitional

Subpart 202.CB Transitional provisions for Part 61 (Flight crew licensing)

Division 202.CB.2 Amendments made by the Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020

Regulation 202.290

Division 202.CB.2—Amendments made by the Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020

202.290 Flight test requirements for 3D instrument approach operations endorsement

The amendments of paragraphs 61.640(1A)(a), 61.680(2A)(a) and 61.900(2)(a) by the *Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020* do not apply in relation to a 3D instrument approach operation (the **authorised operation**) conducted on or after the commencement of those amendments by the holder of a pilot licence or endorsement if:

- (a) the holder passed the flight test for the licence or endorsement before the commencement of those amendments; and
- (b) the flight test included a 3D instrument approach operation; and
- (c) the authorised operation is conducted within the period:
 - (i) starting when the holder passed the flight test; and
 - (ii) ending 24 months later, or when the holder next attempts an instrument proficiency check, whichever is earlier.

Subpart 202.CE—Transitional provisions for Part 64 (Authorisations for non-licensed personnel)

Division 202.CE.1—Amendments made by regulations commencing 1 September 2014

- Note: The regulations comprise:
- (a) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*; and
 - (b) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*; and
 - (c) the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*.

Subdivision 202.CE.1.1—Aircraft radiotelephone operator certificate of proficiency

202.300 Definitions for Subdivision 202.CE.1.1

In this Subdivision:

aeronautical radio operator certificate: see regulation 64.010.

amendments means the amendments made by:

- (a) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*; and
- (b) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*; and
- (c) the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*.

cessation time, for an old authorisation that is continued in force under this Subdivision, means the earliest of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) when CASA grants a new authorisation to the holder of the old authorisation as a replacement for the old authorisation;
- (c) the end of 31 August 2018.

continued authorisation means an old authorisation that is continued in force under subregulation 202.301(1) or subparagraph 202.302(2)(b)(ii).

old authorisation means:

- (a) a flight radio operator's licence issued under Part 5 of CAR; or
- (b) an aircraft radiotelephone operator certificate of proficiency issued under regulation 83A of CAR.

Regulation 202.301

202.301 Continuation of old authorisations

- (1) Despite the amendments, an old authorisation that was in force immediately before 1 September 2014 is continued in force on and after 1 September 2014 according to its terms.
- (2) These Regulations apply to the continued authorisation as if the authorisation were an aeronautical radio operator certificate.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 64.

202.302 Continuation of suspended old authorisations

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the amendments:
 - (a) the suspension continues according to its terms on and after 1 September 2014; and
 - (b) if the suspension ends before the cessation time for the authorisation:
 - (i) the old authorisation comes back into force at the end of the suspension; and
 - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
 - (iii) these Regulations apply to the old authorisation as if it were an aeronautical radio operator certificate; and
 - (iv) the old authorisation ceases to be in force at the cessation time for the authorisation.
- (3) Subparagraph (2)(b)(iv) applies despite Parts 11 and 64.

202.303 Non-finalised action to vary, suspend or cancel old authorisations

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

202.304 Grant of aeronautical radio operator certificates for certain holders of old authorisations

Certain holders of old authorisations taken to meet requirements for grant of aeronautical radio operator certificate

- (1) This regulation applies in relation to a person if:
 - (a) the person held an old authorisation at any time before 1 September 2014; and

- (b) the old authorisation was not surrendered or cancelled at any time before 1 September 2018; and
 - (c) on or after 1 September 2018, the person applies in accordance with these Regulations to CASA for the grant under Part 64 of an aeronautical radio operator certificate.
- (2) The person is taken to meet the requirements for the grant of the aeronautical radio operator certificate, despite Part 64.

Grant of aeronautical radio operator certificate

- (3) CASA must (subject to subregulation (2) and Part 11) grant the aeronautical radio operator certificate to the person under regulation 64.030.
- (4) If, when CASA grants the aeronautical radio operator certificate, the old authorisation would have been suspended if the old authorisation had continued in force, the aeronautical radio operator certificate is suspended until the time the suspension of the old authorisation would, according to its terms, have ended.
- (5) If, when CASA grants the aeronautical radio operator certificate, the old authorisation would have been subject to a condition if the old authorisation had continued in force, the aeronautical radio operator certificate must be granted subject to an equivalent condition.

202.304A References to aeronautical radio operator certificates granted on the basis of regulation 202.304

A reference in these Regulations to an aeronautical radio operator certificate granted on the basis of regulation 202.304 is a reference to an aeronautical radio operator certificate granted under that regulation whether before or after the commencement of the *Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2018*.

202.305 Non-finalised applications for old authorisations

- (1) An application for the issue of an old authorisation that, immediately before 1 September 2014, had not been finally decided is taken to be an application for the grant of an aeronautical radio operator certificate.
- (2) For subregulation (1), and despite Parts 11 and 64, if a person met the requirements for the grant of an old authorisation before 1 September 2014, but the old authorisation had not been granted, the person is taken to meet the requirements for the grant of an aeronautical radio operator certificate on 1 September 2014.

Subdivision 202.CE.1.2—Approval to taxi an aeroplane

202.307 Definitions for Subdivision 202.CE.1.2

In this Subdivision:

Regulation 202.308

amendments means:

- (a) the amendments of these Regulations made by:
 - (i) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*;
and
 - (ii) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*; and
 - (iii) the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*; and
- (b) the amendments of Civil Aviation Order 20.22 commencing on 1 September 2014.

certificate of competency: see regulation 64.010.

cessation time, for an old authorisation that is continued in force under this Subdivision, means the earlier of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) the end of 31 August 2018.

continued authorisation means an old authorisation that is continued in force under subregulation 202.308(1) or subparagraph 202.309(2)(b)(ii).

old authorisation means:

- (a) an approval issued under regulation 229 of CAR entitling a person to taxi an aeroplane; or
- (b) an approval issued under Civil Aviation Order 20.22 entitling a person to taxi an aircraft.

202.308 Continuation of old authorisations

- (1) Despite the amendments, an old authorisation that was in force immediately before 1 September 2014 continues in force on and after 1 September 2014 according to its terms.
- (2) These Regulations apply to the continued authorisation as if the authorisation were a certificate of competency.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 64.

202.309 Continuation of suspended old authorisations

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the amendments:
 - (a) the suspension continues according to its terms on and after 1 September 2014; and
 - (b) if the suspension ends before the cessation time for the authorisation:

- (i) the old authorisation comes back into force at the end of the suspension; and
- (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
- (iii) these Regulations apply to the old authorisation as if it were a certificate of competency; and
- (iv) the old authorisation ceases to be in force at the cessation time for the authorisation.

(3) Subparagraph (2)(b)(iv) applies despite Parts 11 and 64.

202.310 Non-finalised action to vary, suspend or cancel old authorisations

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

202.311 Production of continued authorisation

- (1) This regulation applies to the holder of an old authorisation that is continued in force under this Subpart.
- (2) Regulation 64.060 (Production of certificate of competency) applies to the holder as if a reference to the holder's certificate of competency were a reference to the holder's old authorisation.

Subdivision 202.CE.1.3—Expiry of Division 202.CE.1

202.312 Expiry of Division 202.CE.1

- (1) The early expiry provisions, and the entries for the early expiry provisions in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.
- (2) This Division, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2025 (to the extent they have not already expired under subregulation (1)) as if they had been repealed by another regulation.
- (3) In this regulation:

early expiry provisions means the provisions of this Division other than the following:

- (a) regulations 202.300, 202.304 and 202.304A;
- (b) this regulation.

Subpart 202.CF—Transitional provisions for Part 65 (Air traffic services licensing)

202.320 Manual of Standards for Part 65

- (1) A document called ‘Manual of Standards (MOS) – Part 65’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 65.033.
- (2) The procedures in regulations 65.033A, 65.033B and 65.033C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

202.321 Persons holding certain licences

- (1) In this regulation:

old licence means an air traffic controller licence or a flight service officer licence issued under CAR and in force (or suspended) immediately before 1 May 2003.
- (2) A person who, immediately before 1 May 2003, held an old licence (including a licence that is suspended) is taken to hold a corresponding licence issued under Part 65.
- (3) A rating, endorsement or qualification endorsed on an old licence is taken to continue in force for the period during which it would have been in force but for that Part.
- (4) A licence that a person is taken to hold under subregulation (2), or a rating, endorsement or qualification mentioned in subregulation (3), may be suspended or cancelled as if it had been granted under that Part.
- (5) An old licence that, immediately before 1 May 2003, was suspended is taken, on and after that day, to continue to be suspended.
- (6) For the purposes of action against the holder of an old licence mentioned in subregulation (5), the amendments of CAR by regulation 4 of, and Schedule 2 to, the *Civil Aviation Amendment Regulations 2002 (No. 2)* are to be disregarded.

Subpart 202.CG—Transitional provisions for Part 66 (Continuing airworthiness—aircraft engineer licences and ratings)

202.340 Having regard to other airworthiness authorities in granting aircraft engineer licences

If:

- (a) a person holds, or has held, an airworthiness authority of the kind mentioned in paragraph 33B(1)(a) of CAR; and
 - (b) CASA grants an aircraft engineer licence to the person;
- CASA must have regard to the authority in granting the licence.

202.341 Category A licence holders and certification of completion of maintenance

- (1) Despite anything in Part 4A of CAR, a person may certify completion of maintenance if:
 - (a) the person is a category A licence holder; and
 - (b) the maintenance is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (c) the person certifies completion of the maintenance:
 - (i) in accordance with regulation 42ZE of CAR; and
 - (ii) on behalf of a holder of a certificate of approval under regulation 30 of CAR.
- (2) If a person certifies completion of maintenance in accordance with subregulation (1), the person is taken, for the purposes of regulation 42ZC of CAR, to be permitted by that regulation to carry out the maintenance.
- (3) A person commits an offence of strict liability if:
 - (a) the person is a category A licence holder; and
 - (b) the person certifies completion of maintenance:
 - (i) in accordance with regulation 42ZE of CAR; and
 - (ii) on behalf of a holder of a certificate of approval under regulation 30 of CAR; and
 - (c) one or more of the following apply:
 - (i) the person did not carry out the maintenance;
 - (ii) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.

Penalty: 50 penalty units.

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- (4) A reference in subregulation (3) to maintenance does not include supervision of maintenance.

202.342 Category A licence holders and final certificates for completion of maintenance

- (1) Despite anything in Part 4A of CAR, a person may issue a final certificate for completion of maintenance for an aircraft in relation to maintenance carried out on the aircraft if:
- (a) the person is a category A licence holder; and
 - (b) the maintenance is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (c) he or she issues the final certificate for completion of maintenance:
 - (i) in accordance with Part 4 of Schedule 6 of CAR; and
 - (ii) on behalf of the holder of a certificate of approval under regulation 30 of CAR.
- (2) If a person issues a final certificate for completion of maintenance in accordance with subregulation (1), the person is taken, for the purposes of regulation 42ZC of CAR, to be permitted by that regulation to carry out the maintenance.
- (3) A person commits an offence of strict liability if:
- (a) the person is a category A licence holder; and
 - (b) the person issues a final certificate for completion of maintenance:
 - (i) in accordance with Part 4 of Schedule 6 of CAR; and
 - (ii) on behalf of the holder of a certificate of approval under regulation 30 of CAR; and
 - (c) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.

Penalty: 50 penalty units.

- (4) A reference in subregulation (3) to maintenance does not include supervision of maintenance.

202.343 Category A licence holders and endorsing maintenance releases

- (1) Despite anything in Part 4A of CAR, a person may endorse a maintenance release for an aircraft for the purposes of regulation 48 of CAR if:
- (a) the person is a category A licence holder; and
 - (b) the maintenance is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (c) the endorsement is on behalf of the holder of a certificate of approval under regulation 30 of CAR.
- (2) If a person endorses a maintenance release in accordance with subregulation (1), the person is taken, for the purposes of regulation 42ZC of CAR, to be permitted by that regulation to carry out the maintenance.

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- (3) A person commits an offence of strict liability if:
- (a) the person is a category A licence holder; and
 - (b) the person endorses a maintenance release on behalf of the holder of a certificate of approval under regulation 30 of CAR; and
 - (c) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.

Penalty: 50 penalty units.

202.355 Validation of certain licences and ratings granted subject to exclusions during relevant period

- (1) This regulation applies to a licence granted, or purportedly granted, under regulation 66.026, or to a rating granted, or purportedly granted, under regulation 66.095, if the licence or rating was granted, or purportedly granted:
- (a) during the relevant period; and
 - (b) subject to an exclusion that did not relate to a type rated aircraft type.
- (2) The licence or rating is valid and effective, and is taken always to have been as valid and effective, as it would have been if the amendments made by the *Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016* had been in force during the relevant period.
- (3) Any act or thing done under the licence or rating is valid and effective, and is taken always to have been as valid and effective, as it would have been if the amendments made by the *Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016* had been in force during the relevant period.

- (4) In this regulation:

relevant period means the period:

- (a) beginning at the start of 4 July 2016; and
- (b) ending at the commencement of the *Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016*.

Subpart 202.CH—Transitional provisions for Part 67 (Medical)

202.360 Medical certificates issued under *Civil Aviation Regulations 1988*

- (1) A medical certificate or special medical certificate issued before 3 September 2003, under Part 6 of CAR, as in force at any time before that day, continues to have, on and after that day, the same force and effect as it would have had if that Part had continued in force.
- (2) Such a certificate may be suspended or cancelled under Part 67.
- (3) Subject to subregulation (4), such a certificate expires at the time it would have expired if Part 6 of CAR had continued in force.
- (4) The period during which such a certificate is in force may be extended under Part 67, but not beyond the end of 1 year after the day when the certificate would expire if the period had not been extended.

202.361 Designated aviation medical examiners appointed under *Civil Aviation Regulations 1988*

- (1) The appointment of a person, before 3 September 2003, as a designated aviation medical examiner continues to have effect according to its terms.
- (2) Such an appointment may be cancelled in accordance with Part 67.

202.362 Actions by Director of Aviation Medicine

- (1) In this regulation:

Principal Medical Officer means the officer of CASA occupying, or performing the duties of, the position in CASA of that title, and includes a person who occupied, or performed the duties of, the former position in CASA known as ‘Director of Aviation Medicine’.

- (2) An approval given by the Principal Medical Officer, before 3 September 2003, for the purposes of a provision of Schedule 1 to CAR, as in force at any time before that day, continues to have effect according to its terms, on and after that day, as if CASA had given the approval for the purposes of the corresponding provision of table 67.150, table 67.155 or table 67.160.

202.363 Applications for issue of medical certificates pending on 3 September 2003

- (1) This regulation applies if:
 - (a) an application under Part 6 of the old regulations for the issue of a medical certificate was pending immediately before 3 September 2003; and

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- (b) the application was in accordance with that Part as then in force.
- (2) The application is taken, for these Regulations, to be an application for the issue of the medical certificate, made, on 3 September 2003, in accordance with Subpart 67.C.
- (3) If an examination required for the issue of the medical certificate under Part 6 of the old regulations had commenced but was not completed before 3 September 2003, the examination is taken to have commenced under Subpart 67.C.
- (4) In this regulation:

old regulations means CAR as in force at any time before 3 September 2003.

Subpart 202.DA—Transitional provisions for Part 71 (Airspace)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.380 to 202.399 are reserved for use in this Subpart.

Subpart 202.EA—Transitional provisions for Part 90 (Additional airworthiness requirements)

202.400 Transitional provision—Part 90 Manual of Standards

- (1) This regulation applies to the Part 90 Manual of Standards that was in force under regulation 90.020 immediately before the day the *Civil Aviation Safety Amendment (Part 90) Regulations 2017* commence.
- (2) The Part 90 Manual of Standards has effect on and after that day as if it had been made under regulation 90.020 as amended by the *Civil Aviation Safety Amendment (Part 90) Regulations 2017*.

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.405

Subpart 202.EAA—Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1—Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Subdivision 202.EAA.1.1—Preliminary

202.405 Definitions for this Division

In this Division:

aerial work (air ambulance) operation means an operation (however described) for the purpose mentioned in subparagraph 206(1)(a)(vii) of the old CAR.

amending Regulations means the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

authorisation has the same meaning as in Part 11.

corresponding new provision: in relation to a provision (the ***old provision***) of the old Regulations that is repealed by the amending Regulations, the ***corresponding new provision*** is the provision (or provisions) of the new Regulations that:

- (a) is in relation to a matter covered by the old provision; and
- (b) has a substantially similar effect in relation to the matter as the old provision.

early commencement time means the time when Schedule 2 to the amending Regulations commences.

eligible instrument: see regulation 202.405A.

IFR includes the I.F.R. within the meaning of the old CAR.

IFR flight includes an I.F.R. flight within the meaning of the old CAR.

instrument means a legislative or administrative instrument made under, or for the purposes of, a provision of:

- (a) these Regulations (including the old Regulations); or
- (b) the Act; or
- (c) another instrument made under or for the purposes of these Regulations (including the old Regulations) or the Act.

main commencement time means the time when Schedule 1 to the amending Regulations commences.

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make, in relation to an instrument, includes grant or issue the instrument.

new Regulations: see subregulation 202.405B(2).

old CAR means CAR as in force immediately before the main commencement time and includes Civil Aviation Orders issued under those Regulations.

old Regulations means these Regulations (including the old CAR) as in force immediately before the main commencement time.

transition period means the period:

- (a) beginning immediately after the early commencement time; and
- (b) ending immediately before the main commencement time.

VFR includes the V.F.R. within the meaning of the old CAR.

VFR flight includes a V.F.R. flight within the meaning of the old CAR.

202.405A Meaning of *eligible instrument*

An instrument is an ***eligible instrument*** if the instrument is made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act and is in relation to any of the following:

- (a) a particular person;
- (b) a particular flight;
- (c) a particular aircraft;
- (d) a particular aerodrome;
- (e) a particular act, event, case or circumstance.

202.405B Meaning and effect of *new Regulations*

- (1) For the purposes of Subdivisions 202.EAA.1.1 to 202.EAA.1.7, assume that the following regulations (and any Manuals of Standards issued under those regulations) commence at the early commencement time:
 - (a) the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*;
 - (b) the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*;
 - (c) the *Civil Aviation Safety Amendment (Part 119) Regulations 2018*;
 - (d) the *Civil Aviation Safety Amendment (Part 121) Regulations 2018*;
 - (e) the *Civil Aviation Safety Amendment (Part 133) Regulations 2018*;
 - (f) the *Civil Aviation Safety Amendment (Part 135) Regulations 2018*;
 - (g) the *Civil Aviation Safety Amendment (Part 138) Regulations 2018*;
 - (h) the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019*.
- (2) The ***new Regulations*** means these Regulations as amended by the regulations mentioned in subregulation (1) and any includes Manuals of Standards issued under those regulations.

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.405C

202.405C Relationship with section 7 of the *Acts Interpretation Act 1901*

Nothing in this Division limits the effect of section 7 of the *Acts Interpretation Act 1901* (as it applies because of paragraph 13(1)(a) of the *Legislation Act 2003*).

Subdivision 202.EAA.1.2—Requirements for existing AOC holders before main commencement time

202.406 AOC holders to give CASA proposed operations manuals and expositions etc. before main commencement time

- (1) An operator mentioned in column 1 of an item in the following table must, during the period mentioned in column 3 of the item, give CASA the documents and information (the *compliance material*) mentioned in column 2 of the item.

Operators to give compliance material

Item	Column 1	Column 2	Column 3
	Operator	Compliance material	Compliance period
1	An operator who is the holder of an AOC that: (a) authorises the holder to conduct charter operations, regular public transport operations, or aerial work (air ambulance) operations, in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period	All of the following: (a) the operator's proposed exposition prepared for the purposes of compliance with the requirements of the new Regulations; (b) a compliance statement for the operator that meets the requirement in subregulation (2); (c) a copy of each civil aviation authorisation and exemption that is held by the operator and that is in force at any time during the transition period	The transition period
2	An operator who is the holder of an AOC that: (a) authorises the holder to conduct aerial work operations (other than aerial work (air ambulance) operations) in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period	All of the following: (a) the operator's proposed operations manual prepared for the purposes of compliance with the requirements of the new Regulations; (b) a compliance statement for the operator that meets the requirement in subregulation (2); (c) a copy of each civil aviation authorisation and exemption that is held by the operator and that is in force at any time during the transition period; (d) if the operator proposes to conduct	The transition period

Operators to give compliance material

Item	Column 1	Column 2	Column 3
	Operator	Compliance material	Compliance period
		<p>operations mentioned in subregulation 138.125(1) of the new Regulations after the main commencement time—the operator’s proposed training and checking manual prepared for the purposes of compliance with the requirements of the new Regulations;</p> <p>(e) if the operator proposes to conduct operations mentioned in subregulation 138.140(1) of the new Regulations after the main commencement time—the operator’s proposed safety management system manual prepared for the purposes of compliance with the requirements of the new Regulations</p>	
3	<p>An operator who is the holder of an AOC that:</p> <p>(a) authorises the holder to conduct a charter operation in a manned free balloon or a hot air airship; and</p> <p>(b) is in force at any time during the transition period</p>	<p>Both of the following:</p> <p>(a) the operator’s proposed exposition prepared for the purposes of compliance with the requirements of the new Regulations;</p> <p>(b) a copy of each civil aviation authorisation and exemption that is held by the operator and that is in force at any time during the transition period</p>	The transition period
4	<p>An operator who is the holder of an AOC that:</p> <p>(a) authorises the holder to conduct:</p> <p>(i) regular public transport operations in an aeroplane or a rotorcraft; or</p> <p>(ii) charter operations in an aeroplane or a rotorcraft; or</p> <p>(iii) aerial work (air</p>	<p>An extract from the operator’s proposed exposition:</p> <p>(a) prepared for the purposes of compliance with the requirements of the new Regulations; and</p> <p>(b) containing a description of the operator’s process for making changes to the exposition that meets the requirements mentioned in paragraph 119.205(1)(m) of the new Regulations</p>	<p>The period:</p> <p>(a) beginning immediately after the early commencement time; and</p> <p>(b) ending at the start of 6 October 2021</p>

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

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Operators to give compliance material

Item	Column 1	Column 2	Column 3
	Operator	Compliance material	Compliance period
	ambulance) operations in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period		
5	An operator who is the holder of an AOC that: (a) authorises the holder to conduct aerial work operations (other than aerial work (air ambulance) operations) in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period	An extract from the operator's proposed operations manual: (a) prepared for the purposes of compliance with the requirements of the new Regulations; and (b) containing a description of the operator's process for making changes to the operations manual that meets the requirements under paragraph 138.155(1)(m) of the new Regulations; and (c) if the operator proposes to conduct an operation involving the carriage of an aerial work passenger after the main commencement time—containing a description of the operator's procedures relating to the carriage of passengers that meets the requirements prescribed by the Part 138 Manual of Standards for the purposes of subparagraph 138.305(2)(c)(iv) of the new Regulations	The period: (a) beginning immediately after the early commencement time; and (b) ending at the start of 6 October 2021

Note: For the definitions of *aerial work (air ambulance) operations* and *transition period*, see 202.405.

- (2) The compliance statement mentioned in column 2 of the table in subregulation (1) must be made in the approved form.

Note: Under regulation 11.018, a compliance statement in the approved form is not complete unless it contains all of the information required by the form.

Effect of suspension

- (3) In determining if an AOC is in force during the transition period for the purposes of an item in the table in subregulation (1), disregard any suspension of the AOC during that period.

Subdivision 202.EAA.1.3—Existing AOCs due to expire

202.407 AOCs due to expire

- (1) If the term of an AOC held by a person would, apart from this regulation, expire on a day (the *old AOC expiry day*) during the period (the *relevant period*):
 - (a) beginning on 4 September 2021; and
 - (b) ending on 2 March 2022;then, the term of the AOC is extended for a period of 6 months beginning on the old AOC expiry day.
- (2) If:
 - (a) the term of a person's AOC is extended under subregulation (1); and
 - (b) the person holds an authorisation or exemption that would, apart from this regulation, cease to have effect on a day (the *old authorisation expiry day*) during the relevant period;then, the authorisation or exemption continues in effect until the later of the following days or times:
 - (c) the end of the period of 6 months beginning on the old AOC expiry day;
 - (d) the old authorisation expiry day.

Subdivision 202.EAA.1.4—Applications for Australian air transport AOCs made before main commencement time

202.408 Applications for Australian air transport AOCs under new law made before main commencement time

- (1) A person may apply to CASA for the issue of an Australian air transport AOC under the new Regulations during the period:
 - (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.
- (2) If the application meets the requirements mentioned in regulation 119.065 of the new Regulations, CASA may, before or after the main commencement time, subject to the Act and the conditions mentioned in regulation 119.070 of the new Regulations, issue an Australian air transport AOC to the person.
- (3) If CASA issues the Australian air transport AOC to the person:
 - (a) the Australian air transport AOC comes into force at the later of:
 - (i) the main commencement time; or
 - (ii) a time after the main commencement time specified in the Australian air transport AOC; and
 - (b) regulation 119.075 of the new Regulations applies in relation to the person.

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.408A

202.408A Applications for AOCs under old law made before main commencement time

- (1) This regulation applies if:
 - (a) a person applies to CASA for the issue or variation of an AOC under the old Regulations; and
 - (b) the application is made before the main commencement time; and
 - (c) CASA has not made a decision on the application as at the main commencement time.
- (2) Despite the amending Regulations, the old Regulations continue to apply in relation to the application.

Subdivision 202.EAA.1.5—Applications for balloon transport AOCs made before main commencement time

202.409 Applications for balloon transport AOCs under new law made before main commencement time

- (1) A person may apply to CASA for the issue of a balloon transport AOC under the new Regulations during the period:
 - (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.
- (2) If the application meets the requirements mentioned in regulation 131.075 of the new Regulations, CASA may, before or after the main commencement time, subject to the Act and the conditions mentioned in regulation 131.080 of the new Regulations, issue a balloon transport AOC to the person.
- (3) If CASA issues the balloon transport AOC to the person:
 - (a) the balloon transport AOC comes into force at the later of:
 - (i) the main commencement time; or
 - (ii) a time after the main commencement time specified in the balloon transport AOC; and
 - (b) regulation 131.085 of the new Regulations applies in relation to the person.

Subdivision 202.EAA.1.6—Applications for aerial work certificates made before main commencement time

202.410 Applications for aerial work certificates under new law made before main commencement time

- (1) A person may apply to CASA for the issue of an aerial work certificate under the new Regulations during the period:
 - (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.

-
- (2) If the application meets the requirements mentioned in regulation 138.035 of the new Regulations, CASA may, before or after the main commencement time, subject to the conditions mentioned in regulation 138.040 of the new Regulations, issue an aerial work certificate to the person.
- (3) If CASA issues the aerial work certificate to the person:
- (a) the aerial work certificate comes into force at the later of:
 - (i) the main commencement time; or
 - (ii) a time after the main commencement time specified in the aerial work certificate; and
 - (b) regulation 138.045 of the new Regulations applies in relation to the person.

Subdivision 202.EAA.1.7—Applications for instruments (other than AOCs and aerial work certificates) made before main commencement time

202.411 Applications for instruments (other than AOCs and aerial work certificates) under new law made before main commencement time

- (1) A person may apply to CASA for an instrument (other than an AOC or an aerial work certificate) to be made under the new Regulations during the period:
- (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.
- (2) If the application meets the requirements (if any) of the new Regulations, CASA may, before or after the main commencement time, subject to the conditions (if any) mentioned in the new Regulations, make the instrument.
- (3) If CASA makes the instrument, the instrument comes into force at the later of:
- (a) the main commencement time; or
 - (b) a time after the main commencement time specified in the instrument.

202.411A Applications for instruments (other than AOCs, aerial work certificates and exemptions) under old law made before main commencement time

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, a person made an application (the **old application**) to CASA for the making of an instrument (other than an AOC, an aerial work certificate or an exemption) under a provision of the old Regulations that is repealed by the amending Regulations; and
 - (b) the old application is for an instrument that authorises a particular activity or thing; and
 - (c) CASA has not made a decision on the old application as at the main commencement time.

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Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

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Old law continues to apply if application is for transitional instrument

- (2) If the old application is for an instrument of a kind covered by subregulation (4), then, despite the amending Regulations, the old Regulations continue to apply in relation to the application.

New law applies to other instruments

- (3) If:
- (a) the old application is not for an instrument of a kind covered by subregulation (4); and
 - (b) under the new Regulations a person may apply for an authorisation in relation to the activity or thing mentioned in paragraph (1)(b); and
 - (c) the requirements mentioned in subregulation 11.030(1) are met in relation to the old application;
- then, both of the following apply:
- (d) the old application is taken:
 - (i) to be an application under the new Regulations for an authorisation in relation to the activity or thing; and
 - (ii) to meet the requirements mentioned in regulation 11.030 and any other requirements relating to the making of the application under another provision of the new Regulations that deals with authorisations of that kind; and
 - (iii) to have been made at the main commencement time;
 - (e) Part 11 (applications and decision making) of these Regulations applies in relation to the application.

Transitional instruments

- (4) An instrument is covered by this subregulation if:
- (a) despite the repeal of the provision of the old Regulations under which, or for the purposes of which, the instrument is made, the instrument continues in force after the main commencement time as a result of the operation of a provision of this Division; or
 - (b) another provision of this Division provides that if the instrument is in force immediately before the main commencement time, a new instrument is taken to be made for the purposes of a provision of the new Regulations.

202.411B Applications for exemptions under old law made before main commencement time

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, a person made an application (the **old application**) to CASA for an exemption from compliance with a requirement under a provision (the **old provision**) of the old Regulations that is repealed by the amending Regulations or a provision (the **old**

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provision) of an instrument made under, or for the purposes of, the old Regulations or the Act; and

- (b) CASA has not made a decision on the old application as at the main commencement time.

Old law continues to apply if application is for transitional exemption

- (2) If the old application is for an exemption of a kind covered by subregulation (4), then, despite the amending Regulations, the old Regulations continue to apply in relation to the old application.

New law applies to other exemptions

- (3) If:
- (a) the old application is not for an exemption of a kind covered by subregulation (4); and
 - (b) there is a corresponding new provision in relation to the old provision; and
 - (c) an application may be made under the new Regulations for an exemption from compliance in relation to the corresponding new provision; and
 - (d) the requirements mentioned in subregulations 11.165(2) and (3) are met in relation to the old application;
- then, both of the following apply:
- (e) the old application is taken:
 - (i) to be an application for an exemption in relation to the corresponding new provision; and
 - (ii) to meet the requirements mentioned in regulation 11.165; and
 - (iii) to have been made at the main commencement time;
 - (f) Part 11 (applications and decision making) of these Regulations applies in relation to the application.

Note: For the definition of *corresponding new provision*, see 202.405.

Transitional exemptions

- (4) An exemption is covered by this subregulation if:
- (a) despite the repeal of the provision of the old Regulations under which, or for the purposes of which, the exemption is made, the exemption continues in force after the main commencement time as a result of the operation of a provision of this Division; or
 - (b) another provision of this Division provides that if the exemption is in force immediately before the main commencement time, a new exemption is taken to be made for the purposes of a provision of the new Regulations.

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Subdivision 202.EAA.1.8—Main translation rules for old instruments

202.412 References in old instruments to old Regulations

When this regulation applies

- (1) This regulation applies to an instrument (the **old instrument**) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
 - (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Note: Examples of old instruments include AOCs, CAOs, approvals and other authorisations.

Effect of old instrument

- (2) Subject to this Division, if:
 - (a) the old instrument refers to a provision (the **old provision**) of the old Regulations that is repealed by the amending Regulations; and
 - (b) there is a corresponding new provision in relation to the old provision;then the reference to the old provision is taken, after the main commencement time, to be a reference to the corresponding new provision.

Note: For the definition of **corresponding new provision**, see 202.405.

202.412A References in old instruments to old terminology

When this regulation applies

- (1) This regulation applies to an instrument (the **old instrument**) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
 - (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Effect of old instrument

- (2) Subject to this Division, the old instrument has effect after the main commencement time in accordance with the following table.

Effect of old instruments

Item	Column 1	Column 2
	A reference in the old instrument to ...	is taken instead to be a reference to ...
1	an airline	an operator who conducts scheduled air transport operations, other than medical transport operations.
2	foreign aircraft	foreign registered aircraft.
3	I.F.R.	IFR.
4	I.F.R. flight	IFR flight.
5	I.F.R. operation	IFR operation.
6	I.M.C.	IMC.
7	manned balloon	manned free balloon
8	public transport service	an air transport operation, other than a medical transport operation.
9	V.F.R.	VFR.
10	V.F.R. flight	VFR flight.
11	V.F.R. operation	VFR operation.
12	V.M.C.	VMC.

202.412B References in old instruments to kinds of aircraft

When this regulation applies

- (1) This regulation applies to an instrument (the **old instrument**) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
 - (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Effect of old instrument

- (2) Subject to this Division, the old instrument has effect after the main commencement time in relation to an aircraft (the **relevant aircraft**) in accordance with the following table.

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Effect of old instruments

Item	Column 1	Column 2	Column 3
	If the old instrument refers to an aircraft of the following kind ...	and the relevant aircraft is, after the main commencement time, used for conducting an operation or activity of the following kind ...	then, a reference in the old instrument to an aircraft of the kind mentioned in column 1 is taken instead to be a reference to ...
1	a regular public transport aircraft	a scheduled air transport operation	an aircraft used for conducting a scheduled air transport operation.
2	a charter aircraft	a non-scheduled air transport operation	an aircraft used for conducting an operation that is a non-scheduled air transport operation.
3	a charter aircraft	a medical transport operation	an aircraft used for conducting a medical transport operation.
4	a charter aircraft	a balloon transport operation	an aircraft used for conducting a balloon transport operation.
5	an aerial work aircraft	an aerial work operation	an aircraft used for conducting an aerial work operation.
6	an aerial work aircraft	an aerial application operation within the meaning of Part 137	an aircraft used for conducting an aerial application operation under an AOC that authorises the use of the aircraft in aerial application operations within the meaning of that Part.
7	an aerial work aircraft	an aerial work operation in a manned free balloon or a hot air airship	an aircraft used for conducting a specialised balloon transport operation.
8	an aerial work aircraft	Part 141 flight training within the meaning of Part 141	an aircraft used for conducting Part 141 flight training.
9	an aerial work aircraft	a Part 142 activity within the meaning of Part 142	an aircraft used for conducting a Part 142 activity.
10	an aerial work aircraft	balloon flying training within the meaning of Part 5 of CAR	an aircraft used for conducting balloon flying training within the meaning of Part 5 of CAR.

(3) However, the effect of subregulation (2) applies only in relation to the relevant aircraft to the extent that the aircraft is used for the purpose of conducting the operation or activity of the kind mentioned in column 2 of the item in the table.

(4) The definition of *kind*, of an aircraft, in Part 1 of the Dictionary does not apply in relation to this regulation.

202.412C References in old instruments to kinds of operations

When this regulation applies

- (1) This regulation applies to an instrument (the **old instrument**) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
 - (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Effect of old instrument

- (2) Subject to this Division, the old instrument has effect after the main commencement time in relation to an operation or activity (the **relevant operation or activity**) conducted by an aircraft in accordance with the following table.

Effect of old instruments			
Item	Column 1	Column 2	Column 3
	If the old instrument refers to an operation of the following kind ...	and the relevant operation or activity is an operation or activity of the following kind ...	then, a reference in the old instrument to an operation of the kind mentioned in column 1 is taken instead to be a reference to ...
1	a regular public transport operation	a scheduled air transport operation	a scheduled air transport operation.
2	a charter operation	a non-scheduled air transport operation	a non-scheduled air transport operation.
3	a charter operation	a medical transport operation	a medical transport operation.
4	a charter operation	a balloon transport operation	a balloon transport operation.
5	an aerial work operation	an aerial work operation	an aerial work operation under an aerial work certificate.
6	an aerial work operation	an aerial application operation within the meaning of Part 137	an aerial application operation under an AOC that authorises the use of the aircraft in aerial application operations.
7	an aerial work operation	balloon flying training within the meaning of Part 5 of CAR	balloon flying training within the meaning of Part 5 of CAR.
8	an aerial work operation	Part 141 flight training within the meaning of Part 141	Part 141 flight training.

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Effect of old instruments

Item	Column 1	Column 2	Column 3
	If the old instrument refers to an operation of the following kind ...	and the relevant operation or activity is an operation or activity of the following kind ...	then, a reference in the old instrument to an operation of the kind mentioned in column 1 is taken instead to be a reference to ...
9	an aerial work operation	a Part 142 activity within the meaning of Part 142	a Part 142 activity.
10	an aerial work operation	a specialised balloon operation within the meaning of Part 131	a specialised balloon operation that is conducted for hire or reward.
11	any of: (a) an aerial work (air ambulance) operation; or (b) an air ambulance operation; or (c) any other operation involving aerial ambulance functions (however described)	a medical transport operation	a medical transport operation.

(3) However, if:

- (a) as a result of the operation of subregulation (2), an aircraft used for conducting a medical transport operation is subject, after the main commencement time, to both of the following requirements:
 - (i) a requirement that applies in relation to an air ambulance operation;
 - (ii) a requirement that applies in relation to a charter operation; and
- (b) the requirements apply in relation to the same matter;

then the old instrument has effect after the main commencement time in relation to the aircraft as if the requirement mentioned in subparagraph (a)(i) does not apply.

Subdivision 202.EAA.1.9—AOCs

202.413 Old AOCs taken to authorise operations etc.

When this regulation applies

- (1) This regulation applies in relation to an operator who is the holder of an AOC (the *old AOC*) if:
 - (a) the old AOC authorises the operator to conduct an operation or activity of the kind mentioned in column 1 of an item in the table in subregulation (2); and
 - (b) the old AOC:

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- (i) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
- (ii) is issued after the main commencement time as a result of the operation of a provision of this Division.

Old AOCs taken to authorise operations etc.

(2) The following table has effect.

Effect of old AOCs		
Item	Column 1	Column 2
	If the old AOC authorises an operation of the following kind ...	then, from the later of: (a) the main commencement time; or (b) the time when the operator gives CASA the compliance material for the operator mentioned in column 2 of the table in subregulation 202.413A(1) ...
1	a regular public transport operation	the old AOC is taken to authorise: (a) a scheduled air transport operation; and (b) a non-scheduled air transport operation.
2	a charter operation, other than an a charter operation in: (a) a manned free balloon; or (b) a hot air airship	the old AOC is taken to authorise a non-scheduled air transport operation.
3	a charter operation in: (a) a manned free balloon; or (b) a hot air airship	the old AOC is taken to authorise a balloon transport operation.
4	an aerial work (air ambulance) operation	the old AOC is taken to authorise a medical transport operation.
5	an aerial work operation (the relevant aerial work operation), other than: (a) an aerial application operation; or (b) an aerial work (air ambulance) operation; or (c) an aerial work operation in a manned free balloon or a hot air airship	an aerial work certificate is taken to have been issued to the operator under regulation 138.040 authorising the relevant aerial work operation.
6	an aerial work operation: (a) in a manned free balloon; or (b) in a hot air airship; other than commercial balloon flying training	an approval is taken to have been issued to the operator under regulation 131.035 to conduct a specialised balloon operation.

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Terms and conditions of AOCs authorising new operations—scheduled and non-scheduled air transport operations

- (3) If column 1 of item 1, 2, or 4 in the table applies in relation to an old AOC, then:
- (a) the holder of the old AOC is authorised to conduct the operation mentioned in column 2 of the item, subject to:
 - (i) the conditions in regulation 119.080; and
 - (ii) any conditions of the old AOC; and
 - (b) regulations 119.070 (conditions for issue) and 119.075 (approval of exposition) do not apply in relation to the holder of the AOC.

Terms and conditions of AOCs authorising new operations—balloon transport operations

- (4) If column 1 of item 3 in the table applies in relation to an old AOC, then:
- (a) the holder of the old AOC is authorised to conduct the operation mentioned in column 2 of the item, subject to:
 - (i) the conditions in regulation 131.090; and
 - (ii) any conditions of the old AOC; and
 - (b) regulations 131.080 (conditions for issue) and 131.085 (approval of exposition) do not apply in relation to the holder of the AOC.

Terms and conditions of aerial work certificates

- (5) If column 1 of item 5 in the table applies in relation to an old AOC, then:
- (a) the aerial work certificate mentioned in column 2 of the item is subject to:
 - (i) the conditions in regulation 138.050; and
 - (ii) any conditions of the old AOC; and
 - (b) subregulation 138.040(1) (conditions for issue) and regulation 138.045 (approval of manuals) do not apply in relation to the holder of the aerial work certificate; and
 - (c) the aerial work certificate ceases to be in force on the day the old AOC expires.

Terms and conditions of approvals—specialised balloon operations

- (6) If column 1 of item 6 in the table applies in relation to an old AOC, then:
- (a) for the purposes of regulation 11.056, the approval mentioned in column 2 of the item is taken to have been granted on the condition that any terms or conditions of the old AOC are complied with; and
 - (b) subregulation 11.056(2) does not apply in relation to the approval; and
 - (c) the approval ceases to be in force on the day the old AOC expires.

Effect of suspension

- (7) If an old AOC has been suspended and the suspension is in force immediately before the main commencement time, then:
- (a) disregard the suspension for the purposes of subparagraph (1)(b)(i); and

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- (b) if, as a result of subregulation (2), the old AOC is taken to authorise an operation—the suspension continues in force in relation to the old AOC and applies in relation to that operation; and
- (c) if, as a result of subregulation (2), an authorisation is taken to be issued, then:
 - (i) the authorisation is taken to be suspended; and
 - (ii) the period of suspension for the authorisation is the same as for the old AOC.

202.413A Operations manuals, expositions and training and checking manuals taken to be approved

(1) The following table has effect in relation to an operator.

Operations manuals and expositions taken to be approved			
Item	Column 1	Column 2	Column 3
	If ...	and the operator gives CASA the following documents and information (the <i>compliance material</i>) ...	then, from the later of: (a) the main commencement time; or (b) the time when the compliance material is given to CASA; CASA is taken to have approved ...
1	either of the following apply: (a) both: (i) the operator is the holder of an AOC that authorises the holder to conduct charter operations, regular public transport operations or aerial work (air ambulance) operations; and (ii) the AOC is in force immediately before the main commencement time; (b) after the main commencement time, the operator is the holder of an AOC that is taken to authorise an Australian air transport operation as a result of the operation of a provision of this Division	both: (a) the operator’s proposed exposition prepared for the purpose of compliance with the requirements of these Regulations; and (b) a compliance statement for the operator that meets the requirements mentioned in subregulation 202.406(2)	the operator’s proposed exposition under regulation 119.075.
2	either of the following apply:	both:	the operator’s proposed

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Operations manuals and expositions taken to be approved

Item	Column 1	Column 2	Column 3
	If ...	and the operator gives CASA the following documents and information (the compliance material) ...	then, from the later of: (a) the main commencement time; or (b) the time when the compliance material is given to CASA; CASA is taken to have approved ...
	(a) both: (i) the operator is the holder of an AOC that authorises the holder to conduct aerial work operations (other than aerial work (air ambulance) operations) in an aeroplane or a rotorcraft; and (ii) the AOC is in force immediately before the main commencement time; (b) after the main commencement time, the operator is issued an aerial work certificate as a result of the operation of a provision of this Division	(a) the operator's proposed operations manual prepared for the purposes of compliance with the requirements of these Regulations; and (b) a compliance statement for the operator that meets the requirements mentioned in subregulation 202.406(2)	operations manual under regulation 138.045.
3	all of the following apply: (a) the operator had given CASA a training and checking manual in accordance with Civil Aviation Order 82.1; (b) as at the main commencement time, the training and checking manual is the most recent training and checking manual for the operator; (c) after the main commencement time, the operator is required under regulation 138.125 to have a training and checking system	the operator's proposed training and checking manual prepared for the purposes of compliance with the requirements of these Regulations	the operator's proposed training and checking manual under regulation 138.045.
4	either of the following apply: (a) both: (i) the operator is the holder of an AOC that	the operator's proposed exposition prepared for the purposes of compliance with the requirements of	the operator's proposed exposition under regulation 131.085.

Operations manuals and expositions taken to be approved

Item	Column 1	Column 2	Column 3
	If ...	and the operator gives CASA the following documents and information (the <i>compliance material</i>) ...	then, from the later of: (a) the main commencement time; or (b) the time when the compliance material is given to CASA; CASA is taken to have approved ...
	authorises the holder to conduct a charter operation in a manned free balloon or a hot air airship; and (ii) the AOC is in force immediately before the main commencement time; (b) after the main commencement time, the operator is the holder of an AOC that is taken to authorise a balloon transport operation as a result of the operation of a provision of this Division	these Regulations	

Effect of suspension

- (2) In determining if an AOC is in force immediately before the main commencement time for the purposes of an item in the table in subregulation (1), disregard if the AOC is suspended at that time.

Subdivision 202.EAA.1.10—Applications for AOCs made after main commencement time

202.414 Applications for AOCs made after main commencement time

Subject to this Division, the new Regulations apply in relation to an application for an AOC made after the main commencement time.

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Subdivision 202.EAA.1.11—Applications for aerial work certificates made after main commencement time

202.415 Applications for aerial work certificates made after main commencement time

Subject to this Division, the new Regulations apply in relation to an application for an aerial work certificate made after the main commencement time.

Subdivision 202.EAA.1.12—Old instruments other than AOCs

202.416 Approvals taken to be granted

Approval taken to be granted

- (1) If
- (a) a flight of an aircraft occurs after the main commencement time; and
 - (b) an instrument (the *old instrument*) mentioned in column 2 of an item in the following table applies in relation to the flight, or would have applied in relation to the flight if the amending Regulations had not been made; and
 - (c) the old instrument is an eligible instrument; and
 - (d) the old instrument:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division;

then, for the purposes of the provision mentioned in column 3 of the item, after the main commencement time, an approval under regulation 91.045 for the activity or thing mentioned in column 4 of the item is taken to be granted to the person mentioned in column 5 of the item in relation to the flight.

Note: For the definition of *eligible instrument*, see 202.405A.

Approved activities where old instrument applies

Item	Column 1 Subject	Column 2 Old instrument	Column 3 Provision of new Regulations	Column 4 Approved activity or thing	Column 5 Approved person
1	VFR flights in class A airspace	An approval under subregulation 99AA(3) of the old CAR to conduct a flight as a VFR flight in class A airspace	Paragraph 91.285(1)(b)	To conduct the flight as a VFR flight in class A airspace	The pilot in command of the aircraft
2	Towing of things by aircraft	Permission or an approval under regulation 149 of	Paragraph 91.210(2)(a)	To tow the thing during the flight	The pilot in command of the aircraft

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Approved activities where old instrument applies

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Subject	Old instrument	Provision of new Regulations	Approved activity or thing	Approved person
		the old CAR to tow a thing by an aircraft			
3	Aerobatic manoeuvres over populous area	Permission under paragraph 155(4)(b) of the old CAR to conduct an aerobatic manoeuvre over a populous area	Subparagraph 91.185 (2)(b)(i)	To conduct the aerobatic manoeuvre during the flight over the populous area	The pilot in command of the aircraft
4	Aerobatic manoeuvres at air display	Permission under paragraph 155(4)(b) of the old CAR to conduct an aerobatic manoeuvre at a public gathering	Subparagraph 91.185 (2)(b)(ii)	To conduct the aerobatic manoeuvre during the flight at an air display performed before the public gathering	The pilot in command of the aircraft
5	Formation flying at night	An approval under subparagraph 163AA(1)(c)(ii) of the old CAR to fly an aircraft in formation flight at night	Paragraph 91.205(2)(b)	To fly in formation at night during the flight	The pilot in command of the aircraft
6	Formation flying in IMC	An approval under subparagraph 163AA(1)(c)(ii) of the old CAR to fly an aircraft in formation flight in IMC	Paragraph 91.205(3)(b)	To fly in formation in IMC during the flight	The pilot in command of the aircraft
7	Carriage on wings, undercarriage etc. for non-aerial work operations	Permission under subregulation 250(2) of the old CAR for the carriage of a person on or in a part of an aircraft during a flight not involving an aerial work operation	Paragraph 91.200(1)(b)	To carry a person on or in: (a) a part of the aircraft that is not designed to carry crew members	Both: (a) the operator of the aircraft; and (b) the pilot in command of the

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Approved activities where old instrument applies

Item	Column 1 Subject	Column 2 Old instrument	Column 3 Provision of new Regulations	Column 4 Approved activity or thing	Column 5 Approved person
				or passengers ; or (b) a thing attached to the aircraft; during the flight	aircraft
8	Aerodrome meteorological minima for landing or taking-off	An exemption under regulation 11.160 from compliance with subregulation 257(3) or (4) of the old CAR	Subparagraphs 91.315(1)(b)(i) and (ii)	To conduct a low-visibility operation at an aerodrome during the flight	Both: (a) the operator of the aircraft; and (b) the pilot in command of the aircraft
9	Carriage of people in provisionally certificated aircraft	An authorisation for a person to be carried in an aircraft for the purposes of paragraph 262AO(11)(a) of the old CAR	Subparagraph 91.865 (2)(b)(ii)	For the carriage of the person covered by the authorisation mentioned in column 2	The holder of the provisional certificate of airworthiness for the aircraft
10	Experimental aircraft	An authorisation for an aircraft to be operated over the built up area of a city or town for the purposes of subregulation 262AP(5) of the old CAR	Paragraph 91.875(2)(f)	To conduct the flight over a populous area	The holder of the experimental certificate for the aircraft
11	Experimental aircraft	An approval under paragraph 262AP(6)(b) of the old CAR for the operation of an experimental aircraft other than	Subparagraph 91.875 (2)(e)(ii)	To conduct the flight other than by day and under the VFR	The holder of the experimental certificate for the aircraft

Approved activities where old instrument applies

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Subject	Old instrument	Provision of new Regulations	Approved activity or thing	Approved person
		under the VFR by day			
12	Experimental aircraft	An approval under paragraph 262AP(8)(a) of the old CAR for an experimental aircraft to carry a specified number of passengers that is more than 6	Paragraph 91.885(a)	To carry on board the aircraft up to the number of passengers specified in the approval mentioned in column 2	The holder of the experimental certificate for the aircraft

Terms of approval

- (2) For the purposes of regulation 11.056, the approval is taken to have been granted on the condition that any terms or conditions of the old instrument are complied with.
- (3) The approval ceases at the earliest of the following:
- the day (if any) specified in the old instrument as the day on which the old instrument ceases to be in force;
 - the second anniversary of the day the old instrument was made that occurs after the main commencement time;
 - if the operator of the aircraft is the holder of an AOC and the old instrument applies in relation to the operations authorised by the AOC—the day the operator's AOC expires;
 - if the operator of the aircraft is the holder of an aerial work certificate and the old instrument applies in relation to the operations authorised by the aerial work certificate—the day the operator's aerial work certificate expires;
 - if the operator of the aircraft is the holder of a Part 141 certificate and the old instrument applies in relation to the operations authorised by the Part 141 certificate—the day the operator's Part 141 certificate expires.
- (4) Subregulation 11.056(2) (conditions to be set out) does not apply in relation to the approval.

Effect of suspension

- (5) If the old instrument has been suspended and the suspension is in force immediately before the main commencement time, then:
- disregard the suspension for the purposes of subparagraph (1)(d)(i); and

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- (b) the approval taken to be granted under subregulation (1) is taken to be suspended; and
- (c) the period of suspension for the approval is the same as for the old instrument.

202.416A Exemptions taken to be granted

When this regulation applies

- (1) This regulation applies in relation to a flight of an aircraft that occurs after the main commencement time if:
 - (a) an instrument (the **old instrument**) mentioned in column 2 of an item in the following table applies in relation to the flight, or would have applied in relation to the flight if the amending Regulations had not been made; and
 - (b) the old instrument is an eligible instrument; and
 - (c) the old instrument:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is made, or taken to be made, after the main commencement time as a result of the operation of a provision of this Division; and
 - (d) after the main commencement time, a requirement (the **new requirement**) mentioned in column 3 of the item applies in relation to the flight.

Note: For the definition of **eligible instrument**, see 202.405A.

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
1	Radio-communication systems	An approval of a radiocommunication system under subregulation 82(1) of the old CAR in relation to an aircraft	A requirement under any of the following provisions relating to the fitment or carriage of a radiocommunication system: <ul style="list-style-type: none">(a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1);(b) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1);(c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1);(d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1);(e) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1);(f) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1);

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			(g) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
2	Radio-communication systems	An exemption under subregulation 82(3) of CAR (as in force before the commencement of the <i>Civil Aviation and Civil Aviation Safety Amendment Regulations 2011 (No. 2)</i>) in relation to an aircraft that continued to have effect because of regulation 202.011A of these Regulations (as in force before the main commencement time)	A requirement under any of the following provisions relating to the fitment or carriage of a radiocommunication system: <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (b) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (e) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (f) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (g) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
3	Documents to be carried in aircraft	An approval under paragraph 139(1)(c) or (d) of the old CAR in relation to a document that must be carried on an aircraft when flying	A requirement under any of the following provisions to carry the document on an aircraft when a flight begins: <ul style="list-style-type: none"> (a) paragraph 91.105(2)(a) or subregulation 91.110(3); (b) a provision of the Part 121 Manual of Standards prescribed for the purposes of paragraph 121.085(1)(a); (c) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.275(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of paragraph 133.055(1)(a); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of paragraph 135.065(1)(a)
4	Picking up of	Authority under	A requirement in relation to the pick up or set

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
	persons or objects during aerial work operations	subregulation 151(3) of the old CAR for a person to be picked up by an aircraft during a flight involving an aerial work operation	down of a person during a flight under a provision prescribed by the Part 138 Manual of Standards for the purposes of subregulation 138.410(2)
5	Picking up of persons or objects during medical transport operations	Authority under subregulation 151(3) of the old CAR for a person to be picked up by an aircraft during a flight involving an aerial work (air ambulance) operation	A requirement under a provision prescribed by the Part 133 Manual of Standards for the purposes of paragraph 133.295(1)(b) in relation to an external load operation involving winching a person during a flight
6	Low flying during aerial work operations	A permit under paragraph 157(4)(b) of the old CAR for a flight during an aerial work operation to be made at a lower height	A requirement under a provision prescribed by the Part 138 Manual of Standards for the purposes of regulation 138.275 in relation to the circumstances of the flight
7	Instruments and equipment for VFR flights	Permission under subregulation 174A(3) of the old CAR for an aircraft to be flown under the VFR	A requirement under any of the following provisions relating to the fitment or carriage of equipment on the aircraft for a flight under the VFR: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.273(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.367(1); (e) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (f) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (g) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1);

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			(h) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
8	Instruments and equipment for VFR flights by night	Permission under subregulation 174A(4) of the old CAR for an aircraft to be flown under the VFR at night	A requirement under any of the following provisions relating to the fitment or carriage of equipment on the aircraft for a VFR flight by night: <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.273(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.367(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (e) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (f) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (g) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
9	VFR flights at night by single engine turbine powered aircraft	Both: <ul style="list-style-type: none"> (a) an approval under subparagraph 174B(2)(d)(i) of the old CAR for an operator to conduct charter operations that involve the carrying of passengers for hire or reward; and (b) an approval under subparagraph 174B(2)(d)(ii) of the old CAR for the operation mentioned in paragraph (a) to be conducted in a 	A requirement under subregulation 135.240(2) in relation to a VFR flight at night

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
		single engine turbine powered aeroplane	
10	VFR flights at night below 1,000 feet	Permission under subregulation 174B(4) of the old CAR for an aircraft to be flown under the VFR at night at a height of less than 1,000 feet above the highest obstacle located within 10 miles of the aircraft	A requirement under regulation 91.277 in relation to a VFR flight at night
11	Navigation equipment for VFR flights	Permission under subregulation 174D(4) of the old CAR in relation to the requirements for equipping an aircraft for flight under the VFR for navigation or to obtain positive position fixes	A requirement under any of the following provisions relating to requirements for equipping an aircraft for a VFR flight for navigation or to obtain positive position fixes: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.273(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.367(1); (e) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (f) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (g) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (h) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
12	IFR flights by single engine turbine powered aircraft	Both: (a) an approval under subparagraph 175A(1)(d)(i) of the old CAR for an	A requirement under subregulation 135.240(2) in relation to an IFR flight

Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
		operator to conduct charter or regular public transport operations that involve the carrying of passengers for hire or reward; and (b) an approval under subparagraph 175A(1)(d)(ii) of the old CAR for the operation mentioned in paragraph (a) to be conducted in a single engine turbine powered aeroplane	
13	Instruments and equipment for IFR flights	Permission under subregulation 177(3) of the old CAR for an aircraft to be flown under the IFR	A requirement under any of the following provisions relating to the fitment or carriage of equipment on an aircraft for an IFR flight: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.287(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (f) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
14	Instruments and equipment for IFR flights at night	Permission under subregulation 177(4) of the old CAR for an aircraft to be flown under the IFR at night	A requirement under any of the following provisions relating to the fitment or carriage of equipment on an aircraft for an IFR flight by night: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.287(1); (b) a provision of the Part 91 Manual of

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (f) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
15	Navigation equipment for IFR flights	Permission under subregulation 179A(4) of the old CAR in relation to the requirements for equipping an aircraft for flight under the IFR for navigation or to obtain positive position fixes	A requirement under any of the following provisions relating to requirements for equipping an aircraft for an IFR flight for navigation or to obtain positive position fixes: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.287(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (f) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
16	Navigation lights	A direction under subregulation 196(1) of the old CAR in relation to the display of navigation lights for a flight or operation of an aeroplane	A requirement under any of the following provisions to fit or display navigation lights: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (b) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (c) a provision of the Part 135 Manual of

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			Standards prescribed for the purposes of subregulation 135.370(1); (d) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
17	Anti-collision lights	A direction under subregulation 196(3) of the old CAR in relation to the display of anti-collision lights for a flight or operation of an aeroplane	A requirement under any of the following provisions to fit or display anti-collision lights: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (b) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (c) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (d) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
18	Airship lights	A direction under subregulation 203(1) of the old CAR in relation to the display of lights for a flight or operation of an airship	A requirement under a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1) to fit or display lights
19	Aircraft instruments and equipment	An approval under subregulation 207(2) of the old CAR in relation to the fitting of an instrument, or the carriage of equipment, for an aircraft	Both: (a) a requirement to fit an instrument of the type covered by the approval mentioned in column 2, or to carry equipment of the type covered by the approval mentioned in column 2, for an aircraft; and (b) a requirement relating to an instrument of the type covered by the approval mentioned in column 2, or equipment of the type covered by the approval mentioned in column 2, that is fitted to, or carried on, an aircraft; under any of the following provisions: (c) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (d) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (e) a provision of the Part 121 Manual of

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Exemption from new requirement where old instrument applies

Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			Standards prescribed for the purposes of subregulation 121.460(1); (f) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (g) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (h) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (i) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
20	Flight check systems	An approval under subregulation 232(2) of the old CAR of a flight check system for an aircraft	A requirement under paragraph 91.095(2)(a) or subregulation 121.055(1), 131.255(1), 133.030(1), 135.040(1) or 138.210(2) to comply with the flight check requirements set out in the aircraft flight manual instructions for an aircraft
21	Carriage on wings, undercarriage etc. for aerial work operations	Permission under subregulation 250(2) of the old CAR for the carriage of a person during a flight involving an aerial work operation	A requirement under a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.410(2)
22	Carriage of animals	A permission under subregulation 256A(1) of the old CAR to carry a live animal on an aircraft	A requirement under a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.620(5) relating to the carriage of animals on an aircraft

Exemption taken to be granted

- (2) A person who would (apart from this subregulation) contravene an offence provision of these Regulations if the new requirement is not met in relation to the flight is taken, after the main commencement time, to have been granted an exemption (the **new exemption**) under Division 11.F.1 from the new requirement for the flight.

Terms of exemption

- (3) For the purposes of regulation 11.205, the new exemption is taken to have been granted on the condition that any terms or conditions of the old instrument are complied with.
- (4) The new exemption ceases at the earliest of the following:
 - (a) the day (if any) specified in the old instrument as the day on which the old instrument ceases to be in force;
 - (b) the second anniversary of the day the old instrument was made, granted, given or issued (as the case requires) that occurs after the main commencement time;
 - (c) if the operator of the aircraft is the holder of an AOC and the old instrument applies in relation to the operations authorised by the AOC—the day the operator's AOC expires;
 - (d) if the operator of the aircraft is the holder of an aerial work certificate and the old instrument applies in relation to the operations authorised by the aerial work certificate—the day the operator's aerial work certificate expires;
 - (e) if the operator of the aircraft is the holder of a Part 141 certificate and the old instrument applies in relation to the operations authorised by the Part 141 certificate—the day the operator's Part 141 certificate expires.
- (5) Subregulation 11.056(2) (conditions to be set out) and regulations 11.225 (publication of exemption) and 11.230 (when exemptions cease) do not apply in relation to the new exemption.

Effect of suspension

- (6) If the old instrument has been suspended and the suspension is in force immediately before the main commencement time, then:
 - (a) disregard the suspension for the purposes of subparagraph (1)(c)(i); and
 - (b) the exemption taken to be granted under subregulation (2) is taken to be suspended; and
 - (c) the period of suspension for the exemption is the same as for the old instrument.

202.416B Directions taken to be issued

When this regulation applies

- (1) This regulation applies if:
 - (a) CASA issued a direction under one of the following provisions of the old CAR:
 - (i) subregulation 92(2) (use of aerodromes);
 - (ii) paragraph 174A(1A)(a) or (2)(e) (instruments and equipment for VFR flights);
 - (iii) subregulation 177(1) (instruments and equipment for IFR flights);

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- (iv) subregulation 207(2) or (3) (aircraft instruments and equipment);
- (v) subregulation 209(1) (private operations);
- (vi) subregulation 221(1) (facilities and safety devices);
- (vii) subregulation 235(2) or (7) (weights for take-off and landing of aircraft);
- (viii) subregulation 244(2) (safety precautions before take-off);
- (ix) subregulation 245(1) (tests before take-off);
- (x) subregulation 251(3) or (6) (seat belts and safety harnesses);
- (xi) subregulation 252(1) (emergency systems and equipment); and
- (b) the direction is an eligible instrument; and
- (c) the direction:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Note: For the definition of *eligible instrument*, see 202.405A.

Effect of direction

- (2) The direction has effect, after the main commencement time, as if the direction were issued by CASA under subregulation 11.245(1).
- (3) The direction ceases to be in force at the earlier of the following:
 - (a) the day (if any) specified in the direction as the day on which the direction ceases to be in force;
 - (b) the second anniversary of the day the direction was issued that occurs after the main commencement time.
- (4) Subregulation 11.245(2) is taken to be satisfied in relation to the direction.
- (5) Regulation 11.250 (period of effect of direction) does not apply in relation to the direction.

202.416C Effect of old exemptions

When this regulation applies

- (1) This regulation applies in relation to a person if:
 - (a) either:
 - (i) CASA granted the person an exemption (the *old exemption*) under regulation 11.160 from compliance with a provision (the *old provision*) under the old Regulations; or
 - (ii) the person is subject to an exemption (the *old exemption*) from compliance with a provision (the *old provision*) of the old Regulations that continued to have effect under regulation 202.011, 202.011B or 202.011F of the old Regulations; and
 - (b) the old exemption is an eligible instrument; and
 - (c) the old exemption:

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- (i) is in force immediately before the main commencement time; or
- (ii) is granted after the main commencement time as a result of the operation of a provision of this Division; and
- (d) the old provision is repealed by the amending Regulations; and
- (e) after the main commencement time, there is a corresponding new provision in relation to the old provision.

Note 1: For the definition of *eligible instrument*, see 202.405A.

Note 2: For the definition of *corresponding new provision*, see 202.405.

Exemption taken to be granted

- (2) The person is taken, after the main commencement time, to have been granted an exemption (the *new exemption*) under Division 11.F.1 from compliance with the corresponding new provision.

Terms of exemption

- (3) For the purposes of regulation 11.205, the new exemption is taken to have been granted on the condition that any terms or conditions of the old exemption are complied with.
- (4) The new exemption ceases at the earliest of the following:
 - (a) the day (if any) specified in the old exemption as the day on which the old exemption ceases to be in force;
 - (b) the second anniversary of the day the old exemption was granted that occurs after the main commencement time;
 - (c) if the person is the holder of an AOC and the old exemption applies in relation to the operations authorised by the AOC—the day the person's AOC expires;
 - (d) if the person is the holder of an aerial work certificate and the old exemption applies in relation to the operations authorised by the aerial work certificate—the day the person's aerial work certificate expires;
 - (e) if the person is the holder of a Part 141 certificate and the old exemption applies in relation to the operations authorised by the Part 141 certificate—the day the person's Part 141 certificate expires.
- (5) Subregulation 11.056(2) (conditions to be set out) and regulations 11.225 (publication of exemption) and 11.230 (when exemptions cease) do not apply in relation to the new exemption.

Effect of suspension

- (6) If the old exemption has been suspended and the suspension is in force immediately before the main commencement time, then:
 - (a) disregard the suspension for the purposes of subparagraph (1)(c)(i); and
 - (b) the new exemption taken to be granted under subregulation (2) is taken to be suspended; and

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- (c) the period of suspension for the new exemption is the same as for the old exemption.

Subdivision 202.EAA.1.13—Applications for instruments other than AOCs and aerial work certificates

202.417 Applications for instruments (other than AOCs and aerial work certificates) made after main commencement time

Subject to this Division, the new Regulations apply in relation to an application for an instrument (other than an AOC or an aerial work certificate) that is made after the main commencement time.

Subdivision 202.EAA.1.14—Other general transitional matters

202.418 Flight training and checking

When this regulation applies

- (1) This regulation applies in relation to a flight by an aircraft if:
- (a) after the main commencement time, a requirement (the *new requirement*) under a provision of these Regulations or an instrument made under, or for the purposes of, these Regulations, applies in relation to the flight; and
 - (b) the new requirement is in relation to a training or checking event (the *new event*) that is:
 - (i) specified in a determination made for the purposes of subregulation (3); and
 - (ii) in relation to a person; and
 - (c) a training or checking event (the *old event*) that is specified in the determination in relation to the new event happened in relation to the person before the main commencement time; and
 - (d) the flight occurs:
 - (i) after the main commencement time; and
 - (ii) before the time (if any) specified in the determination in relation to the new event.

New event taken to have happened

- (2) After the main commencement time, for the purposes of these Regulations or an instrument made under, or for the purposes of, these Regulations, the new event is taken to have happened in relation to the person.

Determination

- (3) CASA may make a written determination for the purposes of this regulation.

Note: A determination made under this subregulation is a legislative instrument: see subsection 98(5AA) of the Act.

Training or checking events

- (4) In this regulation, a **training or checking event** includes any of the following:
- (a) satisfactory completion of training or education (however described);
 - (b) successful completion of a check, a test, a flight review or an assessment of competency (however described);
 - (c) obtaining a qualification or certificate;
 - (d) completing experience;
 - (e) completing a flight or series of flights;
 - (f) successfully participating in a training and checking system (however described).

202.418A Flights in progress

If a flight of an aircraft begins before the main commencement time but has not ended by that time, then, despite the amending Regulations, the old Regulations continue to apply in relation to the flight.

202.418B Manuals of Standards may deal with other transitional matters

For the avoidance of doubt, a Manual of Standards made for a Part under these Regulations may provide for matters of a transitional nature (including prescribing any saving or application provisions) relating to a provision of the Manual of Standards.

Note: If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency: see regulation 1.008.

Subdivision 202.EAA.1.15—Miscellaneous transitional provisions

202.419 Statistical returns

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, a person was directed to give information under subregulation 132(1) of the old CAR in relation to an aircraft; and
 - (b) the direction is an eligible instrument; and
 - (c) the direction is in force immediately before the main commencement time; and
 - (d) as at the main commencement time, the direction has not been complied with.

Note: For the definition of **eligible instrument**, see 202.405A.

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Direction continues to have effect

- (2) The direction continues to have effect, after the main commencement time, as if the direction had been given by CASA under regulation 117.020 in relation to the aircraft.
- (3) For the purposes of subregulation 117.020(4), the person must comply with the direction within 60 days after the main commencement time.

202.419A Reports

- (1) If:
 - (a) before the main commencement time, a person was required (the *old requirement*) to give a traffic report under subregulation 132(2) of the old CAR; and
 - (b) as at the main commencement time, the old requirement has not been complied with;then, after the main commencement time, the person is taken to have been given a direction under regulation 117.025 to prepare and provide a traffic report.
- (2) For the purposes of subregulation 117.025(4), the person must comply with the direction within 60 days after the main commencement time.

202.419B Protection of information

Regulation 117.030 applies in relation to disclosures of information in accordance with regulations 117.020 and 117.025 (including those provisions as applied by regulations 202.419 and 202.419A) that happen after the main commencement time (whether the information was obtained or disclosed before or after the main commencement time).

202.419C Special flight permits

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, CASA or an authorised person has:
 - (i) issued a special flight permit for an aircraft under regulation 21.197; and
 - (ii) directed that all or any of paragraphs 133(1)(a), (c) and (d) and regulation 139 of the old CAR do not apply to the aircraft; and
 - (b) the permit and the direction are in force immediately before the main commencement time.

Effect of regulations

- (2) These Regulations have effect, after the main commencement time, as if:
 - (a) a reference in the direction to paragraph 133(1)(a) of the old CAR were instead a reference to paragraph 91.145(2)(c); and

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- (b) a reference in the direction to paragraph 133(1)(c) of the old CAR were instead a reference to paragraph 91.145(2)(d); and
- (c) a reference in the direction to regulation 139 of the old CAR were instead a reference to Division 91.C.3.

202.419D Special flight authorisations

- (1) If:
 - (a) before the main commencement time, a special flight authorisation (the *old authorisation*) for the operation of an aircraft had been issued under regulation 135A of the old CAR; and
 - (b) the old authorisation is in force immediately before the main commencement time;then, after the main commencement time, a special flight authorisation (the *new authorisation*) is taken to be in force in relation to the aircraft under regulation 91.970 for flight of the aircraft in Australian territory.
- (2) For the purposes of paragraph 91.970(3)(c), the new authorisation is taken to have been granted on the condition that any terms or conditions of the old authorisation are complied with.
- (3) The new authorisation ceases:
 - (a) if the old authorisation specifies a day on which the old authorisation ceases to be in force—on that day; or
 - (b) otherwise—the second anniversary of the day the old authorisation was given that occurs after the main commencement time.

202.419E Foreign state aircraft

When this regulation applies

- (1) This regulation applies in relation to a flight in Australian territory by a state aircraft of a foreign country that occurs after the main commencement time if:
 - (a) before the main commencement time, CASA had given permission or an invitation (the *old permission*) for the flight under regulation 136 of the old CAR; and
 - (b) the old permission is an eligible instrument; and
 - (c) the old permission is in force immediately before the main commencement time.

Note: For the definition of *eligible instrument*, see 202.405A.

Approval taken to be granted

- (2) For the purposes of subregulation 91.975(1), after the main commencement time, the operator of the aircraft is taken to have been granted an approval under regulation 91.045 for the flight.

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.419F

- (3) For the purposes of regulation 11.056, the approval is taken to have been granted on the condition that any terms or conditions of the old permission are complied with.
- (4) Subregulation 11.056(2) does not apply in relation to the approval.
- (5) The approval ceases:
 - (a) if the old permission specifies a day on which the old permission ceases to be in force—on that day; or
 - (b) otherwise—the second anniversary of the day the old permission was given that occurs after the main commencement time.

202.419F Discharge of firearms in aircraft

When this regulation applies

- (1) This regulation applies in relation to a flight of an aircraft involved in an aerial work operation that occurs after the main commencement time if:
 - (a) before the main commencement time, CASA had given permission (the **old permission**) under subregulation 144(3) of the old CAR for a person to discharge a firearm while on an aircraft involved in an aerial work operation; and
 - (b) the old permission is an eligible instrument; and
 - (c) the old permission is in force immediately before the main commencement time.

Note: For the definition of **eligible instrument**, see 202.405A.

Person taken to be authorised to discharge firearm

- (2) For the purposes of subregulation 91.165(2), after the main commencement time, the person is taken to have been granted an authorisation (the **new authorisation**) to discharge the firearm while on the aircraft.

Terms of authorisation

- (3) For the purposes of regulation 11.056, the new authorisation is taken to have been granted on the condition that any terms or conditions of the old permission are complied with.
- (4) Subregulation 11.056(2) (conditions to be set out) does not apply in relation to the new authorisation.
- (5) The new authorisation ceases at the earlier of the following:
 - (a) the day (if any) specified in the old permission as the day on which the old permission ceases to be in force;
 - (b) the second anniversary of the day the old permission was given that occurs after the main commencement time.

Exemption for operator and pilot taken to be granted

- (6) Subregulations (7) to (10) apply if the operator and the pilot in command of the aircraft for the flight are subject to a requirement (the **new requirement**) under a provision prescribed by the Part 138 Manual of Standards for the purposes of paragraph 138.432(2)(b) in relation to the discharge of a firearm while on the aircraft.
- (7) For the purposes of regulation 138.432, after the main commencement time, the operator and the pilot in command of the aircraft for the flight are each taken to have been granted an exemption (the **new exemption**) under Division 11.F.1 from the new requirement in relation to the flight.

Terms of exemption

- (8) For the purposes of regulation 11.205, the new exemption is taken to have been granted on the condition that any terms or conditions of the old permission are complied with.
- (9) The new exemption ceases at the earliest of the following:
 - (a) the day (if any) specified in the old permission as the day on which the old permission ceases to be in force;
 - (b) the second anniversary of the day the old permission was given that occurs after the main commencement time;
 - (c) if the operator of the aircraft is the holder of an aerial work certificate and the old permission applies in relation to the operations authorised by the aerial work certificate—the day the operator’s aerial work certificate expires.
- (10) Subregulation 11.205(2) (conditions to be set out) and regulations 11.225 (publication of exemption) and 11.230 (when exemptions cease) do not apply in relation to the new exemption.

202.419G Instrument approach and departure procedure*When this regulation applies*

- (1) This regulation applies if:
 - (a) before the main commencement time, CASA had issued a determination (the **old determination**):
 - (i) under paragraph 178(6)(b) of the old CAR in relation to an instrument approach procedure; or
 - (ii) under paragraph 178(6)(c) of the old CAR in relation to an instrument departure procedure; and
 - (b) the old determination is an eligible instrument; and
 - (c) the old determination is in force immediately before the main commencement time.

Note: For the definition of **eligible instrument**, see 202.405A.

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.419H

Determination continues to have effect

- (2) The old determination continues to have effect, after the main commencement time, as if the determination were an instrument (the **new instrument**):
 - (a) if subparagraph (1)(a)(i) applies—issued under regulation 201.025 for the purposes of subparagraph (a)(ii) of the definition of **authorised instrument approach procedure** in Part 1 of the Dictionary; or
 - (b) if subparagraph (1)(a)(ii) applies—issued under regulation 201.025 for the purposes of subparagraph (a)(ii) of the definition of **authorised instrument departure procedure** in Part 1 of the Dictionary.
- (3) The new instrument ceases to be in force at the earlier of the following:
 - (a) the day (if any) specified in the old determination as the day on which the old determination ceases to be in force;
 - (b) the second anniversary of the day the old determination was issued that occurs after the main commencement time.

202.419H Existing RVSM approvals

When this regulation applies

- (1) This regulation applies in relation to an operator of an aircraft if:
 - (a) the operator held an RVSM operational approval (the **old operational approval**) under regulation 181M of the old CAR; and
 - (b) the old operational approval covers the aircraft; and
 - (c) the old operational approval is in force immediately before the main commencement time; and
 - (d) an RVSM airworthiness approval (the **old airworthiness approval**) under regulation 181G of the old CAR is in force for the aircraft immediately before the main commencement time.

Approval taken to be granted

- (2) For the purposes of regulation 91.655, the operator of the aircraft is taken, after the main commencement time, to hold an approval (the **new approval**) under regulation 91.045 for the aircraft to be flown in RVSM airspace.
- (3) The new approval ceases to have effect at the earliest of the following:
 - (a) the day (if any) specified in the old operational approval as the day on which the old operational approval ceases to be in force;
 - (b) the day (if any) specified in the old airworthiness approval as the day on which the old airworthiness approval ceases to be in force;
 - (c) the second anniversary of the day the old operational approval was given that occurs after the main commencement time;
 - (d) the second anniversary of the day the old airworthiness approval was given that occurs after the main commencement time;
 - (e) if the operator is the holder of an AOC—the day the operator’s AOC expires;

-
- (f) if the operator is the holder of an aerial work certificate—the day the operator’s aerial work certificate expires.

202.419J Applications for RVSM operational approval

When this regulation applies

- (1) This regulation applies in relation to an operator of an aircraft if:
- (a) before the main commencement time, the operator applied for a RVSM operational approval under regulation 181L of the old CAR; and
 - (b) as at the main commencement time, the application has not been finally determined; and
 - (c) the requirements in paragraphs 181M(1)(a) to (c) of the old CAR would have been satisfied in relation to the aircraft (assuming that regulation 181M had not been repealed by the amending Regulations).

Application taken to be made

- (2) At the main commencement time, the application is taken to have been made under regulation 91.045 for the aircraft to be flown in RVSM airspace for the purposes of subparagraph 91.655(2)(a)(i).

202.419K Operations manuals

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, CASA had given a direction under subregulation 215(3) of the old CAR in relation to an operator’s operations manual; and
 - (b) the direction is an eligible instrument; and
 - (c) the direction is in force immediately before the main commencement time.

Note: For the definition of *eligible instrument*, see 202.405A.

Direction continues to have effect

- (2) The direction continues to have effect, after the main commencement time:
- (a) in relation to an operator that is an Australian air transport operator—as if the direction had been given by CASA under subregulation 119.105(1) in relation to the operator’s exposition; and
 - (b) in relation to an operator that is an aerial work operator—as if the direction had been given by CASA under subregulation 138.068(1) in relation to the operator’s operations manual; and
 - (c) in relation to an operator that is a balloon transport operator—as if the direction had been given by CASA under subregulation 131.115(1) in relation to the operator’s exposition.
- (3) The direction ceases to be in force:

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.419L

- (a) in relation to an operator that is an Australian air transport operator—on the day the operator’s AOC expires; and
- (b) in relation to an operator that is an aerial work operator—on the day the operator’s aerial work certificate expires; and
- (c) in relation to an operator that is balloon transport operator—on the day the operator’s AOC expires.

202.419L Fuel records

When this regulation applies

- (1) This regulation applies in relation to a record that was required to be maintained under regulation 220 of the old CAR immediately before the main commencement time.

Old CAR continues to apply

- (2) Despite the repeal of regulation 220 of the old CAR by the amending Regulations, that regulation as in force immediately before the main commencement time continues to apply in relation to the record for a period of 6 months beginning immediately after the main commencement time.

202.419M Light sport aircraft

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, for the purposes of subregulation 262APA(7) of the old CAR, a person was appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of an aircraft; and
 - (b) the appointment is in force immediately before the main commencement time.

Person taken to be authorised person

- (2) For the purposes of subregulation 91.900(4), after the main commencement time the person is taken to be an authorised person.

202.419N Operating requirements for light sport aircraft

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, CASA had determined (the **old determination**) one or more additional operating limitations in relation to an aircraft under subregulation 262APA(4) of the old CAR; and
 - (b) the old determination is an eligible instrument; and

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- (c) the old determination is in force immediately before the main commencement time.

Note: For the definition of *eligible instrument*, see 202.405A.

Effect of determination

- (2) The old determination has effect, after the main commencement time, as if it had been issued as a direction by CASA under subregulation 11.245(1) in relation to the aircraft.
- (3) The direction ceases to be in force at the earlier of the following:
- (a) the day (if any) specified in the old determination as the day on which the old determination ceases to be in force;
 - (b) the second anniversary of the day the old determination was issued that occurs after the main commencement time.
- (4) Subregulation 11.245(2) is taken to be satisfied in relation to the direction.
- (5) Regulation 11.250 (period of effect of direction) does not apply in relation to the direction.

202.419P Reviewable decisions

Despite the amendments of regulation 297A of the old CAR made by the amending Regulations, that regulation, as in force immediately before the main commencement time, continues to apply after the main commencement time in relation to a decision made before the main commencement time.

202.419Q Authorised persons and identity cards

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, a person was appointed (the *old appointment*) under paragraph 6(1)(a) or (b) of the old CAR to be an authorised person in relation to a provision of CAR; and
 - (b) the old appointment is in force immediately before the main commencement time.

Person taken to be authorised person

- (2) For the purposes of these Regulations, after the main commencement time, the person is taken to be an authorised person under regulation 201.001 in relation to:
- (a) if the relevant provision of CAR is in force immediately after the main commencement time—that provision of CAR; or
 - (b) if the relevant provision of CAR is repealed by the amending Regulations—the corresponding new provision (if any).

Note: For the definition of *corresponding new provision*, see 202.405.

Part 202 Transitional

Subpart 202.EAA Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1 Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Regulation 202.419R

- (3) For the purposes of subregulation 201.001(4), a person taken to be an authorised person under subregulation (2) of this regulation is appointed on the conditions of the person's old appointment.
- (4) To avoid doubt, subregulations 201.001(2) and (3) do not apply in relation to a person taken to be an authorised person under subregulation (2) of this regulation.

Identity cards

- (5) If:
 - (a) before the main commencement time, an identity card had been issued under subregulation 6A(1) of the old CAR to an authorised person in relation to one or more provisions (the *old provision*) of CAR; and
 - (b) the identity card was in the possession of the authorised person immediately before the main commencement time;then, for the purposes of these Regulations, after the main commencement time, the identity card is taken:
 - (c) to have been issued to the authorised person under regulation 201.002; and
 - (d) to specify whichever of the following is applicable:
 - (i) if paragraph (2)(a) of this regulation applies—the relevant provision of CAR;
 - (ii) if paragraph (2)(b) of this regulation applies—the relevant corresponding new provision.

Note: For the definition of *corresponding new provision*, see 202.405.

202.419R Applications for certificates of airworthiness

- (1) Despite the amendment of regulation 21.173 by Schedule 1 to the amending Regulations, the owner of an aircraft that is registered with one of the following bodies is eligible, under that regulation, to apply for a certificate of airworthiness for the aircraft:
 - (a) Australian Sport Rotorcraft Association Incorporated;
 - (b) The Gliding Federation of Australia Incorporated;
 - (c) Sports Aviation Federation of Australia Limited;
 - (d) Recreational Aviation Australia Limited.
- (2) This regulation is repealed at the end of 2 December 2024.

202.419S Applications for experimental certificates

- (1) Despite the amendment of regulation 21.192 by Schedule 1 to the amending Regulations, the owner of an aircraft that is registered with one of the following bodies is eligible, under that regulation, to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191:
 - (a) Australian Sport Rotorcraft Association Incorporated;
 - (b) The Gliding Federation of Australia Incorporated;

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- (c) Sports Aviation Federation of Australia Limited;
 - (d) Recreational Aviation Australia Limited.
- (2) This regulation is repealed at the end of 2 December 2024.

Subpart 202.EB—Transitional provisions for Part 91 (General operating and flight rules)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.420 to 202.439 are reserved for use in this Subpart.

Subpart 202.EC—Transitional provisions for Part 92 (Consignment and carriage of dangerous goods by air)

202.440 Approval of certain training courses and instructors

- (1) Subregulations (2) and (3) have effect if the Governor-General has made regulations that will amend CASR to require the approval of:
 - (a) courses of training in relation to dangerous goods; and
 - (b) instructors to give such courses;and those regulations have been registered but have not come into force.
- (2) CASA may approve such a course of training, or such an instructor, for the purposes of CASR as so to be amended.
- (3) Such an approval may be expressed to be for the purposes of a provision of CASR as so to be amended.
- (4) Such an approval given before the amending regulations come into force is not, after those regulations come into force, ineffective only because it was given before those regulations came into force.

Subpart 202.FA—Transitional provisions for Part 101 (Unmanned aircraft and rockets)

Division 202.FA.1—Amendments made by the Civil Aviation Legislation Amendment (Part 101) Regulation 2016

202.455 Definition of *commencement date* for Division 202.FA.1

In this Division:

commencement date means the day on which the *Civil Aviation Legislation Amendment (Part 101) Regulation 2016* commences.

202.460 Transitional—approved areas for UAVs

Applications for approved areas for UAVs—if made but not finally determined before commencement date

- (1) Subregulation (2) applies if, before the commencement date:
 - (a) a person applied for the approval of an area as an area for the operation of UAVs under regulation 101.030; and
 - (b) the application had not been finally determined by CASA.
- (2) The application is taken, on and after the commencement date, to be an application for the approval of an area for the operation of RPA under regulation 101.030.

Approved areas for UAVs immediately before the commencement date

- (3) An approval of an area as an area for the operation of UAVs under regulation 101.030 that was in force immediately before the commencement date is taken, on and after that date, to be an approval of the area as an area for the operation of RPA under regulation 101.030 subject to the same terms and conditions.

202.461 Transitional—UAV controllers

Applications for certification as UAV controller—if made but not finally determined before commencement date

- (1) Subregulation (2) applies if, before the commencement date:
 - (a) a person applied for certification as a UAV controller under regulation 101.290; and
 - (b) the application had not been finally determined by CASA.
- (2) The application is taken, on and after the commencement date, to be an application for a remote pilot licence under regulation 101.290.

Certified UAV controllers

- (3) If, immediately before the commencement date, a person was certified as a UAV controller under regulation 101.295, the certification has effect on and after that date as if it were a remote pilot licence granted under regulation 101.295.
- (4) Any condition to which the certification was subject immediately before the commencement date continues in force as a condition of the licence.

Non-finalised action to vary, suspend or cancel certification of UAV controller

- (5) Action to vary, suspend or cancel the certification of a person as a UAV controller that, immediately before the commencement date, had not been finally determined, is taken to be action to vary, suspend or cancel the person's remote pilot licence.

202.462 Transitional—UAV operators

Applications for certification as UAV operator—if made but not finally determined before commencement date

- (1) Subregulation (2) applies if, before the commencement date:
 - (a) a person applied for certification as a UAV operator under regulation 101.330; and
 - (b) the application had not been finally determined by CASA.
- (2) The application is taken, on and after the commencement date, to be an application for certification as an RPA operator under regulation 101.330.

Certification of UAV operators immediately before commencement date

- (3) The certification of a person as a UAV operator under regulation 101.335 that was in force immediately before the commencement date is taken, on and after that date, to be a certification of the person as an RPA operator under regulation 101.335 subject to the same terms and conditions.

Non-finalised action to vary, suspend or cancel certification of UAV operator

- (4) Action to vary, suspend or cancel the certification of a person as a UAV operator that, immediately before the commencement date, had not been finally determined is taken to be the same action in relation to the certification of the person as an RPA operator.

Division 202.FA.2—Amendments made by Schedule 2 to the Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019

202.463 Definitions for Division 202.FA.2

In this Division:

amending Regulations means the *Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019*.

subsequent amending regulations means the *Civil Aviation Safety Amendment (Parts 47 and 101 No. 2) Regulations 2022*.

202.466 Delayed application—model aircraft

Rules for operating model aircraft

- (3) Subpart 101.G (model aircraft), as in force immediately before the commencement of Schedule 2 to the amending Regulations, continues to apply until immediately before the day the subsequent amending regulations commence.

Note: Schedule 2 to the amending Regulations commences on 1 April 2020 (or a later day): see section 2 of the amending Regulations.

Subpart 202.FC—Transitional provisions for Part 103 (Sport and recreational aviation operations)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.480 to 202.499 are reserved for use in this Subpart.

Subpart 202.FE—Transitional provisions for Part 105 (Parachuting from aircraft)

Division 202.FE.1—Amendments made by the Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019

202.500 Definitions for Division 202.FE.1

In this Division:

amending regulations means the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*.

202.501 Application of Part 105 to parachuting activities

Part 105, as inserted by Schedule 2 to the amending regulations, applies in relation to parachuting activities undertaken on or after 2 December 2021.

**Subpart 202.FJ—Transitional provisions for Part 115
(Operations using sport aviation aircraft for
non-recreational activities)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.520 to 202.539 are reserved for use in this Subpart.

Subpart 202.FL—Transitional provisions for Part 119 (Air operator certification—air transport)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.540 to 202.559 are reserved for use in this Subpart.

Subpart 202.FN—Transitional provisions for Part 121A (Air transport operations—large aeroplanes)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.560 to 202.579 are reserved for use in this Subpart.

Subpart 202.FO—Transitional provisions for Part 121B (Air transport operations—small aeroplanes)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.580 to 202.599 are reserved for use in this Subpart.

**Subpart 202.FR—Transitional provisions for Part 129
(Foreign air transport operators—certification and
operating requirements)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.600 to 202.608 are reserved for use in this Subpart.

Subpart 202.FS—Transitional provisions for Part 132 (Limited category aircraft)

Division 202.FS.1—Amendments made by the Civil Aviation Legislation Amendment (Part 132) Regulation 2016

202.609 Definitions for Division 202.FS.1

In this Division:

commencement time means the commencement of the *Civil Aviation Legislation Amendment (Part 132) Regulation 2016*.

202.610 Warning placards

- (1) This regulation applies to an aircraft for which a limited category certificate was in force immediately before the commencement time.
- (2) A placard that:
 - (a) was fitted to the aircraft before the commencement time; and
 - (b) bears the warning set out in subregulation 262AM(6) of CAR (as in force immediately before the commencement time);is taken, on and after the commencement time, to comply with the Part 132 Manual of Standards.

202.611 Permit indexes assigned by CASA or Australian Warbirds Association Limited

- (1) This regulation applies if, immediately before the commencement time:
 - (a) a limited category certificate for an aircraft was in force or under suspension; and
 - (b) a permit index assigned to the aircraft under regulation 262AM of CAR by CASA or the Australian Warbirds Association Limited was in force.
- (2) The permit index is taken to be the permit index number for the aircraft.
- (3) The permit index number is taken to have been assigned to the aircraft under subregulation 21.176(5).

202.612 Limited category aircraft without permit index

Aircraft with limited category certificates in force

- (1) Subregulation (2) applies if, immediately before the commencement time:
 - (a) a limited category certificate for an aircraft was in force; and
 - (b) there was no permit index in force for the aircraft under regulation 262AM of CAR.

- (2) The administering authority for the aircraft must assign a permit index number to the aircraft in accordance with regulation 132.195.

Aircraft with limited category certificates under suspension

- (3) Subregulation (4) applies if, immediately before the commencement time:
 - (a) a limited category certificate for an aircraft was under suspension; and
 - (b) there was no permit index in force for the aircraft under regulation 262AM of CAR.
- (4) If the suspension is lifted, the administering authority for the aircraft must assign a permit index number to the aircraft in accordance with regulation 132.195.

Note: The administering authority must also reissue the limited category certificate for the aircraft, or an attachment to the certificate, so that the certificate or attachment includes the permit index number: see regulation 132.215.

202.613 Approval of major modifications and repairs

- (1) This regulation applies to an aircraft if, immediately before the commencement time:
 - (a) a limited category certificate was in force for the aircraft; and
 - (b) the certificate included operating historic or ex-military aircraft in adventure style operations as a special purpose operation for the aircraft; and
 - (c) the aircraft has a major modification or repair.
- (2) On and after the commencement time, the major modification or repair is taken to have been approved for the purposes of regulation 132.030.

202.614 Approval to carry more than 6 passengers

- (1) This regulation applies to an aircraft if, immediately before the commencement time, an approval under paragraph 262AM(4)(a) of CAR to carry a greater number of passengers than 6 was in force for the aircraft.
- (2) On and after the commencement time, the approval has effect as if it were an approval granted under regulation 132.035 for the purposes of paragraph 132.050(2)(d).

Subpart 202.FT—Transitional provisions for Part 133 (Air transport and aerial work operations—rotorcraft)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.620 to 202.639 are reserved for use in this Subpart.

**Subpart 202.FV—Transitional provisions for Part 136
(Aerial work operations—other than those covered
by Parts 133, 137, 138, 141 and 142)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.640 to 202.659 are reserved for use in this Subpart.

**Subpart 202.FW—Transitional provisions for Part 137
(Aerial agriculture operations—other than
rotorcraft)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.660 to 202.679 are reserved for use in this Subpart.

Subpart 202.FX—Transitional provisions for Part 138 (Search and rescue operations)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.680 to 202.699 are reserved for use in this Subpart.

Subpart 202.FY—Transitional provisions for Part 139 (Aerodromes)

Division 202.FY.1—Amendments made by the Civil Aviation Safety Amendment (Part 139) Regulations 2019

202.700 Definitions for this Division

In this Division:

certificate transition period: see subregulation 202.702(10).

commencement time means the time the *Civil Aviation Safety Amendment (Part 139) Regulations 2019* commence.

Note: The *Civil Aviation Safety Amendment (Part 139) Regulations 2019* commence on 13 August 2020.

end time, for a transitional instrument: see subregulation 202.704(3).

new manual: see subregulation 202.702(5).

new manual day: see subregulation 202.702(6).

new Part 139 Manual of Standards means the Part 139 Manual of Standards.

Note: For the *Part 139 Manual of Standards*, see the Dictionary.

new Part 139 Regulations means these Regulations as amended by the *Civil Aviation Safety Amendment (Part 139) Regulations 2019*.

Note: The *Civil Aviation Safety Amendment (Part 139) Regulations 2019* amended these Regulations to repeal Subparts 139.A to 139.F of Part 139 and substitute new Subparts 139.A to 139.E.

old Part 139 Manual of Standards means the *Manual of Standards Part 139—Aerodromes*, as in force immediately before the commencement time.

old Part 139 Regulations means these Regulations as in force immediately before the commencement time.

Note: These Regulations as so in force included Part 139 as in force immediately before the commencement time.

transitional aerodrome certificate: see subregulation 202.701(1).

transitional instrument: see subregulation 202.704(1).

202.701 Transitional aerodrome certificates

What is a transitional aerodrome certificate?

- (1) Each of the following is a **transitional aerodrome certificate**:

- (a) an aerodrome certificate continued in force under subregulation (2);
- (b) an aerodrome certificate granted as mentioned in paragraph (3)(b);
- (c) an aerodrome certificate taken to have been granted as mentioned in subregulation (4);
- (d) an aerodrome certificate granted under paragraph (5)(b).

Certified aerodromes

- (2) If, immediately before the commencement time, the operator of an aerodrome was the holder of an aerodrome certificate for the aerodrome, the certificate continues in force as if it had been granted to the operator under regulation 139.030 of the new Part 139 Regulations, subject to regulation 202.702.
- (3) If, before the commencement time, a person had made an application in accordance with regulation 139.045 of the old Part 139 Regulations for an aerodrome certificate, but CASA had not made a decision on the application immediately before that time:
 - (a) Subpart 139.B of the old Part 139 Regulations, and the old Part 139 Manual of Standards, continue to apply in relation to the application and CASA's decision on the application; and
 - (b) CASA may grant an aerodrome certificate for the aerodrome to the person accordingly under regulation 139.050 of the old Part 139 Regulations; and
 - (c) an aerodrome certificate granted to the person as mentioned in paragraph (b) has effect as if it had been granted under regulation 139.030 of the new Part 139 Regulations, subject to regulation 202.702.

Registered aerodromes

- (4) If, immediately before the commencement time, a registration under regulation 139.265 of the old Part 139 Regulations was in force for an aerodrome, an aerodrome certificate for the aerodrome is taken to have been granted to the operator of the aerodrome under regulation 139.030 of the new Part 139 Regulations, subject to regulation 202.702.
- (5) If, before the commencement time, a person had made an application in accordance with regulation 139.260 of the old Part 139 Regulations for the registration of an aerodrome, but CASA had not made a decision on the application immediately before that time:
 - (a) Subpart 139.C of the old Part 139 Regulations, and the old Part 139 Manual of Standards, continue to apply in relation to CASA's consideration of the application; and
 - (b) if CASA is satisfied that the application is in accordance with the old Part 139 Regulations, CASA must grant an aerodrome certificate for the aerodrome to the applicant; and
 - (c) an aerodrome certificate granted under paragraph (b) has effect as if it had been granted under regulation 139.030 of the new Part 139 Regulations, subject to regulation 202.702.

202.702 Transitional aerodrome certificates—effect

Scope

- (1) This regulation applies in relation to an aerodrome while a transitional aerodrome certificate is in force for the aerodrome (see regulation 202.701).

Application of the Regulations

- (2) During the certificate transition period for the aerodrome:
 - (a) the transitional aerodrome certificate has effect for the aerodrome, unless it is sooner suspended or cancelled, and subject otherwise to the new Part 139 Regulations; and
 - (b) the new Part 139 Regulations apply in relation to the aerodrome as if the certificate had been granted to the operator of the aerodrome under regulation 139.030 of the new Part 139 Regulations (subject to subregulations (3) and (4) of this regulation); and
 - (c) in the case of a transitional aerodrome certificate mentioned in paragraph 202.701(1)(a)—any conditions applying to the certificate immediately before the commencement time continue to apply in relation to the certificate, subject to the new Part 139 Regulations.
- (3) In the case of a transitional aerodrome certificate mentioned in paragraph 202.701(1)(a) or (b), during the certificate transition period:
 - (a) Division 139.B.2 of the old Part 139 Regulations applies to the operator of the aerodrome; and
 - (b) Division 139.C.1 of the new Part 139 Regulations does not apply to the operator of the aerodrome; and
 - (c) a reference in the new Part 139 Regulations to a provision of Division 139.C.1 (which includes regulations 139.045 to 139.060) is taken to be a reference to the corresponding provision of Division 139.B.2 of the old Part 139 Regulations.

Note: Those Divisions deal with requirements in relation to aerodrome manuals for certified aerodromes.

- (4) In the case of a transitional aerodrome certificate mentioned in paragraph 202.701(1)(c) or (d), during the certificate transition period the following provisions of the new Part 139 Regulations do not apply to the operator of the aerodrome:
 - (a) paragraph 139.035(1)(b);
 - (b) Division 139.C.1.

New aerodrome certificate—requirement for new manual

- (5) The operator of the aerodrome may give CASA a proposed new aerodrome manual (a **new manual**) for the aerodrome prepared for the purpose of compliance with the requirements mentioned in regulation 139.045 of the new Part 139 Regulations before the new manual day for the aerodrome.

- (6) The ***new manual day***, for the aerodrome, is:
- (a) in the case of an aerodrome for which a transitional aerodrome certificate mentioned in paragraph 202.701(1)(a) or (b) is in force—13 May 2021; or
 - (b) in the case of an aerodrome for which a transitional aerodrome certificate mentioned in paragraph 202.701(1)(c) or (d) is in force—13 May 2022.
- (7) If the operator of the aerodrome gives CASA a new manual under subregulation (5), CASA must:
- (a) if the new manual complies with the requirements mentioned in regulation 139.045 of the new Part 139 Regulations—grant a new aerodrome certificate to the operator; or
 - (b) in any other case—refuse to grant a new aerodrome certificate to the operator.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to grant a new aerodrome certificate; or
 - (b) a decision imposing a condition on a new aerodrome certificate.
- (8) Without limiting the application of any other provisions of Part 11, the following provisions of Part 11 apply (or do not apply) as follows in relation to the decision under subregulation (7) to grant, or to refuse to grant, a new aerodrome certificate to the operator of an aerodrome:
- (a) Subpart 11.B (applications for authorisations) does not apply;
 - (b) regulation 11.055 (grant of authorisation) does not apply;
 - (c) regulation 11.056 (authorisation may be granted subject to conditions) applies;
 - (d) regulation 11.060 (notice of decision) applies as if the operator, by giving the new manual to CASA, had made an application for an aerodrome certificate under the new Part 139 Regulations;
 - (e) regulation 11.065 (when authorisation comes into effect) applies;
 - (f) regulations 11.067 to 11.077 (provisions relating to conditions) apply;
 - (g) regulation 11.080 (authorisations not transferable) applies.
- (9) A decision to refuse to grant a new aerodrome certificate to a person under paragraph (7)(b) comes into effect when the time for making an application for review by the Administrative Appeals Tribunal of the decision has elapsed, subject to any order of the Tribunal or of a court staying the effect of the decision.

Note: An application for review of a decision by the Administrative Appeals Tribunal must generally be made within 28 days after the applicant is notified of the decision (see section 29 of the *Administrative Appeals Tribunal Act 1975*). For stay orders by the Tribunal, see section 41 of that Act.

Certificate transition period

- (10) The ***certificate transition period***, in relation to a transitional aerodrome certificate, is the period starting at the commencement time or when it was granted or taken to have been granted (whichever is later), and ending:

- (a) if the operator of the aerodrome fails to give CASA a new manual before the end of the new manual day—at the end of the new manual day; or
- (b) if CASA grants a new aerodrome certificate to the operator under paragraph (7)(a)—when the certificate comes into effect (see regulation 11.065); or
- (c) if CASA makes a decision, under paragraph (7)(b), to refuse to grant a new aerodrome certificate to the operator—when the decision comes into effect (see subregulation (9)); or
- (d) if CASA cancels the certificate before the occurrence of any of the events mentioned in paragraphs (a) to (c)—when the cancellation comes into effect.

202.703 Certified air/ground radio services and operators

Air/ground radio services

- (1) If, immediately before the commencement time, a certification of an air/ground radio service was in force for an aerodrome for the purposes of Division 139.F.3 of the old Part 139 Regulations then, at and after that time:
 - (a) the operator of the aerodrome is taken to hold an approval granted for the purposes of regulation 139.155 of the new Part 139 Regulations for that service:
 - (i) subject to any conditions in force for the certification immediately before the commencement time; and
 - (ii) for the period (if any) during which the certification would otherwise have remained in force, unless the approval taken to be held is sooner suspended or cancelled; and
 - (iii) subject otherwise to the new Part 139 Regulations; and
 - (b) the new Part 139 Regulations otherwise apply in relation to the service.
- (2) If, before the commencement time, a person had made a request to CASA in accordance with regulation 139.410 of the old Part 139 Regulations for the certification of an air/ground radio service, but CASA had not made a decision on the request immediately before that time:
 - (a) Division 139.F.3 of the old Part 139 Regulations, and the old Part 139 Manual of Standards, continue to apply in relation to the request and CASA's decision on the request; and
 - (b) CASA may certify the service accordingly under regulation 139.410 of the old Part 139 Regulations; and
 - (c) such a certification has effect as if it were an approval granted for the purposes of regulation 139.155 of the new Part 139 Regulations; and
 - (d) the new Part 139 Regulations otherwise apply in relation to the service.

Operators of air/ground radio services

- (3) If, immediately before the commencement time, a certification of a person as the operator of an air/ground radio service was in force for an aerodrome for the

purposes of Division 139.F.3 of the old Part 139 Regulations then, at and after that time:

- (a) the operator of the service is taken to hold an approval granted for the purposes of regulation 139.160 of the new Part 139 Regulations to operate the service:
 - (i) subject to any conditions in force for the certification immediately before the commencement time; and
 - (ii) for the period (if any) during which the certification would otherwise have remained in force, unless the approval taken to be held is sooner suspended or cancelled; and
 - (iii) subject otherwise to the new Part 139 Regulations; and
 - (b) the new Part 139 Regulations otherwise apply in relation to the approval.
- (4) If, before the commencement time, a person had made an application to CASA in accordance with regulation 139.430 of the old Part 139 Regulations for certification as the operator of an air/ground radio service for an aerodrome, but CASA had not made a decision on the application immediately before that time:
- (a) CASA must (subject to regulation 11.055) grant an approval to the applicant under regulation 139.010 of the new Part 139 Regulations for the purposes of regulation 139.160 of the new Part 139 Regulations, if CASA is satisfied that the person meets the requirements for operating a certified air/ground radio service prescribed by the new Part 139 Manual of Standards as in force immediately after the commencement time; and
 - (b) subregulation 11.055(1B) applies to the granting of the approval.
- (5) At and after the commencement time, a person who holds, or who is, under this regulation, taken to hold, an approval granted for the purposes of regulation 139.160 of the new Part 139 Regulations to operate an air/ground radio service for an aerodrome is taken also to be approved for the purposes of paragraph 120(1)(b) of CAR (weather reports not to be used if not made with authority).

202.704 Transitional authorisations

Scope

- (1) This regulation applies if:
- (a) an instrument (the ***transitional instrument***) was made under these Regulations for the purposes of Part 139 or the old Part 139 Manual of Standards, or under the old Part 139 Manual of Standards, before the commencement time; and
 - (b) the transitional instrument was in force immediately before the commencement time, or is expressed to commence at a later time; and
 - (c) the transitional instrument would (apart from the amendments made by Schedule 1 to the *Civil Aviation Safety Amendment (Part 139) Regulations 2019*, and the repeal of the old Part 139 Manual of Standards) have had the effect, on or after the commencement time, of authorising or allowing a person, in particular circumstances, to do a thing in relation to

an aerodrome that the person would not otherwise have been authorised or allowed to do because of Part 139 of the old Part 139 Regulations or the old Part 139 Manual of Standards.

Example: *CASA EX128/19—Approved VASIS (Charter Operations—Relevant Runway Ends for Certified Aerodromes) Exemption 2019*. This transitional instrument was made under regulation 11.160, and exempted the aerodrome operators of certified aerodromes from compliance with subregulation 139.190(1) of the old Part 139 Regulations in relation to runway ends in particular specified circumstances. Immediately before the commencement time, the instrument had the effect that such operators were allowed not to provide an approved visual approach slope indicator system (VASIS) for runway ends in those circumstances.

Authorisation

- (2) On and after the commencement time, or the time the transitional instrument is expressed to commence, whichever is later, until the end time for the transitional instrument, the person is authorised or allowed to do that thing in those circumstances:
 - (a) despite any provision to the contrary in the new Part 139 Regulations or the new Part 139 Manual of Standards; but
 - (b) subject to any conditions provided in the transitional instrument.
- (3) The **end time** for a transitional instrument is the earliest of the following times:
 - (a) if the instrument is, by its own terms, expressed to be repealed, or to cease to have effect, at a particular time—that time;
 - (b) if paragraph (a) does not apply—the end of 31 December 2021;
 - (c) in any case:
 - (i) if the instrument is repealed—the time the repeal takes effect; or
 - (ii) if the instrument cannot be repealed because it lapsed at the commencement time—a time determined for the instrument by a determination under subregulation (4).
- (4) CASA may, by legislative instrument, determine a time for an instrument for the purposes of subparagraph (3)(c)(ii).
- (5) This regulation does not apply to an instrument that is:
 - (a) an aerodrome certificate; or
 - (b) a certification of an air/ground radio service; or
 - (c) a certification of a person as the operator of an air/ground radio service.

Subpart 202.FYH—Transitional provisions for Subpart 139.H (Aerodrome rescue and fire fighting services)

202.710 Manual of Standards for Subpart 139.H

- (1) A document called ‘Manual of Standards (MOS) – Subpart 139.H’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 139.712.
- (2) The procedures in regulations 139.712A, 139.712B and 139.712C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

**Subpart 202.GA—Transitional provisions for Part 141
(Recreational, private and commercial pilot flight
training, other than certain integrated training
courses)**

**Subpart 202.GB—Transitional provisions for Part 142
(Integrated and multi-crew pilot flight training,
contracted training and contracted checking)**

Subpart 202.GC—Transitional provisions for Part 143 (Air traffic services training providers)

202.760 Manual of Standards for Part 143

- (1) A document called ‘Manual of Standards (MOS) – Part 143’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 143.017.
- (2) The procedures in regulations 143.017A, 143.017B and 143.017C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

Subpart 202.GD—Transitional provisions for Part 144 (Product distribution organisations)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.780 to 202.799 are reserved for use in this Subpart.

**Subpart 202.GE—Transitional provisions for Part 145
(Continuing airworthiness—Part 145 approved
maintenance organisations)**

**Division 202.GE.1—Amendments made by the Civil Aviation and
Civil Aviation Safety Amendment Regulations 2010 (No. 1)**

202.800 CASA may direct making of applications under regulation 145.025

- (1) CASA may direct the holder of a certificate of approval that covers maintenance of an aircraft or aeronautical product to which Part 42 applies to make an application under regulation 145.025 for approval as a Part 145 organisation.
- (2) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (3) The holder of the certificate must comply with the direction within the time specified in the direction.

Note: CASA intends to give directions under this regulation to assist it in managing the implementation of Part 145.

**Division 202.GE.2—Amendments made by the Civil Aviation
Legislation Amendment (Maintenance and Other Matters)
Regulation 2013**

**Subdivision 202.GE.2.1—Part 145 organisations undertaking CAR
maintenance activities—general**

**202.801 Interpretation for Division 202.GE.2—Part 145 references to
maintenance services taken to include references to CAR
maintenance activities**

For this Division:

- (a) the references in paragraphs (b) and (c) of the definition of *accountable manager* in subregulation 145.010(1) to providing maintenance services are taken to include references to undertaking CAR maintenance activities; and
- (b) the reference in paragraph 145.010(2)(d) to the maintenance services provided by an organisation is taken to include a reference to the CAR maintenance activities undertaken by the organisation; and
- (c) the reference in paragraph 145.010(2)(f) to the maintenance services that an organisation is approved to provide is taken to include a reference to the CAR maintenance activities that the organisation is approved to undertake.

202.802 Interpretation for Division 202.GE.2—Part 145 definition of *approval rating*

For this Division, the definition of *approval rating* in subregulation 145.010(1) is taken to include a rating for a kind of aircraft, aircraft component or aircraft material specified in the Part 145 Manual of Standards in relation to CAR maintenance activities.

202.803 Interpretation for Division 202.GE.2—Part 145 definition of *significant change*

For this Division, the definition of *significant change* in subregulation 145.010(2) is taken to include the following:

- (a) a change to the CAR maintenance activities undertaken by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
- (b) a change to the organisation's facilities, equipment, tools, materials, procedures or employees that could adversely affect the organisation's ability to undertake the CAR maintenance activities that it is approved to undertake;
- (c) a change to the organisation's system of certification of completion of maintenance.

202.804 Part 145 Manual of Standards—additional matters for CAR maintenance activities

A Manual of Standards issued under regulation 145.015 may specify the following matters in relation to CAR maintenance activities:

- (a) ratings for kinds of aircraft, aircraft components and aircraft materials;
- (b) requirements for a Part 145 organisation's exposition;
- (c) the privileges that apply to an approval rating;
- (d) requirements for undertaking CAR maintenance activities, including requirements in relation to the following:
 - (i) a system of certification of completion of maintenance;
 - (ii) aircraft, aircraft components and aircraft materials;
 - (iii) defects;
 - (iv) writing procedures for meeting the requirements of Parts 4, 4A and 4B of CAR.

Subdivision 202.GE.2.2—Part 145 organisations undertaking CAR maintenance activities—approval of organisations

202.805 Applying for approval

- (1) An application under regulation 145.025 may cover the undertaking of CAR maintenance activities.
- (2) If the application covers the undertaking of CAR maintenance activities, the application must include the approval rating sought by the applicant for each kind of aircraft, aircraft component or aircraft material for which the applicant proposes to undertake CAR maintenance activities.

202.806 Issuing approval

- (1) If the application covers the undertaking of CAR maintenance activities, CASA must approve the applicant as a Part 145 organisation only if CASA is satisfied that:
 - (a) the applicant has an exposition that complies with the requirements specified in the Part 145 Manual of Standards relating to CAR maintenance activities; and
 - (b) the applicant has facilities, equipment, materials, approved maintenance data and tools that are suitable for undertaking CAR maintenance activities for the kinds of aircraft, aircraft components and aircraft materials for which the applicant proposes to undertake CAR maintenance activities; and
 - (c) the facilities, equipment, materials, approved maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 145 Manual of Standards.
- (2) If CASA decides to approve the applicant as a Part 145 organisation, CASA must determine:

- (a) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the applicant is approved to undertake CAR maintenance activities; and
- (b) any limitations applying to an approval rating mentioned in paragraph (a).

202.807 Approval certificate

If CASA approves the applicant as a Part 145 organisation, the certificate issued under regulation 145.035 must include the approval rating for each kind of aircraft, aircraft component or aircraft material for which the applicant is approved to undertake CAR maintenance activities.

202.808 Privileges for Part 145 organisations

A Part 145 organisation may undertake the CAR maintenance activities that it is approved to undertake.

202.809 Approval subject to conditions

It is a condition of approval of a Part 145 organisation that is approved to undertake CAR maintenance activities that:

- (a) the organisation must, at all times, comply with the requirements of the following in relation to CAR maintenance activities it undertakes:
 - (i) its exposition;
 - (ii) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the organisation is approved to undertake CAR maintenance activities;
 - (iii) any limitations applying to an approval rating mentioned in subparagraph (ii);
 - (iv) Parts 4, 4A and 4B of CAR; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a) in relation to CAR maintenance activities the organisation undertakes.

Subdivision 202.GE.2.3—Part 145 organisations undertaking CAR maintenance activities—offence

202.810 Undertaking CAR maintenance activities

- (1) A Part 145 organisation commits an offence if it undertakes CAR maintenance activities in contravention of any of the following:
 - (a) its exposition;
 - (b) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the organisation is approved to undertake CAR maintenance activities;
 - (c) any limitations applying to an approval rating mentioned in paragraph (b);

(d) the privileges that apply to the approval rating under the Part 145 Manual of Standards.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Subpart 202.GG—Transitional provisions for Part 147 (Continuing airworthiness—maintenance training organisations)

202.840 Recognised organisations taken to be maintenance training organisations

- (1) This regulation applies to an organisation that, immediately before 27 June 2011, is a recognised organisation within the meaning given by Schedule 1 to the *Civil Aviation Order 100.66 Instrument 2007*.
- (2) On 27 June 2011, the organisation is taken to have applied for, and to meet the requirements mentioned in regulation 147.030 for the grant of, approval as a maintenance training organisation.

202.841 Applications for approval as a recognised organisation made but not finally determined before 27 June 2011

- (1) This regulation applies to a person if:
 - (a) before 27 June 2011, the person made an application for approval as a recognised organisation; and
 - (b) the application was not finally determined by CASA before 27 June 2011.
- (2) On 27 June 2011, the person is taken to have made an application under regulation 147.025 for approval as a maintenance training organisation.

202.842 CASA may direct the making of applications under regulation 147.025

- (1) CASA may direct the holder of a certificate of approval that covers:
 - (a) the training of candidates for examinations mentioned in paragraph 31(4)(e) of CAR, as in force before 27 June 2011; or
 - (b) the conducting of examinations mentioned in paragraph 31(4)(e) of CAR, as in force before 27 June 2011;to make an application under regulation 147.025 for approval as a maintenance training organisation.
- (2) A direction under this regulation must:
 - (a) be in writing; and
 - (b) specify the time within which the direction must be complied with.
- (3) The holder of the certificate must comply with the direction within the time mentioned in the direction.

Note: CASA intends to give directions under this regulation to assist it in managing the implementation of Part 147.

Subpart 202.GI—Transitional provisions for Part 149 (Approved self-administering aviation organisations)

Division 202.GI.1—Amendments made by the Civil Aviation Legislation Amendment (Part 149) Regulations 2018

202.860 Definition of *commencement day* for Division 202.GI.1

In this Division:

commencement day means the day on which the *Civil Aviation Legislation Amendment (Part 149) Regulations 2018* commence.

202.862 Transitional—holders of authorisations from bodies that become ASAOs

- (1) This regulation applies if:
 - (a) a body covered by subregulation (4) is issued with an ASAO certificate on a particular day (the *transition day*) that authorises the body to administer an activity; and
 - (b) immediately before the transition day, a person was the holder of an authorisation (however described) (an *old authorisation*) from the body that authorised the person to undertake the activity.
- (2) The person is taken to be the holder of an authorisation (a *Part 149 authorisation*) in relation to the activity for the purposes of Part 149 during the period:
 - (a) starting on the day the ASAO certificate for the body enters into force; and
 - (b) ending at the earlier of:
 - (i) if the Part 149 authorisation is cancelled—the day the cancellation takes effect; and
 - (ii) the day that is 12 months after the ASAO certificate for the body enters into force.
- (3) The Part 149 authorisation is subject to the same terms and conditions that applied to the old authorisation.
- (4) Each of the following bodies is covered by this subregulation:
 - (a) a sport aviation body (within the meaning of CASR before the commencement day);
 - (b) the Australian Skydiving Association Incorporated.
- (5) This regulation does not, by implication, prevent the Part 149 authorisation from being varied, suspended or revoked after the transition day.

Subpart 202.HA—Transitional provisions for Part 171 (Aeronautical telecommunication service and radionavigation service providers)

202.880 Manual of Standards for Part 171

- (1) A document called ‘Manual of Standards (MOS) – Part 171’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 171.017.
- (2) The procedures in regulations 171.017A, 171.017B and 171.017C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

Subpart 202.HB—Transitional provisions for Part 172 (Air traffic service providers)

202.900 Manual of Standards for Part 172

- (1) A document called ‘Manual of Standards (MOS) – Part 172’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 172.022.
- (2) The procedures in regulations 172.022A, 172.022B and 172.022C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

Subpart 202.HC—Transitional provisions for Part 173 (Instrument flight procedure design)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.920 to 202.939 are reserved for use in this Subpart.

Subpart 202.HD—Transitional provisions for Part 174 (Aviation meteorological services)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.940 to 202.959 are reserved for use in this Subpart.

**Subpart 202.HE—Transitional provisions for Part 175
(Aeronautical information management)**

Subpart 202.HL—Transitional provisions for Part 200 (Exemptions)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.980 to 202.989 are reserved for use in this Subpart.

Subpart 202.HM—Transitional provisions for Part 201 (Miscellaneous)

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.990 to 202.999 are reserved for use in this Subpart.

Dictionary

(regulation 1.4)

Part 1—Definitions

2D instrument approach operation means an instrument approach operation using lateral navigation guidance only.

3D instrument approach operation means an instrument approach operation using lateral and vertical navigation guidance.

ABN (Australian Business Number) has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

accountable manager, of an ASAO, means the individual appointed by the ASAO who is responsible for:

- (a) ensuring that the ASAO and the ASAO's organisation comply with the ASAO's exposition and the civil aviation legislation; and
- (b) ensuring that the ASAO is able to finance, and has adequate resources to perform, the ASAO's approved functions.

accreditation means an accreditation under Division 101.FA.3 authorising the holder to operate excluded RPA and micro RPA.

accreditation holder: see regulation 101.374H.

ACN has the same meaning as in the *Corporations Act 2001*.

Act means the *Civil Aviation Act 1988*.

adequate aerodrome, in relation to a flight of an aeroplane, means an aerodrome that complies with the following:

- (a) an authorised weather forecast for the aerodrome must be available for the aeroplane's estimated time of use of the aerodrome;
- (b) the aerodrome's services and facilities must be operational for at least the estimated time of use;
- (c) the landing distance available for the aeroplane must be at least the landing distance required under these Regulations for the aeroplane's landing at the aerodrome;
- (d) for an IFR flight—at least one authorised instrument approach procedure that is suitable for use by the aeroplane must be operational for at least the estimated time of use.

administering authority, for a limited category aircraft: see regulation 132.010.

adult means a person who has turned 13.

adventure flight, for a limited category aircraft: see regulation 132.015.

adventure flight procedures, for a limited category aircraft: see regulation 132.010.

aerial work certificate means a certificate issued under regulation 138.040.

aerial work operation: see regulation 138.010.

aerial work operator means the holder of an aerial work certificate.

aerial work passenger means a person in a class of persons prescribed by the Part 138 Manual of Standards for the purposes of this definition.

aerobatic manoeuvres, for an aircraft, means manoeuvres of the aircraft that involve:

- (a) bank angles that are greater than 60°; or
- (b) pitch angles that are greater than 45°, or are otherwise abnormal to the aircraft type; or
- (c) abrupt changes of speed, direction, angle of bank or angle of pitch.

aerodrome certificate means a certificate granted under regulation 139.030.

aerodrome control service has the same meaning as in Annex 11 to the Chicago Convention.

aerodrome facilities and equipment means facilities and equipment, inside or outside the boundaries of an aerodrome, that are installed or maintained for use by aircraft operating at the aerodrome.

aerodrome manual, for a certified aerodrome, means the aerodrome manual for the aerodrome required by regulation 139.045.

aerodrome operator means:

- (a) for a certified aerodrome—the person who holds the aerodrome certificate for the aerodrome; or
- (b) otherwise—the person who is responsible for the operation and maintenance of the aerodrome.

aerodrome reference point, in relation to an aerodrome, means the geographical location of the aerodrome:

- (a) determined in accordance with the Part 139 Manual of Standards; or
- (b) specified by a Part 141 operator in its operations manual, or a Part 142 operator in its exposition.

aerodrome traffic has the same meaning as in Annex 11 to the Chicago Convention.

aerodrome works means any construction or maintenance work on or near the movement area of an aerodrome that may create an obstacle or hazard, or restrict the normal take-off and landing of aircraft, at the aerodrome.

aeronautical data has the same meaning as in Annex 15 to the Chicago Convention.

aeronautical data originator means a person who has been given a data product specification under regulation 175.160 that is in force.

aeronautical data processing standards means:

- (a) EUROCAE ED-76; or
- (b) RTCA/DO-200A.

aeronautical fixed service has the same meaning as in Annex 11 to the Chicago Convention.

aeronautical information has the same meaning as in Annex 15 to the Chicago Convention.

Aeronautical Information Publication or ***AIP*** has the same meaning as in the *Air Services Regulations 2019*.

aeronautical radio operator certificate: see regulation 64.010.

aeroplane means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight, but does not include a power-assisted sailplane.

AGL means above ground or water level.

AIP: see ***Aeronautical Information Publication***.

AIP Amendment has the same meaning as in Annex 15 to the Chicago Convention.

AIP responsible person, for an aeronautical data originator, means a person appointed by the originator as an AIP responsible person under regulation 175.445.

AIP Supplement has the same meaning as in Annex 15 to the Chicago Convention.

AIRAC effective date means an AIRAC effective date published in ICAO Document 8126.

airborne collision avoidance system means a system fitted to an aircraft to provide information to its pilot for avoiding collisions with other aircraft.

aircraft engineer licence means any of the following licences granted under regulation 66.025 or 66.026:

- (a) subcategory A1;
- (b) subcategory A2;
- (c) subcategory A3;
- (d) subcategory A4;
- (e) subcategory B1.1;
- (f) subcategory B1.2;
- (g) subcategory B1.3;

- (h) subcategory B1.4;
- (i) category B2;
- (j) category C.

aircraft flight manual instructions, for an aircraft, means the following documents and information provided by the aircraft's manufacturer or issued in accordance with a Part 21 approval:

- (a) the aircraft's flight manual;
- (b) checklists of normal, abnormal and emergency procedures for the aircraft;
- (c) any operating limitation, instructions, markings and placards relating to the aircraft.

aircraft registration identification plate: see regulation 45.010.

aircraft type rating, in relation to flight crew, means a type rating prescribed by a legislative instrument issued under regulation 61.055 or 61.060.

air crew member means a crew member for a flight of an aircraft (other than a flight crew member) who carries out a function during the flight relating to the safety of the operation of the aircraft, or the safety of the use of the aircraft.

air display means organised flying performed before a public gathering, including the following:

- (a) a contest;
- (b) an exhibition of aerobatic manoeuvres;
- (c) flying in formation;
- (d) other aircraft operations associated with the air display.

air/ground radio service means a radio service at an aerodrome that provides information relating to the aerodrome (including relevant air traffic) to aircraft operating in the vicinity of the aerodrome.

air security officer means:

- (a) a protective service officer or special protective service officer of the Australian Federal Police who is directed by the Commissioner to carry out the duties of a position of air security officer; or
- (b) a person who is:
 - (i) employed and trained by a foreign government to travel on aircraft to provide security for aircraft and their passengers and crew (other than a person who is employed to provide exclusive personal protection for 1 or more individuals travelling on an aircraft); and
 - (ii) operating in accordance with an arrangement between the foreign government and the Australian Government.

airship means a powered, lighter-than-air aircraft.

air traffic has the same meaning as in Annex 11 to the Chicago Convention.

air traffic control means Air Traffic Services in its capacity as a provider of air traffic control services.

air traffic control clearance means an authorisation given by a person performing duties in air traffic control for an aircraft to proceed under conditions specified in the authorisation.

air traffic control function means a function described in a paragraph of subregulation 65.075(2).

air traffic control instructions means directions given by a person performing duties in air traffic control for an aircraft to conduct its flight in the manner specified in the directions.

air traffic control service has the same meaning as in Annex 11 to the Chicago Convention.

air traffic service means a service of a kind mentioned in Annex 11, *Air Traffic Services*, to the Chicago Convention, other than a certified air/ground radio service (within the meaning of regulation 139.390) at an aerodrome.

Air Traffic Services:

- (a) in relation to an air traffic service provided in Australian-administered airspace—means:
 - (i) an ATS provider; or
 - (ii) the Defence Force in its capacity as a provider of air traffic services; and
- (b) in relation to an air traffic service provided in airspace that is not Australian-administered airspace—an air traffic service provider authorised by the national aviation authority of the relevant foreign country to provide the air traffic service.

air transport operation: see clause 3 of Part 2 of this Dictionary.

airworthiness directive: see regulation 39.001A.

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

AIS provider means a person who holds a certificate under regulation 175.055.

alternate aerodrome has the same meaning as in Annex 2 to the Chicago Convention.

altitude has the same meaning as in Annex 2 to the Chicago Convention.

amateur-built aircraft means an aircraft described in paragraph 21.191(g).

Amateur Built Aircraft Acceptance, or ***ABAA***, means a document given by CASA or an authorised person as a type approval for an amateur-built aircraft.

amphibian means an aeroplane that is designed to take off from, and land on, either land or water.

AOC: see subsection 3(1) of the Act.

APMA means Australian Parts Manufacturer Approval.

appliance means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communication equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller.

Source FARs section 1.1.

application material: see regulation 137.010.

apply, in relation to application material, has the meaning given by regulation 137.010.

approach control service has the same meaning as in Annex 11 to the Chicago Convention.

approved means approved by CASA.

approved airframe life, for a limited category aircraft: see regulation 132.010.

approved design organisation means a person who holds an approval under regulation 21.243 that is in force.

approved flight simulator has the meaning given by regulation 61.010.

approved form means:

- (a) for an application—the form approved by CASA under subregulation 11.030(3) for the application (if any); and
- (b) for a document other than an application—the form approved by CASA under regulation 11.018 for the document (if any).

approved function, of an ASAO, means an aviation administration function mentioned in the ASAO certificate of the ASAO.

approved maintenance data: see regulation 2A of CAR.

approved maintenance organisation means a Subpart 42.F organisation or a Part 145 organisation.

apron has the same meaning as in Annex 11 to the Chicago Convention.

area control service has the same meaning as in Annex 11 to the Chicago Convention.

ARFFS provider has the meaning given by subregulation 139.705(1).

ARN or **Aviation Reference Number** means the unique identifier assigned to a person by CASA for the purposes of CASA's records.

article manufacturer: see paragraph 21.601(2)(e).

ASAO (short for approved self-administering aviation organisation) means a person who holds an ASAO certificate that is in force.

ASAO certificate means a certificate issued by CASA under regulation 149.075.

ASAO enforcement power means the power to vary, suspend or cancel an authorisation issued by an ASAO other than at the request of the authorisation holder.

AS/NZS: a reference to **AS/NZS** followed by a number and a year is a reference to the Australian/New Zealand Standard of that number, published jointly in that year by, or on behalf of, Standards Australia and Standards New Zealand.

ATC licence means an air traffic controller licence granted under Part 65.

ATSO: see paragraph 21.601(2)(a).

ATSO authorisation: see paragraph 21.601(2)(b).

ATS provider has the meaning given by regulation 172.015.

ATS routes has the same meaning as in Annex 4 to the Chicago Convention.

ATS training provider has the meaning given by regulation 143.015.

Australian-administered airspace has the same meaning as in the *Air Services Act 1995*.

Australian air transport AOC has the meaning given by subregulation 119.015(1).

Australian air transport operation has the meaning given by regulation 119.010.

Australian air transport operator has the meaning given by subregulation 119.015(2).

Australian Civil Aircraft Register means the register established and maintained under regulation 47.025.

Australian nationality mark: see regulation 45.010.

Australian operator means an operator whose principal place of business, or whose place of permanent residence, is in Australian territory.

Australian Parts Manufacturer Approval or **APMA** means an Australian Parts Manufacturer Approval issued under subregulation 21.303(9) or subregulation 21.305A(2).

authorised aeronautical information, for a flight of an aircraft, means the aeronautical maps, charts and other aeronautical information relevant to the route of the flight, and any probable diversionary route, that are published:

- (a) if paragraph (b) does not apply:
 - (i) in the AIP; or
 - (ii) by a data service provider; or
 - (iii) in NOTAMs; or
- (b) for a flight in a foreign country:
 - (i) in the document that in that country is equivalent to the AIP; or

- (ii) by an organisation approved to publish aeronautical information by the national aviation authority of that country.

authorised data service activity, for a data service provider, means a data service activity mentioned in the data service provider's certificate issued under regulation 175.295.

authorised instrument approach procedure means:

- (a) for an aerodrome other than an aerodrome in a foreign country—an instrument approach procedure that is:
 - (i) designed by a certified designer or authorised designer, and published in the AIP or given to CASA under Part 173; or
 - (ii) prescribed by an instrument issued under regulation 201.025 for this paragraph; or
- (b) for an aerodrome in a foreign country—an instrument approach procedure that is authorised by the national aviation authority of the country.

authorised instrument departure procedure means:

- (a) for an aerodrome other than an aerodrome in a foreign country—an instrument departure procedure that is:
 - (i) designed by a certified designer or authorised designer, and published in the AIP or given to CASA under Part 173; or
 - (ii) prescribed by an instrument issued under regulation 201.025 for this paragraph; or
- (b) for an aerodrome in a foreign country—an instrument departure procedure that is authorised by the national aviation authority of the country.

authorised Part 141 flight training: see regulation 141.015.

authorised Part 142 activity: see regulation 142.015.

authorised person means a person who is appointed under regulation 201.001 to be an authorised person in relation to one or more of the following:

- (a) CASR;
- (b) a particular provision of CASR;
- (c) CAR;
- (d) a particular provision of CAR.

authorised release certificate has the meaning given by clause 18 of Part 2 of this Dictionary.

authorised weather forecast means:

- (a) other than in a foreign country—a weather forecast made by the Bureau of Meteorology for aviation purposes; or
- (b) in a foreign country—a weather forecast made by a person or body that holds an authorisation (however described), granted by an authority of the country, to provide weather forecasts for aviation purposes.

authorised weather report means:

- (a) other than in a foreign country—a weather report made by:
 - (i) the Bureau of Meteorology for aviation purposes; or
 - (ii) an individual who holds a certificate from the Bureau of Meteorology to give weather reports for aviation purposes; or
 - (iii) an automatic weather station at an aerodrome that is approved by the Bureau of Meteorology as an automatic weather station for the aerodrome; or
 - (iv) an automatic broadcast service published in the AIP; or
 - (v) an individual who holds a pilot licence; or
 - (vi) a person appointed by an aerodrome operator to make runway visibility assessments under the Part 139 Manual of Standards; or
 - (vii) a person included in a class of persons specified in the AIP for this subparagraph; or
- (b) in a foreign country—a weather report made by a person or body that holds an authorisation (however described), granted by an authority of the country, to provide weather reports for aviation purposes.

aviation administration and enforcement rules means the rules required by regulation 149.290.

aviation administration function means:

- (a) exercising ASAO enforcement powers; or
- (b) a function prescribed by the Part 149 Manual of Standards.

aviation distress signal means any of the signals described in section 1.1, *Distress signals*, of Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention.

aviation English language proficiency assessment: see regulation 61.010.

aviation safety radio frequency means a radio frequency that is published in the AIP or NOTAMs and covered by any of the subparagraphs of paragraph 91.625(1)(a).

balloon means an unpowered, lighter-than-air aircraft.

balloon flight notification requirements: see subregulation 131.345(1).

balloon flight preparation (weather assessments) requirements: see subregulation 131.340(1).

balloon transport AOC: see subregulation 131.015(1).

balloon transport operation: see regulation 131.010.

balloon transport operator: see subregulation 131.015(2).

cabin crew member means a crew member who performs, in the interests of the safety of an aircraft's passengers, duties assigned by the operator or the pilot in command of the aircraft, but is not a flight crew member.

CAR means the *Civil Aviation Regulations 1988*.

CAR certificate of validation means a certificate issued under regulation 5.27 of CAR.

cargo means things other than persons carried, or to be carried, on an aircraft.

cargo transport operation:

- (a) means an operation of an aircraft that involves the carriage of cargo and crew only; but
- (b) does not include the following:
 - (i) an operation conducted for the carriage of the possessions of the operator or the pilot in command for the purpose of business or trade;
 - (ii) a medical transport operation.

carry-on baggage means baggage or personal effects taken into, or to be taken into, the cabin of an aircraft, for carriage on the aircraft, by:

- (a) a person (including a crew member of the aircraft) travelling on the aircraft; or
- (b) a member of the personnel of the operator of the aircraft on behalf of a person mentioned in paragraph (a).

CASR means the *Civil Aviation Safety Regulations 1998*.

category, in relation to the type certification of aircraft, means a grouping of aircraft based upon intended use and operating limitations (for example, transport, normal, utility, acrobatic, limited, restricted and provisional).

Source FARs section 1.1 modified.

certificate of airworthiness means a standard certificate of airworthiness or a special certificate of airworthiness.

certificate of registration means:

- (a) in relation to an aircraft registered under Division 47.C.1—a certificate issued under regulation 47.090; or
- (b) in relation to an aircraft registered under Division 47.C.2—a certificate issued under paragraph 47.098(2)(b).

certificate of release to service means:

- (a) for an aircraft—a document that complies with subregulation 42.760(1); and
- (b) for an aeronautical product—a document that complies with subregulation 42.810(1) or (2).

certificate of validation: see regulation 61.010.

certification basis means:

- (a) for an aircraft, aircraft engine or propeller for which there is a type certificate—the type certification basis for the aircraft, aircraft engine or propeller; and

- (b) for an aircraft, aircraft engine or propeller for which there is a foreign type certificate—the foreign type certification basis for the aircraft, aircraft engine or propeller.

certified aerodrome means an aerodrome in respect of which an aerodrome certificate is in force.

certified air/ground radio service: see subregulation 139.155(4).

certified true copy, of a document, means a copy of the document that one of the following persons has certified in writing to be a true copy of the document:

- (a) a person mentioned in Schedule 2 to the *Statutory Declarations Regulations 1993*;
- (b) a justice of the peace in a foreign country;
- (c) a notary public in a foreign country;
- (d) an employee of a national aviation authority;
- (e) a person to whom a national aviation authority has delegated a power or function.

charged with an offence: see clause 25 of Part 2 of this Dictionary.

checked baggage means baggage or personal effects checked in by a passenger with an operator, or with another person providing a check-in service for an operator, as baggage or personal effects intended for carriage on the aircraft on which the passenger is travelling.

checking means the assessment of proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

child means a person who has turned 2 but has not turned 13.

Civil Air Regulations means the Civil Air Regulations issued by the Administrator of the Federal Aviation Agency of the United States of America, as in force immediately before the commencement of the FARs.

class:

- (a) of aircraft, has the meaning given by regulation 61.020; and
- (b) of aeroplane for Part 64 (Ground operations personnel licensing), has the meaning given by regulation 64.010; and
- (c) in relation to medical certificates—means a class of medical certificate mentioned in regulation 67.145.

Class I product: see paragraph 21.321(2)(a).

Class I provisional certificate of airworthiness means a Class I provisional certificate of airworthiness issued under regulation 21.216.

Class I provisional type certificate means a Class I provisional type certificate issued under regulation 21.076.

Class II product: see paragraph 21.321(2)(b).

Class II provisional certificate of airworthiness means a Class II provisional certificate of airworthiness issued under regulation 21.216.

Class II provisional type certificate means a Class II provisional type certificate issued under regulation 21.076.

Class III product: see paragraph 21.321(2)(c).

Class D external load has the meaning given by the Part 138 Manual of Standards.

class of airspace:

- (a) means a class of airspace designated by Australia or a foreign country in accordance with Annex 11 to the Chicago Convention; and
- (b) in relation to Australian-administered airspace—includes a volume of airspace determined to be a class of airspace under paragraph 5(1)(d) of the *Airspace Regulations 2007*.

cloud ceiling has the same meaning as **ceiling** in Annex 2 to the Chicago Convention.

combination recorder means an item of equipment that combines the functions of a flight data recorder and a cockpit voice recorder.

commercial pilot (balloon) licence means a commercial pilot (balloon) licence issued under Part 5 of CAR.

compartment, of an aircraft, includes the space inside a non-compartmentalised fuselage.

configuration deviation list, for an aircraft, means a document that:

- (a) is prepared by the aircraft's type certificate holder or foreign type certificate holder; and
- (b) is approved by CASA or the national aviation authority that issued the foreign type certificate for the aircraft; and
- (c) lists each external part of the aircraft that is permitted to be missing from the aircraft, under conditions specified in the document, when a flight of the aircraft begins.

constable has the same meaning as in subsection 3(1) of the *Crimes Act 1914*.

contaminated: a runway is **contaminated** if more than 25% of the surface area required for a take-off or landing is covered by any of the following:

- (a) water or slush more than 3 mm deep;
- (b) loose snow more than 20 mm deep;
- (c) compacted snow or ice.

continuing airworthiness management organisation means a person who holds an approval under regulation 42.590 that is in force.

continuing airworthiness management service has the meaning given by subregulation 42.575(1).

Contracting State: see section 3 of the Act.

control area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian-administered airspace—includes a volume of airspace determined to be a control area under paragraph 5(1)(c) of the *Airspace Regulations 2007*.

controlled aerodrome: an aerodrome is a **controlled aerodrome** at a particular time if, at that time, an air traffic control service is provided to aerodrome traffic.

controlled airspace means airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification.

Note: The airspace classification is the classification of airspace as a class of airspace (for example, class A airspace).

control zone:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian-administered airspace—includes a volume of airspace determined to be a control zone under paragraph 5(1)(b) of the *Airspace Regulations 2007*.

convicted of an offence: see clause 35 of Part 2 of this Dictionary.

co-pilot, in relation to an aircraft, means a pilot on board the aircraft in a piloting capacity other than:

- (a) the pilot in command; or
- (b) a pilot who is on board the aircraft for the sole purpose of receiving flight training.

corporation, in Parts 119, 131 and 149, has the meaning given by regulation 11.015.

cost-sharing: a flight is a **cost-sharing** flight if:

- (a) the flight is conducted using an aircraft with a maximum seat configuration of not more than 6, including the pilot's seat; and
- (b) the pilot in command is not remunerated for the flight; and
- (c) the pilot in command pays an amount of the direct costs of the flight that is at least equal to the amount that would be paid by each person if the direct costs were evenly divided between all persons on board; and
- (d) the flight is not advertised to the general public.

Example 1: For paragraph (c), if the direct costs of a flight are \$3,000 and the flight has 5 persons on board, including the pilot, the pilot must pay at least \$600 towards the direct costs.

Example 2: For paragraph (d):

- (a) an advertisement in a daily national newspaper is an advertisement to the general public; and

- (b) an advertisement in a flying club newsletter is not an advertisement to the general public.

crew member: a person is a **crew member** of an aircraft if the person is carried on the aircraft and is:

- (a) a person:
 - (i) who is authorised by the operator of the aircraft to carry out a specified function during flight time relating to the operation, maintenance, use or safety of the aircraft, the safety of the aircraft's passengers or the care or security of any cargo which may affect the safety of the aircraft or its occupants; and
 - (ii) who has been trained to carry out that function; or
- (b) a person who is on board the aircraft for the purpose of:
 - (i) giving or receiving instruction in a function mentioned in subparagraph (a)(i); or
 - (ii) being tested for a qualification associated with a function mentioned in subparagraph (a)(i); or
- (c) a person authorised by CASA under these Regulations, or by the operator, to carry out an audit, check, examination, inspection or test of a person mentioned in paragraph (a) or (b).

crew station, for a crew member of an aircraft, means a position on the aircraft that is designed and equipped to enable the crew member to carry out the crew member's assigned duties on the aircraft.

critical fuelling point, for fuelling an aircraft, means any of the following:

- (a) a fuel tank filling point on the aircraft;
- (b) a fuel tank vent outlet on the aircraft;
- (c) the ground fuelling equipment that is used to fuel the aircraft.

critical part, for an aircraft, means a part that must be inspected, overhauled, or removed or retired from the aircraft within a period specified:

- (a) in the Airworthiness Limitations section of the Manufacturer's Maintenance Manual (as published from time to time by the aircraft's manufacturer) for the aircraft; or
- (b) in the Manufacturer's Instructions for Continued Airworthiness (as published by the manufacturer from time to time) for the aircraft.

cross-country flight has the meaning given by regulation 61.010.

cruise relief type rating means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

cruising level has the same meaning as in Annex 2 to the Chicago Convention.

current, for an aviation English language proficiency assessment: see regulation 61.260.

DAME means designated aviation medical examiner.

danger area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian territory—includes an area designated as a danger area by a declaration made under subregulation 6(1) of the *Airspace Regulations 2007*.

DAO means designated aviation ophthalmologist.

data product specification has the same meaning as in Annex 15 to the Chicago Convention.

data service activity means any of the following:

- (a) publishing aeronautical data;
- (b) publishing aeronautical information;
- (c) publishing an aeronautical chart;
- (d) supplying aeronautical data in a database for use in navigation equipment or systems.

data service provider means a person who holds a certificate under regulation 175.295.

data set has the same meaning as in Annex 15 to the Chicago Convention.

dealer's mark means a mark assigned to an aircraft manufacturer, distributor or dealer under regulation 47.175.

defined point after take-off, for a rotorcraft flying in performance class 2 or performance class 2 with exposure, means the point in the take-off and initial climb stage of the flight before which:

- (a) the rotorcraft may not be able to continue the flight safely with one engine inoperative; and
- (b) a forced landing may be required.

demonstration, for the emergency evacuation of an aircraft, means the emergency evacuation demonstration conducted by the aircraft's manufacturer for the purpose of the type certification of the aircraft.

demonstration additional number, of cabin crew members for an aircraft, means the number by which the number of cabin crew members used in the demonstration for the emergency evacuation of the aircraft is more than the greater of the following:

- (a) if the aircraft has a maximum operational passenger seat configuration of more than 19—one cabin crew member for each 50, or part of 50, passenger seats fitted for the demonstration;
- (b) one cabin crew member for each passenger compartment.

designated aviation medical examiner means:

- (a) a person appointed as a designated aviation medical examiner under Part 67; or

- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.055(1); or
- (c) a person specified in a declaration under subregulation 67.055(2); or
- (d) a person appointed as a designated aviation medical examiner under Part 6 of CAR as in force at any time before 3 September 2003.

designated aviation ophthalmologist means:

- (a) a person appointed as a designated aviation ophthalmologist under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.075(1); or
- (c) a person specified in a declaration under subregulation 67.075(2).

Dictionary means this Dictionary.

differences training: see regulation 61.010.

direct costs: the **direct costs** of a flight are the costs actually and necessarily incurred in connection with the flight without a view to making a profit.

Example 1: If the aircraft is hired for the flight, the **direct costs** of the flight include the following:

- (a) the cost of hiring the aircraft;
- (b) if they are not included in the cost of hiring the aircraft—the cost of the fuel and oil consumed by the aircraft for the flight and the airway and aerodrome fees (if any) for the flight.

Example 2: If the aircraft is not hired for the flight, the **direct costs** of the flight include the cost of the following:

- (a) the fuel and oil consumed by the aircraft for the flight;
- (b) the airway and aerodrome fees (if any) for the flight.

Note: The amount of the direct costs of a flight that is paid by the pilot in command is relevant to whether the flight is a cost-sharing flight.

dispensing operation: see subregulation 138.010(3).

dry: a runway is **dry** if the surface area required for a take-off or landing:

- (a) has no visible moisture; and
- (b) is not contaminated.

EASA: see *European Aviation Safety Agency*.

EDTO has the meaning given by the Part 121 Manual of Standards.

elevation has the same meaning as in Annex 4 to the Chicago Convention.

emergency evacuation procedures, for an aircraft, means procedures for the evacuation of the aircraft's passengers and crew from the aircraft in an emergency, and includes pre-evacuation, and post-evacuation, procedures.

emergency parachute: see regulation 105.010.

emergency service operation means an operation involving an aircraft to which all of the following apply:

- (a) the operation is conducted by, or at the request of, an authority of the Commonwealth, a State or a Territory;
- (b) the authority is prescribed by the Part 138 Manual of Standards for the purposes of this paragraph;
- (c) the operation is for:
 - (i) law enforcement purposes; or
 - (ii) the purpose of saving or protecting persons, property or the environment.

employed in private operations: an aircraft is ***employed in private operations*** if the aircraft is used to conduct an operation that is a private operation.

empty weight, for a hang glider, powered hang glider, paraglider or powered paraglider, means the weight of the hang glider, powered hang glider, paraglider or powered paraglider in its airborne configuration, including all fittings and equipment but excluding recovery or personnel parachutes.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

ETSO: see paragraph 21.601(2)(aa).

EUROCAE ED-76 means the latest version of EUROCAE ED-76, Standards for Processing Aeronautical Data, issued by the European Organisation for Civil Aviation Equipment, as in force from time to time.

Note: EUROCAE ED-76 could in 2014 be viewed on the EUROCAE website (<http://www.eurocae.net>).

European Aviation Safety Agency or ***EASA*** means the European Aviation Safety Agency established by regulation (EC) No 1592/2002 of the European Parliament and the Council of the European Union.

examination means an examination by way of a test of theoretical knowledge or a practical test of knowledge and skill.

examiner has the meaning given by regulation 61.010.

ex-armed forces aircraft: see regulation 132.010.

excluded RPA: see regulation 101.237.

exhibition: see regulation 45.010.

experimental aircraft means an aircraft for which a special certificate of airworthiness is in force under regulation 21.195A.

experimental certificate means an experimental certificate issued under regulation 21.195A.

expiation notice, in relation to a psychoactive substance offence, means a notice requiring or permitting payment of a penalty as an alternative to prosecution.

export airworthiness approval means:

- (a) for a Class I product—an export certificate of airworthiness or an authorised release certificate; and
- (b) for a Class II or Class III product—an authorised release certificate.

export certificate of airworthiness, for a Class I product, means a certificate to the effect that the product meets the requirements mentioned in regulation 21.329.

exposition:

- (a) for an Australian air transport operator, means:
 - (i) the set of documents approved by CASA under regulation 119.075 in relation to the operator; and
 - (ii) if the set of documents is changed under regulation 119.085, 119.095 or 119.105, or in accordance with the process mentioned in regulation 119.100—the set of documents as changed; or
- (b) for an ASAO, means:
 - (i) the set of documents approved by CASA under regulation 149.080 in relation to the ASAO; or
 - (ii) if the set of documents is changed under regulation 149.115 or 149.120, or in accordance with the process mentioned in paragraph 149.340(i)—the set of documents as changed; or
- (c) for a balloon transport operator:
 - (i) the set of documents approved by CASA under regulation 131.085; or
 - (ii) if the set of documents is changed under regulation 131.095, 131.105 or 131.115—the set of documents as changed.

external load operation: see subregulation 138.010(2).

FAA means the Federal Aviation Administration of the United States of America.

FAA letter of TSO design approval: see paragraph 21.601(2)(ca).

FARs means the Federal Aviation Regulations in Chapter 1 (Federal Aviation Administration, Department of Transportation) of Title 14 of the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration of the United States of America.

final approach and take-off area, for the operation of a rotorcraft at an aerodrome, means the area of the aerodrome:

- (a) from which a take-off is commenced; or
- (b) over which the final phase of approach to hover is completed.

fireproof, in connection with a manufacturer's data plate: see regulation 21.810.

flight base number, of cabin crew members for a flight of an aircraft, means the greater of the following:

- (a) if the aircraft has a maximum operational passenger seat configuration of more than 19—one cabin crew member for each 50, or part of 50, passenger seats fitted for the flight;
- (b) one cabin crew member for each passenger compartment.

flight crew endorsement:

- (a) means a flight crew endorsement within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas endorsement.

flight crew licence:

- (a) means a flight crew licence within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas flight crew licence.

flight crew member means a crew member who is a pilot or flight engineer assigned to carry out duties essential to the operation of an aircraft during flight time.

flight crew rating:

- (a) means a flight crew rating within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas rating.

flight dispatcher, for an Australian air transport operator, means a person designated by the operator to control and supervise flight operations, including supporting, briefing and assisting pilots in command in the safe conduct of flights.

Note: A flight dispatcher is also known as a flight operations officer.

flight engineer means the holder of a flight engineer licence.

flight examiner: see regulation 61.010.

flight information area means a volume of airspace determined to be a flight information area under subparagraph 5(1)(a)(i) of the *Airspace Regulations 2007*.

flight information service has the same meaning as in Annex 11 to the Chicago Convention.

flight instructor has the meaning given by regulation 61.010.

flight level: a reference to a ***flight level*** followed by a number, in relation to the flight of an aircraft, is a reference to the altitude at which the aircraft's altimeter, if it were adjusted to a reading on the subscale of 1013.2 hectopascals, would show an altitude in feet of 100 times that number.

Example: Flight level 250 is an altitude of 25 000 ft.

flight manual, for an aircraft: see clause 37 of Part 2 of this Dictionary.

flight notification requirements: see subregulation 91.240(1).

flight plan has the same meaning as in Annex 2 to the Chicago Convention.

flight preparation (alternate aerodromes) requirements: see subregulation 91.235(1).

flight preparation (Part 121 alternate aerodromes) requirements: see subregulation 121.170(1).

flight preparation (weather assessments) requirements: see subregulation 91.230(1).

flight radiotelephone operator licence means a flight radiotelephone operator licence issued under Part 5 of CAR.

flight review: see regulation 61.010.

flight service function means the function described in subregulation 65.130(2).

flight service licence means a licence by that name granted under Part 65.

flight simulation training device: see regulation 61.010.

flight simulator, for a specific type (or a specific make, model and series) of aircraft:

- (a) means a simulator that simulates the aircraft in ground and flight operations and comprises:
 - (i) a full size replica of the flight deck of the aircraft; and
 - (ii) a visual system providing an out of the flight deck view; and
 - (iii) a force cueing motion system; and
- (b) includes the necessary software and equipment, and the way that the equipment is interconnected.

flight technical log, for an aircraft, means the log required under regulation 42.220 for the aircraft.

flight test: see regulation 61.010.

flight time has the meaning given by regulation 61.010.

flight training: see regulation 61.010.

flight training area, for an aerodrome, means an area that is mentioned in a Part 141 operator's operations manual, or a Part 142 operator's exposition, as a flight training area for the aerodrome.

flight training device, for a specific type (or a specific make, model and series) of aircraft:

- (a) means a device that:
 - (i) simulates the aircraft in ground and flight operations to the extent of the systems installed in the device; and
 - (ii) comprises a full size replica of the instruments, equipment, panels and controls in an open flight deck area, or an enclosed flight deck, of the aircraft; and

- (iii) does not, in every respect, simulate the aircraft in ground and flight operations; and
- (b) includes the necessary software and equipment, and the way that the equipment is interconnected.

flight visibility has the same meaning as in Annex 2 to the Chicago Convention.

flying in formation: 2 or more aircraft are:

- (a) **flying in formation** if they:
 - (i) are operating as a single unit with regard to navigation, position reporting and control; and
 - (ii) are so close to each other that any change in height, heading or airspeed of any aircraft used for station-keeping results in a need for one or more of the other aircraft to manoeuvre to maintain station or avoid a collision; and
- (b) taken to be **flying in formation:**
 - (i) when the aircraft are changing station; and
 - (ii) during join-up or breakaway.

flying training means any training given during flight time in an aircraft for the purpose of increasing a person's skill in flying the aircraft.

foreign aircraft has the same meaning as foreign registered aircraft.

Note: However, a reference to **foreign aircraft** or **foreign registered aircraft** does not include a state aircraft of a foreign country: see subregulation 3(5) of CAR.

foreign air transport AOC means an AOC that authorises the operation of an aircraft for a foreign air transport operation.

foreign air transport operation:

- (a) means an air transport operation that is conducted by a foreign operator using any aircraft for:
 - (i) a flight into or out of Australian territory; or
 - (ii) a flight wholly within Australia that is undertaken as part of a flight into or out of Australian territory; but
- (b) does not include the following:
 - (i) the operation of an aeroplane or rotorcraft under a permission under section 25 (Non-scheduled flights by foreign registered aircraft) or section 27A (Permission for operation of foreign registered aircraft without AOC) of the Act;
 - (ii) an air transport operation authorised by a New Zealand AOC with ANZA privileges that is in force for Australia.

foreign air transport operator means a person who holds a foreign air transport AOC.

foreign certificate, for a foreign operator, means an air operator certificate issued by the national aviation authority of the foreign country in which the foreign operator has its principal place of business or place of permanent residence.

foreign operator means an operator that is not an Australian operator.

foreign supplemental type certificate: see regulation 21.114.

foreign type certificate: see regulation 21.041.

foreign type certification basis, for an aircraft, aircraft engine or propeller, means the airworthiness standards and any special conditions or other conditions with which the aircraft, aircraft engine or propeller must comply for the issue of a foreign type certificate.

free balloon:

- (a) in Part 101—means a balloon that is not tethered; and
- (b) otherwise—means a balloon that is intended for flight without being permanently tethered.

frequency confirmation system, for an aerodrome, means a ground radio system for the aerodrome that, on receipt of a transmission from an aircraft on the radio frequency for the aerodrome, sends a signal or message to the aircraft confirming that the transmission has been received.

fuelling includes refuelling and defuelling.

gas balloon means a balloon that sustains flight with lighter-than-air gas.

giant model aircraft: see regulation 101.024.

glider means an unpowered, heavier-than-air aircraft that derives its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

graded runway strip includes an area delineated by gable or cone markers.

grant, in relation to a civil aviation authorisation, includes grant by renewal.

gyroglider means a non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors that rotate freely on substantially vertical axes.

gyroplane means a power-driven, heavier than air aircraft supported in flight by the reaction of the air on 1 or more rotors which rotate freely on substantially vertical axes.

hang glider means a glider with some rigid structure:

- (a) that has an empty weight of 70 kg or less; and
- (b) the free flight of which does not depend on an engine.

heading has the same meaning as in Annex 2 to the Chicago Convention.

heavier-than-air aircraft is the generic term for aircraft that derive their lift in flight chiefly from aerodynamic forces.

heavy balloon: see regulation 101.145.

heavy package: see regulation 101.145.

height has the same meaning as in Annex 2 to the Chicago Convention.

helicopter means a heavier-than-air aircraft supported in flight by the reaction of the air on one or more normally power-driven rotors on substantially vertical axes.

helideck means an area intended for use wholly or partly for the arrival or departure of rotorcraft, on:

- (a) a ship; or
- (b) a floating or fixed structure on water.

highly volatile fuel means:

- (a) aviation gasoline; or
- (b) a hydrocarbon mixture that spans the gasoline and kerosene boiling ranges; or
- (c) a mixture of aviation gasoline and a hydrocarbon mixture mentioned in paragraph (b).

high power rocket: see regulation 101.425.

historic aircraft: see regulation 132.010.

holder, of an authorisation (within the meaning given by Part 11), means:

- (a) if the authorisation has not been transferred—the person to whom it was granted; or
- (b) if the authorisation has been transferred—the person to whom it was transferred or, if it has been transferred more than once, the person to whom it was most recently transferred.

hot air airship means a power driven lighter-than-air aircraft where the engine does not create any portion of lift.

hot fuelling, of an aircraft, means the fuelling of the aircraft with an engine running.

human factors principles means principles concerned with the minimisation of human error and its consequences by optimising the relationships within systems between people, activities and equipment.

ICAO Document 8126 means Document 8126-AN/872 (*Aeronautical Information Services Manual*) approved and published by decision of the Council of the International Civil Aviation Organization, as in force from time to time.

ICAO Document 8697 means Document 8697-AN/889 (*Aeronautical Chart Manual*) approved and published by decision of the Council of the International Civil Aviation Organization, as in force from time to time.

identification number of a production certificate or type certificate means the number, or group of characters, described in the certificate as being its number.

IFR (short for instrument flight rules) means the rules and procedures set out in Subdivision 91.D.4.3.

IFR flight means a flight conducted under the IFR.

IFR operation means an operation conducted under the IFR.

IMC (short for instrument meteorological conditions) means meteorological conditions other than VMC.

immediately reportable matter has the meaning given by subsection 3(1) of the *Transport Safety Investigation Act 2003*.

in an area, used of the operation of an aircraft: see clause 40 of Part 2 of this Dictionary.

incidental provisions, of an instrument, or part of an instrument, mentioned in these Regulations, means the provisions of the instrument, or part, that are not airworthiness standards.

infant means a person who has not turned 2.

in-house maintenance, for an aeronautical product (the **first aeronautical product**) to be fitted to an aircraft or another aeronautical product (the **second aeronautical product**), means maintenance carried out on the first aeronautical product by a Part 145 organisation that will fit the product to the aircraft or the second aeronautical product.

in-house release document, for an aeronautical product on which in-house maintenance has been carried out, means the document that:

- (a) is issued by the Part 145 organisation that carried out the in-house maintenance; and
- (b) includes a statement to the effect that, in respect of the in-house maintenance, the product is serviceable, within the meaning given by subregulation 42.015(1); and
- (c) includes information enabling the identification of the record mentioned in regulation 42.820 for the product.

inoperative: an item for a flight of an aircraft is **inoperative** if, due to a defect, the item, or a function of the item, does not:

- (a) accomplish its intended purpose; or
- (b) consistently function within the operating limits or tolerances mentioned in the approved design for the item or the flight manual for the aircraft.

instructor has the meaning given by regulation 61.010.

instrument approach operation means an approach and landing:

- (a) conducted using instruments for navigation guidance; and
- (b) based on an authorised instrument approach procedure.

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.

instrument flight procedures means the visual and instrument procedures for use by aircraft operating under the IFR.

Integrated Aeronautical Information Package means a package, in hardcopy or electronic form, consisting of the following:

- (a) the AIP;
- (b) AIP Amendments;
- (c) AIP Supplements;
- (d) NOTAMS and pre-flight information bulletins;
- (e) aeronautical information circulars.

integrated training means an intensive course of training:

- (a) that is designed to ensure that a course participant receives ground theory training integrated with practical flight training; and
- (b) for which:
 - (i) the ground theory training and practical flight training are conducted by the same operator; or
 - (ii) the operator that conducts the practical flight training engages another person or organisation to conduct the ground theory training on behalf of the operator; and
- (c) that is conducted according to a syllabus that satisfies the knowledge and flight standards specified in the Part 61 Manual of Standards for the grant of a private or commercial pilot licence; and
- (d) that is designed to be completed within a condensed period of time.

intermediate category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.026.

internal review decision, of an ASAO: see subregulation 149.605(5).

international operating agency means an international operating agency referred to in Article 77 of the Chicago Convention.

international registration plan means a plan for the registration by an international organisation of aircraft operated, or to be operated, by an international operating agency, being a plan approved by the Council by a determination made in pursuance of Article 77 of the Chicago Convention.

International Regulations means the *International Regulations for Preventing Collisions at Sea, 1972*, in the *Convention on the International Regulations for Preventing Collisions at Sea*, done at London on 20 October 1972, as amended and in force for Australia from time to time.

Note: The Convention is in Australian Treaty Series 1980 No. 5 ([1980] ATS 5) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

in the vicinity of a non-controlled aerodrome: see regulation 91.360.

joint registration plan means a plan for joint registration by Contracting States constituting an international operating agency of aircraft operated, or to be operated, by the agency, being a plan approved by the Council by a determination made in pursuance of Article 77 of the Chicago Convention.

journey log:

- (a) for a Part 121 operation—means the journey log required for the flight by regulation 121.105; or
- (b) for a Part 133 operation—means the journey log required for the flight by regulation 133.075; or
- (c) for a Part 135 operation—means the journey log required for the flight by regulation 135.085.

key personnel:

- (a) for an Australian air transport operator—means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:
 - (i) the positions mentioned in paragraphs (a), (b) and (d) of the definition of **key personnel** in subsection 28(3) of the Act;
 - (ii) the safety manager; or
- (b) for an aerial work operator—means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:
 - (i) chief executive officer;
 - (ii) head of operations;
 - (iii) if the operator is required by regulation 138.125 to have a training and checking system—head of training and checking;
 - (iv) if the operator is required by regulation 138.140 to have a safety management system—safety manager; or
- (c) for an ASAO—means the people (however described) who hold, or carry out the responsibilities of, the following positions in the ASAO's organisation:
 - (i) accountable manager;

- (ii) safety manager;
 - (iii) if the ASAO's approved functions include administering aircraft—the manager of the function;
 - (iv) any other position with the responsibilities prescribed by the Part 149 Manual of Standards; or
- (d) for a balloon transport operator—means the people (however described) that hold, or carry out the responsibilities of, the positions mentioned in paragraphs (a) and (b) of the definition of **key personnel** in subsection 28(3) of the Act.

kind, of an aircraft, means:

- (a) for an aircraft that is covered by an aircraft type rating—the aircraft type rating; and
- (b) for an aircraft that is not covered by an aircraft type rating—the type of aircraft.

kit-built aircraft means an aircraft described in paragraph 21.191(h).

land and hold short operation means an operation in which the pilot in command of an aircraft:

- (a) lands the aircraft on a runway; and
- (b) stops the aircraft before an intersection with another runway; and
- (c) does not proceed further until instructed to do so by air traffic control.

landing area has the same meaning as in Annex 2 to the Chicago Convention.

landing minima means the minimum values of the following that are used for the purpose of determining whether an aerodrome may be used for landing aircraft:

- (a) visibility, including runway visibility and runway visual range;
- (b) cloud ceiling height.

landing minima requirements for an aerodrome: see regulation 91.307.

landing weight, for a flight of an aircraft, means the total weight of the aircraft, including its load, at landing.

large RPA: see regulation 101.022.

letter of ATSO design approval: see paragraph 21.601(2)(c).

level, in relation to a flight of an aircraft, has the same meaning as in Annex 2 to the Chicago Convention.

licensed means licensed under CASR or CAR.

licensed aircraft maintenance engineer means an individual who holds an aircraft engineer licence that is in force.

life limit, for an aeronautical product that is fitted, or is to be fitted, to a limited category aircraft, has the meaning given by the Part 132 Manual of Standards.

light balloon: see regulation 101.145.

lighter-than-air aircraft is the generic term for aircraft that are supported chiefly by their buoyancy in the air.

light sport aircraft means an aircraft that:

- (a) has:
 - (i) if the aircraft is not intended for operation on water—a maximum take-off weight of 600 kilograms or less; or
 - (ii) if the aircraft is intended for operation on water—a maximum take-off weight of 650 kilograms or less; or
 - (iii) if the aircraft is a lighter-than-air aircraft—a maximum gross weight of 560 kilograms or less; and
- (b) if the aircraft is a powered aircraft that is not a glider—has a single, non-turbine engine fitted with a propeller; and
- (c) has a maximum stall speed in the landing configuration (V_{so}) of 45 knots calibrated air speed; and
- (d) if the aircraft is a glider—has a maximum never-exceed speed (V_{ne}) of 135 knots calibrated air speed; and
- (e) if the aircraft has a cabin—has an un-pressurised cabin; and
- (f) if the aircraft is designed to be equipped with seating—has a maximum seating capacity of 2 persons, including the pilot; and
- (g) if the aircraft is a manned free balloon that is not designed to be equipped with seating—can carry no more than 2 persons; and
- (h) has:
 - (i) in the case of an amphibian—repositionable landing gear; or
 - (ii) in the case of a glider—fixed landing gear or retractable landing gear; or
 - (iii) in any other case—fixed landing gear.

limited category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a special certificate of airworthiness mentioned in regulation 21.189.

limited category aircraft: see regulation 132.010.

limited category certificate: see regulation 132.010.

limited category organisation: see regulation 132.010.

lowest safe altitude, for a route or route segment of a flight of an aircraft, means the lowest altitude that will provide safe terrain clearance for the aircraft for the route or route segment calculated in accordance with a method specified in the Part 173 Manual of Standards, the operator's exposition or the operator's operations manual.

Note: The methods specified in the Part 173 Manual of Standards are also published in the AIP.

low-risk electronic device means:

- (a) a digital mobile telephone; or
- (b) a hand-held personal digital assistant; or
- (c) an electronic device:
 - (i) to which the *IEEE Standard for Information technology—Telecommunications and information exchange between systems—Local and metropolitan area network—Specific requirements Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications* (as in force from time to time) applies; and
 - (ii) that transmits only in a way that meets that standard.

low-visibility approach means an approach using minima for a runway that are below the category I precision approach minima for the runway published in the AIP.

low-visibility operation means:

- (a) a low-visibility take-off; or
- (b) a low-visibility approach.

low-visibility take-off means a take-off with a runway visual range of less than 550 m.

major, for a modification or repair to a limited category aircraft: see regulation 132.020.

major change, for a type design: see regulation 21.093.

major defect means:

- (a) in relation to an aeronautical product that is not fitted to an aircraft—a defect of such a kind that the aeronautical product, if fitted to an aircraft, may affect the safety of the aircraft or cause the aircraft to become a danger to persons or property; and
- (b) in relation to an aircraft—a defect of such a kind that it may affect the safety of the aircraft or cause the aircraft to become a danger to persons or property; and
- (c) for an emergency parachute—see regulation 105.010; and
- (d) for a reserve parachute—see regulation 105.010.

manned free balloon means a free balloon that:

- (a) is equipped to carry one or more persons; and
- (b) is equipped with controls that enable the altitude of the balloon to be controlled.

markings, for an aircraft: see regulation 45.015.

master minimum equipment list: see regulation 91.925.

Materials Review Board means:

- (a) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a type certificate only—the Materials Review Board established under paragraph 21.125(1)(a); and

- (b) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a production certificate—the Materials Review Board established under regulation 21.145.

maximum certificated passenger seating capacity, for an aircraft, means the maximum passenger seating capacity permitted under the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

maximum landing weight, for an aircraft, means the maximum landing weight for the aircraft permitted by:

- (a) for an aircraft that is type certificated—the flight manual for the aircraft; or
- (b) for an aircraft that is not type certificated:
 - (i) if a document, published by the manufacturer of the aircraft setting out the operating limitations for the aircraft, specifies a weight—that document; or
 - (ii) if no weight is specified in the document mentioned in subparagraph (i), or if a different weight is specified in the certificate of airworthiness for the aircraft—the certificate of airworthiness for the aircraft.

maximum operational passenger seat configuration, for an aircraft, means the maximum passenger seat capacity of the aircraft, excluding crew stations:

- (a) approved by CASA for the operator of the aircraft:
 - (i) for an operator that is not an Australian air transport operator—under regulation 201.030; or
 - (ii) for an Australian air transport operator—as part of the approval of the operator's exposition under Part 119; and
- (b) specified in the operator's operations manual (if any).

maximum passenger seating capacity, for an aircraft, means the maximum number of seats for persons (excluding flight crew and cabin crew) in the aircraft that is:

- (a) approved by CASA; and
- (b) specified in the aircraft operator's operations manual.

maximum payload capacity, for an aircraft, means the maximum payload permitted under the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

maximum take-off weight, for an aircraft, means the maximum take-off weight for the aircraft permitted by:

- (a) for an aircraft that is type certificated—the flight manual for the aircraft; or
- (b) for an aircraft that is not type certificated:
 - (i) if a document, published by the manufacturer of the aircraft setting out the operating limitations for the aircraft, specifies a weight—that document; or

- (ii) if the certificate of airworthiness for the aircraft specifies a different weight to the weight specified in the document mentioned in subparagraph (i)—the certificate of airworthiness for the aircraft; or
- (iii) if no weight is specified in the document mentioned in subparagraph (i) or in the certificate of airworthiness for the aircraft and the aircraft is a Part 103 aircraft in relation to which a statement of acceptance for the aircraft has been issued by a Part 103 ASAO in accordance with regulation 103.030—the weight specified in the statement of acceptance.

medical certificate means:

- (a) a medical certificate issued under Subpart 67.C; or
- (b) for the holder of a certificate of validation of an overseas flight crew licence—the holder's overseas medical certificate.

medically significant condition has the meaning given by subregulation 67.010(1).

medical practitioner:

- (a) for Part 61 has the meaning given by regulation 61.010; and
- (b) for Part 67 has the meaning given by subregulation 67.010(1).

medical transport operating site, for a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

medical transport operation: see clause 70 of Part 2 of this Dictionary.

medical transport specialist means:

- (a) a crew member for a flight who carries out a specified function during the flight relating to a medical transport operation, and who is not:
 - (i) a flight crew member for the flight; or
 - (ii) an air crew member for the flight; or
- (b) a crew member, for a flight, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.

medium balloon: see regulation 101.145.

medium RPA: see regulation 101.022.

meets the modified Austroads medical standards has the meaning given by regulation 67.262.

MEL: see regulation 91.925.

meteorological information means information:

- (a) that is any of the following kinds:
 - (i) meteorological reports;
 - (ii) meteorological analyses;
 - (iii) meteorological forecasts;
 - (iv) meteorological warnings;

- (v) meteorological advices;
- (vi) revisions or amendments of any of those kinds of information; and
- (b) which may be required for aviation purposes.

micro RPA: see regulation 101.022.

military aerodrome means an aerodrome controlled by a part of the Defence Force.

military aircraft means an aircraft of any part of the Defence Force (including an aircraft that is being constructed for any part of the Defence Force), other than an aircraft that is an Australian aircraft that is registered.

minimum equipment list: see regulation 91.925.

minor change, for a type design: see regulation 21.093.

MMEL: see regulation 91.925.

model, for an aircraft, aircraft engine or propeller, means a particular version of a type of aircraft, aircraft engine or propeller that is distinguished from another version of the same type by a change of sufficient effect on the weight, balance, structural strength, operational characteristics as would require a separate entry on a type certificate, identifying and approving the particular version as distinct from the identification and approval of other versions.

model aircraft: see regulation 101.023.

model rocket: see regulation 101.425.

modification/repair design approval means an approval granted under regulation 21.435 or 21.437.

movement area has the same meaning as in Annex 11 to the Chicago Convention.

multi-crew operation: see regulation 61.010.

multi-flight journey means a journey to a destination that involves more than one flight, if all of the flights are conducted by the same operator using the same aircraft.

national aviation authority, for a foreign country:

- (a) means the authority that is responsible for regulating civil aviation in the country; and
- (b) includes:
 - (i) the national airworthiness authority for the country; and
 - (ii) if EASA carries out functions on behalf of the country—EASA; and
 - (iii) for China, for matters relating to Hong Kong—the Civil Aviation Department of Hong Kong.

navigation specification has the meaning given by the Part 91 Manual of Standards.

navigation system, in relation to an aircraft, means a system by which the aircraft can be navigated.

night means the period between the end of evening civil twilight and the beginning of the following morning civil twilight.

non-command pilot's seat, of an aircraft, means the pilot seat not normally occupied by the pilot in command during a flight of the aircraft.

non-controlled aerodrome means an aerodrome at which an aerodrome control service is not operating.

non-precision approach runway has the same meaning as in Annex 14, Aerodromes, to the Chicago Convention.

non-scheduled air transport operation means an air transport operation that is not:

- (a) a scheduled air transport operation; or
- (b) a medical transport operation.

Note: A non-scheduled air transport operation includes an operation for the carriage, in accordance with fixed schedules to and from fixed terminals, of passengers or cargo, or passengers and cargo, in circumstances in which the accommodation in the aircraft is not available for use by persons generally.

non-technical skills means specific human competencies, including critical decision making, team communication, situational awareness and workload management, which may minimise human error in aviation.

normal cruising speed, for an aeroplane or rotorcraft, means the speed stated in the flight manual for the aeroplane or rotorcraft as a normal cruising speed in International Standard Atmosphere conditions with all engines operating.

NOTAM (short for Notice to Airmen) has the same meaning as in the *Air Services Regulations 2019*.

NOTAM authorised person, of an aeronautical data originator, means a person appointed by the originator as a NOTAM authorised person under regulation 175.445.

NOTAM Office means the office of AA responsible for the publication of NOTAMS.

NVIS flight means a flight conducted using a night vision imaging system.

obstacle limitation surface, of an aerodrome, means a surface associated with the aerodrome that is ascertained in accordance with the requirements prescribed by the Part 139 Manual of Standards for the purposes of this definition.

officer, of a corporation, in Part 149, has the same meaning as in regulation 142.035.

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.

one-engine-inoperative cruising speed, for an aeroplane, means any speed stated in the aeroplane's flight manual as a cruising speed with one engine inoperative.

operated within the visual line of sight: see subregulation 101.073(3).

operational control, for a flight of an aircraft, means control over the initiation, continuation, diversion or ending of the flight in the interests of the safety of the aircraft and the regularity and efficiency of the flight.

operational flight plan:

- (a) for a Part 121 operation—means a plan that meets the requirements of regulation 121.175; or
- (b) for a Part 133 operation—means a plan that meets the requirements of regulation 133.135; or
- (c) for a Part 135 operation—means a plan that meets the requirements of regulation 135.145.

operational safety-critical personnel, for an Australian air transport operator, an aerial work operator or a balloon transport operator:

- (a) means personnel carrying out, or responsible for, safety-related work, including:
 - (i) personnel carrying out roles that have direct contact with the physical operation of aeroplanes, rotorcraft or Part 131 aircraft used in the operator's Australian air transport operations, aerial work operations or balloon transport operations; and
 - (ii) personnel carrying out roles that have operational contact with personnel who operate aeroplanes, rotorcraft or Part 131 aircraft used in those operations; and
 - (iii) personnel described as operational safety-critical personnel in the operator's exposition or operations manual; but
- (b) does not include personnel who are employed or engaged by the operator (whether by contract or other arrangement) and are engaged in:
 - (i) the provision of continuing airworthiness management services for aeroplanes, rotorcraft or Part 131 aircraft used in the operator's Australian air transport operations, aerial work operations or balloon transport operations; or
 - (ii) carrying out maintenance on an aeroplane, rotorcraft, Part 131 aircraft or aeronautical product on behalf of an approved maintenance organisation.

operations manual means:

- (a) for a limited category organisation—the manual mentioned in subregulation 262AN(2) of CAR for the organisation; or
- (b) for an aerial work operator:

- (i) the set of documents approved by CASA under regulation 138.045 in relation to the operator; or
- (ii) if the set of documents is changed under regulation 138.060, 138.064 or 138.068, or the process mentioned in regulation 138.066—the set of documents as changed.

operations specifications has the same meaning as in Chapter 1 of Part 1 of Annex 6, *Operation of Aircraft*, to the Chicago Convention.

operator, of an aircraft, means:

- (a) if the operation of the aircraft is authorised by an AOC, a Part 141 certificate or an aerial work certificate—the holder of the AOC or certificate; or
- (b) otherwise—the person, organisation or enterprise engaged in aircraft operations involving the aircraft.

operator proficiency check: see regulation 61.010.

organisation, in relation to an ASAO, means the organisation established by the ASAO to perform the approved functions of the ASAO.

other AIS applicable ICAO documents means each of the following documents as approved and published by decision of the Council of the International Civil Aviation Organization, as in force from time to time:

- (a) ICAO Document 4444-ATM/501 (*Procedures for Air Navigation Services—Air Traffic Management*), subject to the differences mentioned in Gen 1.7 of Part 1 of the AIP;
- (b) ICAO Document 7030 (*Regional Supplementary Procedures*);
- (c) ICAO Document 7910 (*Location Indicators*);
- (d) ICAO Document 8168 (PANS-OPS), subject to the differences mentioned in Gen 1.7 of Part 1 of the AIP;
- (e) ICAO Document 8400 (*ICAO Abbreviations and Codes*);
- (f) ICAO Document 9432 (*Manual of Radiotelephony*);
- (g) ICAO Document 9674 (*World Geodetic System*);
- (h) ICAO Document 9905-AN/471 (*Required Navigation Performance Authorisation Required (RNP AR) Procedure Design Manual*).

overhauled: see paragraph 21.321(2)(d).

overseas endorsement has the meaning given by regulation 61.010.

overseas flight crew licence has the meaning given by regulation 61.010.

overseas medical certificate has the meaning given by regulation 61.010.

overseas rating has the meaning given by regulation 61.010.

PANS-AIM means the Procedures for Air Navigation Services-Aeronautical Information Management approved and published by the Council of the

International Civil Aviation Organization, as in force from time to time, subject to the differences mentioned in Gen 1.7 of Part 1 of the AIP.

parachute has a meaning affected by regulation 105.010.

parachute operator: see regulation 105.010.

parachuting activity: see regulation 105.010.

paraglider means a glider:

- (a) with a wing that is inflated and maintains its profile in flight due to the ram-air pressure of the air through which it moves; and
- (b) that has an empty weight of 70 kg or less; and
- (c) the free flight of which does not depend on an engine.

parasail: see subregulation 200.005(2).

Part 21 Manual of Standards means the Manual of Standards issued by CASA under regulation 21.010D.

Part 42 Manual of Standards means the Manual of Standards issued by CASA under regulation 42.020.

Part 45 Manual of Standards means the Manual of Standards issued by CASA under regulation 45.025.

Part 47 Manual of Standards means the Manual of Standards issued by CASA under regulation 47.012.

Part 61 Manual of Standards means the Manual of Standards issued by CASA under regulation 61.035.

Part 91 Manual of Standards means the Manual of Standards issued by CASA under regulation 91.040.

Part 101 Manual of Standards means the Manual of Standards issued by CASA under regulation 101.028.

Part 103 activity: see regulation 103.010.

Part 103 aircraft: see subregulations 103.005(4), (5) and (6).

Part 103 ASAO: see regulation 103.010.

Part 103 Manual of Standards means the Manual of Standards issued by CASA under regulation 103.015.

Part 105 ASAO: see regulation 105.010.

Part 105 Manual of Standards means the Manual of Standards issued by CASA under regulation 105.015.

Part 119 Manual of Standards means the Manual of Standards issued by CASA under regulation 119.045.

Part 121 Manual of Standards means the Manual of Standards issued by CASA under regulation 121.015.

Part 121 operation means an operation mentioned in subregulation 121.005(1).

Part 121 proficiency check means a proficiency check that complies with regulation 121.580.

Part 131 aircraft: see subregulation 131.005(2).

Part 131 ASAO means an ASAO whose approved functions include administering a Part 131 recreational activity.

Part 131 Manual of Standards means the Manual of Standards issued by CASA under regulation 131.055.

Part 131 pilot authorisation means:

- (a) a commercial pilot (balloon) licence; or
- (b) a CAR certificate of validation; or
- (c) an authorisation from a Part 131 ASAO that authorises the holder to operate a Part 131 aircraft; or
- (d) a flight radiotelephone operator licence.

Part 131 recreational activity: see subregulation 131.025(1).

Part 132 Manual of Standards means the Manual of Standards issued by CASA under regulation 132.040.

Part 133 Manual of Standards means the Manual of Standards issued by CASA under regulation 133.020.

Part 133 operation means an operation mentioned in regulation 133.005.

Part 135 Manual of Standards means the Manual of Standards issued by CASA under regulation 135.025.

Part 135 operation means an operation mentioned in regulation 135.005.

Part 138 Manual of Standards means the Manual of Standards issued by CASA under regulation 138.020.

Part 139 Manual of Standards means the Manual of Standards issued by CASA under regulation 139.005.

Part 141 certificate: see regulation 141.015.

Part 141 operator: see subregulation 141.015(3).

Part 142 operator: see subregulation 142.015(4).

Part 145 organisation means a person who holds an approval under regulation 145.030 that is in force.

Part 149 Manual of Standards means the Manual of Standards issued by CASA under regulation 149.010.

Part 175 Manual of Standards means the Manual of Standards issued by CASA under regulation 175.025.

passenger, in relation to an aircraft, means a person:

- (a) who:
 - (i) intends to travel on a particular flight on the aircraft; or
 - (ii) is on board the aircraft for a flight; or
 - (iii) has disembarked from the aircraft following a flight; and
- (b) who is not a crew member of the aircraft for the flight.

passenger transport operation has the meaning given by clause 75 of Part 2 of the Dictionary.

passenger with reduced mobility means a person who is likely to require special conditions and assistance to find and use an exit on board an aircraft in an emergency because:

- (a) the person's mobility is impaired; or
- (b) the person has another impairment.

performance class means:

- (a) performance class 1; or
- (b) performance class 2; or
- (c) performance class 2 with exposure; or
- (d) performance class 3.

performance class 1, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 2, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 2 with exposure, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 3, for a stage of flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

permit index number, for an aircraft for which a limited category certificate has been issued: see regulation 132.010.

personnel:

- (a) for an Australian air transport operator, an aerial work operator or a balloon transport operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's Australian air transport operations, aerial work operations or balloon transport operations:
 - (i) an employee of the operator;

- (ii) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
- (iii) an employee of a person mentioned in subparagraph (ii); or
- (b) for an ASAO, includes any of the following persons who have duties or responsibilities that relate to the safe performance of the ASAO's approved functions:
 - (i) an employee of the ASAO;
 - (ii) a person engaged by the ASAO (whether by contract or other arrangement) to provide services to the ASAO;
 - (iii) an employee of a person mentioned in subparagraph (ii);
 - (iv) a person appointed by the ASAO to perform an approved function on behalf of the ASAO.

pilot, used as a verb, has the meaning given by regulation 61.010.

pilot certificate means a certificate (however described) that:

- (a) is granted by a sport aviation body; and
- (b) authorises its holder to pilot an aircraft, other than a registered aircraft, in an aviation activity administered by the organisation.

pilot in command, in relation to a flight of an aircraft, means the pilot designated by the operator of the aircraft as being in command and charged with the safe conduct of the flight.

pilot in command under supervision has the meaning given by regulation 61.010.

pilot instructor: see regulation 61.010.

pilot licence: see regulation 61.010.

pilot-owner, of an aircraft, means an individual who:

- (a) owns the aircraft; and
- (b) is authorised, under Part 61, to fly the aircraft.

polar region means the area:

- (a) north of 78°N; or
- (b) south of 60°S.

populous area includes a city and a town.

power-assisted sailplane means a powered sailplane that has insufficient performance with the engine operating to achieve the applicable take-off and climb performance criteria for powered sailplanes specified by the airworthiness standards prescribed by regulation 22.001 of CASR.

powered aircraft means an aircraft that is propelled by an engine or engines.

powered hang glider means a hang glider with an engine attached that has, when the engine is not being operated, the characteristics of a hang glider.

powered-lift aircraft means a power-driven heavier-than-air aircraft that derives its lift in flight:

- (a) during vertical manoeuvring and low-speed flight—from:
 - (i) the reaction of air on one or more normally power-driven rotors on substantially vertical axes; or
 - (ii) engine thrust; and
- (b) otherwise—chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

powered parachute means a single-seat or two-seat power-driven aircraft with a ram-air parachute wing, to which all of the following apply:

- (a) the aircraft has a single non-turbine engine and a single propeller;
- (b) the aircraft has a maximum take-off weight not exceeding 600 kilograms;
- (c) the aircraft has, when the engine is not being operated, the characteristics of a parachute.

powered paraglider means a paraglider with an engine attached that has, when the engine is not being operated, the characteristics of a paraglider.

powered sailplane means a sailplane equipped with one or more engines that has, when the engine or engines are not being operated, the characteristics of a sailplane.

prescribed single-engine aeroplane: see regulation 135.240.

primary category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.024.

private operation: an operation of an aircraft is a **private operation** if the operation is not one of the following:

- (a) an operation that is required to be conducted under the authority of an AOC under Part 119, 129 or 131 or regulation 206 of CAR;
- (b) an operation that is required to be conducted under the authority of an aerial work certificate under Part 138;
- (c) Part 141 flight training (within the meaning of Part 141);
- (d) a Part 142 activity (within the meaning of Part 142);
- (e) an adventure flight for a limited category aircraft;
- (f) a specialised balloon operation that is conducted for hire or reward;
- (g) an operation authorised by a New Zealand AOC with ANZA privileges that is in force for Australia;
- (h) an operation under a permission under subsection 25(2) or (3) (non-scheduled flights by foreign registered aircraft) or section 27A (permission for operation of foreign registered aircraft without AOC) of the Act.

production certificate means a production certificate issued under subregulation 21.134(1).

prohibited area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian territory—includes an area designated as a prohibited area by a declaration made under subregulation 6(1) of the *Airspace Regulations 2007*.

protective breathing equipment means equipment that is designed to prevent a person from having to breathe in, and to protect the person's eyes from, toxic gases and fumes.

provisional certificate of airworthiness means a Class I or Class II provisional certificate of airworthiness.

provisional type certificate means a Class I or Class II provisional type certificate.

psychoactive substance: see clause 60 of Part 2 of this Dictionary.

psychoactive substance offence means an offence:

- (a) of which an element is the possession, use or excessive use of a psychoactive substance; or
- (b) of which the substance is importing, or trafficking in, a psychoactive substance; or
- (c) of which an element is being under the influence of a psychoactive substance; or
- (d) of which an element is the presence, or the presence at a concentration higher than a particular concentration, in the blood, breath or urine of a psychoactive substance or a metabolite of such a substance; or
- (e) the substance of which is refusal to provide a blood, breath or urine sample for analysis; or
- (f) of attempting to commit, inciting the commission of or conspiring to commit an offence referred to in paragraph (a), (b), (c), (d) or (e).

Note: ***Psychoactive substance*** includes alcohol but does not include coffee, tea, cocoa, chocolate or any other non-alcoholic drink containing caffeine, or caffeine-containing confectionery—see Part 2 of this Dictionary.

public gathering means an assembly of people at a place on the basis of a general public invitation to attend at that place, whether or not a charge is made for attendance.

published lowest safe altitude, for a route or route segment for a flight of an aircraft, means the lowest safe altitude for the route or route segment published in authorised aeronautical information.

qualified flight simulator means a flight simulator that is qualified under Part 60 of CASR.

qualified flight training device means a flight training device that is qualified under Part 60 of CASR.

radio navigation aid means a standard radio navigation aid of a kind mentioned in section 2.1.1 of Chapter 2 of Volume 1 of Annex 10 to the Chicago Convention.

radionavigation service means a radio navigation service within the meaning of Annex 10 to the Chicago Convention.

radio station licence means:

- (a) for an Australian aircraft—an apparatus licence or class licence issued under the *Radiocommunications Act 1992* for the radiocommunications equipment on board the aircraft; or
- (b) for a foreign registered aircraft—a document:
 - (i) that is equivalent to a document mentioned in paragraph (a); and
 - (ii) that is issued by the authority of the aircraft’s State of registry that issues radio licences.

recognised country: see regulation 21.010B.

rectification interval: see regulation 91.925.

recurrent training means the training of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

Regional Air Navigation Agreement means a Regional Air Navigation Agreement approved by decision of the Council of the International Civil Aviation Organisation.

registered, in relation to an Australian aircraft, means:

- (a) in the case of an aircraft to which Division 47.C.1 applies—registered under Division 47.C.1; or
- (b) in the case of an aircraft to which Division 47.C.2 applies—registered under Division 47.C.2.

Note: For the definition of **foreign registered aircraft**, see section 3 of the Act.

registered operator, of an aircraft, has the meaning given by regulation 47.100.

registered training organisation has the meaning given by section 3 of the *National Vocational Education and Training Regulator Act 2011*.

registration holder, of an aircraft, means the person whose name is entered in the Australian Civil Aircraft Register as:

- (a) in the case of an aircraft registered under Division 47.C.1—the aircraft’s owner; and
- (b) in the case of an aircraft that is an RPA registered under Division 47.C.2—the person who applied for the registration of the aircraft.

registration mark, of an aircraft, means the registration mark assigned to the aircraft under Subpart 47.G.

relevant airworthiness standards means:

- (a) for an aircraft that conforms to a type certificate issued, or taken to have been issued, under regulation 21.013A or 21.029—the airworthiness standards included in the type certification basis for the aircraft; or
- (b) for an aircraft for which a type acceptance certificate has been issued, or is taken to have been issued, under regulation 21.029A—the airworthiness standards that the aircraft had to meet for the issue of the foreign type certificate that was the basis for issuing the type acceptance certificate.

relevant approved design organisation, in relation to a design activity, within the meaning given by regulation 21.233, and an aircraft or aeronautical product of a particular kind, means an approved design organisation that is approved under Subpart 21.J to carry out that design activity in relation to aircraft or aeronautical products of that kind.

remote pilot licence means a licence granted under Division 101.F.3.

required, in relation to a flight crew member for a flight: see subregulation 91.605(2).

required navigational performance, for an area of airspace, or a route, means the navigational performance specified in the AIP for that area of airspace or route.

reserve parachute: see regulation 105.010.

reserve parachute assembly: see regulation 105.010.

restricted area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian territory—includes an area designated as a restricted area by a declaration made under subregulation 6(1) of the *Airspace Regulations 2007*.

restricted category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.025.

restricted person means:

- (a) a deportee (within the meaning of subsection 5(1) of the *Migration Act 1958*); or
- (b) a removee (within the meaning of subsection 5(1) of the *Migration Act 1958*); or
- (c) a person in custody; or
- (d) a passenger carried on an aircraft:
 - (i) who is on the aircraft because the passenger has been refused entry to a country; or
 - (ii) whose passport does not include a visa required for entry to the passenger's destination country.

rocket means a pilotless vehicle powered by reaction that carries all the components necessary to provide its jet.

rotorcraft means:

- (a) a helicopter; or
- (b) a gyroplane; or
- (c) a powered-lift aircraft.

route segment means a portion of a route.

RPA: see regulation 101.021.

RPAS (short for remote pilot aircraft system) means a set of configurable elements consisting of a remotely piloted aircraft, its associated remote pilot station (or stations), the required command and control links and any other system elements as may be required at any point during the operation of the aircraft.

RPL training course means training in the operation of RPA for the grant of a remote pilot licence that is conducted:

- (a) by a person who is certificated under regulation 101.335 and whose operations include conducting training; and
- (b) in accordance with any standards or requirements prescribed by the Part 101 Manual of Standards.

RTCA/DO-200A means the latest version of RTCA/DO-200A, Standards for Processing Aeronautical Data, issued by RTCA, Inc, as in force from time to time.

Note: RTCA/DO-200A could in 2014 be viewed on the RTCA's website (<http://www.rtca.org>).

runway strip means a defined area at an aerodrome, including the runway and stopway (if any) to which it relates, that is intended to:

- (a) reduce the risk of damage to aircraft running off the runway; and
- (b) protect aircraft flying over the area during take-off, landing or a missed approach.

runway visual range means the range, measured using an electronic instrument, over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line.

RVSM airspace means any of the following:

- (a) the airspace, at or above flight level 290, identified in the AIP as airspace where a vertical separation minimum of 1,000 ft applies;
- (b) the airspace, at or above flight level 290, designated, or otherwise recognised, by the appropriate authority of a foreign country to be airspace where a vertical separation minimum of 1,000 ft applies;
- (c) airspace, at or above flight level 290, where a vertical separation of 1,000 ft applies under the terms of a Regional Air Navigation Agreement.

safety-critical aeronautical product, for a limited category aircraft: see regulation 132.025.

safety management system, for an Australian air transport operator, means the safety management system set out in the operator's exposition.

safety manager, of an ASAO, means the individual, appointed by the ASAO, who is responsible for the safety management system required by regulation 149.270.

sailplane means a glider:

- (a) that has an empty weight of more than 70 kg; and
- (b) the free flight of which does not depend on an engine.

scheduled air transport operation means an air transport operation, other than a medical transport operation, that is conducted:

- (a) in accordance with fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals; and
- (b) in circumstances in which the accommodation in the aircraft is available for use by persons generally.

seaplane includes an aeroplane with a floating hull.

search and rescue body means any of the following:

- (a) a State or Territory police service or the Australian Federal Police;
- (b) the Australian Defence Force;
- (c) the Australian Maritime Safety Authority.

significant change:

- (a) for an Australian air transport operator: see regulation 119.020; or
- (b) for a balloon transport operator: see regulation 131.030; or
- (c) for an aerial work operator: see regulation 138.012.

single-pilot operation has the meaning given by regulation 61.010.

small balloon: see regulation 101.145.

small RPA: see regulation 101.022.

solo, in relation to a flight of an aircraft, has the meaning given by regulation 61.010.

special certificate of airworthiness: see regulation 21.175.

special class, for aircraft: see subregulation 21.017(2).

special condition means a special condition imposed under subregulation 21.016(1).

special flight authorisation means an authorisation granted under regulation 91.970.

special flight permit means a special flight permit issued under regulation 21.200.

specialised balloon operation: see regulation 131.020.

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.

special purpose operation, for an aircraft in the limited category, means an operation mentioned in subregulation 21.189(3).

special VFR means:

- (a) for an aircraft other than a Part 131 aircraft—the visual flight rules prescribed by the Part 91 Manual of Standards; or
- (b) for a Part 131 aircraft—the visual flight rules prescribed by the Part 131 Manual of Standards.

specified aircraft performance category, for an aircraft, means the aircraft performance category prescribed for an aircraft's V_{AT} (as worked out in accordance with the aircraft's flight manual) by the Part 91 Manual of Standards.

specified IFR cruising level, for a track, means a cruising level prescribed by the Part 91 Manual of Standards for an IFR flight on the track.

specified VFR cruising level, for a track, means a cruising level prescribed by the Part 91 Manual of Standards for a VFR flight on the track.

sport aviation body means:

- (a) Australian Ballooning Federation Incorporated; or
- (b) Australian Parachute Federation Limited; or
- (c) Australian Sport Rotorcraft Association Incorporated; or
- (d) Recreational Aviation Australia Limited; or
- (e) The Gliding Federation of Australia Incorporated; or
- (f) Sports Aviation Federation of Australia Limited; or
- (fa) the Australian Skydiving Association Incorporated; or
- (fb) an ASAO; or
- (g) a body established in a Contracting State to administer sport aviation in that State.

stage, of flight of a rotorcraft, means any of the following:

- (a) take-off;
- (b) take-off and initial climb;
- (c) en route;
- (d) approach and landing, or baulked landing.

Note: The definition of *performance class* relates to a stage of flight of a rotorcraft. The definition of *stage* is used in these Regulations only in the context of a performance class.

standard certificate of airworthiness: see regulation 21.175.

standard part means a part that complies with a specification that:

- (a) is established, published and maintained by:
 - (i) an organisation that sets consensus standards for products; or
 - (ii) a government agency; and
- (b) includes:
 - (i) design, manufacturing, test and acceptance criteria; and
 - (ii) requirements for the uniform identification of the part.

Example: For subparagraph (a)(i), the Institute of Electrical and Electronics Engineers—see <http://www.ieee.org/portal/site>.

standard RPA operating conditions: see regulation 101.238.

standard visual signal means a light, hand or ground signal:

- (a) prescribed by the Part 91 Manual of Standards for the purposes of this paragraph; and
- (b) displayed, for the purposes of communicating with an aircraft, in accordance with the requirements, or in the circumstances, (if any) prescribed by the Part 91 Manual of Standards for the purposes of this paragraph.

State includes the Northern Territory.

State, of an operator, means the country in which the operator's principal place of business is located or, if the operator does not have a principal place of business, the country in which the operator's permanent residence is located.

State of Design has the meaning given by Annex 8 to the Chicago Convention.

State of registry, for a foreign registered aircraft, means the foreign country on whose register the aircraft is entered.

student pilot means:

- (a) for aircraft other than Part 131 aircraft—a person who is authorised to pilot an aircraft under regulation 61.112; or
- (b) for Part 131 aircraft—a person who:
 - (i) does not hold a commercial pilot (balloon) licence within the meaning of subregulation 5.01(1) of CAR; and
 - (ii) is receiving balloon flying training within the meaning of that subregulation.

suitable forced landing area:

- (a) for a Part 133 operation—see regulation 133.010; and
- (b) for a Part 135 operation—see regulation 135.015.

suitable person: a person is a ***suitable person*** to occupy an emergency exit row seat or a seat adjacent to an emergency exit if the person:

- (a) is reasonably fit, strong, and able to assist with the rapid evacuation of the aircraft in an emergency; and
- (b) would not, because of a condition or disability, including an inability to understand oral instructions, hinder:
 - (i) other passengers during an evacuation of the aircraft in an emergency;
or
 - (ii) the aircraft's crew in carrying out their duties in an emergency.

supplemental oxygen means oxygen that is provided to an occupant of an aircraft by purpose-designed equipment to supplement the oxygen available in the atmosphere inside the aircraft.

supplemental type certificate means a supplemental type certificate issued under regulation 21.113A.

synthetic training device means:

- (a) a flight simulator; or
- (b) a flight training device; or
- (c) a basic instrument flight trainer.

take-off decision point, for a take-off of a rotorcraft, means the point, mentioned in the rotorcraft's flight manual, from which, if an engine failure is recognised:

- (a) the take-off may be safely rejected; or
- (b) the take-off may be continued safely.

take-off minima means the minimum values of the following that are used to determine whether an aerodrome may be used for the take-off of aircraft:

- (a) visibility, including runway visibility and runway visual range;
- (b) cloud ceiling height.

take-off minima requirements for an aerodrome: see regulation 91.307.

take-off weight, for a flight of an aircraft, means the total weight of the aircraft, including its load, at the start of:

- (a) for an aeroplane—its take-off run; or
- (b) for a rotorcraft—its take-off manoeuvre.

tandem parachutist: see regulation 105.010.

task specialist: see subregulations 138.015(1) and (2).

task specialist operation: see subregulation 138.010(4).

TAWS-Class A has the meaning given by the Part 121 Manual of Standards.

TAWS-Class B has the meaning given by the Part 121 Manual of Standards.

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

Territory does not include the Northern Territory.

tethered, in relation to a lighter-than-air aircraft, means attached to the ground, or an object on the ground, by flexible restraints that limit movement.

tethered balloon: see regulation 101.105.

these Regulations includes CAR.

threshold, of a runway, means the beginning of that portion of a runway that is useable for landing.

time-in-service means:

- (a) for an aircraft—each period starting when the aircraft takes off for a flight and ending when the aircraft lands at the end of the flight; and
- (b) for an aircraft engine or propeller that is fitted to an aircraft—each period starting when the aircraft takes off for a flight and ending when the aircraft lands at the end of the flight.

touring motor glider means a powered sailplane that:

- (a) has an integrally mounted, non-retractable, engine and a non-retractable propeller; and
- (b) is capable of taking off and climbing under its own power according to the touring motor glider's flight manual.

tour of duty, for a flight crew member:

- (a) means a period from when the member begins any duties associated with his or her employment before making a flight or series of flights until the member is finally relieved of all such duties after the end of the flight or flights; and
- (b) includes a period during which the member is required by an operator to hold himself or herself available at an aerodrome for the performance of any such duties.

track means the projection on the earth's surface of the path of an aircraft, the direction of which at any point is usually expressed in degrees from North (true or magnetic).

traffic information has the same meaning as in Annex 11 to the Chicago Convention.

traffic pattern means the path over the ground of aircraft in flight in the vicinity of an aerodrome during the execution of take-offs and landings and their paths when manoeuvring on the manoeuvring area.

trainee parachutist: see regulation 105.010.

training endorsement: see regulation 61.010.

TSO: see paragraph 21.601(2)(ab).

type, for an aircraft, aircraft engine or propeller, means a design and make of aircraft, aircraft engine or propeller and, where appropriate, refers to a group of essentially similar aircraft, aircraft engines or propellers which, although possibly existing in different models, stem from a common basic design.

type acceptance certificate means a type acceptance certificate issued under regulation 21.029A.

type certificate: see regulation 21.041.

type certificated means issued with a type certificate or type acceptance certificate.

type certificate data sheet means a sheet attached to a type certificate for an aircraft, aircraft engine or propeller that sets out the limitations prescribed by the applicable airworthiness requirements for the aircraft, aircraft engine or propeller, and any other limitations and information necessary for type certification of the aircraft, aircraft engine or propeller.

type certification basis, for an aircraft, aircraft engine or propeller, means the airworthiness standards and any special conditions or other conditions with which the aircraft, aircraft engine or propeller must comply for the issue of a type certificate.

type design: see regulation 21.031.

unmanned free balloon means a free balloon that:

- (a) is not tethered; and
- (b) is not equipped to carry persons.

Note: There are 4 different kinds of unmanned free balloons: see regulation 101.145.

unpowered aircraft means an aircraft other than a powered aircraft.

variant: see regulation 61.010.

V_{AT} is short for velocity at threshold.

very light aeroplane means an aeroplane of a kind mentioned in clause CS-VLA 1 of EASA CS-VLA, as in force from time to time.

very small RPA: see regulation 101.022.

VFR (short for visual flight rules) means:

- (a) for Part 131 aircraft—the rules and procedures set out in Subdivision 131.D.4.2; or
- (b) for all other aircraft—the rules and procedures set out in Subdivision 91.D.4.2.

VFR flight means a flight conducted under the VFR.

VFR operation means an operation conducted under the VFR.

visibility means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night.

VMC (short for visual meteorological conditions) means meteorological conditions that meet the VMC criteria.

VMC criteria:

- (a) for a class of aircraft (other than Part 131 aircraft) and a class of airspace (including flight visibility and distance from cloud)—means the criteria prescribed for the class of aircraft and class of airspace by the Part 91 Manual of Standards; and
- (b) for Part 131 aircraft and a class of airspace (including flight visibility and distance from cloud)—means the criteria prescribed for the aircraft and class of airspace by the Part 131 Manual of Standards.

V_{SO} means the stalling speed or the minimum steady flight speed in the landing configuration.

Source FARs section 1.2.

weight and balance documents, for a flight of an aircraft, are the documents that set out the aircraft's load for the flight and the distribution of the load during the flight.

weight and balance limits, for an aircraft, means the weight and balance limits set out in the aircraft flight manual instructions for the aircraft.

weight-shift-controlled aeroplane means an aeroplane where flight control is attained primarily by weight-shift.

wet: a runway is **wet** if the surface area required for a take-off or landing:

- (a) is not dry; and
- (b) is not contaminated.

Part 2—Interpretation of certain expressions not defined in Part 1

1 Parts and materials excluded from the definition of *aeronautical product*

- (1) For the definition of *aeronautical product* in section 3 of the Act, a part or material that is part of or used in an aircraft is excluded if:
 - (a) the part or material:
 - (i) is not mentioned in the approved design for the aircraft; and
 - (ii) is not approved in a manner mentioned in regulation 21.305 or 21.305A; or
 - (b) the part or material is mentioned in a legislative instrument issued under subclause (2).
- (2) For subsection 98(5A) of the Act, CASA may issue a legislative instrument that specifies that a part or material is excluded from the definition of *aeronautical product* in section 3 of the Act.

3 Definition of *air transport operation*

- (1) An *air transport operation* is a passenger transport operation, a cargo transport operation or a medical transport operation, that:
 - (a) is conducted for hire or reward; or
 - (b) is prescribed by an instrument issued under regulation 201.025.
- (2) Despite subclause (1), an *air transport operation* does not include an aerial work operation or a balloon transport operation.

5 When an aircraft is *airworthy*

Note: This clause is reserved for future use.

15 Reference to Annexes to Chicago Convention

In these Regulations, a reference to an Annex to the Chicago Convention is a reference to that Annex as in force from time to time.

18 Meaning of *authorised release certificate*

- (1) For the purposes of CAR:

authorised release certificate, for an aircraft component, means a document that complies with regulation 42WA of CAR.
- (2) For the purposes of CASR:

authorised release certificate, for an aeronautical product, means:

- (a) if maintenance has not been carried out on the product since its manufacture, and the manufacture of the product was permitted by or under Part 21—a document:
 - (i) issued by the manufacturer of the product; and
 - (ii) that includes a statement to the effect that the product is serviceable, within the meaning given by subregulation 42.015(1); or
- (b) if maintenance has not been carried out on the product since its manufacture, and the manufacture of the product was permitted by the law of a foreign country—a document of a kind specified in the Part 42 Manual of Standards as being equivalent to a document mentioned in paragraph (a); or
- (c) if maintenance has been carried out on the product under these Regulations—a certificate of release to service for the product in relation to the maintenance issued under Division 42.H.4 that is in the approved form; or
- (d) if maintenance has been carried out on the product under the law of a foreign country—a document of a kind specified in the Part 42 Manual of Standards as being equivalent to a document mentioned in paragraph (c).

Note 1: For paragraph (a), Part 21 permits the manufacture of aeronautical products in a number of ways, including under APMAs, ATSO authorisations, type certificates and production certificates.

Note 2: For paragraph (c):

- (a) a certificate of release to service for an aeronautical product in relation to maintenance carried out on an aeronautical product that is not in-house maintenance must be in the approved form: see subregulation 42.810(1); and
- (b) a certificate of release to service for an aeronautical product in relation to in-house maintenance carried out on an aeronautical product must either be in the approved form or be in the form of an in-house release document: see subregulation 42.810(2).

25 Extended meaning of *charged with* in relation to certain offences

- (1) In these Regulations:

charged with has, in addition to its ordinary meaning, the meaning given by subclause (2).

- (2) For the purposes of these Regulations, a person is taken to have been *charged with* a psychoactive substance offence if:
 - (a) a law provides for the issue, in relation to the offence, of an expiation notice; and
 - (b) such a notice is issued to the person in relation to the offence.

35 Extended meaning of *convicted*

- (1) In these Regulations:

convicted has, in addition to its ordinary meaning, the meaning given by subclauses (2), (3) and (4).

- (2) For the purposes of these Regulations, a person is taken to have been **convicted** of an alleged offence if:
 - (a) the person has not been found guilty of the offence but asks for the offence to be taken into account when being sentenced for another offence; or
 - (b) the person has been found guilty of the offence but discharged without conviction.
- (3) In addition, a person is taken to have been **convicted** of a psychoactive substance offence if:
 - (a) a law provides for the issue, in relation to the offence, of an expiation notice; and
 - (b) such a notice was issued to the person in relation to the offence; and
 - (c) the person paid the penalty required by the notice.
- (4) However, a conviction that is spent (within the meaning of Part VIIC of the *Crimes Act 1914*), or has been quashed, is not taken to be a conviction for the purposes of these Regulations.

36 References to particular kinds of flight crew licences, ratings and endorsements

A reference in these Regulations to a particular kind of flight crew licence, rating or endorsement:

- (a) means a flight crew licence, rating or endorsement of that kind that may be granted under Part 61 (Flight crew licensing); and
- (b) includes a certificate of validation of an overseas flight crew licence that is equivalent to that kind of flight crew licence, rating or endorsement.

Example 1: For paragraph (a), a reference to a commercial pilot licence is a reference to a commercial pilot licence granted under Part 61.

Example 2: For paragraph (a), a reference to an aeroplane low-level endorsement is a reference to an aeroplane low-level endorsement granted under Part 61.

Example 3: For paragraph (b), a reference to a commercial pilot licence includes a reference to a certification of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence granted under Part 61.

37 References to *flight manual*

- (1) A reference in these Regulations to an aircraft's ***flight manual***:
 - (a) is a reference to:
 - (i) if the aircraft's type certification basis required the provision of an aircraft flight manual—that manual; or
 - (ii) if regulation 21.005 applies to the aircraft—the manual that must be given to the owner of the aircraft under that regulation; or
 - (iii) for an aircraft not mentioned in subparagraph (i) or (ii)—another document that contains the aircraft's operating limitations and other information required for safe operation of the aircraft; and
 - (b) includes each amendment to the flight manual that:

- (i) is approved by CASA, an authorised person or an approved design organisation under regulation 21.006A; or
 - (ia) is approved by a person mentioned in subclause (2); or
 - (ii) is made at the direction of CASA under Subpart 11.G; or
 - (iii) relates to a foreign type certificate in relation to which CASA has issued a type acceptance certificate or a foreign supplemental type certificate, and is approved by the national aviation authority that issued the foreign type or supplemental type certificate; and
- (c) includes each supplement to the flight manual that:
- (i) is approved by CASA, an authorised person or an approved design organisation under regulation 21.006A; or
 - (ia) is approved by a person mentioned in subclause (2); or
 - (ii) is made at the direction of CASA under Subpart 11.G; or
 - (iii) relates to a foreign type certificate in relation to which CASA has issued a type acceptance certificate or a foreign supplemental type certificate, and is approved by the national aviation authority that issued the foreign type or supplemental type certificate.

- (2) For subparagraphs (1)(b)(ia) and (1)(c)(ia), the persons are the following:
- (a) if there is an agreement (however described) between Australia and a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—the national aviation authority of the Contracting State, or a person authorised to do so by the national aviation authority;
 - (b) if there is an agreement (however described) between CASA and the national aviation authority of a Contracting State for the acceptance of approvals of changes to aircraft flight manuals—the national aviation authority or a person authorised to do so by the national aviation authority.

40 References to operating an aircraft in an area

In these Regulations, a reference to operating an aircraft in an area is a reference to operating the aircraft in the airspace above the area.

45 References to EASA certification specifications

In these Regulations, a reference to EASA, followed by the letters CS, a hyphen and a number, letter or letters, is a reference to the certification specifications, including airworthiness codes and acceptable means of compliance, produced by EASA and identified by that number, letter or letters.

50 References to pilot-in-command

Note: This clause is reserved for future use.

60 Meaning of *psychoactive substance*

- (1) In these Regulations:

psychoactive substance has, subject to subclause (2), the meaning given by section 1.1 of Annex 1, *Personnel Licensing*, to the Chicago Convention.

Note: The definition in that Annex is:

Psychoactive substances. Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.

(2) To avoid doubt, in these Regulations:

psychoactive substance:

(a) includes:

- (i) a therapeutic substance that is a psychoactive substance within the meaning given by Annex 1 to the Chicago Convention; and
- (ii) a therapeutic substance of which a psychoactive substance (within the meaning given by that Annex) is an ingredient; but

(b) does not include:

- (i) tea, cocoa, chocolate or any other non-alcoholic drink containing caffeine or guarana; or
- (ii) confectionery containing caffeine or guarana.

(3) In paragraph (a) of the definition of ***psychoactive substance*** in subclause (2):

therapeutic substance means a substance that is therapeutic goods, within the meaning given by the *Therapeutic Goods Act 1989*.

65 Recognised foreign training providers

Note: This clause is reserved for future use.

70 Definition of *medical transport operation*

(1) A ***medical transport operation*** is an operation:

- (a) the primary purpose of which is to transport one or more of the following:
 - (i) medical patients;
 - (ii) medical personnel;
 - (iii) blood, tissue or organs for transfusion, grafting or transplantation; or
- (b) of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.

Note: Other medical supplies (including medical equipment and medicines) might also be transported on an aircraft for a medical transport operation.

(2) Despite subclause (1), an operation is not a ***medical transport operation*** if the operation is of a kind prescribed by the Part 119 Manual of Standards for the purposes of this subclause.

75 Definition of *passenger transport operation*

(1) A ***passenger transport operation*** is an operation of an aircraft that involves the carriage of passengers, whether or not cargo is also carried on the aircraft.

- (2) Despite subclause (1), an operation is not a *passenger transport operation* if the operation is:
- (a) an operation of an aircraft with a special certificate of airworthiness; or
 - (b) a cost-sharing flight; or
 - (c) a medical transport operation; or
 - (d) if the registered operator of an aircraft is an individual—an operation of the aircraft:
 - (i) that involves the carriage of that individual; and
 - (ii) does not also involve the carriage of other passengers; or
 - (e) if the registered operator of an aircraft is an individual—an operation of the aircraft:
 - (i) that involves the carriage of that individual; and
 - (ii) involves the carriage of other passengers; and
 - (iii) for which no payment or reward is made or given in relation to the carriage of the other passengers or cargo.

Part 3—Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

1 General

In this Part, Parts 42, 66, 145 and 147, and Subparts 202.BA, 202.CG, 202.GE and 202.GG:

aircraft type training, for a rating, means the training for the rating delivered by a maintenance training organisation in accordance with a course plan for the training approved by CASA under regulation 147.030.

approval rating:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.015(1); and
- (b) for a Part 145 organisation—has the meaning given by subregulation 145.010(1).

aviation industry standard means a document specified in the Part 42 Manual of Standards as an aviation industry standard.

base maintenance, for a Part 145 organisation, means maintenance on an aircraft that CASA has approved in the organisation's exposition as being base maintenance for the organisation.

CAR maintenance activities means the following activities conducted under Part 4A of CAR:

- (a) carrying out maintenance on a registered aircraft to which Part 42 does not apply, or on an aircraft component or aircraft material for an aircraft of that kind;
- (b) certifying the completion of maintenance carried out on an aircraft or aircraft component;
- (c) issuing a maintenance release for an aircraft;
- (d) endorsing a maintenance release for an aircraft;
- (e) issuing an authorised release certificate for an aircraft component.

CAR maintenance activities subcontractor, for an approved maintenance organisation: see clause 21.

carries out maintenance, in relation to an approved maintenance organisation, has the meaning given by subclause 5(5).

carrying out maintenance on an aeronautical product has the meaning given by subclause 5(2).

carrying out maintenance on an aircraft has a meaning affected by clause 5.

category A licence means a subcategory A1, A2, A3 or A4 aircraft engineer licence.

category B1 licence means a subcategory B1.1, B1.2, B1.3 or B1.4 aircraft engineer licence.

category B2 licence means a category B2 aircraft engineer licence.

category C licence means a category C aircraft engineer licence.

category training, for a category A, B1 or B2 licence, means training in the required units of competency for the licence or rating.

certification authorisation means an authorisation that an approved maintenance organisation grants to an individual in accordance with the Part 42 Manual of Standards or the Part 145 Manual of Standards to do either or both of the following on behalf of the organisation:

- (a) perform maintenance certifications;
- (b) issue certificates of release to service.

certifying employee, for particular maintenance, means an individual who holds a certification authorisation that is in force from an approved maintenance organisation for the maintenance.

employee, in relation to an approved maintenance organisation, includes:

- (a) a maintenance services subcontractor; and
- (b) a CAR maintenance activities subcontractor.

excluded State means a foreign country specified as an excluded State in the Part 66 Manual of Standards.

exempt public authority has the meaning given by section 9 of the *Corporations Act 2001*.

foreign company means:

- (a) a body corporate:
 - (i) that is incorporated in an external Territory, or outside Australia and the external Territories; and
 - (ii) that is not an exempt public authority; or
- (b) an unincorporated body that:
 - (i) is formed in an external Territory, or outside Australia and the external Territories; and
 - (ii) under the law of its place of formation, may sue or be sued, or may hold property in the name of its secretary or of an officer of the body duly appointed for that purpose; and
 - (iii) does not have its head office or principal place of business in Australia.

foreign licence means:

- (a) a licence that:
 - (i) is granted under a national aviation law of a foreign country, other than a foreign country that is an excluded State; and

- (ii) complies with Annex 1, *Personnel Licensing*, to the Chicago Convention; and
- (iii) deals with the provision of maintenance services; or
- (b) an authorisation that:
 - (i) is issued by a foreign company, other than a foreign company incorporated or formed in an excluded State; and
 - (ii) deals with the provision of maintenance services; or
- (c) a licence mentioned in paragraph (a) and an authorisation mentioned in paragraph (b) that together deal with the provision of maintenance services.

instructions for continuing airworthiness, for an aircraft or aeronautical product, has the meaning given by clause 10.

large aircraft means:

- (a) an aeroplane that:
 - (i) has a maximum take-off weight of more than 5 700 kg; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (b)(ii) of the definition of small aircraft; or
- (b) an aeroplane that:
 - (i) has a maximum take-off weight of not more than 5 700 kg; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a large aircraft; or
- (c) a helicopter that:
 - (i) has more than 1 engine; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (d)(ii) of the definition of small aircraft; or
- (d) a helicopter that:
 - (i) has only 1 engine; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a large aircraft.

line maintenance, for a Part 145 organisation, means maintenance on an aircraft that CASA has approved in the organisation's exposition as being line maintenance for the organisation.

maintenance certification means a certification performed under Division 42.H.2.

maintenance data has the meaning given by clause 15.

maintenance services means the following:

- (a) carrying out maintenance on an aircraft or an aeronautical product;
- (b) performing maintenance certification for maintenance carried out on an aircraft;

- (c) issuing a certificate of release to service for an aircraft or aeronautical product in relation to maintenance carried out on the aircraft or aeronautical product.

maintenance services subcontractor, for an approved maintenance organisation, has the meaning given by clause 20.

maintenance training means category training or aircraft type training.

maintenance training organisation means a person who holds an approval under regulation 147.030 that is in force.

Part 66 Manual of Standards means the Manual of Standards issued by CASA under regulation 66.015.

Part 145 Manual of Standards means the Manual of Standards issued by CASA under regulation 145.015.

Part 147 Manual of Standards means the Manual of Standards issued by CASA under regulation 147.015.

permitted aircraft type means an aircraft type, within the meaning given by regulation 66.010, specified in the Part 66 Manual of Standards as one for which an approved maintenance organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment.

permitted training means:

- (a) training and assessment for an aircraft type, within the meaning given by regulation 66.010, aircraft system or subset of an aircraft system specified in the Part 66 Manual of Standards as one for which a Part 145 organisation may provide training and assessment; or
- (b) training and assessment for a permitted aircraft type.

provides has the meaning given by clause 25.

rating means an authorisation granted under regulation 66.080 or 66.095, being a permission:

- (a) to perform maintenance certification, under a category B1 or B2 licence, for maintenance carried out on a particular aircraft type; or
- (b) to issue a certificate of release to service, under a category B1, B2, or C licence, for an aircraft of a particular aircraft type in relation to maintenance carried out on the aircraft.

recognised State means a foreign country specified as a recognised State in the Part 66 Manual of Standards.

small aircraft means:

- (a) an aeroplane that:
 - (i) has a maximum take-off weight of not more than 5 700 kg; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (b)(ii) of the definition of large aircraft; or

- (b) an aeroplane that:
 - (i) has a maximum take-off weight of more than 5 700 kg; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a small aircraft; or
- (c) a helicopter that:
 - (i) has only 1 engine; and
 - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (d)(ii) of the definition of large aircraft; or
- (d) a helicopter that:
 - (i) has more than 1 engine; and
 - (ii) is of a type and model specified in the Part 42 Manual of Standards as a small aircraft.

specialist maintenance means:

- (a) for a Subpart 42.F organisation:
 - (i) maintenance specified in the Part 42 Manual of Standards as specialist maintenance; and
 - (ii) maintenance that CASA has approved in the organisation's exposition as being specialist maintenance for the organisation; and
- (b) for a Part 145 organisation:
 - (i) maintenance specified in the Part 145 Manual of Standards as specialist maintenance; and
 - (ii) maintenance that CASA has approved in the organisation's exposition as being specialist maintenance for the organisation.

supervising, in relation to maintenance being carried out, has the meaning given by clause 30.

type rated aircraft type, for an aircraft engineer licence, means an aircraft type, within the meaning given by regulation 66.010, specified in the Part 66 Manual of Standards as a type rated aircraft type for the licence.

unit of competency means a unit of the Australian Qualifications Framework Aeroskills Training Package, as in force from time to time.

5 Definitions relating to carrying out maintenance

Meaning of carrying out maintenance on an aircraft

- (1) A reference to carrying out maintenance on an aircraft includes:
 - (a) carrying out maintenance on an aeronautical product that is fitted to the aircraft at the time the maintenance is carried out; and
 - (b) carrying out maintenance on an aeronautical product that is not fitted to the aircraft at the time the maintenance is carried out, in the circumstances mentioned in subclause (3) or (4).

Meaning of carrying out maintenance on an aeronautical product

- (2) A reference to ***carrying out maintenance on an aeronautical product*** is a reference to carrying out maintenance on an aeronautical product that is not fitted to an aircraft at the time the maintenance is carried out, other than in the circumstances mentioned in subclause (3) or (4).
- (3) The circumstances are that:
 - (a) the aeronautical product (the ***removed product***) is removed from a location on the aircraft; and
 - (b) the removal of the removed product is permitted, by the maintenance data for maintenance to be carried out on the removed product, for the purpose of improving access for the carrying out of maintenance on that product; and
 - (c) the removed product is returned to the same location on the aircraft at the completion of the maintenance for which it was removed.
- (4) The circumstances are that:
 - (a) the aeronautical product (the ***removed product***) is removed from a location on the aircraft; and
 - (b) the removal of the removed product is for the purpose of carrying out maintenance that is necessary to rectify a defect in the removed product; and
 - (c) the maintenance data for the maintenance does not require the use of specified tools or equipment for carrying out the maintenance; and
 - (d) the removed product is returned to the same location on the aircraft at the completion of the maintenance; and
 - (e) the serviceability of the removed product can be tested, using an aircraft system, after the removed product is returned to the aircraft.

Carrying out of maintenance by approved maintenance organisations

- (5) An approved maintenance organisation ***carries out maintenance*** if the maintenance is carried out on the organisation's behalf by an individual.

10 Meaning of *instructions for continuing airworthiness*

- (1) ***Instructions for continuing airworthiness***, for an aircraft or aeronautical product, means written instructions, as in force from time to time:
 - (a) that specify requirements, procedures and standards for the continuing airworthiness of the aircraft or aeronautical product; and
 - (b) that are:
 - (i) issued by any of the persons mentioned in subclause (2); or
 - (ii) for an aircraft or aeronautical product for which there is a design for a modification or repair that is taken to have been approved under subregulation 21.465 or 21.470—included, or referred to, in the document that contains the design.
- (2) The persons are the following:

- (a) the holder of the type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate for the aircraft or aeronautical product;
- (b) the holder of any of the following for the design of a modification of, or a repair to, the aircraft or aeronautical product:
 - (i) a modification/repair design approval; or
 - (ii) an approval mentioned in regulation 21.475; or
 - (iii) an approval that continues in force under regulation 202.054, 202.055 or 202.056;
- (c) the manufacturer of the aircraft or aeronautical product.

15 Meaning of *maintenance data*

- (1) Subject to subclauses (2), (3) and (4), *maintenance data*, for maintenance to be carried out on an aircraft or aeronautical product, means procedures for carrying out the maintenance, as in force from time to time, that are mentioned in:
 - (a) the instructions for continuing airworthiness for the aircraft or aeronautical product; or
 - (b) if the instructions for continuing airworthiness do not include procedures for carrying out the maintenance—an aviation industry standard that applies to the maintenance.
- (2) Subject to subclauses (3) and (4), if, at a particular time:
 - (a) a Part 145 organisation is carrying out maintenance on an aircraft or aeronautical product; and
 - (b) the organisation has written a procedure for carrying out the maintenance;
 then, at that time, the procedure written by the organisation is the *maintenance data* for the maintenance for the organisation.
- (3) Subject to subclause (4), if, at a particular time:
 - (a) a continuing airworthiness management organisation is providing continuing airworthiness services for an aircraft; and
 - (b) the organisation has written a procedure for carrying out the maintenance on the aircraft or on an aeronautical product fitted to the aircraft;
 then, at that time, the procedure written by the organisation is the *maintenance data* for the maintenance for the aircraft or aeronautical product.
- (4) If, at a particular time, an airworthiness directive that applies to an aircraft or aeronautical product mentions a procedure for carrying out the maintenance, then, at that time, the procedure in the airworthiness directive is the *maintenance data* for the maintenance.

20 Meaning of *maintenance services subcontractor*

- (1) A person is a *maintenance services subcontractor* in relation to an approved maintenance organisation if the person is a party to a written contract with the organisation to provide maintenance services on behalf of the organisation.

- (2) An employee of a maintenance services subcontractor under subclause (1) is also a ***maintenance services subcontractor***.

21 Meaning of *CAR maintenance activities subcontractor*

- (1) A person is a ***CAR maintenance activities subcontractor*** in relation to an approved maintenance organisation if the person is a party to a written contract with the organisation to undertake CAR maintenance activities on behalf of the organisation.
- (2) An employee of a CAR maintenance activities subcontractor under subclause (1) is also a ***CAR maintenance activities subcontractor***.

25 Meaning of *provides*

An organisation ***provides*** any of the following services or training if its employees provide the service or training for or on behalf of the organisation:

- (a) maintenance services;
- (b) permitted training;
- (c) continuing airworthiness management services;
- (d) maintenance training.

30 Meaning of *supervising*

A person (the ***supervisor***) is ***supervising*** the carrying out of maintenance done by another person if the supervisor:

- (a) is physically present at the place that the maintenance is being carried out; and
- (b) is observing the maintenance being carried out to the extent necessary to enable the supervisor to form an opinion as to whether the maintenance is being carried out properly; and
- (c) is available to give advice to, and answer questions about the maintenance from, the person carrying it out.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal and Assent	Commencement	Application, saving and transitional provisions
237, 1998	22 July 1998	SubPt F, G, J, K and O of Pt 21: 1 Dec 1998 (r 1.2(1)) Remainder: 1 Oct 1998 (r 1.2(2))	
166, 1999	16 Aug 1999	Sch 1: 16 Aug 1999 (r 2(2))	—
262, 1999	27 Oct 1999	Sch 1: 1 Jan 2000 (r 2(c))	—
7, 2000	23 Feb 2000	23 Feb 2000 (r 2)	—
204, 2000	31 July 2000	r 5–8 and Sch 2: 1 Oct 2000 (r 2(b)) Sch 1: 31 July 2000 (r 2(a)) Note: Pt 47 of Sch 2 (item 7) was disallowed by the Senate on 8 Nov 2000	r 5–8
as amended by			
345, 2004	8 Dec 2004	Sch 3: 8 Dec 2004 (r 2)	—
227, 2000	17 Aug 2000	r 4 and Sch 2: 17 Aug 2000 (r 2(b)) Sch 1: 1 Dec 1998 (r 2(a)) Sch 4: 1 Sept 2000 (r 2(c))	r 4
34, 2001	1 Mar 2001	1 Mar 2001 (r 2)	—
242, 2001	5 Sept 2001	5 Sept 2001 (r 2)	—
349, 2001	21 Dec 2001	r 4 and Sch 1: 1 July 2002 (r 2)	r 4
as amended by			
79, 2002	18 Apr 2002	18 Apr 2002 (r 2)	—
345, 2004	8 Dec 2004	Sch 4: 8 Dec 2004 (r 2)	—
167, 2002	3 July 2002	r 5 and Sch 1: 1 May 2003 (r 2)	r 5
as amended by			
345, 2004	8 Dec 2004	Sch 5: 8 Dec 2004 (r 2)	—
266, 2002	6 Nov 2002	1 July 2002 (r 2)	—
268, 2002	6 Nov 2002	Sch 1: 6 Nov 2002 (r 2)	—
320, 2002	19 Dec 2002	19 Dec 2002 (r 2)	—
321, 2002	19 Dec 2002	19 Dec 2002 (r 2)	—
349, 2002	20 Dec 2002	20 Dec 2002 (r 2)	—
350, 2002	20 Dec 2002	Sch 1 and 3: 20 Dec 2002 (r 2)	—
58, 2003	14 Apr 2003	Sch 1: 2 May 2003 (r 2(b))	—

Number and year	FRLI registration or gazettal and Assent	Commencement	Application, saving and transitional provisions
75, 2003	1 May 2003	Sch 1: 1 May 2003 (r 2(a)) Sch 3: 3 May 2003 (r 2(b))	—
189, 2003	24 July 2003	Sch 1: 1 Oct 2003 (r 2)	—
232, 2003	3 Sept 2003	Sch 1: 3 Sept 2003 (r 2)	—
240, 2003	18 Sept 2003	Sch 2: 18 Sept 2003 (r 2)	—
297, 2003	27 Nov 2003	27 Nov 2003 (r 2)	—
365, 2003	23 Dec 2003	Sch 1: 23 Dec 2003 (r 2(a)) Sch 2: 1 Jan 2004 (r 2(b)) Sch 4: 1 July 2004 (r 2(c))	—
4, 2004	12 Feb 2004	20 Feb 2004 (r 2)	—
134, 2004	18 June 2004	Sch 2: 15 Nov 2004 (r 2)	—
216, 2004	15 July 2004	Sch 2: 15 July 2004 (r 2)	—
222, 2004	22 July 2004	Sch 4: 1 July 2004 (r 2)	—
230, 2004	28 July 2004	28 July 2004 (r 2)	—
345, 2004	8 Dec 2004	Sch 2: 8 Dec 2004 (r 2)	—
207, 2005	19 Sept 2005 (F2005L02673)	Sch 1 (items 1–3): 1 Oct 2005 (r 2)	—
242, 2005	24 Oct 2005 (F2005L03219)	Sch 1: 25 Oct 2005 (r 2)	—
258, 2005	15 Nov 2005 (F2005L03421)	16 Nov 2005 (r 2)	—
321, 2005	19 Dec 2005 (F2005L04039)	Sch 1: 20 Dec 2005 (r 2)	—
323, 2005	19 Dec 2005 (F2005L04033)	20 Dec 2005 (r 2)	—
124, 2006	2 June 2006 (F2006L01624)	3 June 2006 (r 2)	—
185, 2006	17 July 2006 (F2006L02115)	18 July 2006 (r 2)	—
41, 2007	26 Mar 2007 (F2007L00794)	25 May 2007 (r 2)	—
172, 2007	26 June 2007 (F2007L01842)	1 July 2007 (r 2)	—
226, 2007	24 July 2007 (F2007L02284)	25 July 2007 (r 2)	—
192, 2008	22 Sept 2008 (F2008L03483)	23 Sept 2008 (r 2)	—
274, 2008	18 Dec 2008 (F2008L04644)	19 Dec 2008 (r 2)	—
275, 2008	18 Dec 2008 (F2008L04587)	19 Dec 2008 (r 2)	—
64, 2009	15 Apr 2009 (F2009L01295)	Sch 1: 16 Apr 2009 (r 2(a)) Sch 2: 1 Oct 2009 (r 2(b))	—
147, 2009	26 June 2009 (F2009L02511)	1 July 2009 (r 2)	—
232, 2009	9 Sept 2009 (F2009L03481)	10 Sept 2009 (r 2)	—
120, 2010	7 June 2010 (F2010L01546)	8 June 2010 (r 2)	—
277, 2010	19 Nov 2010 (F2010L03002)	Sch 2: 1 Mar 2012 (r 2(b)) Sch 3: repealed before commencing (r 2(c)) Remainder: 1 Dec 2010 (r 2(a))	—

Number and year	FRLI registration or gazettal and Assent	Commencement	Application, saving and transitional provisions
as amended by			
245, 2015	14 Dec 2015 (F2015L01980)	Sch 1 (items 4–7): 15 Dec 2015 (s 2(1) item 2)	—
328, 2010	14 Dec 2010 (F2010L03195)	Sch 1: 27 June 2011 (r 2(a))	—
76, 2011	7 June 2011 (F2011L00968)	Sch 1: 27 June 2011 (r 2)	—
77, 2011	8 June 2011 (F2011L00971)	Sch 1: 27 June 2011 (r 2)	—
120, 2011	30 June 2011 (F2011L01364)	Sch 2 (items 10, 11): 1 July 2011 (r 2)	—
164, 2011	2 Sept 2011 (F2011L01804)	3 Sept 2011 (r 2)	—
265, 2011	12 Dec 2011 (F2011L02648)	Sch 2: 1 Apr 2012 (r 2(b)) Remainder: 13 Dec 2011 (r 2(a))	—
107, 2012	14 June 2012 (F2012L01199)	15 June 2012 (s 2)	—
5, 2013	19 Feb 2013 (F2013L00218)	Sch 1: 1 Sept 2014 (s 2)	—
as amended by			
254, 2013	25 Nov 2013 (F2013L01976)	Sch 1 (items 2–10): 26 Nov 2013 (s 2)	—
274, 2013	17 Dec 2013 (F2013L02129)	Sch 2: 18 Dec 2013 (s 2 item 3)	—
80, 2013	20 May 2013 (F2013L00798)	Sch 1 (items 8–123, 125, 126, 128–152): 21 May 2013 (s 2)	—
188, 2013	26 July 2013 (F2013L01444)	Sch 1 (items 6–81): 1 Mar 2014 (s 2)	—
222, 2013	8 Aug 2013 (F2013L01539)	Sch 1 (item 2): 1 Sept 2014 (s 2)	—
as amended by			
254, 2013	25 Nov 2013 (F2013L01976)	Sch 1 (item 1): 26 Nov 2013 (s 2)	—
274, 2013	17 Dec 2013 (F2013L02129)	Sch 1 (items 22–464, 468–476): 1 Sept 2014 (s 2 item 2)	—
275, 2013	17 Dec 2013 (F2013L02128)	Sch 1 (items 9–81): 18 Dec 2013 (s 2)	—
40, 2014	15 Apr 2014 (F2014L00414)	Sch 1 (items 12–35): 1 May 2014 (s 2 item 2) Sch 2: 1 Sept 2014 (s 2 item 3)	—
125, 2014	25 Aug 2014 (F2014L01122)	Sch 1 (items 4–219): 1 Sept 2014 (s 2)	—
as amended by			
Act No 145, 2015	12 Nov 2015	Sch 2 (item 6): 1 Sept 2014 (s 2(1) item 6)	—

Number and year	FRLI registration or gazettal and Assent	Commencement	Application, saving and transitional provisions
135, 2014	23 Sept 2014 (F2014L01261)	Sch 1 (items 3–6): 5 Mar 2015 (s 2)	—
166, 2014	3 Nov 2014 (F2014L01470)	Sch 1 (items 4–33): 4 Nov 2014 (s 2)	—
204, 2014	16 Dec 2014 (F2014L01717)	1 Sept 2015 (s 2)	—
90, 2015	19 June 2015 (F2015L00854)	Sch 2 (item 74): 1 July 2015 (s 2(1) item 2)	—
245, 2015	14 Dec 2015 (F2015L01980)	Sch 1 (items 8–10): 15 Dec 2015 (s 2(1) item 2) Sch 2 (items 5–53): 1 June 2016 (s 2(1) item 3) Sch 3 (items 3–17): 4 July 2016 (s 2(1) item 4)	—
246, 2015	14 Dec 2015 (F2015L01992)	Sch 1 (items 1–33): 4 July 2016 (s 2(1) item 2) Sch 1 (items 46–48): 15 Dec 2015 (s 2(1) item 3)	—
247, 2015	14 Dec 2015 (F2015L01995)	Sch 1 (items 4–9): 20 Apr 2016 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) (Consequential Amendments) Regulation 2016	29 Feb 2016 (F2016L00170)	Sch 1 (items 8–14): 5 Mar 2016 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Part 101) Regulation 2016	29 Mar 2016 (F2016L00400)	Sch 1 (items 5–102): 29 Sept 2016 (s 2(1) item 1)	—
Biosecurity (Consequential Amendments and Transitional Provisions) Regulation 2016	9 May 2016 (F2016L00717)	Sch 2 (item 4) and Sch 3: 16 June 2016 (s 2(1) item 1)	Sch 3
Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016	16 Sept 2016 (F2016L01448)	Sch 1 (items 28–75) and Sch 2: 17 Sept 2016 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Part 132) Regulation 2016	28 Oct 2016 (F2016L01655)	Sch 1 (items 13–40): 28 Jan 2017 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Corporations and Other Legislation Amendment (Insolvency Law Reform) Regulation 2016	13 Dec 2016 (F2016L01926)	Sch 1 (item 17): 1 Mar 2017 (s 2(1) item 2)	—
Civil Aviation Safety Amendment (Flight Crew Licensing and Other Measures) Regulations 2017	20 June 2017 (F2017L00697)	21 June 2017 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Part 90) Regulations 2017	11 Sept 2017 (F2017L01149)	12 Sept 2017 (s 2(1) item 1)	—
Air Navigation (Aircraft Noise—Repeal and Consequential Amendments) Regulations 2018	29 Mar 2018 (F2018L00449)	Sch 1 (item 8): 1 Apr 2018 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Part 149) Regulations 2018	13 July 2018 (F2018L01030)	Sch 1 (items 1–3, 10–34): 14 July 2019 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2018	17 Aug 2018 (F2018L01131)	31 Aug 2018 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Part 135) Regulations 2018	18 Dec 2018 (F2018L01782)	2 Dec 2021 (s 2(1) item 1)	—
as amended by			
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 151–159) and Sch 3 (item 8): 7 Oct 2020 (s 2(1) items 2, 4)	—
Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021	1 June 2021 (F2021L00673)	Sch 2 (item 3): 2 June 2021 (s 2(1) item 4)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Civil Aviation Safety Amendment (Part 91) Regulations 2018 as amended by	18 Dec 2018 (F2018L01783)	2 Dec 2021 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019	16 Dec 2019 (F2019L01621)	Sch 4 (items 4–59): 17 Dec 2019 (s 2(1) item 3)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 46–93) and Sch 3 (item 4): 7 Oct 2020 (s 2(1) items 2, 4)	—
Civil Aviation Safety Amendment (Part 121) Regulations 2018 as amended by	18 Dec 2018 (F2018L01784)	2 Dec 2021 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 96–134) and Sch 3 (item 6): 7 Oct 2020 (s 2(1) items 2, 4)	—
Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021	1 June 2021 (F2021L00673)	Sch 2 (item 1): 2 June 2021 (s 2(1) item 4)	—
Civil Aviation Safety Amendment (Part 119) Regulations 2018 as amended by	18 Dec 2018 (F2018L01787)	2 Dec 2021 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 94, 95) and Sch 3 (item 5): 7 Oct 2020 (s 2(1) items 2, 4) Sch 2 (item 2): 2 Dec 2021 (s 2(1) item 3)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Civil Aviation Safety Amendment (Part 133) Regulations 2018 as amended by	18 Dec 2018 (F2018L01788)	2 Dec 2021 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 135–150) and Sch 3 (item 7): 7 Oct 2020 (s 2(1) items 2, 4)	—
Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021	1 June 2021 (F2021L00673)	Sch 2 (item 2): 2 June 2021 (s 2(1) item 4)	—
Civil Aviation Safety Amendment (Part 138) Regulations 2018 as amended by	18 Dec 2018 (F2018L01789)	2 Dec 2021 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 160–225) and Sch 3 (item 9): 7 Oct 2020 (s 2(1) items 2, 4) Sch 2 (item 3): 2 Dec 2021 (s 2(1) item 3)	—
Civil Aviation Safety Amendment (Part 139) Regulations 2019 as amended by	22 Feb 2019 (F2019L00176)	13 Aug 2020 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Part 139 Aerodromes—Transitional Provisions and Consequential Amendments) Regulations 2020	15 July 2020 (F2020L00913)	Sch 1: 16 July 2020 (s 2(1) item 2)	—
Air Services Legislation (Repeal and Consequential Amendments) Regulations 2019	25 Mar 2019 (F2019L00372)	Sch 1 (items 17–21): 26 Mar 2019 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019 as amended by	8 Apr 2019 (F2019L00557)	2 Dec 2021 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019	16 Dec 2019 (F2019L01621)	Sch 4 (items 1–3): 17 Dec 2019 (s 2(1) item 3)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 22–45) and Sch 3 (item 3): 7 Oct 2020 (s 2(1) items 2, 4)	—
Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations 2019 as amended by	31 July 2019 (F2019L01027)	Sch 1 and 2: 30 Sept 2020 (s 2(1) item 2) Remainder: 1 Aug 2019 (s 2(1) items 1, 3)	—
Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations (No. 2) 2019	22 Oct 2019 (F2019L01364)	Sch 1 (item 1): 23 Oct 2019 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft—Registration and Accreditation) Regulations (No. 2) 2019	22 Oct 2019 (F2019L01364)	Sch 1 (items 2–22): 23 Oct 2019 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019 as amended by	16 Dec 2019 (F2019L01621)	Sch 1, Sch 2 (items 2–11) and Sch 3: 2 Dec 2021 (s 2(1) item 2)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 1–21) and Sch 3 (items 1, 2): 7 Oct 2020 (s 2(1) items 2, 4) Sch 2 (item 1): 2 Dec 2021 (s 2(1) item 3)	—
Civil Aviation Safety Amendment (Part 66 Transition Extension) Regulations 2020	29 June 2020 (F2020L00824)	30 June 2020 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Civil Aviation Legislation Amendment (Part 139 Aerodromes—Transitional Provisions and Consequential Amendments) Regulations 2020	15 July 2020 (F2020L00913)	Sch 2 and Sch 3 (items 15–34); 13 Aug 2020 (s 2(1) item 3)	—
Civil Aviation Safety Amendment (Flight Crew Licensing Measures No. 1) Regulations 2020	21 Aug 2020 (F2020L01051)	22 Aug 2020 (s 2(1) items 2, 3)	—
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (item 226); 7 Oct 2020 (s 2(1) item 2) Sch 2 (items 4–19); 2 Dec 2021 (s 2(1) item 3)	—
Civil Aviation Safety Amendment (Part 101—High Power Rockets) Regulations 2020	14 Dec 2020 (F2020L01601)	15 Dec 2020 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021	4 Mar 2021 (F2021L00200)	Sch 2; 5 Mar 2021 (s 2(1) item 3) Sch 1 (items 58–335) and Sch 3; 2 Dec 2021 (s 2(1) items 2, 4)	—
Civil Aviation Safety Amendment (Unmanned Aircraft Levy Collection) Regulations 2021	27 June 2021 (F2021L01027)	28 July 2021 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Parts 47 and 101) Regulations 2022	18 Feb 2022 (F2022L00157)	19 Feb 2022 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Parts 47 and 101 No. 2) Regulations 2022	1 Apr 2022 (F2022L00499)	2 Apr 2022 (s 2(1) item 1)	—
Civil Aviation Amendment (Part 149 Deferral) Regulations 2022	14 July 2022 (F2022L00978)	15 July 2022 (s 2(1) item 1)	—
Civil Aviation Safety Amendment (Flight Operations—Parts 119 and 138) Regulations 2022	9 Dec 2022 (F2022L01612)	10 Dec 2022 (s 2(1) item 1)	—
Civil Aviation Legislation Amendment (2023 Measures No. 1) Regulations 2023	25 May 2023 (F2023L00606)	Sch 1 (items 1–72) and Sch 2; 26 May 2023 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Instruments Update (Autumn 2024) Regulations 2024	14 Mar 2024 (F2024L00297)	Sch 2 (items 2–5): 11 Apr 2024 (s 2(1) item 1)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Emergency Declaration (Consequential Amendments) Act 2020	129, 2020	15 Dec 2020	Sch 1 (item 12): 16 Dec 2020 (s 2(1) item 2)	—

Endnote 4—Amendment history

Provision affected	How affected
Guide	ad No 350, 2002 am No 345, 2004; No 323, 2005; No 172, 2007 rep No 77, 2011
Part 1	
Part 1	am No 345, 2004; No 80, 2013; No 275, 2013
r 1.0	ad No 204, 2000 am No 350, 2002
r 1.000 (prev r 1.0)	renum No 350, 2002 rep No 345, 2004
r 1.1	rs No 350, 2002
r 1.001 (prev r 1.1)	renum No 350, 2002
r 1.2	rep No 350, 2002
r 1.003 (prev r 1.3)	renum No 350, 2002 am No 80, 2013
r 1.4	rs No 204, 2000
r 1.004 (prev r 1.4)	renum No 350, 2002 am No 345, 2004
r 1.5	rep No 204, 2000
r 1.005	ad No 345, 2004 rep F2020L00913
r 1.006 (prev r 1.6)	renum No 350, 2002 rs No 345, 2004 rep No 275, 2013 ad No 166, 2014
r 1.007 (prev r 1.7)	renum No 350, 2002 am No 80, 2013 rep No 275, 2013
r 1.008	ad No 345, 2004 am F2016L01448
Part 11	
Part 11	ad No 204, 2000 rs No 345, 2004 am No 80, 2013; No 188, 2013; No 274, 2013 (Sch 1 item 22 md)
Subpart 11.A	
r 11.005	ad No 345, 2004 rs No 77, 2011
r 11.010	ad No 345, 2004

Provision affected	How affected
	am No 77, 2011
r 11.015.....	ad No 345, 2004
	am No 77, 2011; No 80, 2013; F2018L01030
r 11.018.....	ad No 77, 2011
Subpart 11.B	
Subpart 11.B heading	rs No 77, 2011
r 11.020.....	ad No 345, 2004
r 11.025.....	ad No 345, 2004
	rs No 77, 2011
	am No 80, 2013; No 188, 2013
r 11.026.....	ad No 188, 2013
r 11.027.....	ad F2016L01655
r 11.028.....	ad No 5, 2013
r 11.030.....	ad No 345, 2004
	am No 77, 2011; F2019L01027; F2021L01027
r 11.032.....	ad No 77, 2011
r 11.033.....	ad F2019L01027
r 11.034.....	ad F2019L01027
r 11.035.....	ad No 345, 2004
	am No 77, 2011
r 11.040.....	ad No 345, 2004
	am No 77, 2011; F2016L01655
r 11.045.....	ad No 345, 2004
	am No 77, 2011
r 11.047.....	ad No 77, 2011
r 11.050.....	ad No 345, 2004
	am No 77, 2011
Subpart 11.BA	
Subpart 11.BA heading.....	ad No 77, 2011
r 11.055.....	ad No 345, 2004
	am No 77, 2011; No 80, 2013
r 11.056.....	ad No 77, 2011
	am No 80, 2013; No 274, 2013; F2016L01655
r 11.060.....	ad No 345, 2004
	rs No 77, 2011
	am No 80, 2013
r 11.065.....	ad No 345, 2004
	am No 77, 2011
r 11.067.....	ad No 77, 2011
	am No 80, 2013

Provision affected	How affected
r 11.068.....	ad No 77, 2011
r 11.070.....	ad No 345, 2004 rs No 77, 2011
r 11.071.....	ad No 77, 2011
r 11.072.....	ad No 77, 2011 am F2016L01926
r 11.073.....	ad No 77, 2011
r 11.074.....	ad No 77, 2011
r 11.075.....	ad No 77, 2011
r 11.077.....	ad No 77, 2011
r 11.080.....	ad No 345, 2004 rep No 77, 2011 ad No 80, 2013 am No 245, 2015
Subpart 11.C	
r 11.090.....	ad No 345, 2004 am No 77, 2011
r 11.095.....	ad No 345, 2004 am No 77, 2011
r 11.100.....	ad No 345, 2004
r 11.105.....	ad No 345, 2004
r 11.110.....	ad No 345, 2004 am No 77, 2011
r 11.115.....	ad No 345, 2004
Subpart 11.D	
Subpart 11.D heading.....	rs No 274, 2013
r 11.120.....	ad No 345, 2004 rs No 77, 2011; No 274, 2013
r 11.125.....	ad No 345, 2004 am No 77, 2011
r 11.130.....	ad No 345, 2004 am No 77, 2011; No 274, 2013; No 204, 2014
r 11.132.....	ad No 77, 2011
Subpart 11.E	
r 11.135.....	ad No 345, 2004 rs No 77, 2011
r 11.140.....	ad No 345, 2004 am No 77, 2011
r 11.145.....	ad No 345, 2004 am No 77, 2011

Provision affected	How affected
r 11.150.....	ad No 345, 2004 am No 77, 2011
Subpart 11.F	
Subpart 11.F heading.....	rs No 77, 2011
Division 11.F.1	
r 11.155.....	ad No 345, 2004 am No 77, 2011
r 11.160.....	ad No 345, 2004 am No 77, 2011; F2016L00170; F2021L00200
r 11.165.....	ad No 345, 2004 am No 77, 2011
r 11.170.....	ad No 345, 2004
r 11.175.....	ad No 345, 2004
Division 11.F.2	
r 11.180.....	ad No 345, 2004 rs No 77, 2011
r 11.185.....	ad No 345, 2004 am No 77, 2011; F2016L00170; Act No 129, 2020; F2021L00200
r 11.190.....	ad No 345, 2004
r 11.195.....	ad No 345, 2004
Division 11.F.3	
r 11.200.....	ad No 345, 2004 rs No 77, 2011
r 11.205.....	ad No 345, 2004
r 11.210.....	ad No 345, 2004
r 11.215.....	ad No 345, 2004 rep No 77, 2011
r 11.220.....	ad No 345, 2004 am No 323, 2005; No 77, 2011
r 11.225.....	ad No 345, 2004 am No 323, 2005; No 77, 2011
r 11.230.....	ad No 345, 2004 am No 323, 2005; No 77, 2011
r 11.235.....	ad No 345, 2004
Subpart 11.G	
r 11.240.....	ad No 345, 2004 am No 77, 2011
r 11.245.....	ad No 345, 2004 am No 323, 2005; No 77, 2011; F2016L00170
r 11.250.....	ad No 345, 2004

Provision affected	How affected
	am No 323, 2005; No 77, 2011
r 11.255.....	ad No 345, 2004 am No 77, 2011
Subpart 11.H	
r 11.260.....	ad No 345, 2004 am No 77, 2011; No 80, 2013; F2021L00200
Subpart 11.J	
r 11.265.....	ad No 345, 2004 am No 323, 2005 rs No 77, 2011 am F2016L00170
r 11.267.....	ad No 77, 2011
r 11.270.....	ad No 345, 2004
r 11.275.....	ad No 345, 2004 am No 77, 2011
r 11.280.....	ad No 345, 2004 am No 77, 2011
r 11.285.....	ad No 345, 2004
r 11.290.....	ad No 345, 2004
r 11.295.....	ad No 345, 2004
Part 13	
Part 13.....	ad No 204, 2000 rs No 4, 2004
Subpart 13.K	
Division 13.K.1	
r 13.320.....	ad No 4, 2004
r 13.325.....	ad No 4, 2004
r 13.330.....	ad No 4, 2004
r 13.335.....	ad No 4, 2004
r 13.340.....	ad No 4, 2004
r 13.345.....	ad No 4, 2004 am No 192, 2008
r 13.350.....	ad No 4, 2004
r 13.355.....	ad No 4, 2004
r 13.360.....	ad No 4, 2004
r 13.365.....	ad No 4, 2004
Division 13.K.2	
r 13.370.....	ad No 4, 2004
r 13.375.....	ad No 4, 2004

Provision affected	How affected
	am No 345, 2004; No 328, 2010; No 5, 2013; No 274, 2013; F2016L00400; F2020L00913; F2021L00200
r 13.380.....	ad No 4, 2004
Part 21	
Part 21.....	am No 345, 2004; No 80, 2013; No 188, 2013; No 274, 2013; No 40, 2014
Subpart 21.A	
Subpart 21.A (prev Subpart A).....	renum No 350, 2002
r 21.0.....	ad No 204, 2000
	am No 204, 2000; No 242, 2001; No 320, 2002; No 350, 2002
r 21.000 (prev r 21.0).....	renum No 350, 2002
	rep No 345, 2004
r 21.001 (prev r 21.1).....	renum No 350, 2002
	am No 76, 2011; No 188, 2013; F2021L00200
r 21.001A (prev r 21.1A).....	renum No 350, 2002
r 21.1B.....	rep No 320, 2002
r 21.2.....	rep No 268, 2002
r 21.002A (prev r 21.2A).....	renum No 350, 2002
	rep No 77, 2011
r 21.2B.....	am No 166, 1999
r 21.002B (prev r 21.2B).....	renum No 350, 2002
	am No 350, 2002
	rep No 77, 2011
r 21.002C (prev r 21.2C).....	renum No 350, 2002
	am No 350, 2002
r 21.002D (prev r 21.2D).....	renum No 350, 2002
	am No 350, 2002
r 21.002E (prev r 21.2E).....	renum No 350, 2002
	am No 345, 2004
r 21.3.....	am No 166, 1999; No 268, 2002; No 350, 2002
r 21.003 (prev r 21.3).....	renum No 350, 2002
	am No 350, 2002; No 76, 2011; No 188, 2013; No 245, 2015
r 21.5.....	am No 268, 2002
r 21.005 (prev r 21.5).....	renum No 350, 2002
	am No 76, 2011; No 166, 2014
r 21.006.....	ad No 76, 2011
	am No 188, 2013
r 21.006A.....	ad No 76, 2011
	am No 188, 2013; No 245, 2015; F2021L00200
	ed C93
r 21.007.....	ad No 76, 2011

Provision affected	How affected
	am No 188, 2013; No 40, 2014
r 21.007A	ad No 76, 2011
	rs No 188, 2013
r 21.008	ad No 76, 2011
r 21.009	ad No 76, 2011
	am No 188, 2013; No 40, 2014; No 166, 2014
r 21.010	ad No 76, 2011
r 21.010A	ad No 40, 2014
	am No 40, 2014 (Sch 2 item 3 md)
r 21.010B	ad No 166, 2014
r 21.010C	ad No 166, 2014
r 21.010D	ad No 245, 2015
Subpart 21.B	
Subpart 21.B heading	rs No 80, 2013
Subpart 21.B (prev Subpart B)	renum No 350, 2002
	am F2018L00449
r 21.011 (prev r 21.11)	renum No 350, 2002
	am No 274, 2013
r 21.12	am No 166, 1999
r 21.012 (prev r 21.12)	renum No 350, 2002
	am No 80, 2013
	rep No 166, 2014
r 21.013 (prev r 21.13)	renum No 350, 2002
r 21.013A (prev r 21.13A)	renum No 350, 2002
	am No 350, 2002; No 77, 2011; No 188, 2013
r 21.014 (prev r 21.14)	renum No 350, 2002
	am No 350, 2002
r 21.015 (prev r 21.15)	renum No 350, 2002
	am No 77, 2011
r 21.16	am No 268, 2002
r 21.016 (prev r 21.16)	renum No 350, 2002
	am No 80, 2013
r 21.017 (prev r 21.17)	renum No 350, 2002
	am No 350, 2002; No 80, 2013; No 245, 2015
r 21.19	am No 166, 1999
r 21.019 (prev r 21.19)	renum No 350, 2002
	am No 350, 2002
r 21.021 (prev r 21.21)	renum No 350, 2002
	am No 350, 2002; No 80, 2013
r 21.24	am No 166, 1999

Provision affected	How affected
r 21.024 (prev r 21.24).....	renum No 350, 2002 am No 350, 2002; No 328, 2010; No 274, 2013
r 21.25.....	am No 166, 1999
r 21.025 (prev r 21.25).....	renum No 350, 2002
r 21.26.....	am No 166, 1999
r 21.026 (prev r 21.26).....	renum No 350, 2002 am No 350, 2002; No 328, 2010; No 274, 2013
r 21.27.....	am No 350, 2002
r 21.027 (prev r 21.27).....	renum No 350, 2002 am No 245, 2015
r 21.29.....	am No 320, 2002
r 21.029 (prev r 21.29).....	renum No 350, 2002 am No 350, 2002; No 77, 2011; No 80, 2013; No 274, 2013
r 21.29A.....	am No 166, 1999
r 21.029A (prev r 21.29A).....	renum No 350, 2002 am No 350, 2002; No 77, 2011; No 274, 2013
r 21.29B.....	am No 268, 2002
r 21.029B (prev r 21.29B).....	renum No 350, 2002 am No 350, 2002; No 323, 2005; No 274, 2013
r 21.029C (prev r 21.29C).....	renum No 350, 2002 am No 350, 2002; No 323, 2005; No 274, 2013
r 21.31.....	am No 320, 2002
r 21.031 (prev r 21.31).....	renum No 350, 2002 am No 350, 2002; No 328, 2010; No 188, 2013; No 274, 2013; No 245, 2015
r 21.33.....	am No 166, 1999
r 21.033 (prev r 21.33).....	renum No 350, 2002 am No 350, 2002; No 80, 2013
r 21.035 (prev r 21.35).....	renum No 350, 2002 am No 350, 2002; No 80, 2013; No 245, 2015
r 21.037 (prev r 21.37).....	renum No 350, 2002 am No 350, 2002 rs No 5, 2013
r 21.039 (prev r 21.39).....	renum No 350, 2002 am No 350, 2002
r 21.41.....	am No 166, 1999
r 21.041 (prev r 21.41).....	renum No 350, 2002 am No 350, 2002; No 80, 2013; No 274, 2013
r 21.043 (prev r 21.43).....	renum No 350, 2002 am No 350, 2002
r 21.47.....	am No 268, 2002

Provision affected	How affected
r 21.047 (prev r 21.47).....	renum No 350, 2002 rs No 188, 2013
r 21.048.....	ad No 188, 2013
r 21.49.....	am No 268, 2002
r 21.049 (prev r 21.49).....	renum No 350, 2002
r 21.50.....	am No 268, 2002
r 21.050 (prev r 21.50).....	renum No 350, 2002 am No 350, 2002; No 80, 2013; No 245, 2015
r 21.051 (prev r 21.51).....	renum No 350, 2002 am No 350, 2002; No 323, 2005; No 274, 2013
r 21.053 (prev r 21.53).....	renum No 350, 2002 am No 350, 2002
Subpart 21.C	
Subpart 21.C heading	rs No 80, 2013
Subpart 21.C (prev Subpart C)	renum No 350, 2002 am F2018L00449
r 21.071 (prev r 21.71).....	renum No 350, 2002
r 21.073 (prev r 21.73).....	renum No 350, 2002
r 21.075 (prev r 21.75).....	renum No 350, 2002
r 21.076 (prev r 21.76).....	renum No 350, 2002 am No 350, 2002; No 77, 2011
r 21.077 (prev r 21.77).....	renum No 350, 2002
r 21.078 (prev r 21.78).....	renum No 350, 2002 am No 350, 2002
r 21.079 (prev r 21.79).....	renum No 350, 2002 rep No 80, 2013
r 21.81.....	am No 166, 1999; No 350, 2002
r 21.081 (prev r 21.81).....	renum No 350, 2002 am No 80, 2013; F2021L00200
r 21.83.....	am No 166, 1999; No 350, 2002
r 21.083 (prev r 21.83).....	renum No 350, 2002 am No 80, 2013; No 274, 2013; F2021L00200
r 21.85.....	am No 166, 1999; No 350, 2002
r 21.085 (prev r 21.85).....	renum No 350, 2002 am No 80, 2013; No 274, 2013; F2021L00200
Subpart 21.D	
Subpart 21.D (prev Subpart D).....	renum No 350, 2002
r 21.091 (prev r 21.91).....	renum No 350, 2002
r 21.093 (prev r 21.93).....	renum No 350, 2002
r 21.095 (prev r 21.95).....	renum No 350, 2002

Provision affected	How affected
	rs No 188, 2013
r 21.097 (prev r 21.97).....	renum No 350, 2002 am No 188, 2013
r 21.098 (prev r 21.98).....	renum No 350, 2002 am No 350, 2002; No 77, 2011; No 188, 2013
r 21.99.....	am No 268, 2002
r 21.099 (prev r 21.99).....	renum No 350, 2002
r 21.101.....	am No 166, 1999; No 350, 2002; No 80, 2013; No 245, 2015
Subpart 21.E	
Subpart 21.E heading.....	rs No 80, 2013
Subpart 21.E (prev Subpart E).....	renum No 350, 2002 am F2018L00449
r 21.113.....	am No 350, 2002; No 77, 2011
r 21.113A.....	am No 77, 2011
r 21.114.....	am No 80, 2013; No 274, 2013
r 21.115.....	am No 350, 2002 rs No 188, 2013
r 21.117.....	am No 166, 1999 rs No 188, 2013
r 21.118.....	am No 350, 2002
r 21.119.....	am No 350, 2002; No 274, 2013
r 21.120.....	ad No 188, 2013
r 21.120A.....	ad No 188, 2013
r 21.120B.....	ad No 40, 2014
Subpart 21.F	
Subpart 21.F (prev Subpart F).....	renum No 350, 2002
r 21.121.....	am No 350, 2002
r 21.123.....	am No 268, 2002
r 21.125.....	am No 268, 2002; No 188, 2013
r 21.127.....	am No 268, 2002
r 21.128.....	am No 268, 2002
r 21.129.....	am No 268, 2002
r 21.130.....	am No 227, 2000
r 21.130A.....	am No 268, 2002; No 80, 2013
Subpart 21.G	
Subpart 21.G (prev Subpart G).....	renum No 350, 2002
r 21.131.....	am No 227, 2000
r 21.132.....	ad No 227, 2000 am No 350, 2002; No 188, 2013; No 274, 2013; No 245, 2015
r 21.132A.....	ad No 227, 2000

Provision affected	How affected
	am No 242, 2001
	rs No 188, 2013
r 21.133.....	rs No 227, 2000
	am No 242, 2001; No 297, 2003; No 77, 2011; No 188, 2013
r 21.134.....	am No 268, 2002; No 77, 2011
r 21.135.....	am No 227, 2000
r 21.137.....	am No 80, 2013; No 188, 2013
r 21.139.....	rs No 227, 2000
r 21.143.....	am No 227, 2000; No 268, 2002; No 297, 2003
r 21.144.....	am No 227, 2000
r 21.145.....	am No 268, 2002; No 297, 2003
r 21.147.....	am No 227, 2000; No 268, 2002
r 21.149.....	rs No 227, 2000
r 21.151.....	rs No 227, 2000
	am No 297, 2003
r 21.153.....	am No 227, 2000; No 77, 2011
r 21.155.....	rep No 80, 2013
r 21.157.....	rs No 268, 2002
r 21.159.....	am No 350, 2002
r 21.161.....	am No 268, 2002
r 21.163.....	am No 350, 2002; No 328, 2010
r 21.165.....	rs No 227, 2000
	am No 268, 2002
r 21.166.....	rs No 227, 2000
	am No 268, 2002; No 80, 2013
Subpart 21.H	
Subpart H heading.....	rs No 166, 1999
Subpart 21.H heading.....	rs No 80, 2013
Subpart 21.H (prev Subpart H).....	renum No 350, 2002
	am F2018L00449
r 21.171.....	am No 166, 1999; No 323, 2005
r 21.172.....	ad No 321, 2005
	am No 245, 2015
r 21.173.....	am No 166, 1999; No 204, 2000; No 134, 2004; No 321, 2005; No 77, 2011
	rs F2016L01655
	am F2021L00200
r 21.174.....	ad F2016L01655
r 21.175.....	am No 321, 2005; No 80, 2013
r 21.176.....	am No 166, 1999; No 268, 2002; No 350, 2002; No 77, 2011; F2016L01655

Provision affected	How affected
r 21.181	am No 166, 1999; No 268, 2002; No 350, 2002; No 321, 2005; No 328, 2010; No 274, 2013; F2021L00200
r 21.182	ad No 204, 2000 am No 321, 2005; No 274, 2013
r 21.183	am No 166, 1999; No 320, 2002; No 350, 2002; No 328, 2010; No 76, 2011
r 21.184	am No 166, 1999; No 350, 2002; No 328, 2010; No 76, 2011; No 275, 2013; No 245, 2015
r 21.184A	am No 166, 1999; No 350, 2002; No 76, 2011; No 245, 2015
r 21.185	am No 166, 1999; No 350, 2002; No 76, 2011
r 21.186	ad No 321, 2005 am No 188, 2013
r 21.187	am No 268, 2002; No 350, 2002
r 21.189	am F2016L01655
r 21.190	am No 166, 1999; No 227, 2000; No 345, 2004; No 76, 2011
r 21.191	am No 350, 2002; No 321, 2005
r 21.192	am No 204, 2000; No 134, 2004; No 321, 2005; F2021L00200
r 21.193	am No 321, 2005; No 80, 2013; No 188, 2013
r 21.195A	am No 166, 1999; No 268, 2002; No 77, 2011; No 188, 2013
r 21.195B	am No 268, 2002; No 350, 2002; No 321, 2005; No 188, 2013; F2021L00200
r 21.195C	ad No 188, 2013
r 21.197	am No 166, 1999; No 320, 2002; No 350, 2002; No 328, 2010; F2020L01283; F2021L00200
r 21.199	am No 77, 2011
r 21.200	am No 268, 2002; No 350, 2002; No 230, 2004; No 64, 2009; No 77, 2011
r 21.201	am No 268, 2002; No 350, 2002; No 77, 2011
Subpart 21.I	
Subpart 21.I heading	rs No 80, 2013
Subpart 21.I (prev Subpart I)	renum No 350, 2002 am F2018L00449
r 21.213	am F2021L00200
r 21.215	am No 80, 2013
r 21.216	am No 77, 2011
r 21.217	am No 350, 2002
r 21.219	rs No 80, 2013
r 21.221	am No 166, 1999; No 350, 2002; No 80, 2013; F2021L00200
r 21.223	am No 166, 1999; No 350, 2002; No 80, 2013; F2021L00200
r 21.225	am No 166, 1999; No 350, 2002; No 80, 2013; F2021L00200
Subpart 21.J	
Subpart 21.J (prev Subpart J)	renum No 350, 2002 rs No 188, 2013

Provision affected	How affected
Division 21.J.1	
r 21.231	am No 227, 2000 rs No 188, 2013
r 21.233	ad No 188, 2013 am No 40, 2014; No 166, 2014
r 21.235	am No 77, 2011 rs No 188, 2013
r 21.237	ad No 188, 2013
r 21.239	am No 77, 2011; No 80, 2013 rs No 188, 2013
Division 21.J.2	
r 21.241	ad No 188, 2013
r 21.243	am No 350, 2002 rs No 188, 2013
r 21.245	am No 268, 2002 rs No 188, 2013
r 21.247	rep No 80, 2013 ad No 188, 2013 am No 245, 2015
r 21.248	ad No 188, 2013 am No 245, 2015
r 21.249	rs No 188, 2013
Division 21.J.3	
r 21.251	am No 227, 2000 rs No 188, 2013 am No 40, 2014
Division 21.J.4	
r 21.253	am No 80, 2013 rs No 188, 2013
r 21.255	ad No 188, 2013 am No 166, 2014
r 21.256	ad No 188, 2013
r 21.257	rs No 188, 2013
r 21.258	ad No 188, 2013 am No 245, 2015
r 21.259	ad No 188, 2013
r 21.261	am No 268, 2002; No 80, 2013 rs No 188, 2013
Division 21.J.5	
r 21.263	ad No 188, 2013

Provision affected	How affected
	am No 245, 2015
r 21.265.....	ad No 188, 2013
r 21.267.....	am No 350, 2002
	rs No 188, 2013
r 21.269.....	rs No 188, 2013
	am No 245, 2015
	ed C72
r 21.270.....	ad No 188, 2013
	am No 245, 2015
r 21.271.....	am No 227, 2000; No 268, 2002; No 345, 2004
	rs No 188, 2013
r 21.273.....	rs No 188, 2013
r 21.275.....	rs No 188, 2013
r 21.277.....	am No 268, 2002; No 350, 2002
	rs No 188, 2013
r 21.279.....	ad No 188, 2013
r 21.281.....	ad No 188, 2013
r 21.283.....	ad No 188, 2013
r 21.289.....	rep No 188, 2013
r 21.293.....	am No 268, 2002
	rep No 188, 2013
Subpart 21.K	
Subpart 21.K (prev Subpart K).....	renum No 350, 2002
r 21.303.....	am No 227, 2000; No 268, 2002; No 350, 2002; No 297, 2003; No 328, 2010; No 76, 2011; No 77, 2011; No 80, 2013; No 188, 2013; No 274, 2013; No 166, 2014
r 21.304.....	ad No 297, 2003
	rep No 77, 2011
r 21.304A.....	ad No 297, 2003
r 21.305.....	am No 350, 2002; No 328, 2010; No 245, 2015
r 21.305A.....	am No 188, 2013; No 245, 2015
r 21.306.....	rs No 328, 2010
Subpart 21.L	
Subpart 21.L (prev Subpart L).....	renum No 350, 2002
r 21.321.....	am No 80, 2013; No 274, 2013
r 21.324.....	am No 77, 2011
r 21.325.....	am No 227, 2000; No 268, 2002; No 350, 2002; F2018L01030
r 21.327.....	am No 166, 1999; No 77, 2011; No 80, 2013
r 21.329.....	am No 166, 1999; No 350, 2002; No 328, 2010
r 21.331.....	am No 166, 1999; No 188, 2013
r 21.333.....	am No 166, 1999; No 188, 2013

Provision affected	How affected
r 21.337.....	rep No 328, 2010
Subpart 21.M	
Subpart 21.M.....	ad No 76, 2011
Division 21.M.1	
r 21.400.....	ad No 76, 2011 am No 245, 2015
r 21.402.....	ad No 76, 2011 rs No 188, 2013
r 21.403.....	ad No 188, 2013
Division 21.M.2	
r 21.405.....	ad No 76, 2011 am No 188, 2013; No 245, 2015
r 21.410.....	ad No 76, 2011 am No 188, 2013
r 21.414.....	ad No 76, 2011 am No 188, 2013
r 21.416.....	ad No 76, 2011 rs No 188, 2013
r 21.418.....	ad No 188, 2013
r 21.420.....	ad No 76, 2011 am No 188, 2013
r 21.425.....	ad No 76, 2011
r 21.430.....	ad No 76, 2011 am No 188, 2013
r 21.435.....	ad No 76, 2011 am No 188, 2013
r 21.436.....	ad No 188, 2013
r 21.437.....	ad No 76, 2011 am No 188, 2013
r 21.440.....	ad No 76, 2011 am No 188, 2013
r 21.445.....	ad No 76, 2011 am No 188, 2013
Division 21.M.3	
r 21.448.....	ad No 76, 2011 am No 245, 2015
r 21.450.....	ad No 76, 2011
r 21.455.....	ad No 76, 2011
r 21.460.....	ad No 76, 2011 am F2021L00200

Provision affected	How affected
Division 21.M.4	
r 21.465.....	ad No 76, 2011
r 21.470.....	ad No 76, 2011 am No 274, 2013; No 166, 2014
r 21.475.....	ad No 76, 2011 rs No 245, 2015
Subpart 21.N	
Subpart 21.N (prev Subpart N).....	renum No 350, 2002
r 21.500.....	am No 166, 1999; No 350, 2002; No 80, 2013; No 188, 2013; No 40, 2014
r 21.500A.....	am No 77, 2011; No 188, 2013
r 21.502.....	am No 166, 1999; No 350, 2002; No 80, 2013; No 40, 2014; No 245, 2015
r 21.502A.....	am No 166, 1999; No 77, 2011; No 188, 2013; No 245, 2015
Subpart 21.O	
Subpart 21.O (prev Subpart O).....	renum No 350, 2002
r 21.601.....	am No 34, 2001; No 80, 2013; No 188, 2013; No 245, 2015
r 21.603.....	am No 34, 2001 rs No 268, 2002 am No 188, 2013
r 21.605.....	am No 166, 1999; No 34, 2001; No 297, 2003; No 77, 2011; No 188, 2013
r 21.607.....	am No 34, 2001; No 268, 2002; No 80, 2013; No 188, 2013; No 245, 2015
r 21.609.....	am No 166, 1999; No 34, 2001; No 77, 2011; No 188, 2013; No 274, 2013
r 21.611.....	am No 34, 2001; No 268, 2002; No 350, 2002; No 76, 2011; No 188, 2013
r 21.613.....	am No 268, 2002; No 297, 2003
r 21.617.....	am No 166, 1999; No 274, 2013; No 275, 2013
r 21.619.....	am No 34, 2001; No 350, 2002; No 188, 2013
r 21.621.....	am No 80, 2013
Subpart 21.Q	
Subpart Q.....	ad No 204, 2000
Subpart 21.Q (prev Subpart Q).....	renum No 350, 2002
Division 21.Q.1	
Division 21.Q.1 (prev Division 1)	renum No 350, 2002
r 21.805.....	ad No 204, 2000
r 21.810.....	ad No 204, 2000
Division 21.Q.2	
Division 21.Q.2 (prev Division 2)	renum No 350, 2002
r 21.815.....	ad No 204, 2000
r 21.820.....	ad No 204, 2000 am No 242, 2001; No 268, 2002; No 321, 2005; No 77, 2011

Provision affected	How affected
r 21.825.....	ad No 204, 2000 am No 242, 2001; No 268, 2002
r 21.830.....	ad No 204, 2000 am No 242, 2001; No 268, 2002
r 21.835.....	ad No 204, 2000 am No 242, 2001; No 268, 2002
r 21.840.....	ad No 204, 2000 am No 242, 2001; No 268, 2002
Division 21.Q.3	
Division 21.Q.3 (prev Division 3)	renum No 350, 2002
r 21.845.....	ad No 204, 2000 am No 345, 2004
r 21.850.....	ad No 204, 2000 am No 268, 2002
r 21.855.....	ad No 204, 2000 am No 268, 2002
Division 21.Q.4	
Division 21.Q.4 heading.....	rs No 297, 2003
Division 21.Q.4 (prev Division 4)	renum No 350, 2002
r 21.860.....	ad No 204, 2000 rs No 297, 2003 am No 345, 2004
r 21.865.....	ad No 204, 2000 am No 242, 2001; No 268, 2002; No 297, 2003
r 21.870.....	ad No 204, 2000 am No 242, 2001; No 268, 2002; No 297, 2003
r 21.875.....	ad No 297, 2003 am No 345, 2004
r 21.880.....	ad No 297, 2003
Part 22	
Part 22.....	am No 345, 2004 rs No 147, 2009 am No 80, 2013
r 22.0.....	ad No 204, 2000
r 22.000 (prev r 22.0).....	renum No 350, 2002 rep No 345, 2004
r 22.001 (prev r 22.1).....	renum No 350, 2002 am No 345, 2004

Provision affected	How affected
	rs No 147, 2009
r 22.002 (prev r 22.2).....	renum No 350, 2002 am No 350, 2002
	rs No 147, 2009
r 22.003 (prev r 22.3).....	renum No 350, 2002 rs No 147, 2009
r 22.004 (prev r 22.4).....	renum No 350, 2002 rs No 147, 2009
r 22.005 (prev r 22.5).....	renum No 350, 2002 am No 350, 2002 rep No 147, 2009
r 22.006 (prev r 22.6).....	renum No 350, 2002 rep No 147, 2009
r 22.007 (prev r 22.7).....	renum No 350, 2002 rep No 147, 2009
r 22.008 (prev r 22.8).....	renum No 350, 2002 am No 350, 2002 rep No 147, 2009
r 22.009 (prev r 22.9).....	renum No 350, 2002 rep No 147, 2009
Part 23	
Part 23.....	am No 345, 2004; No 80, 2013
r 23.0.....	ad No 204, 2000
r 23.000 (prev r 23.0).....	renum No 350, 2002 rep No 345, 2004
r 23.001 (prev r 23.1).....	renum No 350, 2002 am No 345, 2004 rs No 147, 2009
r 23.002 (prev r 23.2).....	renum No 350, 2002 am No 350, 2002 rs No 147, 2009
r 23.003 (prev r 23.3).....	renum No 350, 2002
r 23.004 (prev r 23.4).....	renum No 350, 2002 rs No 147, 2009
r 23.005 (prev r 23.5).....	renum No 350, 2002 rs No 147, 2009
r 23.006 (prev r 23.6).....	renum No 350, 2002 am No 80, 2013
r 23.007 (prev r 23.7).....	renum No 350, 2002 rs No 147, 2009

Provision affected	How affected
r 23.008 (prev r 23.8).....	renum No 350, 2002 rs No 147, 2009
Part 25	
Part 25.....	am No 345, 2004; No 80, 2013
Subpart 25.A	
Subpart A heading	ad No 227, 2000 reloc No 350, 2002
Subpart 25.A (prev Subpart A).....	renum No 350, 2002
r 25.0.....	ad No 204, 2000 rs No 350, 2002
r 25.000 (prev r 25.0).....	renum No 350, 2002 rep No 345, 2004
r 25.1.....	am No 227, 2000
r 25.001 (prev r 25.1).....	renum No 350, 2002 rs No 147, 2009
r 25.002 (prev r 25.2).....	renum No 350, 2002 am No 350, 2002 rs No 147, 2009
Subpart 25.B	
Subpart B heading	ad No 227, 2000
Subpart 25.B heading	rs No 147, 2009
Subpart 25.B (prev Subpart B)	renum No 350, 2002
r 25.003 (prev r 25.3).....	renum No 350, 2002
r 25.004 (prev r 25.4).....	renum No 350, 2002 rs No 147, 2009
r 25.005 (prev r 25.5).....	renum No 350, 2002 am No 80, 2013
r 25.006 (prev r 25.6).....	renum No 350, 2002 rs No 147, 2009
Subpart 25.C	
Subpart C	ad No 227, 2000
Subpart 25.C (prev Subpart C)	renum No 350, 2002
r 25.11.....	ad No 227, 2000
r 25.011 (prev r 25.11).....	renum No 350, 2002
r 25.13.....	ad No 227, 2000
r 25.013 (prev r 25.13).....	renum No 350, 2002
Part 26	
Part 26.....	am No 345, 2004; No 80, 2013
r 26.0.....	ad No 204, 2000
r 26.000 (prev r 26.0).....	renum No 350, 2002

Provision affected	How affected
	rep No 345, 2004
r 26.001 (prev r 26.1).....	renum No 350, 2002
r 26.002 (prev r 26.2).....	renum No 350, 2002
	am No 80, 2013
Part 27	
Part 27 heading	rs No 166, 1999
Part 27	am No 345, 2004; No 80, 2013
r 27.0	ad No 204, 2000
r 27.000 (prev r 27.0).....	renum No 350, 2002
	rep No 345, 2004
r 27.1	am No 166, 1999
r 27.001 (prev r 27.1).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009
r 27.002 (prev r 27.2).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009
r 27.003 (prev r 27.3).....	renum No 350, 2002
r 27.003A	ad No 147, 2009
r 27.004 (prev r 27.4).....	renum No 350, 2002
	am No 80, 2013
r 27.005	ad No 147, 2009
Part 29	
Part 29	am No 345, 2004; No 80, 2013
r 29.0	ad No 204, 2000
r 29.000 (prev r 29.0).....	renum No 350, 2002
	rep No 345, 2004
r 29.001 (prev r 29.1).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009
r 29.002 (prev r 29.2).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009
r 29.003 (prev r 29.3).....	renum No 350, 2002
r 29.003A	ad No 147, 2009
r 29.004 (prev r 29.4).....	renum No 350, 2002
	am No 80, 2013
r 29.005	ad No 147, 2009
Part 31	
Part 31	am No 345, 2004; No 80, 2013

Provision affected	How affected
	rs No 166, 2014
r 31.0.....	ad No 204, 2000
r 31.000 (prev r 31.0).....	renum No 350, 2002
	rep No 345, 2004
r 31.001 (prev r 31.1).....	renum No 350, 2002
	rs No 166, 2014
r 31.002 (prev r 31.2).....	renum No 350, 2002
	am No 80, 2013
	rs No 166, 2014
r 31.003.....	ad No 166, 2014
r 31.004.....	ad No 166, 2014
r 31.005.....	ad No 166, 2014
r 31.006.....	ad No 166, 2014
r 31.007.....	ad No 166, 2014
r 31.008.....	ad No 166, 2014
Part 32	
Part 32.....	am No 345, 2004; No 80, 2013
r 32.0.....	ad No 204, 2000
r 32.000 (prev r 32.0).....	renum No 350, 2002
	rep No 345, 2004
r 32.001 (prev r 32.1).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009
r 32.002 (prev r 32.2).....	renum No 350, 2002
	am No 345, 2004; No 147, 2009; No 80, 2013
r 32.003 (prev r 32.3).....	renum No 350, 2002
	rs No 147, 2009
r 32.004 (prev r 32.4).....	renum No 350, 2002
	rs No 147, 2009
Part 33	
Part 33.....	am No 345, 2004; No 80, 2013
r 33.0.....	ad No 204, 2000
r 33.000 (prev r 33.0).....	renum No 350, 2002
	rep No 345, 2004
r 33.001 (prev r 33.1).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009
r 33.002 (prev r 33.2).....	renum No 350, 2002
	am No 345, 2004
	rs No 147, 2009

Provision affected	How affected
r 33.003 (prev r 33.3).....	renum No 350, 2002
r 33.003A	ad No 147, 2009
r 33.004 (prev r 33.4).....	renum No 350, 2002 am No 80, 2013
r 33.005.....	ad No 147, 2009
Part 35	
Part 35.....	am No 345, 2004; No 80, 2013
r 35.0.....	ad No 204, 2000
r 35.000 (prev r 35.0).....	renum No 350, 2002 rep No 345, 2004
r 35.001 (prev r 35.1).....	renum No 350, 2002 am No 345, 2004 rs No 147, 2009
r 35.002 (prev r 35.2).....	renum No 350, 2002 am No 345, 2004 rs No 147, 2009
r 35.003 (prev r 35.3).....	renum No 350, 2002
r 35.003A	ad No 147, 2009
r 35.004 (prev r 35.4).....	renum No 350, 2002 am No 80, 2013
r 35.005.....	ad No 147, 2009
Part 39	
Part 39.....	ad No 262, 1999 am No 345, 2004; No 80, 2013
r 39.0.....	ad No 204, 2000
r 39.000 (prev r 39.0).....	renum No 350, 2002 rep No 345, 2004
r 39.001A	ad No 64, 2009 am No 274, 2013; F2021L00200
r 39.1.....	ad No 262, 1999
r 39.001 (prev r 39.1).....	renum No 350, 2002 am No 230, 2004; No 323, 2005; No 64, 2009
r 39.2.....	ad No 262, 1999
r 39.002 (prev r 39.2).....	renum No 350, 2002 am No 350, 2002; No 64, 2009; No 274, 2013; F2021L00200
r 39.002A	ad No 64, 2009
r 39.002B	ad F2021L00200
r 39.3.....	ad No 262, 1999 rs No 268, 2002
r 39.003 (prev r 39.3).....	renum No 350, 2002

Provision affected	How affected
	am No 134, 2004
	rs No 230, 2004
	am No 64, 2009; F2021L00200
r 39.4.....	ad No 262, 1999
r 39.004 (prev r 39.4).....	renum No 350, 2002
	am No 230, 2004
	rs No 64, 2009
	am F2021L00200
r 39.5.....	ad No 262, 1999
	am No 350, 2002
r 39.005 (prev r 39.5).....	renum No 350, 2002
	rs No 64, 2009
	am No 274, 2013
r 39.6.....	ad No 262, 1999
r 39.006 (prev r 39.6).....	renum No 350, 2002
	am No 64, 2009
r 39.7.....	ad No 262, 1999
r 39.007 (prev r 39.7).....	renum No 350, 2002
	am No 350, 2002; No 64, 2009
Part 42	
Part 42.....	ad No 328, 2010
	am No 80, 2013; No 274, 2013
Subpart 42.A	
r 42.005.....	ad No 328, 2010
r 42.010.....	ad No 328, 2010
	am No 275, 2013; F2021L00200
r 42.015.....	ad No 328, 2010
	am No 76, 2011; No 107, 2012; No 275, 2013; No 166, 2014; No 245, 2015; F2021L00200
r 42.020.....	ad No 328, 2010
	am No 80, 2013
Subpart 42.B	
Division 42.B.1	
r 42.025.....	ad No 328, 2010
Division 42.B.2	
r 42.030.....	ad No 328, 2010
	am No 80, 2013; No 275, 2013; F2021L00200
r 42.035.....	ad No 328, 2010
r 42.040.....	ad No 328, 2010
	am F2021L00200

Provision affected	How affected
r 42.045.....	ad No 328, 2010
r 42.050.....	ad No 328, 2010
r 42.055.....	ad No 328, 2010
r 42.060.....	ad No 328, 2010
r 42.065.....	ad No 328, 2010
r 42.070.....	ad No 328, 2010
r 42.075.....	ad No 328, 2010
r 42.080.....	ad No 328, 2010
	am No 80, 2013
Division 42.B.3	
r 42.085.....	ad No 328, 2010
r 42.090.....	ad No 328, 2010
r 42.095.....	ad No 328, 2010
Subpart 42.C	
Division 42.C.1	
r 42.100.....	ad No 328, 2010
r 42.105.....	ad No 328, 2010
	am F2021L00200
Division 42.C.2	
r 42.110.....	ad No 328, 2010
r 42.115.....	ad No 328, 2010
r 42.120.....	ad No 328, 2010
	am No 274, 2013; F2021L00200
r 42.125.....	ad No 328, 2010
r 42.130.....	ad No 328, 2010
r 42.135.....	ad No 328, 2010
r 42.140.....	ad No 328, 2010
r 42.145.....	ad No 328, 2010
r 42.150.....	ad No 328, 2010
r 42.155.....	ad No 328, 2010
	am F2021L00200
r 42.160.....	ad No 328, 2010
r 42.165.....	ad No 328, 2010
Division 42.C.3	
Subdivision 42.C.3.1	
r 42.170.....	ad No 328, 2010
Subdivision 42.C.3.2	
r 42.175.....	ad No 328, 2010
r 42.180.....	ad No 328, 2010
	am No 275, 2013

Provision affected	How affected
r 42.185.....	ad No 328, 2010
r 42.190.....	ad No 328, 2010
r 42.195.....	ad No 328, 2010
	am No 275, 2013; F2021L00200
r 42.200.....	ad No 328, 2010
	am No 275, 2013
r 42.205.....	ad No 328, 2010
	am No 275, 2013
r 42.210.....	ad No 328, 2010
	am No 275, 2013
Subdivision 42.C.3.3	
r 42.215.....	ad No 328, 2010
Subdivision 42.C.3.4	
r 42.220.....	ad No 328, 2010
	am No 80, 2013
r 42.225.....	ad No 328, 2010
Subdivision 42.C.3.5	
r 42.230.....	ad No 328, 2010
r 42.235.....	ad No 328, 2010
r 42.240.....	ad No 328, 2010
Subdivision 42.C.3.6	
r 42.245.....	ad No 328, 2010
r 42.250.....	ad No 328, 2010
r 42.255.....	ad No 328, 2010
Subdivision 42.C.3.7	
r 42.260.....	ad No 328, 2010
	am No 275, 2013
r 42.265.....	ad No 328, 2010
Division 42.C.4	
r 42.270.....	ad No 328, 2010
	am No 76, 2011; No 166, 2014; No 245, 2015
r 42.275.....	ad No 328, 2010
r 42.280.....	ad No 328, 2010
	am No 80, 2013
r 42.285.....	ad No 328, 2010
Subpart 42.D	
Division 42.D.1	
r 42.290.....	ad No 328, 2010
Division 42.D.2	
r 42.295.....	ad No 328, 2010

Provision affected	How affected
	am F2021L00200
r 42.300.....	ad No 328, 2010
	am No 5, 2013
r 42.301.....	ad No 80, 2013
	am No 274, 2013; No 275, 2013; No 166, 2014
Division 42.D.3	
r 42.305.....	ad No 328, 2010
r 42.306.....	ad No 80, 2013
	am No 274, 2013; No 275, 2013
Division 42.D.4	
r 42.310.....	ad No 328, 2010
r 42.315.....	ad No 328, 2010
r 42.320.....	ad No 328, 2010
r 42.325.....	ad No 328, 2010
	am No 275, 2013
r 42.330.....	ad No 328, 2010
Division 42.D.5	
r 42.335.....	ad No 328, 2010
	am No 5, 2013
r 42.340.....	ad No 328, 2010
r 42.345.....	ad No 328, 2010
Division 42.D.6	
Subdivision 42.D.6.1	
r 42.350.....	ad No 328, 2010
	am F2021L00200
r 42.355.....	ad No 328, 2010
r 42.360.....	ad No 328, 2010
	am No 40, 2014; F2021L00200
r 42.365.....	ad No 328, 2010
r 42.370.....	ad No 328, 2010
Subdivision 42.D.6.2	
r 42.375.....	ad No 328, 2010
r 42.380.....	ad No 328, 2010
r 42.385.....	ad No 328, 2010
r 42.390.....	ad No 328, 2010
Division 42.D.7	
r 42.395.....	ad No 328, 2010
	am No 275, 2013
r 42.400.....	ad No 328, 2010
r 42.405.....	ad No 328, 2010

Provision affected	How affected
r 42.410.....	ad No 328, 2010
Subpart 42.E	
Division 42.E.1	
r 42.415.....	ad No 328, 2010
Division 42.E.2	
r 42.420.....	ad No 328, 2010 am No 80, 2013
r 42.425.....	ad No 328, 2010
r 42.430.....	ad No 328, 2010 am No 80, 2013; No 166, 2014
r 42.435.....	ad No 328, 2010
r 42.440.....	ad No 328, 2010 am No 274, 2013
r 42.445.....	ad No 328, 2010
r 42.450.....	ad No 328, 2010
r 42.455.....	ad No 328, 2010
Division 42.E.3	
r 42.460.....	ad No 328, 2010
r 42.465.....	ad No 328, 2010
Division 42.E.4	
r 42.470.....	ad No 328, 2010 am No 274, 2013
r 42.475.....	ad No 328, 2010
r 42.480.....	ad No 328, 2010
r 42.485.....	ad No 328, 2010
r 42.490.....	ad No 328, 2010
Subpart 42.F	
Division 42.F.1	
r 42.495.....	ad No 328, 2010
r 42.500.....	ad No 328, 2010
r 42.505.....	ad No 328, 2010
Division 42.F.2	
r 42.510.....	ad No 328, 2010
r 42.515.....	ad No 328, 2010
r 42.520.....	ad No 328, 2010
r 42.525.....	ad No 328, 2010
r 42.530.....	ad No 328, 2010
Division 42.F.3	
r 42.535.....	ad No 328, 2010
r 42.540.....	ad No 328, 2010

Provision affected	How affected
r 42.545.....	ad No 328, 2010
r 42.550.....	ad No 328, 2010
Division 42.F.4	
r 42.555.....	ad No 328, 2010
r 42.560.....	ad No 328, 2010
r 42.565.....	ad No 328, 2010
Subpart 42.G	
Division 42.G.1	
r 42.570.....	ad No 328, 2010
r 42.575.....	ad No 328, 2010
r 42.580.....	ad No 328, 2010
Division 42.G.2	
r 42.585.....	ad No 328, 2010
r 42.590.....	ad No 328, 2010
r 42.595.....	ad No 328, 2010
r 42.600.....	ad No 328, 2010
r 42.605.....	ad No 328, 2010
Division 42.G.3	
r 42.610.....	ad No 328, 2010
r 42.615.....	ad No 328, 2010
r 42.620.....	ad No 328, 2010
r 42.625.....	ad No 328, 2010
Division 42.G.4	
r 42.630.....	ad No 328, 2010 am No 5, 2013
r 42.635.....	ad No 328, 2010
r 42.640.....	ad No 328, 2010
r 42.645.....	ad No 328, 2010
Division 42.G.5	
r 42.650.....	ad No 328, 2010
r 42.655.....	ad No 328, 2010
r 42.660.....	ad No 328, 2010
r 42.665.....	ad No 328, 2010
r 42.670.....	ad No 328, 2010
r 42.675.....	ad No 328, 2010
Subpart 42.H	
Division 42.H.1	
r 42.680.....	ad No 328, 2010

Provision affected	How affected
Division 42.H.2	
Subdivision 42.H.2.1	
r 42.685.....	ad No 328, 2010
Subdivision 42.H.2.2	
r 42.690.....	ad No 328, 2010
r 42.695.....	ad No 328, 2010
r 42.700.....	ad No 328, 2010
Subdivision 42.H.2.3	
r 42.705.....	ad No 328, 2010
r 42.710.....	ad No 328, 2010
Subdivision 42.H.2.4	
r 42.715.....	ad No 328, 2010
Division 42.H.3	
Subdivision 42.H.3.1	
r 42.720.....	ad No 328, 2010
r 42.725.....	ad No 328, 2010
Subdivision 42.H.3.2	
r 42.730.....	ad No 328, 2010
r 42.735.....	ad No 328, 2010
r 42.740.....	ad No 328, 2010
Subdivision 42.H.3.3	
r 42.745.....	ad No 328, 2010
r 42.750.....	ad No 328, 2010
r 42.755.....	ad No 328, 2010
Subdivision 42.H.3.4	
r 42.760.....	ad No 328, 2010
	am No 80, 2013
r 42.765.....	ad No 328, 2010
Subdivision 42.H.3.5	
r 42.770.....	ad No 328, 2010
Division 42.H.4	
Subdivision 42.H.4.1	
r 42.775.....	ad No 328, 2010
r 42.780.....	ad No 328, 2010
Subdivision 42.H.4.2	
r 42.785.....	ad No 328, 2010
r 42.790.....	ad No 328, 2010
Subdivision 42.H.4.3	
r 42.795.....	ad No 328, 2010
r 42.800.....	ad No 328, 2010

Provision affected	How affected
r 42.805.....	ad No 328, 2010
Subdivision 42.H.4.4	
r 42.810.....	ad No 328, 2010
r 42.815.....	ad No 328, 2010 am No 80, 2013
Subdivision 42.H.4.5	
r 42.820.....	ad No 328, 2010
r 42.825.....	ad No 328, 2010
Subpart 42.I	
Division 42.I.1	
r 42.830.....	ad No 328, 2010
r 42.835.....	ad No 328, 2010
Division 42.I.2	
r 42.840.....	ad No 328, 2010
r 42.845.....	ad No 328, 2010
r 42.850.....	ad No 328, 2010
r 42.855.....	ad No 328, 2010
r 42.860.....	ad No 328, 2010
r 42.865.....	ad No 328, 2010
r 42.870.....	ad No 328, 2010
Division 42.I.3	
r 42.875.....	ad No 328, 2010
r 42.880.....	ad No 328, 2010
r 42.885.....	ad No 328, 2010
r 42.890.....	ad No 328, 2010
r 42.895.....	ad No 328, 2010
Division 42.I.4	
r 42.900.....	ad No 328, 2010 am No 275, 2013; F2021L00200
Division 42.I.5	
r 42.905.....	ad No 328, 2010
r 42.910.....	ad No 328, 2010
r 42.915.....	ad No 328, 2010
r 42.920.....	ad No 328, 2010
r 42.925.....	ad No 328, 2010
Division 42.I.6	
r 42.930.....	ad No 328, 2010 am F2021L00200

Provision affected	How affected
Subpart 42.J	
Division 42.J.1	
r 42.935.....	ad No 328, 2010
Division 42.J.2	
r 42.940.....	ad No 328, 2010 am F2021L00200
r 42.945.....	ad No 328, 2010
r 42.950.....	ad No 328, 2010
r 42.955.....	ad No 328, 2010
r 42.960.....	ad No 328, 2010
r 42.965.....	ad No 328, 2010
Division 42.J.3	
r 42.970.....	ad No 328, 2010 am F2021L00200
r 42.975.....	ad No 328, 2010
r 42.980.....	ad No 328, 2010
Division 42.J.4	
r 42.985.....	ad No 328, 2010
r 42.990.....	ad No 328, 2010
r 42.995.....	ad No 328, 2010
r 42.1000.....	ad No 328, 2010
r 42.1005.....	ad No 328, 2010
r 42.1010.....	ad No 328, 2010
Division 42.J.5	
r 42.1015.....	ad No 328, 2010
r 42.1020.....	ad No 328, 2010
r 42.1025.....	ad No 328, 2010
Subpart 42.K	
r 42.1030.....	ad No 328, 2010
r 42.1035.....	ad No 328, 2010
Subpart 42.L	
Division 42.L.1	
r 42.1040.....	ad No 328, 2010
Division 42.L.2	
r 42.1045.....	ad No 328, 2010
r 42.1050.....	ad No 328, 2010
Division 42.L.3	
r 42.1055.....	ad No 328, 2010
r 42.1060.....	ad No 328, 2010

Provision affected	How affected
Subpart 42.M	
r 42.1065	ad No 328, 2010
r 42.0170	ad No 328, 2010
r 42.1075	ad No 328, 2010
Subpart 42.N	
r 42.1080	ad No 328, 2010
r 42.1085	ad No 328, 2010
r 42.1090	ad No 328, 2010
r 42.1095	ad No 328, 2010
Subpart 42.O	
r 42.1100	ad No 328, 2010
r 42.1105	ad No 328, 2010
Part 43	ad No 204, 2000 rep No 328, 2010
Part 45	
Part 45	ad No 204, 2000 am No 345, 2004; No 80, 2013 rs No 245, 2015
Subpart 45.A	
Subpart 45.A (prev Subpart A)	renum No 350, 2002 rs No 245, 2015
r 45.000	ad No 204, 2000 am No 242, 2001; No 350, 2002 rep No 345, 2004
r 45.005	ad No 204, 2000 am No 77, 2011 rs No 245, 2015 am F2019L01027; F2021L00200
Division 45.B.1 (prev Division 1)	renum No 350, 2002 rep No 245, 2015
r 45.010	ad No 204, 2000 am No 77, 2011 rs No 245, 2015
r 45.015	ad No 204, 2000 rs No 245, 2015 am F2018L01030; F2021L00200
r 45.020	ad No 204, 2000 am No 350, 2002; No 134, 2004 rs No 245, 2015
r 45.025	ad No 204, 2000

Provision affected	How affected
	am No 134, 2004
	rs No 245, 2015
r 45.030.....	ad No 204, 2000
	rs No 245, 2015
r 45.035.....	ad No 204, 2000
	am No 268, 2002; No 77, 2011
	rep No 245, 2015
r 45.040.....	ad No 204, 2000
	rep No 245, 2015
r 45.045.....	ad No 204, 2000
	rep No 245, 2015
Subpart 45.B	
Subpart 45.B (prev Subpart B)	renum No 350, 2002
	rs No 245, 2015
r 45.050.....	ad No 204, 2000
	rs No 245, 2015
r 45.055.....	ad No 204, 2000
	rs No 245, 2015
r 45.060.....	ad No 204, 2000
	am No 242, 2001
	rs No 245, 2015
r 45.065.....	ad No 204, 2000
	am No 242, 2001
	rs No 245, 2015
r 45.070.....	ad No 204, 2000
	rs No 245, 2015
r 45.075.....	ad No 204, 2000
	rep No 245, 2015
r 45.080.....	ad No 204, 2000
	rep No 245, 2015
r 45.085.....	ad No 204, 2000
	am No 268, 2002
	rep No 245, 2015
Subpart 45.C	
Subpart 45.C (prev Subpart C)	renum No 350, 2002
	rs No 245, 2015
r 45.090.....	ad No 204, 2000
	am No 268, 2002; No 77, 2011
	rs No 245, 2015
	am F2021L00200

Provision affected	How affected
Division 45.B.2 (prev Division 2)	renum No 350, 2002 rep No 245, 2015
r 45.095.....	ad No 204, 2000 rs No 245, 2015
r 45.100.....	ad No 204, 2000 am No 350, 2002 rs No 245, 2015
r 45.105.....	ad No 204, 2000 am No 268, 2002 rep No 245, 2015
r 45.110.....	ad No 204, 2000 rep No 245, 2015
Division 45.B.3 (prev Division 3)	renum No 350, 2002 rep No 245, 2015
r 45.115.....	ad No 204, 2000 am No 268, 2002; No 77, 2011 rep No 245, 2015
Subpart 45.D	
Subpart 45.D (prev Subpart D).....	renum No 350, 2002 rs No 245, 2015
r 45.120.....	ad No 204, 2000 am No 350, 2002 rs No 245, 2015
r 45.125.....	ad No 204, 2000 am No 268, 2002 rs No 245, 2015
r 45.130.....	ad No 204, 2000 rs No 245, 2015
r 45.135.....	ad No 204, 2000 rs No 245, 2015
r 45.140.....	ad No 204, 2000 am No 134, 2004 rs No 245, 2015
r 45.145.....	ad No 204, 2000 rs No 268, 2002 rep No 245, 2015
r 45.150.....	ad No 204, 2000 am No 242, 2001 rep No 245, 2015
r 45.155.....	ad No 204, 2000

Provision affected	How affected
	am No 268, 2002; No 350, 2002
	rep No 245, 2015
r 45.160.....	ad No 204, 2000
	am No 268, 2002
	rep No 245, 2015
Subpart 45.E (prev Subpart E).....	renum No 350, 2002
	rep No 245, 2015
r 45.165.....	ad No 204, 2000
	rep No 245, 2015
r 45.170.....	ad No 204, 2000
	am No 268, 2002; No 77, 2011
	rep No 245, 2015
Part 47	
Part 47.....	ad No 204, 2000
	rs No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	am No 80, 2013; No 275, 2013
Subpart 47.A	
r 47.000.....	ad No 204, 2000 (Sch 2 item 7 disallowed)
r 47.005.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.010.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	am No 204, 2014
r 47.012.....	ad F2019L01027
r 47.015.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	am No 77, 2011; F2016L00400; F2019L01027; F2021L00200; F2022L00157; F2023L00606
r 47.020.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	am F2019L01027
Subpart 47.B	
r 47.025.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.030.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	rs F2019L01027
r 47.035.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	rs No 345, 2004
r 47.040.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	am No 345, 2004; No 275, 2013
r 47.045.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.050.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
	am F2019L01027
r 47.055.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004

Provision affected	How affected
Subpart 47.C	
Division 47.C.1	
Division 47.C.1 heading	ad F2019L01027 am F2023L00606
r 47.058	ad F2019L01027 am F2023L00606
r 47.060	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 275, 2013; No 204, 2014
r 47.065	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 345, 2004; No 274, 2013; No 204, 2014
r 47.070	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.075	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.080	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 204, 2014
r 47.085	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 275, 2013; No 204, 2014
r 47.090	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.095	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 275, 2013 rs No 204, 2014
Division 47.C.2	
Division 47.C.2 heading	am F2023L00606
Division 47.C.2	ad F2019L01027
r 47.096	ad F2019L01027 am F2023L00606
r 47.096A	ad F2019L01027 am F2023L00606
r 47.097	ad F2019L01027 am F2021L01027; F2023L00606
r 47.098	ad F2019L01027 am F2022L00157; F2023L00606
r 47.099	ad F2019L01027 rs F2022L00157 am F2023L00606
r 47.099A	ad F2019L01027 rep F2022L00157
r 47.099B	ad F2019L01027 am F2023L00606
Subpart 47.D	
r 47.100A	ad F2019L01027

Provision affected	How affected
r 47.100.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 345, 2004; No 275, 2013; No 204, 2014
Subpart 47.E	
r 47.105A.....	ad F2019L01027
r 47.105.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.110.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 232, 2009; No 275, 2013; No 204, 2014
Subpart 47.F	
r 47.115.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.120.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 345, 2004 rep No 77, 2011
r 47.125.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 rep No 77, 2011
r 47.130.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 232, 2009; No 77, 2011 rs No 275, 2013 am No 204, 2014
r 47.131.....	ad No 275, 2013 am No 204, 2014; F2019L01027
r 47.131A.....	ad No 204, 2014
r 47.131B.....	ad No 204, 2014 am F2019L01027
r 47.131C.....	ad F2019L01027 am F2023L00606
r 47.132.....	ad No 275, 2013 rs No 204, 2014
r 47.135.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 345, 2004 rep No 77, 2011
Subpart 47.G	
r 47.139.....	ad F2019L01027
r 47.140.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.145.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.150.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.155.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.160.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 345, 2004
r 47.165.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004 am No 345, 2004; No 204, 2014

Provision affected	How affected
Subpart 47.H	
r 47.169.....	ad F2019L01027
r 47.170.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.175.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.180.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.185.....	ad No 204, 2000 (Sch 2 item 7 disallowed); No 134, 2004
r 47.190.....	ad No 134, 2004
r 47.195.....	ad No 134, 2004
r 47.200.....	ad No 134, 2004 rep No 77, 2011
r 47.205.....	ad No 134, 2004
r 47.210.....	ad No 134, 2004
r 47.215.....	ad No 134, 2004
r 47.220.....	ad No 134, 2004
r 47.225.....	ad No 134, 2004 am No 77, 2011
Part 60	
Part 60.....	ad No 240, 2003 am No 345, 2004; No 80, 2013; No 274, 2013
Subpart 60.A	
r 60.000.....	ad No 240, 2003 rep No 345, 2004
r 60.005.....	ad No 240, 2003
r 60.010.....	ad No 240, 2003
Subpart 60.B	
r 60.015.....	ad No 240, 2003
r 60.020.....	ad No 240, 2003 am No 245, 2015
r 60.025.....	ad No 240, 2003 am No 77, 2011
r 60.030.....	ad No 240, 2003 am No 77, 2011
r 60.035.....	ad No 240, 2003
r 60.040.....	ad No 240, 2003
r 60.045.....	ad No 240, 2003
r 60.050.....	ad No 240, 2003
r 60.055.....	ad No 240, 2003 am No 77, 2011; No 5, 2013
r 60.060.....	ad No 240, 2003 am No 5, 2013

Provision affected	How affected
r 60.065	ad No 240, 2003
r 60.070	ad No 240, 2003
r 60.075	ad No 240, 2003
r 60.080	ad No 240, 2003
r 60.085	ad No 240, 2003
r 60.090	ad No 240, 2003
r 60.095	ad No 240, 2003
Subpart 60.C	
Subpart 60.C	ad No 240, 2003
Part 61	
Part 61	ad No 204, 2000 rs No 5, 2013 am No 274, 2013; No 125, 2014
Subpart 61.A	
Division 61.A.1	
r 61.005	ad No 5, 2013 am No 274, 2013
r 61.007	ad No 274, 2013 am F2021L00200
r 61.010	ad No 5, 2013 am No 274, 2013; No 125, 2014; F2016L01448; F2018L01030; F2021L00200
r 61.015	ad No 5, 2013
r 61.020	ad No 5, 2013 am F2020L01051
r 61.025	ad No 5, 2013 am F2021L00200
r 61.030	ad No 5, 2013 rep No 274, 2013
r 61.035	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.040	ad No 5, 2013
r 61.045	ad No 5, 2013
r 61.047	ad No 5, 2013
r 61.050	ad No 5, 2013
r 61.055	ad No 5, 2013
r 61.060	ad No 5, 2013
r 61.061	ad No 274, 2013
r 61.062	ad No 274, 2013
r 61.063	ad No 274, 2013
r 61.065	ad No 5, 2013

Provision affected	How affected
Division 61.A.2	
r 61.070.....	ad No 5, 2013 am F2018L01030
r 61.075.....	ad No 5, 2013
r 61.080.....	ad No 5, 2013
r 61.085.....	ad No 5, 2013
r 61.090.....	ad No 5, 2013
r 61.095.....	ad No 5, 2013 am No 274, 2013
r 61.100.....	ad No 5, 2013
r 61.105.....	ad No 5, 2013 am No 274, 2013
r 61.110.....	ad No 5, 2013 am No 274, 2013
Division 61.A.3	
Subdivision 61.A.3.1	
Subdivision 61.A.3.1.....	ad No 274, 2013
r 61.112.....	ad No 274, 2013
r 61.113.....	ad No 274, 2013
r 61.114.....	ad No 274, 2013
r 61.115.....	ad No 5, 2013 rs No 274, 2013 am No 125, 2014; F2020L01051
r 61.116.....	ad No 274, 2013 am F2021L00200
r 61.117.....	ad No 274, 2013
r 61.118.....	ad No 274, 2013
Subdivision 61.A.3.2	
Subdivision 61.A.3.2 heading.....	ad No 274, 2013
r 61.119.....	ad No 274, 2013
r 61.120.....	ad No 5, 2013 am No 274, 2013; F2021L00200
r 61.125.....	ad No 5, 2013
r 61.126.....	ad No 125, 2014
r 61.130.....	ad No 5, 2013
r 61.135.....	ad No 5, 2013
r 61.140.....	ad No 5, 2013
r 61.145.....	ad No 5, 2013 rs No 125, 2014 am F2021L00200

Provision affected	How affected
Subpart 61.B	
Division 61.B.1	
r 61.150.....	ad No 5, 2013
r 61.155.....	ad No 5, 2013 am No 274, 2013
r 61.160.....	ad No 5, 2013 am No 274, 2013
r 61.165.....	ad No 5, 2013 am No 274, 2013
r 61.170.....	ad No 5, 2013 am No 274, 2013
r 61.175.....	ad No 5, 2013
r 61.180.....	ad No 5, 2013
r 61.185.....	ad No 5, 2013
r 61.190.....	ad No 5, 2013
Division 61.B.2	
r 61.195.....	ad No 5, 2013
r 61.200.....	ad No 5, 2013
r 61.205.....	ad No 5, 2013 am No 125, 2014
r 61.210.....	ad No 5, 2013 am No 274, 2013
Division 61.B.3	
r 61.215.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.220.....	ad No 5, 2013
r 61.225.....	ad No 5, 2013
r 61.230.....	ad No 5, 2013
Division 61.B.4	
r 61.235.....	ad No 5, 2013 am No 274, 2013; No 125, 2014; F2020L01051
r 61.240.....	ad No 5, 2013
r 61.245.....	ad No 5, 2013 am No 274, 2013; F2020L01051
r 61.250.....	ad No 5, 2013
Division 61.B.5	
r 61.255.....	ad No 5, 2013
r 61.260.....	ad No 5, 2013

Provision affected	How affected
r 61.265.....	ad No 5, 2013 am No 274, 2013
r 61.270.....	ad No 5, 2013
Division 61.B.6	
r 61.275.....	ad No 5, 2013 am No 125, 2014; F2020L01051
r 61.280.....	ad No 5, 2013
Division 61.B.7	
r 61.285.....	ad No 5, 2013 am No 274, 2013
Subpart 61.C	
r 61.290.....	ad No 5, 2013 am No 125, 2014
r 61.295.....	ad No 5, 2013
r 61.300.....	ad No 5, 2013 rs No 274, 2013
r 61.305.....	ad No 5, 2013
r 61.310.....	ad No 5, 2013
r 61.315.....	ad No 5, 2013
r 61.320.....	ad No 5, 2013
r 61.325.....	ad No 5, 2013
Subpart 61.D	
r 61.330.....	ad No 5, 2013 rep No 125, 2014
r 61.335.....	ad No 5, 2013
r 61.336.....	ad No 274, 2013
r 61.340.....	ad No 5, 2013 am No 274, 2013
r 61.345.....	ad No 5, 2013 am No 274, 2013
r 61.350.....	ad No 5, 2013
r 61.355.....	ad No 5, 2013
r 61.360.....	ad No 5, 2013
r 61.365.....	ad No 5, 2013
r 61.370.....	ad No 5, 2013 rep No 274, 2013
Subpart 61.E	
Division 61.E.1	
r 61.375.....	ad No 5, 2013 am No 274, 2013; F2020L01051

Provision affected	How affected
r 61.380.....	ad No 5, 2013 am No 125, 2014
r 61.385.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.390.....	ad No 5, 2013
r 61.395.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.400.....	ad No 5, 2013 am No 274, 2013
r 61.405.....	ad No 5, 2013 am No 274, 2013
r 61.410.....	ad No 5, 2013 am No 274, 2013
r 61.415.....	ad No 5, 2013
r 61.420.....	ad No 5, 2013 am No 274, 2013
r 61.422.....	ad No 125, 2014 am F2018L01131
r 61.425.....	ad No 5, 2013
r 61.427.....	ad No 5, 2013
Division 61.E.2	
r 61.430.....	ad No 5, 2013 am No 274, 2013; F2021L00200
r 61.435.....	ad No 5, 2013 am No 274, 2013; F2021L00200
Subpart 61.F.....	rep No 274, 2013
r 61.440.....	ad No 5, 2013 rep No 274, 2013
r 61.445.....	ad No 5, 2013 rep No 274, 2013
r 61.450.....	ad No 5, 2013 rep No 274, 2013
r 61.455.....	ad No 5, 2013 rep No 274, 2013
Subpart 61.G	
Division 61.G.1	
r 61.460.....	ad No 5, 2013 am F2021L00200
r 61.465.....	ad No 5, 2013
r 61.470.....	ad No 5, 2013

Provision affected	How affected
	am No 274, 2013
r 61.475.....	ad No 5, 2013
	am No 125, 2014
r 61.480.....	ad No 5, 2013
	am F2021L00200
Division 61.G.2	
r 61.485.....	ad No 5, 2013
r 61.490.....	ad No 5, 2013
	am F2021L00200
r 61.495.....	ad No 5, 2013
	am No 274, 2013; F2016L01655; F2018L01131
r 61.500.....	ad No 5, 2013
	am No 274, 2013; F2018L01131; F2021L00200
Subpart 61.H	
Division 61.H.1	
r 61.505.....	ad No 5, 2013
	am F2021L00200
r 61.510.....	ad No 5, 2013
	rs No 274, 2013
	am No 125, 2014
r 61.515.....	ad No 5, 2013
Division 61.H.2	
r 61.520.....	ad No 5, 2013
r 61.525.....	ad No 5, 2013
r 61.530.....	ad No 5, 2013
r 61.535.....	ad No 5, 2013
Division 61.H.3	
r 61.540.....	ad No 5, 2013
r 61.545.....	ad No 5, 2013
r 61.550.....	ad No 5, 2013
	am F2018L01131
r 61.555.....	ad No 5, 2013
r 61.560.....	ad No 5, 2013
r 61.565.....	ad No 5, 2013
Subpart 61.I	
Division 61.I.1	
r 61.570.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014; F2021L00200
r 61.575.....	ad No 5, 2013
	am No 125, 2014

Provision affected	How affected
r 61.580.....	ad No 5, 2013
Division 61.I.2	
r 61.585.....	ad No 5, 2013
r 61.590.....	ad No 5, 2013
r 61.595.....	ad No 5, 2013
r 61.600.....	ad No 5, 2013
Division 61.I.3	
r 61.605.....	ad No 5, 2013
r 61.610.....	ad No 5, 2013 am F2020L01051
r 61.615.....	ad No 5, 2013 am F2018L01131
r 61.620.....	ad No 5, 2013
r 61.625.....	ad No 5, 2013
r 61.630.....	ad No 5, 2013
Subpart 61.J	
r 61.635.....	ad No 5, 2013 rs No 274, 2013 am No 125, 2014; F2021L00200
r 61.640.....	ad No 5, 2013 am No 274, 2013; No 125, 2014; F2020L01051
r 61.645.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.650.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.655.....	ad No 5, 2013
r 61.660.....	ad No 5, 2013
Subpart 61.K	
r 61.665.....	ad No 5, 2013 am F2021L00200
r 61.670.....	ad No 5, 2013
r 61.675.....	ad No 5, 2013
r 61.680.....	ad No 5, 2013 am No 274, 2013; No 125, 2014; F2020L01051
r 61.685.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.690.....	ad No 5, 2013 rep No 274, 2013
r 61.695.....	ad No 5, 2013 am No 274, 2013; No 125, 2014

Provision affected	How affected
r 61.700.....	ad No 5, 2013
r 61.705.....	ad No 5, 2013
r 61.710.....	ad No 5, 2013
r 61.715.....	ad No 5, 2013
Subpart 61.L	
Division 61.L.1	
r 61.720.....	ad No 5, 2013 am No 125, 2014
Division 61.L.2	
r 61.725.....	ad No 5, 2013
r 61.730.....	ad No 5, 2013 am No 274, 2013
Division 61.L.3	
r 61.735.....	ad No 5, 2013
r 61.740.....	ad No 5, 2013 rep No 125, 2014
r 61.745.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 61.747.....	ad No 274, 2013 am F2020L01051
r 61.750.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
Division 61.L.4	
r 61.755.....	ad No 5, 2013 am No 274, 2013; F2020L01051
r 61.760.....	ad No 5, 2013 rs No 125, 2014
r 61.765.....	ad No 5, 2013
Division 61.L.5	
r 61.770.....	ad No 5, 2013 am No 274, 2013
r 61.775.....	ad No 5, 2013 am No 274, 2013
r 61.780.....	ad No 5, 2013 am No 274, 2013
r 61.785.....	ad No 5, 2013 am No 125, 2014
r 61.790.....	ad No 5, 2013
r 61.795.....	ad No 5, 2013 rs No 274, 2013

Provision affected	How affected
	am No 125, 2014
r 61.800.....	ad No 5, 2013
	rs No 274, 2013
	am No 125, 2014
r 61.805.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.810.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.815.....	ad No 5, 2013
	am No 274, 2013
r 61.820.....	ad No 5, 2013
r 61.822.....	ad No 5, 2013
Division 61.L.6	
r 61.825.....	ad No 5, 2013
r 61.830.....	ad No 5, 2013
r 61.835.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.840.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014 (Sch 1 item 77 md)
r 61.845.....	ad No 5, 2013
	am No 125, 2014
r 61.850.....	ad No 5, 2013
Subpart 61.M	
Division 61.M.1	
r 61.855.....	ad No 5, 2013
r 61.860.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.865.....	ad No 5, 2013
	am No 274, 2013
r 61.870.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.875.....	ad No 5, 2013
r 61.880.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.885.....	ad No 5, 2013
	am No 274, 2013
r 61.887.....	ad No 5, 2013
Division 61.M.2	
r 61.890.....	ad No 5, 2013
	am No 274, 2013

Provision affected	How affected
r 61.895.....	ad No 5, 2013
r 61.900.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014; F2020L01051
r 61.905.....	ad No 5, 2013
Subpart 61.N	
Division 61.N.1	
r 61.910.....	ad No 5, 2013
	rs No 125, 2014
r 61.915.....	ad No 5, 2013
r 61.920.....	ad No 5, 2013
	am No 274, 2013
r 61.925.....	ad No 5, 2013
	am No 274, 2013
r 61.930.....	ad No 5, 2013
	am No 125, 2014
Division 61.N.2	
r 61.935.....	ad No 5, 2013
	am No 274, 2013
r 61.940.....	ad No 5, 2013
	am No 125, 2014
r 61.942.....	ad No 125, 2014
r 61.945.....	ad No 5, 2013
	am No 274, 2013
r 61.950.....	ad No 5, 2013
Subpart 61.O	
Division 61.O.1	
r 61.955.....	ad No 5, 2013
r 61.960.....	ad No 5, 2013
r 61.965.....	ad No 5, 2013
	am No 274, 2013
r 61.970.....	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.975.....	ad No 5, 2013
Division 61.O.2	
r 61.980.....	ad No 5, 2013
	am No 274, 2013
r 61.985.....	ad No 5, 2013
r 61.990.....	ad No 5, 2013

Provision affected	How affected
Subpart 61.P	
Division 61.P.1	
r 61.995.....	ad No 5, 2013
r 61.1000.....	ad No 5, 2013 am F2020L01051
r 61.1005.....	ad No 5, 2013
r 61.1010.....	ad No 5, 2013 am No 125, 2014; F2020L01051
r 61.1015.....	ad No 5, 2013 am No 125, 2014
r 61.1020.....	ad No 5, 2013
Division 61.P.2	
r 61.1025.....	ad No 5, 2013 am No 125, 2014; F2020L01051
r 61.1030.....	ad No 5, 2013
r 61.1035.....	ad No 5, 2013
Subpart 61.Q	
Division 61.Q.1	
r 61.1040.....	ad No 5, 2013
r 61.1045.....	ad No 5, 2013
r 61.1050.....	ad No 5, 2013
r 61.1055.....	ad No 5, 2013 am No 274, 2013
r 61.1060.....	ad No 5, 2013 am No 125, 2014
r 61.1070.....	ad No 5, 2013
Division 61.Q.2	
r 61.1075.....	ad No 5, 2013
r 61.1080.....	ad No 5, 2013
r 61.1085.....	ad No 5, 2013
Subpart 61.R	
Division 61.R.1	
r 61.1090.....	ad No 5, 2013
r 61.1100.....	ad No 5, 2013
r 61.1105.....	ad No 5, 2013
r 61.1110.....	ad No 5, 2013 am No 274, 2013
r 61.1115.....	ad No 5, 2013
Division 61.R.2	
r 61.1120.....	ad No 5, 2013

Provision affected	How affected
	am F2020L01051
r 61.1125	ad No 5, 2013
r 61.1130	ad No 5, 2013
	am F2020L01051
r 61.1135	ad No 5, 2013
	rs No 274, 2013
	am No 125, 2014
r 61.1140	ad No 5, 2013
Subpart 61.S	
r 61.1145	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1150	ad No 5, 2013
r 61.1155	ad No 5, 2013
	am F2020L01051
r 61.1160	ad No 5, 2013
Subpart 61.T	
Division 61.T.1	
r 61.1165	ad No 5, 2013
	am No 274, 2013; F2021L00200
r 61.1170	ad No 5, 2013
	am No 274, 2013
r 61.1172	ad No 274, 2013
	rep F2020L01051
r 61.1175	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1180	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1185	ad No 5, 2013
	am No 274, 2013
Division 61.T.2	
r 61.1190	ad No 5, 2013
	am No 274, 2013; No 125, 2014; F2021L00200
r 61.1195	ad No 5, 2013
r 61.1197	ad No 274, 2013
	rep F2020L01051
r 61.1200	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1205	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1210	ad No 5, 2013

Provision affected	How affected
Division 61.T.3	
r 61.1215	ad No 5, 2013
r 61.1220	ad No 5, 2013
r 61.1225	ad No 5, 2013
	rs No 274, 2013
r 61.1227	ad No 274, 2013
	am F2021L00200
r 61.1230	ad No 5, 2013
Division 61.T.4	
r 61.1235	ad No 5, 2013
	am No 274, 2013; No 125, 2014; F2020L01051
r 61.1240	ad No 5, 2013
	am No 125, 2014
r 61.1245	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1246	ad No 125, 2014
r 61.1247	ad No 125, 2014
r 61.1248	ad F2018L01131
r 61.1250	ad No 5, 2013
r 61.1252	ad No 274, 2013
	rep No 125, 2014
Subpart 61.U	
Division 61.U.1	
r 61.1255	ad No 5, 2013
	am No 125, 2014
r 61.1260	ad No 5, 2013
	rep No 274, 2013
r 61.1265	ad No 5, 2013
r 61.1270	ad No 5, 2013
	am No 274, 2013
r 61.1275	ad No 5, 2013
	am No 274, 2013
r 61.1280	ad No 5, 2013
r 61.1285	ad No 5, 2013
	am No 274, 2013
r 61.1290	ad No 5, 2013
Division 61.U.2	
r 61.1295	ad No 5, 2013
	am F2020L01051
r 61.1300	ad No 5, 2013

Provision affected	How affected
	am No 125, 2014
r 61.1305	ad No 5, 2013
	am No 274, 2013
Division 61.U.3	
r 61.1310	ad No 5, 2013
	am No 274, 2013
r 61.1315	ad No 5, 2013
r 61.1318	ad No 274, 2013
r 61.1320	ad No 5, 2013
Subpart 61.V	
r 61.1325	ad No 5, 2013
	am No 125, 2014
r 61.1330	ad No 5, 2013
r 61.1335	ad No 5, 2013
	am No 125, 2014
r 61.1340	ad No 5, 2013
r 61.1345	ad No 5, 2013
r 61.1350	ad No 5, 2013
	am No 274, 2013
r 61.1352	ad No 125, 2014
	am F2018L01131
r 61.1355	ad No 5, 2013
	am F2021L00200
r 61.1360	ad No 5, 2013
	am No 125, 2014
Subpart 61.W	
r 61.1365	ad No 5, 2013
r 61.1370	ad No 5, 2013
	am No 274, 2013
r 61.1375	ad No 5, 2013
	rs No 274, 2013
	am No 125, 2014
r 61.1380	ad No 5, 2013
	am No 125, 2014
r 61.1385	ad No 5, 2013
	am No 274, 2013
r 61.1390	ad No 5, 2013
Subpart 61.X	
Division 61.X.1	
r 61.1395	ad No 5, 2013

Provision affected	How affected
	am No 274, 2013; F2021L00200
r 61.1400	ad No 5, 2013
r 61.1402	ad No 274, 2013
	rep F2020L01051
r 61.1405	ad No 5, 2013
r 61.1410	ad No 5, 2013
	am No 274, 2013; No 125, 2014
r 61.1415	ad No 5, 2013
Division 61.X.2	
r 61.1420	ad No 5, 2013
r 61.1425	ad No 5, 2013
r 61.1427	ad No 274, 2013
	am F2021L00200
Division 61.X.3	
r 61.1430	ad No 5, 2013
r 61.1435	ad No 5, 2013
r 61.1440	ad No 5, 2013
Subpart 61.Y	
Division 61.Y.1	
r 61.1445	ad No 5, 2013
	am No 125, 2014
r 61.1450	ad No 5, 2013
	rep No 274, 2013
r 61.1455	ad No 5, 2013
r 61.1460	ad No 5, 2013
	am No 274, 2013
r 61.1465	ad No 5, 2013
	am No 274, 2013
r 61.1470	ad No 5, 2013
	am No 274, 2013
r 61.1475	ad No 5, 2013
Division 61.Y.2	
r 61.1480	ad No 5, 2013
	am No 274, 2013
r 61.1485	ad No 5, 2013
r 61.1490	ad No 5, 2013
	am No 274, 2013
Division 61.Y.3	
r 61.1495	ad No 5, 2013
r 61.1500	ad No 5, 2013

Provision affected	How affected
r 61.1505.....	ad No 5, 2013
Subpart 61.Z	
r 61.1510.....	ad No 5, 2013 am F2021L00200
r 61.1515.....	ad No 5, 2013 am F2021L00200
r 61.1520.....	ad No 5, 2013 am F2021L00200
r 61.1525.....	ad No 5, 2013 am F2021L00200
r 61.1530.....	ad No 5, 2013 am F2021L00200
r 61.1535.....	ad No 5, 2013 am No 274, 2013
r 61.1540.....	ad No 5, 2013 am F2021L00200
Part 63.....	ad No 204, 2000 rep No 5, 2013
Part 64	
Part 64.....	ad No 204, 2000 rs No 5, 2013 am No 274, 2013
Subpart 64.A	
r 64.005.....	ad No 5, 2013 am F2021L00200
r 64.010.....	ad No 5, 2013 am No 274, 2013
r 64.012.....	ad No 5, 2013
Subpart 64.B	
r 64.015.....	ad No 5, 2013
r 64.020.....	ad No 5, 2013
r 64.025.....	ad No 5, 2013
r 64.030.....	ad No 5, 2013
r 64.035.....	ad No 5, 2013 am No 125, 2014; F2021L00200
r 64.040.....	ad No 5, 2013 am F2021L00200
Subpart 64.C	
r 64.045.....	ad No 5, 2013 am F2020L00913; F2021L00200

Provision affected	How affected
r 64.050	ad No 5, 2013
r 64.055	ad No 5, 2013
r 64.060	ad No 5, 2013
Part 65	
Part 65	ad No 204, 2000 rs No 167, 2002 am No 345, 2004; No 80, 2013
Subpart 65.A	
Subpart A heading	rep No 345, 2004
Subpart 65.A heading	ad No 345, 2004
r 65.000	ad No 167, 2002 am No 75, 2003 rep No 345, 2004
r 65.005	ad No 167, 2002 rs No 75, 2003
r 65.010	ad No 167, 2002 am No 75, 2003
r 65.015	ad No 167, 2002
r 65.020	ad No 167, 2002
r 65.025	ad No 167, 2002
r 65.030	ad No 167, 2002
r 65.033	ad No 75, 2003 am No 345, 2004; No 323, 2005; No 80, 2013; F2016L00170
r 65.033A	ad No 75, 2003 rep No 345, 2004
r 65.033B	ad No 75, 2003 rep No 345, 2004
r 65.033C	ad No 75, 2003 rep No 345, 2004
r 65.033D	ad No 75, 2003 rep No 345, 2004
r 65.033E	ad No 75, 2003 rep No 345, 2004
r 65.033F	ad No 75, 2003 rep No 345, 2004
r 65.033G	ad No 75, 2003 rep No 345, 2004
r 65.033H	ad No 75, 2003 rep No 345, 2004

Provision affected	How affected
Subpart 65.B	
Subpart B heading	rep No 345, 2004
Subpart 65.B heading	ad No 345, 2004
r 65.035	ad No 167, 2002 am No 80, 2013
r 65.040	ad No 167, 2002
r 65.045	ad No 167, 2002 am No 75, 2003
r 65.050	ad No 167, 2002 am No 80, 2013
r 65.055	ad No 167, 2002
r 65.060	ad No 167, 2002
r 65.065	ad No 167, 2002 rs No 75, 2003 am No 5, 2013; F2021L00200
Subpart 65.C	
Subpart C heading	rep No 345, 2004
Subpart 65.C heading	ad No 345, 2004 rs No 77, 2011
Division 65.C.1	
Division 1 heading.....	rep No 345, 2004
Division 65.C.1 heading	ad No 345, 2004
r 65.070	ad No 167, 2002 am No 75, 2003
r 65.075	ad No 167, 2002
r 65.080	ad No 167, 2002 am No 75, 2003; No 77, 2011
r 65.085	ad No 167, 2002 am No 75, 2003; No 77, 2011
r 65.090	ad No 167, 2002
r 65.095	ad No 167, 2002 am No 75, 2003
r 65.100	ad No 167, 2002
r 65.105	ad No 167, 2002
r 65.110	ad No 167, 2002 rep No 77, 2011
r 65.115	ad No 167, 2002 am No 80, 2013
r 65.120	ad No 167, 2002

Provision affected	How affected
Division 65.C.2	
Division 2 heading.....	rep No 345, 2004
Division 65.C.2 heading	ad No 345, 2004
	rs No 77, 2011
r 65.125.....	ad No 167, 2002
	am No 75, 2003
r 65.130.....	ad No 167, 2002
	am No 75, 2003; No 77, 2011
r 65.135.....	ad No 167, 2002
	am No 75, 2003
r 65.140.....	ad No 167, 2002
	am No 75, 2003; No 77, 2011
r 65.145.....	ad No 167, 2002
r 65.150.....	ad No 167, 2002
r 65.155.....	ad No 167, 2002
r 65.160.....	ad No 167, 2002
	rep No 77, 2011
r 65.165.....	ad No 167, 2002
	am No 80, 2013
r 65.170.....	ad No 167, 2002
Subpart 65.E	
Subpart E heading.....	rep No 345, 2004
Subpart 65.E heading.....	ad No 345, 2004
Division 65.E.1	
Division 1 heading.....	rep No 345, 2004
Division 65.E.1 heading	ad No 345, 2004
	rs No 77, 2011
r 65.175.....	ad No 167, 2002
	am No 77, 2011
r 65.180.....	ad No 167, 2002
	am No 77, 2011
r 65.185.....	ad No 167, 2002
	rep No 77, 2011
r 65.190.....	ad No 167, 2002
	am No 75, 2003
	rep No 77, 2011
r 65.195.....	ad No 167, 2002
	rep No 77, 2011
r 65.200.....	ad No 167, 2002
	rep No 77, 2011

Provision affected	How affected
r 65.205.....	ad No 167, 2002 rep No 77, 2011
r 65.210.....	ad No 167, 2002 rep No 75, 2003
r 65.215.....	ad No 167, 2002 am No 75, 2003 rep No 77, 2011
r 65.220.....	ad No 167, 2002 rep No 77, 2011
r 65.225.....	ad No 167, 2002 am No 75, 2003 rs No 77, 2011
r 65.230.....	ad No 167, 2002 am No 75, 2003; No 77, 2011
r 65.235.....	ad No 167, 2002 rep No 77, 2011
r 65.240.....	ad No 167, 2002 rep No 77, 2011
r 65.245.....	ad No 167, 2002 rep No 77, 2011
Division 65.E.2	
Division 2 heading.....	rep No 345, 2004
Division 65.E.2 heading.....	ad No 345, 2004
r 65.250.....	ad No 167, 2002
Division 65.E.3	
Division 3 heading.....	rep No 345, 2004
Division 65.E.3 heading.....	ad No 345, 2004
r 65.255.....	ad No 167, 2002
r 65.260.....	ad No 167, 2002 am No 75, 2003
r 65.265.....	ad No 167, 2002 am No 75, 2003
r 65.270.....	ad No 167, 2002 am No 75, 2003
r 65.275.....	ad No 167, 2002 am No 75, 2003
r 65.280.....	ad No 167, 2002
r 65.285.....	ad No 80, 2013
Part 66	
Part 66.....	ad No 204, 2000

Provision affected	How affected
	rs No 328, 2010
	am No 80, 2013; No 275, 2013
Subpart 66.A	
r 66.005.....	ad No 328, 2010
	am No 80, 2013
r 66.010.....	ad No 328, 2010
	am No 80, 2013; No 274, 2013; No 275, 2013; No 246, 2015
r 66.015.....	ad No 328, 2010
	am No 80, 2013; No 246, 2015
Subpart 66.B	
r 66.018.....	ad No 246, 2015
r 66.020.....	ad No 328, 2010
	am No 80, 2013
r 66.025.....	ad No 328, 2010
r 66.026.....	ad No 80, 2013
	am No 246, 2015; F2016L01448
r 66.030.....	ad No 328, 2010
r 66.035.....	ad No 328, 2010
r 66.040.....	ad No 328, 2010
r 66.045.....	ad No 328, 2010
r 66.050.....	ad No 328, 2010
r 66.055.....	ad No 328, 2010
r 66.060.....	ad No 328, 2010
r 66.065.....	ad No 328, 2010
r 66.070.....	ad No 328, 2010
r 66.071.....	ad No 80, 2013
r 66.072.....	ad No 80, 2013
Subpart 66.C	
r 66.075.....	ad No 328, 2010
	am No 80, 2013; No 275, 2013; No 246, 2015
r 66.080.....	ad No 328, 2010
	am No 80, 2013; No 275, 2013; No 246, 2015
r 66.085.....	ad No 328, 2010
	am No 275, 2013; No 246, 2015
r 66.090.....	ad No 328, 2010
	am No 275, 2013; No 246, 2015
r 66.095.....	ad No 328, 2010
	rs No 80, 2013
	am No 246, 2015; F2016L01448
r 66.100.....	ad No 328, 2010

Provision affected	How affected
	rs No 80, 2013
r 66.105.....	ad No 328, 2010
r 66.110.....	ad No 328, 2010
	rs No 80, 2013
Subpart 66.D	
r 66.115.....	ad No 328, 2010
r 66.115A.....	ad No 246, 2015
r 66.120.....	ad No 328, 2010
	am No 80, 2013
r 66.125.....	ad No 328, 2010
	rs No 275, 2013
r 66.130.....	ad No 328, 2010
	am No 80, 2013; No 246, 2015
r 66.135.....	ad No 328, 2010
	rs No 80, 2013
	am No 275, 2013; No 246, 2015
r 66.136.....	ad No 80, 2013
	rep No 246, 2015
r 66.137.....	ad No 80, 2013
	rs No 246, 2015
r 66.138.....	ad No 80, 2013
	am No 246, 2015
r 66.139.....	ad No 80, 2013
	rep No 246, 2015
r 66.139A.....	ad No 80, 2013
	rs No 246, 2015
r 66.140.....	ad No 328, 2010
	am No 80, 2013
Subpart 66.E.....	rep No 246, 2015
r 66.145.....	ad No 328, 2010
	am No 80, 2013
	rep No 246, 2015
r 66.150.....	ad No 328, 2010
	rep No 246, 2015
r 66.155.....	ad No 328, 2010
	am No 80, 2013
	rep No 246, 2015
r 66.160.....	ad No 328, 2010
	rep No 246, 2015
r 66.165.....	ad No 328, 2010

Provision affected	How affected
	rs No 80, 2013
	rep No 246, 2015
r 66.166.....	ad No 80, 2013
	rep No 246, 2015
r 66.167.....	ad No 80, 2013
	rep No 246, 2015
r 66.168.....	ad No 80, 2013
	rep No 246, 2015
r 66.168A.....	ad No 80, 2013
	rep No 246, 2015
r 66.169.....	ad No 80, 2013
	rep No 246, 2015
r 66.170.....	ad No 328, 2010
	rep No 246, 2015
Subpart 66.F	
r 66.175.....	ad No 328, 2010
r 66.180.....	ad No 328, 2010
r 66.185.....	ad No 328, 2010
Part 67	
Part 67.....	ad No 204, 2000
	rs No 232, 2003
	am No 80, 2013; No 274, 2013
Subpart 67.A	
r 67.005.....	ad No 232, 2003
	am No 274, 2013
r 67.010.....	ad No 232, 2003
	am No 207, 2005; No 120, 2011
r 67.015.....	ad No 232, 2003
r 67.020.....	ad No 232, 2003
Subpart 67.B	
r 67.025.....	ad No 232, 2003
	am No 207, 2005; No 77, 2011; No 120, 2011
r 67.030.....	ad No 232, 2003
	am No 77, 2011; F2016L01448
r 67.035.....	ad No 232, 2003
	am No 77, 2011; F2016L01448
r 67.040.....	ad No 232, 2003
	am No 77, 2011; F2016L01448
r 67.045.....	ad No 232, 2003
	am No 77, 2011

Provision affected	How affected
r 67.050.....	ad No 232, 2003 rep No 77, 2011
r 67.055.....	ad No 232, 2003
r 67.060.....	ad No 232, 2003 am No 77, 2011
r 67.065.....	ad No 232, 2003 am No 207, 2005; No 77, 2011; No 120, 2011
r 67.070.....	ad No 232, 2003 rep No 77, 2011
r 67.075.....	ad No 232, 2003 am No 207, 2005; No 120, 2011
r 67.080.....	ad No 232, 2003 am No 77, 2011
r 67.085.....	ad No 232, 2003 rep No 77, 2011
r 67.090.....	ad No 232, 2003
r 67.095.....	ad No 232, 2003 am No 77, 2011
r 67.100.....	ad No 232, 2003
r 67.105.....	ad No 232, 2003
r 67.110.....	ad No 232, 2003
r 67.115.....	ad No 232, 2003 rep No 77, 2011
r 67.120.....	ad No 232, 2003 am No 345, 2004
r 67.125.....	ad No 232, 2003
r 67.130.....	ad No 232, 2003 am No 77, 2011
r 67.135.....	ad No 232, 2003 rep No 77, 2011
r 67.140.....	ad No 232, 2003
r 67.141.....	ad No 232, 2003 rep No 345, 2004
Subpart 67.C	
r 67.145.....	ad No 232, 2003
r 67.150.....	ad No 232, 2003 am No 345, 2004; No 5, 2013
r 67.155.....	ad No 232, 2003 am No 345, 2004; No 5, 2013
r 67.160.....	ad No 232, 2003

Provision affected	How affected
	am No 345, 2004; No 5, 2013
r 67.165.....	ad No 232, 2003
r 67.170.....	ad No 232, 2003
r 67.175.....	ad No 232, 2003
	am No 77, 2011
r 67.180.....	ad No 232, 2003
	am No 345, 2004; No 77, 2011; No 274, 2013; F2016L01448
r 67.185.....	ad No 232, 2003
	am No 77, 2011
r 67.190.....	ad No 232, 2003
r 67.195.....	ad No 232, 2003
	am No 77, 2011
r 67.200.....	ad No 232, 2003
	am No 77, 2011
r 67.205.....	ad No 232, 2003
r 67.210.....	ad No 232, 2003
r 67.215.....	ad No 232, 2003
r 67.220.....	ad No 232, 2003
r 67.225.....	ad No 232, 2003
	am F2016L01448
r 67.230.....	ad No 232, 2003
	am F2016L01448
r 67.235.....	ad No 232, 2003
	am F2021L00200
r 67.240.....	ad No 232, 2003
r 67.245.....	ad No 232, 2003
r 67.250.....	ad No 232, 2003
r 67.255.....	ad No 232, 2003
r 67.260.....	ad No 232, 2003
Subpart 67.D	
Subpart 67.D.....	ad No 274, 2013
r 67.262.....	ad No 274, 2013
r 67.263.....	ad No 274, 2013
Subpart 67.E	
Subpart 67.D heading.....	rep No 274, 2013
Subpart 67.E heading.....	ad No 274, 2013
r 67.265.....	ad No 232, 2003
	am No 5, 2013; No 274, 2013; F2016L01448; F2021L00200
r 67.270.....	ad No 232, 2003
	am No 5, 2013; No 274, 2013; F2021L00200

Provision affected	How affected
r 67.271	ad No 274, 2013
r 67.275	ad No 232, 2003
Part 71	
Part 71	ad No 204, 2000
Part 90	
Part 90	ad No 204, 2000 rs No 277, 2010 am No 80, 2013; No 275, 2013
Subpart 90.A	
r 90.005	ad No 277, 2010
r 90.007	ad F2017L01149
r 90.008	ad No 277, 2010 am No 274, 2013; F2021L00200
r 90.010	ad No 277, 2010
r 90.015	ad No 277, 2010
r 90.020	ad No 277, 2010 am No 277, 2010; F2017L01149
Subpart 90.B	
r 90.100	ad No 277, 2010
r 90.105	ad No 277, 2010 am F2017L01149
r 90.110	ad No 277, 2010 am F2017L01149
r 90.115	ad No 277, 2010
r 90.120	ad No 277, 2010 am F2017L01149
r 90.125	ad No 277, 2010 am F2017L01149
r 90.130	ad No 277, 2010 am F2017L01149
r 90.135	ad No 277, 2010 am F2017L01149
r 90.140	ad No 277, 2010 am F2017L01149
r 90.145	ad No 277, 2010
r 90.150	ad F2017L01149
Subpart 90.C	
Division 90.C.1	
r 90.200	ad No 277, 2010

Provision affected	How affected
Division 90.C.2	
r 90.205.....	ad No 277, 2010 am F2017L01149
r 90.210.....	ad No 277, 2010
r 90.215.....	ad No 277, 2010
r 90.220.....	ad No 277, 2010
r 90.225.....	ad No 277, 2010
r 90.230.....	ad No 277, 2010 am No 277, 2010
r 90.235.....	ad No 277, 2010
r 90.240.....	ad No 277, 2010
r 90.245.....	ad No 277, 2010
Division 90.C.3	
r 90.250.....	ad No 277, 2010
r 90.255.....	ad No 277, 2010 am No 245, 2015; F2017L01149
r 90.260.....	ad No 277, 2010
r 90.265.....	ad No 277, 2010 am F2021L00200
r 90.270.....	ad No 277, 2010 am No 277, 2010; F2017L01149
r 90.275.....	ad No 277, 2010 am F2021L00200
Division 90.C.4	
r 90.280.....	ad No 277, 2010 am F2021L00200
r 90.285.....	ad No 277, 2010 am No 277, 2010; F2021L00200
r 90.290.....	ad No 277, 2010
Subpart 90.D	
r 90.400.....	ad No 277, 2010
r 90.405.....	ad No 277, 2010
r 90.410.....	ad No 277, 2010 am No 277, 2010; F2021L00200
r 90.415.....	ad No 277, 2010
Subpart 90.E	
Subpart 90.E heading.....	am F2021L00200
r 90.600.....	ad No 277, 2010 am F2021L00200
r 90.605.....	ad No 277, 2010

Provision affected	How affected
Part 91	
Part 91.....	ad No 204, 2000 rs No 323, 2005 am No 80, 2013 rs F2018L01783
Subpart 91.A	
r 91.005.....	ad No 323, 2005 rs F2018L01783
r 91.010.....	ad F2018L01783
r 91.015.....	ad F2018L01783
r 91.020.....	ad F2018L01783
r 91.025.....	ad F2018L01783
r 91.030.....	ad F2018L01783 am F2021L00200
r 91.035.....	ad F2018L01783 am F2021L00200
r 91.040.....	ad F2018L01783
r 91.045.....	ad F2018L01783
r 91.050.....	ad F2018L01783
Subpart 91.C	
Division 91.C.1	
r 91.055.....	ad F2018L01783
r 91.060.....	ad F2018L01783
r 91.085.....	ad F2018L01783
r 91.090.....	ad F2018L01783
Division 91.C.2	
r 91.095.....	ad F2018L01783
Division 91.C.3	
Division 91.C.3.....	am F2021L00200
r 91.100.....	ad F2018L01783
r 91.105.....	ad F2018L01783
r 91.110.....	ad F2018L01783
r 91.115.....	ad F2018L01783
r 91.120.....	ad F2018L01783
Division 91.C.6	
r 91.140.....	ad F2018L01783
r 91.145.....	ad F2018L01783 am F2021L00200
r 91.150.....	ad F2018L01783
r 91.155.....	ad F2018L01783

Provision affected	How affected
Division 91.C.7	
r 91.160.....	ad F2018L01783
r 91.165.....	ad F2018L01783
Division 91.C.8	
r 91.170.....	ad F2018L01783
r 91.175.....	ad F2018L01783
Division 91.C.9	
r 91.180.....	ad F2018L01783
r 91.185.....	ad F2018L01783
r 91.190.....	ad F2018L01783
r 91.195.....	ad F2018L01783
r 91.200.....	ad F2018L01783
r 91.205.....	ad F2018L01783
r 91.210.....	ad F2018L01783
Subpart 91.D	
Division 91.D.1	
r 91.215.....	ad F2018L01783
r 91.220.....	ad F2018L01783
r 91.225.....	ad F2018L01783
Division 91.D.2	
r 91.230.....	ad F2018L01783
r 91.235.....	ad F2018L01783
Division 91.D.3	
r 91.240.....	ad F2018L01783
r 91.245.....	ad F2018L01783
Division 91.D.4	
Subdivision 91.D.4.1	
r 91.255.....	ad F2018L01783
r 91.257.....	ad F2018L01783
r 91.260.....	ad F2018L01783
r 91.263.....	ad F2018L01783
r 91.265.....	ad F2018L01783
r 91.267.....	ad F2018L01783
r 91.270.....	ad F2018L01783
Subdivision 91.D.4.2	
r 91.273.....	ad F2018L01783
r 91.275.....	ad F2018L01783
r 91.277.....	ad F2018L01783
r 91.280.....	ad F2018L01783
r 91.283.....	ad F2018L01783

Provision affected	How affected
r 91.285.....	ad F2018L01783
Subdivision 91.D.4.3	
r 91.287.....	ad F2018L01783
r 91.290.....	ad F2018L01783
r 91.295.....	ad F2018L01783
r 91.300.....	ad F2018L01783
r 91.305.....	ad F2018L01783
r 91.307.....	ad F2018L01783
r 91.310.....	ad F2018L01783
r 91.315.....	ad F2018L01783
r 91.320.....	ad F2018L01783
Subdivision 91.D.4.4	
r 91.325.....	ad F2018L01783
r 91.330.....	ad F2018L01783
r 91.335.....	ad F2018L01783
r 91.340.....	ad F2018L01783
Subdivision 91.D.4.5	
r 91.345.....	ad F2018L01783
r 91.350.....	ad F2018L01783
r 91.355.....	ad F2018L01783
Subdivision 91.D.4.6	
r 91.360.....	ad F2018L01783
r 91.365.....	ad F2018L01783
r 91.370.....	ad F2018L01783
r 91.375.....	ad F2018L01783
r 91.380.....	ad F2018L01783
r 91.385.....	ad F2018L01783
r 91.390.....	ad F2018L01783
r 91.395.....	ad F2018L01783
r 91.400.....	ad F2018L01783
r 91.405.....	ad F2018L01783
Division 91.D.5	
r 91.410.....	ad F2018L01783
r 91.415.....	ad F2018L01783
r 91.420.....	ad F2018L01783
r 91.425.....	ad F2018L01783
r 91.430.....	ad F2018L01783
Division 91.D.6	
r 91.455.....	ad F2018L01783
r 91.460.....	ad F2018L01783

Provision affected	How affected
r 91.465.....	ad F2018L01783
r 91.470.....	ad F2018L01783
r 91.475.....	ad F2018L01783
r 91.480.....	ad F2018L01783
r 91.485.....	ad F2018L01783
r 91.490.....	ad F2018L01783
r 91.495.....	ad F2018L01783
r 91.500.....	ad F2018L01783
r 91.505.....	ad F2018L01783
r 91.510.....	ad F2018L01783
r 91.515.....	ad F2018L01783
Division 91.D.7	
r 91.520.....	ad F2018L01783
r 91.525.....	ad F2018L01783
r 91.530.....	ad F2018L01783
r 91.535.....	ad F2018L01783
r 91.540.....	ad F2018L01783
r 91.545.....	ad F2018L01783
r 91.550.....	ad F2018L01783
r 91.555.....	ad F2018L01783
r 91.560.....	ad F2018L01783
r 91.565.....	ad F2018L01783
r 91.570.....	ad F2018L01783
r 91.575.....	ad F2018L01783
r 91.580.....	ad F2018L01783
r 91.585.....	ad F2018L01783
r 91.590.....	ad F2018L01783
r 91.595.....	ad F2018L01783
r 91.600.....	ad F2018L01783
r 91.605.....	ad F2018L01783
r 91.610.....	ad F2018L01783
r 91.615.....	ad F2018L01783
r 91.620.....	ad F2018L01783
Division 91.D.8	
r 91.625.....	ad F2018L01783
r 91.630.....	ad F2018L01783
r 91.635.....	ad F2018L01783
r 91.640.....	ad F2018L01783
r 91.645.....	ad F2018L01783
r 91.650.....	ad F2018L01783

Provision affected	How affected
r 91.655.....	ad F2018L01783
r 91.660.....	ad F2018L01783
Division 91.D.10	
r 91.670.....	ad F2018L01783
r 91.675.....	ad F2018L01783
r 91.680.....	ad F2018L01783
r 91.685.....	ad F2018L01783
r 91.690.....	ad F2018L01783
r 91.695.....	ad F2018L01783
r 91.700.....	ad F2018L01783
r 91.705.....	ad F2018L01783
r 91.710.....	ad F2018L01783
Division 91.D.11	
Subdivision 91.D.11.1	
r 91.715.....	ad F2018L01783
r 91.720.....	ad F2018L01783
r 91.725.....	ad F2018L01783
Subdivision 91.D.11.2	
r 91.730.....	ad F2018L01783
r 91.735.....	ad F2018L01783
r 91.740.....	ad F2018L01783
r 91.745.....	ad F2018L01783
	am F2021L00200
r 91.750.....	ad F2018L01783
Subdivision 91.D.11.3	
r 91.755.....	ad F2018L01783
r 91.760.....	ad F2018L01783
r 91.765.....	ad F2018L01783
r 91.770.....	ad F2018L01783
r 91.775.....	ad F2018L01783
Division 91.D.12	
r 91.780.....	ad F2018L01783
r 91.785.....	ad F2018L01783
r 91.790.....	ad F2018L01783
Subpart 91.F	
r 91.795.....	ad F2018L01783
r 91.800.....	ad F2018L01783
Subpart 91.J	
r 91.805.....	ad F2018L01783

Provision affected	How affected
Subpart 91.K	
r 91.810.....	ad F2018L01783
Subpart 91.P	
r 91.820.....	ad F2018L01783
r 91.825.....	ad F2018L01783
r 91.830.....	ad No 323, 2005
	rs F2018L01783
Subpart 91.T	
Division 91.T.1	
r 91.835.....	ad F2018L01783
Division 91.T.2	
r 91.840.....	ad F2018L01783
r 91.845.....	ad F2018L01783
Division 91.T.3	
r 91.850.....	ad No 323, 2005
	rs F2018L01783
	am F2021L00200
r 91.855.....	ad F2018L01783
r 91.860.....	ad F2018L01783
r 91.865.....	ad No 323, 2005
	rs F2018L01783
	am F2021L00200
r 91.870.....	ad No 323, 2005
	rs F2018L01783
	am F2021L00200
Division 91.T.4	
r 91.875.....	ad No 323, 2005
	rs F2018L01783
r 91.880.....	ad No 323, 2005
	rs F2018L01783
r 91.885.....	ad No 323, 2005
	rs F2018L01783
Division 91.T.5	
r 91.890.....	ad No 323, 2005
	rs F2018L01783
Division 91.T.6	
r 91.895.....	ad F2018L01783
r 91.900.....	ad F2018L01783
	am F2021L00200

Provision affected	How affected
Division 91.T.7	
r 91.905.....	ad F2018L01783
Division 91.T.8	
r 91.910.....	ad F2018L01783
r 91.915.....	ad F2018L01783
r 91.920.....	ad F2018L01783
Subpart 91.Y	
Division 91.Y.1	
r 91.925.....	ad F2018L01783
r 91.930.....	ad F2018L01783
Division 91.Y.2	
r 91.935.....	ad F2018L01783
Division 91.Y.3	
r 91.940.....	ad F2018L01783
Division 91.Y.4	
r 91.945.....	ad F2018L01783
r 91.950.....	ad F2018L01783
r 91.955.....	ad F2018L01783
Division 91.Y.5	
r 91.960.....	ad F2018L01783
Subpart 91.Z	
r 91.965.....	ad F2018L01783
r 91.970.....	ad F2018L01783
r 91.975.....	ad F2018L01783
r 91.980.....	ad F2018L01783
r 91.985.....	ad F2018L01783
r 91.990.....	ad F2018L01783
r 91.995.....	ad F2018L01783
Subpart 91.U	
Division 91.U.1	
r 91.5000.....	ad No 323, 2005 rep F2018L01783
r 91.5005.....	ad No 323, 2005 rep F2018L01783
r 91.5010.....	ad No 323, 2005 am F2016L00170 rep F2018L01783
r 91.5015.....	ad No 323, 2005 rep F2018L01783
r 91.5020.....	ad No 323, 2005

Provision affected	How affected
	rep F2018L01783
r 91.5025	ad No 323, 2005
	rep F2018L01783
r 91.5030	ad No 323, 2005
	rep F2018L01783
Division 91.U.4	
r 91.5150	ad No 323, 2005
	rep F2018L01783
r 91.5155	ad No 323, 2005
	rep F2018L01783
r 91.5160	ad No 323, 2005
	rep F2018L01783
r 91.5165	ad No 323, 2005
	rep F2018L01783
r 91.5170	ad No 323, 2005
	rep F2018L01783
Part 92	
Part 92	ad No 365, 2003
	am No 80, 2013; No 275, 2013
Subpart 92.A	
r 92.005	ad No 365, 2003
r 92.010	ad No 365, 2003
r 92.015	ad No 365, 2003
Subpart 92.B	
r 92.020	ad No 365, 2003
r 92.025	ad No 365, 2003
r 92.030	ad No 365, 2003
r 92.035	ad No 365, 2003
r 92.040	ad No 365, 2003
r 92.045	ad No 365, 2003
r 92.050	ad No 365, 2003
r 92.055	ad No 365, 2003
r 92.060	ad No 365, 2003
	rep No 77, 2011
r 92.065	ad No 365, 2003
r 92.070	ad No 365, 2003
	am No 77, 2011; No 80, 2013
r 92.075	ad No 365, 2003
r 92.080	ad No 365, 2003
	rep No 77, 2011

Provision affected	How affected
Subpart 92.C	
r 92.085.....	ad No 365, 2003 am No 365, 2003
r 92.090.....	ad No 365, 2003
r 92.095.....	ad No 365, 2003 am No 77, 2011; No 80, 2013
r 92.100.....	ad No 365, 2003 am No 77, 2011; No 80, 2013
r 92.105.....	ad No 365, 2003 am No 77, 2011; No 164, 2011; No 80, 2013
r 92.110.....	ad No 365, 2003
r 92.115.....	ad No 365, 2003 am No 365, 2003; No 77, 2011; No 80, 2013
r 92.120.....	ad No 365, 2003 am No 77, 2011; No 80, 2013
r 92.125.....	ad No 365, 2003 am No 77, 2011; No 80, 2013
r 92.130.....	ad No 365, 2003 am No 77, 2011; No 80, 2013
r 92.135.....	ad No 365, 2003
r 92.140.....	ad No 365, 2003 am No 77, 2011; No 80, 2013
r 92.145.....	ad No 365, 2003 am No 365, 2003; No 77, 2011; No 80, 2013
r 92.150.....	ad No 365, 2003 am No 365, 2003; No 345, 2004 exp 31 Dec 2006 (r 92.150(8)) rep No 275, 2013
r 92.155.....	ad No 365, 2003 am No 365, 2003 rep No 77, 2011
Subpart 92.D	
r 92.160.....	ad No 365, 2003 am No 90, 2015; F2016L00717
r 92.165.....	ad No 365, 2003 am F2021L00200
r 92.170.....	ad No 365, 2003 am No 345, 2004
r 92.175.....	ad No 365, 2003
r 92.180.....	ad No 365, 2003

Provision affected	How affected
r 92.185.....	ad No 365, 2003
r 92.190.....	ad No 365, 2003
r 92.195.....	ad No 365, 2003
	am No 222, 2004
	rs No 274, 2008
	am F2021L00200
Subpart 92.E	
Subpart 92.E.....	ad No 365, 2003
r 92.200.....	ad No 365, 2003
r 92.205.....	ad No 365, 2003
Part 99	
Part 99.....	ad No 192, 2008
	am No 80, 2013
r 99.005.....	ad No 192, 2008
Subpart 99.A	
r 99.010.....	ad No 192, 2008
	am No 275, 2008; No 274, 2013; F2016L01448; F2020L00913
r 99.015.....	ad No 192, 2008
	am No 164, 2011; F2019L01621; F2021L00200
r 99.020.....	ad No 192, 2008
Subpart 99.B	
Division 99.B.1	
r 99.025.....	ad No 192, 2008
Division 99.B.2	
r 99.030.....	ad No 192, 2008
	am No 164, 2011; No 274, 2013; F2020L00913
r 99.035.....	ad No 192, 2008
r 99.040.....	ad No 192, 2008
Division 99.B.3	
Subdivision 99.B.3.1	
r 99.045.....	ad No 192, 2008
Subdivision 99.B.3.2	
r 99.050.....	ad No 192, 2008
r 99.055.....	ad No 192, 2008
r 99.060.....	ad No 192, 2008
Subdivision 99.B.3.3	
r 99.065.....	ad No 192, 2008
r 99.070.....	ad No 192, 2008
r 99.075.....	ad No 192, 2008

Provision affected	How affected
Subdivision 99.B.3.4	
r 99.080.....	ad No 192, 2008
Division 99.B.4	
r 99.085.....	ad No 192, 2008
r 99.090.....	ad No 192, 2008
r 99.095.....	ad No 192, 2008
Division 99.B.5	
r 99.100.....	ad No 192, 2008
r 99.105.....	ad No 192, 2008
Subpart 99.C	
Division 99.C.1	
r 99.110.....	ad No 192, 2008
Subdivision 99.C.1.1	
r 99.115.....	ad No 192, 2008
r 99.120.....	ad No 192, 2008
Subdivision 99.C.1.2	
r 99.125.....	ad No 192, 2008
Subdivision 99.C.1.3	
r 99.130.....	ad No 192, 2008
Division 99.C.2	
Subdivision 99.C.2.1	
r 99.135.....	ad No 192, 2008
r 99.140.....	ad No 192, 2008
r 99.145.....	ad No 192, 2008
r 99.150.....	ad No 192, 2008
Subdivision 99.C.2.2	
r 99.155.....	ad No 192, 2008
r 99.160.....	ad No 192, 2008
r 99.165.....	ad No 192, 2008
	rs No 80, 2013
r 99.170.....	ad No 192, 2008
	am No 80, 2013
r 99.175.....	ad No 192, 2008
	am No 80, 2013
r 99.180.....	ad No 192, 2008
r 99.185.....	ad No 192, 2008
Subdivision 99.C.2.3	
r 99.190.....	ad No 192, 2008
r 99.195.....	ad No 192, 2008

Provision affected	How affected
Subdivision 99.C.2.4	
r 99.200.....	ad No 192, 2008
r 99.205.....	ad No 192, 2008
r 99.210.....	ad No 192, 2008
r 99.215.....	ad No 192, 2008
	am No 80, 2013
r 99.220.....	ad No 192, 2008
r 99.225.....	ad No 192, 2008
r 99.230.....	ad No 192, 2008
Subdivision 99.C.2.5	
r 99.235.....	ad No 192, 2008
Division 99.C.3	
r 99.240.....	ad No 192, 2008
r 99.245.....	ad No 192, 2008
r 99.250.....	ad No 192, 2008
r 99.255.....	ad No 192, 2008
	am No 80, 2013
r 99.260.....	ad No 192, 2008
	am No 80, 2013
r 99.265.....	ad No 192, 2008
	rs No 80, 2013
r 99.270.....	ad No 192, 2008
	rep No 80, 2013
Subpart 99.D	
Division 99.D.1	
r 99.275.....	ad No 192, 2008
Division 99.D.2	
r 99.280.....	ad No 192, 2008
r 99.285.....	ad No 192, 2008
r 99.290.....	ad No 192, 2008
r 99.295.....	ad No 192, 2008
r 99.300.....	ad No 192, 2008
r 99.305.....	ad No 192, 2008
r 99.310.....	ad No 192, 2008
Division 99.D.3	
r 99.315.....	ad No 192, 2008
Subpart 99.E	
Division 99.E.1	
r 99.320.....	ad No 192, 2008

Provision affected	How affected
Division 99.E.2	
Subdivision 99.E.2.1	
r 99.325.....	ad No 192, 2008
r 99.330.....	ad No 192, 2008
r 99.335.....	ad No 192, 2008
r 99.340.....	ad No 192, 2008
r 99.345.....	ad No 192, 2008
r 99.350.....	ad No 192, 2008
Subdivision 99.E.2.2	
r 99.355.....	ad No 192, 2008
r 99.360.....	ad No 192, 2008
r 99.365.....	ad No 192, 2008
r 99.370.....	ad No 192, 2008
r 99.375.....	ad No 192, 2008
Subdivision 99.E.2.3	
r 99.380.....	ad No 192, 2008
r 99.385.....	ad No 192, 2008 am No 80, 2013
Division 99.E.3	
r 99.390.....	ad No 192, 2008
Subpart 99.F	
Division 99.F.1	
r 99.395.....	ad No 192, 2008
Division 99.F.2	
r 99.400.....	ad No 192, 2008 am No 120, 2010
r 99.405.....	ad No 192, 2008 am No 120, 2010
Subpart 99.G	
Division 99.G.1	
r 99.410.....	ad No 192, 2008
r 99.415.....	ad No 192, 2008 am No 120, 2010
r 99.420.....	ad No 192, 2008
r 99.425.....	ad No 192, 2008
r 99.430.....	ad No 192, 2008
r 99.435.....	ad No 192, 2008
Subpart 99.H	
Division 99.H.1	
r 99.440.....	ad No 192, 2008

Provision affected	How affected
Division 99.H.2	
r 99.445	ad No 192, 2008 am No 77, 2011
r 99.450	ad No 192, 2008 am No 275, 2008
Division 99.H.3	
r 99.455	ad No 192, 2008
r 99.460	ad No 192, 2008
Division 99.H.4	
r 99.465	ad No 192, 2008
Division 99.H.5	
r 99.470	ad No 192, 2008
r 99.475	ad No 192, 2008
r 99.480	ad No 192, 2008
r 99.485	ad No 192, 2008
r 99.490	ad No 192, 2008
Division 99.H.6	
r 99.495	ad No 192, 2008
Part 101	
Part 101	ad No 204, 2000 rs No 349, 2001 am No 345, 2004; No 80, 2013; No 274, 2013
Subpart 101.A	
Subpart A heading	rep No 345, 2004
Subpart 101.A heading	ad No 345, 2004
r 101.000	ad No 349, 2001 rep No 345, 2004
r 101.005	ad No 349, 2001 am No 274, 2013
r 101.010	ad No 349, 2001
r 101.015	ad No 349, 2001 am No 345, 2004; F2016L00400 rep F2019L01027
r 101.020	ad No 349, 2001 rs No 266, 2002 am F2016L00400; F2016L01448; F2021L00200
r 101.021	ad F2019L01027
r 101.022	ad F2019L01027
r 101.023	ad F2019L01027
r 101.024	ad F2022L00157

Provision affected	How affected
r 101.025	ad No 349, 2001 am F2020L01601
r 101.028	ad F2016L00400
r 101.029	ad F2016L00400
r 101.030	ad No 349, 2001 am F2016L00400; F2019L01027
r 101.035	ad No 349, 2001
r 101.040	ad No 349, 2001 am No 349, 2002 rep No 77, 2011
r 101.045	ad No 349, 2001 rep No 77, 2011
Subpart 101.AB	
Subpart 101.AB heading.....	am F2019L01027
Subpart 101.AB	ad F2016L00400
r 101.046	ad F2019L01027
r 101.047	ad F2016L00400 am F2019L01027; F2023L00606
r 101.048	ad F2016L00400 rs F2019L01027
Subpart 101.B	
Subpart B heading	rep No 345, 2004
Subpart 101.B heading	ad No 345, 2004
r 101.050	ad No 349, 2001
r 101.055	ad No 349, 2001 am No 349, 2002; No 274, 2013; F2020L01601
Subpart 101.C	
Subpart C heading	rep No 345, 2004
Subpart 101.C heading	ad No 345, 2004
r 101.060	ad No 349, 2001
r 101.065	ad No 349, 2001 am No 349, 2002; No 172, 2007; F2016L00400
r 101.066	ad F2019L01027
r 101.070	ad No 349, 2001 am No 349, 2002; No 274, 2013; F2016L00400
r 101.072	ad F2016L00400
r 101.073	ad F2016L00400
r 101.075	ad No 349, 2001 am No 349, 2002; No 274, 2013
r 101.080	ad No 349, 2001

Provision affected	How affected
	am No 349, 2002; F2016L00400; F2016L01448
r 101.085	ad No 349, 2001
	am No 349, 2002; No 274, 2013; F2016L00400
r 101.090	ad No 349, 2001
	am No 349, 2002
r 101.095	ad No 349, 2001
	am No 349, 2002; F2016L00400
r 101.097	ad F2016L00400
r 101.098	ad F2019L01027
	am F2023L00606
r 101.099	ad F2019L01027
r 101.099AA	ad F2021L01027
	am F2023L00606
r 101.099A	ad F2019L01027
	am F2023L00606
r 101.099B	ad F2022L00157
	am F2023L00606
	ed C98
Subpart 101.D	
Subpart D heading	rep No 345, 2004
Subpart 101.D heading	ad No 345, 2004
r 101.100	ad No 349, 2001
r 101.105	ad No 349, 2001
	am No 274, 2013; F2021L00200
r 101.110	ad No 349, 2001
	am No 349, 2002; F2016L00400
r 101.115	ad No 349, 2001
	am No 349, 2002; No 274, 2013
r 101.120	ad No 349, 2001
	am No 349, 2002
r 101.125	ad No 349, 2001
	am No 349, 2002
r 101.130	ad No 349, 2001
	am No 349, 2002
r 101.135	ad No 349, 2001
	am No 349, 2002
Subpart 101.E	
Subpart E heading	rep No 345, 2004
Subpart 101.E heading	ad No 345, 2004
r 101.140	ad No 349, 2001

Provision affected	How affected
r 101.145.....	ad No 349, 2001 rs F2016L01448
r 101.150.....	ad No 349, 2001 am F2019L01027
r 101.155.....	ad No 349, 2001 am No 349, 2002; No 77, 2011; No 265, 2011; F2016L00400; F2016L01448
r 101.160.....	ad No 349, 2001 am No 349, 2002; F2016L00400; F2016L01448
r 101.165.....	ad No 349, 2001 am No 349, 2002; F2016L00400; F2016L01448
r 101.170.....	ad No 349, 2001 am No 349, 2002; No 274, 2013; F2016L01448
r 101.175.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.180.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.185.....	ad No 349, 2001 am No 349, 2002
r 101.190.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.195.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.200.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.205.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.210.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.215.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.220.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.225.....	ad No 349, 2001 am No 349, 2002; F2016L01448
r 101.230.....	ad No 349, 2001 am No 349, 2002
Subpart 101.F	
Subpart F heading.....	rep No 345, 2004
Subpart 101.F heading.....	ad No 345, 2004 rs F2016L00400

Provision affected	How affected
Division 101.F.1	
Division 1 heading.....	rep No 345, 2004
Division 101.F.1 heading.....	ad No 345, 2004
r 101.235.....	ad No 349, 2001 rs F2016L00400 ed C73 am F2019L01027
r 101.236.....	ad F2016L00400
r 101.237.....	ad F2016L00400 am F2019L01027
r 101.238.....	ad F2016L00400 am F2019L01027
r 101.240.....	ad No 349, 2001 rep F2016L00400
Division 101.F.2	
Division 2 heading.....	rep No 345, 2004
Division 101.F.2 heading.....	ad No 345, 2004 rs F2016L00400
r 101.245.....	ad No 349, 2001 am No 349, 2002; F2016L00400
r 101.247.....	ad F2016L00400 rep F2019L01027
r 101.250.....	ad No 349, 2001 am No 349, 2002; No 274, 2013; F2016L00400
r 101.252.....	ad F2016L00400 am F2019L01027
r 101.255.....	ad No 349, 2001 am No 349, 2002; No 350, 2002; F2016L00400; F2019L01027
r 101.260.....	ad No 349, 2001 am F2016L00400; F2016L01448
r 101.265.....	ad No 349, 2001 am F2016L00400
r 101.270.....	ad No 349, 2001 am No 349, 2002 rs F2016L00400 ed C73
r 101.272.....	ad F2016L00400
r 101.275.....	ad No 349, 2001 am No 349, 2002; No 77, 2011; F2016L00400
r 101.280.....	ad No 349, 2001

Provision affected	How affected
	am No 349, 2002; F2016L00400; F2019L01027
r 101.285	ad No 349, 2001
	am No 349, 2002; No 5, 2013; F2016L00400; F2021L00200
Division 101.F.3	
Division 3 heading.....	rep No 345, 2004
Division 101.F.3 heading.....	ad No 345, 2004
	rs No 77, 2011; F2016L00400
Division 101.F.3	am F2016L00400
r 101.290.....	ad No 349, 2001
	am No 77, 2011; No 274, 2013; F2016L00400; F2021L00200
r 101.295.....	ad No 349, 2001
	am No 77, 2011; No 5, 2013; No 274, 2013; F2016L00400; F2021L00200
r 101.300.....	ad No 349, 2001
	am No 77, 2011; No 5, 2013; F2016L00400; F2021L00200
r 101.305.....	ad No 349, 2001
	am No 350, 2002
	rep No 77, 2011
r 101.310.....	ad No 349, 2001
	rep No 77, 2011
r 101.315.....	ad No 349, 2001
	am No 350, 2002; F2016L00400; F2019L01027
r 101.320.....	ad No 349, 2001
	am No 350, 2002; F2016L00400; F2019L01027
r 101.325.....	ad No 349, 2001
	rep No 77, 2011
Division 101.F.4	
Division 4 heading.....	rep No 345, 2004
Division 101.F.4 heading.....	ad No 345, 2004
	rs No 77, 2011; F2016L00400
Division 101.F.4	am F2016L00400
r 101.330.....	ad No 349, 2001
	am No 77, 2011; F2016L00400
r 101.335.....	ad No 349, 2001
	am No 77, 2011; No 5, 2013; F2016L00400
r 101.340.....	ad No 349, 2001
	am No 77, 2011; F2016L00400; F2019L01027
r 101.342.....	ad F2016L00400
r 101.345.....	ad No 349, 2001
	am No 350, 2002
	rep No 77, 2011

Provision affected	How affected
r 101.350.....	ad No 349, 2001 rep No 77, 2011
r 101.355.....	ad No 349, 2001 rep No 80, 2013
r 101.360.....	ad No 349, 2001 am No 350, 2002; F2016L00400; F2019L01027
r 101.365.....	ad No 349, 2001 am No 350, 2002; F2016L00400; F2019L01027
r 101.370.....	ad No 349, 2001 rep No 77, 2011 ad F2016L00400
Division 101.F.5	
Division 101.F.5 heading.....	am F2019L01027
Division 101.F.5.....	ad F2016L00400
r 101.371.....	ad F2016L00400 rs F2019L01027
r 101.372.....	ad F2016L00400 rs F2019L01027
r 101.373.....	ad F2016L00400
r 101.374.....	ad F2016L00400
Subpart 101.FA	
Subpart 101.FA heading.....	am F2023L00606
Subpart 101.FA.....	ad F2019L01027
Division 101.FA.1	
r 101.374A.....	ad F2019L01027 am F2023L00606
Division 101.FA.2	
r 101.374B.....	ad F2019L01027 am F2023L00606
r 101.374C.....	ad F2019L01027 am F2023L00606
Division 101.FA.3	
Division 101.FA.3 heading.....	am F2023L00606
r 101.374D.....	ad F2019L01027 rs F2023L00606
r 101.374E.....	ad F2019L01027 am F2022L00157; F2023L00606
r 101.374F.....	ad F2019L01027
r 101.374G.....	ad F2019L01027
r 101.374H.....	ad F2019L01027

Provision affected	How affected
r 101.374J	ad F2019L01027 am F2023L00606
Subpart 101.G	
Subpart G heading	rep No 345, 2004
Subpart 101.G heading	ad No 345, 2004
r 101.375	ad No 349, 2001 am F2019L01027
r 101.380	ad No 349, 2001 am F2019L01027; F2022L00157
r 101.385	ad No 349, 2001 am No 349, 2002
r 101.390	ad No 349, 2001 am No 349, 2002
r 101.395	ad No 349, 2001 am No 349, 2002
r 101.400	ad No 349, 2001 am No 349, 2002; No 274, 2013
r 101.405	ad No 349, 2001 am No 349, 2002; F2022L00157
r 101.410	ad No 349, 2001 am No 349, 2002; F2016L00400
Subpart 101.H	
Subpart H heading	rep No 345, 2004
Subpart 101.H heading	ad No 345, 2004
r 101.415	ad No 349, 2001 am No 274, 2013
r 101.420	ad No 349, 2001
r 101.425	ad No 349, 2001 am F2019L01027; F2020L01601
r 101.430	ad No 349, 2001 am No 349, 2002; No 172, 2007; F2016L00400
r 101.435	ad No 349, 2001 am No 349, 2002; No 274, 2013
r 101.440	ad No 349, 2001 am No 349, 2002; No 274, 2013
r 101.445	ad No 349, 2001 am No 349, 2002; F2016L00400
r 101.450	ad No 349, 2001 am No 349, 2002; F2020L01601
r 101.455	ad No 349, 2001

Provision affected	How affected
	am No 349, 2002; No 274, 2013; F2020L01601
r 101.460	ad No 349, 2001
	am No 349, 2002
r 101.465	ad No 349, 2001
	am No 349, 2002
r 101.470	ad No 349, 2001
	am No 349, 2002
Subpart 101.I	
Subpart I heading.....	rep No 345, 2004
Subpart 101.I heading.....	ad No 345, 2004
r 101.475	ad No 349, 2001
r 101.480	ad No 349, 2001
r 101.485	ad No 349, 2001
r 101.490	ad No 349, 2001
	am No 349, 2002; No 274, 2013
r 101.495	ad No 349, 2001
	am No 349, 2002
r 101.500	ad No 349, 2001
	am No 349, 2002; No 274, 2013; F2016L00400
Part 103	
Part 103.....	ad No 204, 2000
	rs F2019L01621
Subpart 103.A	
r 103.005	ad F2019L01621
	am F2021L00200
r 103.010	ad F2019L01621
r 103.015	ad F2019L01621
r 103.020	ad F2019L01621
Subpart 103.B	
r 103.025	ad F2019L01621
	am F2021L00200
r 103.030	ad F2019L01621
r 103.035	ad F2019L01621
Subpart 103.C	
r 103.040	ad F2019L01621
Subpart 103.D	
r 103.045	ad F2019L01621
r 103.050	ad F2019L01621
r 103.055	ad F2019L01621
r 103.060	ad F2019L01621

Provision affected	How affected
r 103.065	ad F2019L01621
r 103.070	ad F2019L01621
r 103.075	ad F2019L01621
r 103.080	ad F2019L01621
r 103.085	ad F2019L01621
Subpart 103.K	
r 103.090	ad F2019L01621
Subpart 103.M	
r 103.100	ad F2019L01621
	rs F2021L00200
r 103.105	ad F2019L01621
r 103.110	ad F2019L01621
r 103.115	ad F2019L01621
r 103.120	ad F2019L01621
r 103.125	ad F2019L01621
Subpart 103.Z	
r 103.130	ad F2019L01621
Part 105	
Part 105	ad No 204, 2000
	rs F2019L01621
Subpart 105.A	
r 105.005	ad F2019L01621
r 105.010	ad F2019L01621
r 105.015	ad F2019L01621
Subpart 105.C	
Division 105.C.1	
r 105.020	ad F2019L01621
r 105.025	ad F2019L01621
Division 105.C.4	
r 105.045	ad F2019L01621
r 105.050	ad F2019L01621
Division 105.C.5	
r 105.055	ad F2019L01621
r 105.060	ad F2019L01621
Division 105.C.6	
r 105.065	ad F2019L01621
r 105.070	ad F2019L01621
r 105.075	ad F2019L01621
r 105.080	ad F2019L01621
r 105.085	ad F2019L01621

Provision affected	How affected
	am F2021L00200
r 105.090	ad F2019L01621
r 105.095	ad F2019L01621
Subpart 105.D	
r 105.100	ad F2019L01621
r 105.105	ad F2019L01621
r 105.110	ad F2019L01621
r 105.115	ad F2019L01621
Subpart 105.G	
r 105.120	ad F2019L01621
Subpart 105.J	
r 105.125	ad F2019L01621
Subpart 105.K	
r 105.130	ad F2019L01621
Subpart 105.N	
r 105.135	ad F2019L01621
r 105.140	ad F2019L01621
r 105.145	ad F2019L01621
r 105.150	ad F2019L01621
r 105.155	ad F2019L01621
Part 115	
Part 115	ad No 204, 2000
Part 117	
Part 117	ad No 222, 2013
r 117.005	ad No 222, 2013
	am F2021L00200
r 117.010	ad No 222, 2013
r 117.015	ad No 222, 2013
	am F2016L00400; F2021L00200
r 117.020	ad F2021L00200
r 117.025	ad F2021L00200
r 117.030	ad F2021L00200
	am F2023L00606
Part 119	
Part 119	ad No 204, 2000
	rs F2018L01787
Subpart 119.A	
r 119.005	ad F2018L01787
r 119.010	ad F2018L01787
	am F2022L01612

Provision affected	How affected
r 119.015	ad F2018L01787
r 119.020	ad F2018L01787
r 119.025	ad F2018L01787
r 119.030	ad F2018L01787
r 119.035	ad F2018L01787
r 199.036	ad F2018L01787
r 119.040	ad F2018L01787
r 119.045	ad F2018L01787
r 119.050	ad F2018L01787
r 119.055	ad F2018L01787
r 119.060	ad F2018L01787
Subpart 119.B	
r 119.065	ad F2018L01787
r 119.070	ad F2018L01787
	am F2021L00200
r 119.075	ad F2018L01787
r 119.080	ad F2018L01787
	am F2021L00200
Subpart 119.C	
r 119.085	ad F2018L01787
r 119.090	ad F2018L01787
r 119.095	ad F2018L01787
r 119.100	ad F2018L01787
r 119.105	ad F2018L01787
Subpart 119.D	
r 119.110	ad F2018L01787
r 119.115	ad F2018L01787
r 119.120	ad F2018L01787
r 119.125	ad F2018L01787
r 119.130	ad F2018L01787
r 119.135	ad F2018L01787
r 119.140	ad F2018L01787
r 119.145	ad F2018L01787
r 119.150	ad F2018L01787
r 119.155	ad F2018L01787
r 119.160	ad F2018L01787
r 119.165	ad F2018L01787
Subpart 119.E	
r 119.170	ad F2018L01787
r 119.175	ad F2018L01787

Provision affected	How affected
r 119.180.....	ad F2018L01787
r 119.185.....	ad F2018L01787
Subpart 119.F	
r 119.190.....	ad F2018L01787
r 119.195.....	ad F2018L01787
Subpart 119.H	
r 119.205.....	ad F2018L01787
r 119.210.....	ad F2018L01787
r 119.215.....	ad F2018L01787
r 119.220.....	ad F2018L01787
Subpart 119.J	
r 119.225.....	ad F2018L01787
r 119.230.....	ad F2018L01787
r 119.235.....	ad F2018L01787
r 119.240.....	ad F2018L01787
r 119.245.....	ad F2018L01787
r 119.250.....	ad F2018L01787
Subpart 119.K	
r 119.255.....	ad F2018L01787
r 119.260.....	ad F2018L01787
Part 121	
Part 121.....	ad No 204, 2000 rs F2018L01784
Subpart 121.A	
r 121.005.....	ad F2018L01784
r 121.010.....	ad F2018L01784
r 121.015.....	ad F2018L01784
Subpart 121.C	
Division 121.C.1	
r 121.020.....	ad F2018L01784
r 121.025.....	ad F2018L01784
r 121.030.....	ad F2018L01784
r 121.035.....	ad F2018L01784
r 121.040.....	ad F2018L01784
r 121.045.....	ad F2018L01784
r 121.050.....	ad F2018L01784
Division 121.C.2	
r 121.055.....	ad F2018L01784
r 121.060.....	ad F2018L01784
r 121.065.....	ad F2018L01784

Provision affected	How affected
r 121.070.....	ad F2018L01784
Division 121.C.3	
r 121.075.....	ad F2018L01784
r 121.080.....	ad F2018L01784
r 121.085.....	ad F2018L01784
r 121.090.....	ad F2018L01784
r 121.095.....	ad F2018L01784
r 121.100.....	ad F2018L01784
r 121.105.....	ad F2018L01784
r 121.110.....	ad F2018L01784
r 121.115.....	ad F2018L01784
Division 121.C.4	
r 121.120.....	ad F2018L01784
r 121.125.....	ad F2018L01784
Division 121.C.5	
r 121.130.....	ad F2018L01784
r 121.135.....	ad F2018L01784
Division 121.C.6	
r 121.140.....	ad F2018L01784
r 121.145.....	ad F2018L01784
r 121.150.....	ad F2018L01784
r 121.155.....	ad F2018L01784
Subpart 121.D	
Division 121.D.1	
r 121.160.....	ad F2018L01784
Division 121.D.2	
r 121.165.....	ad F2018L01784
r 121.170.....	ad F2018L01784
Division 121.D.3	
r 121.175.....	ad F2018L01784
r 121.180.....	ad F2018L01784
Division 121.D.4	
r 121.185.....	ad F2018L01784
r 121.190.....	ad F2018L01784
r 121.195.....	ad F2018L01784
r 121.200.....	ad F2018L01784
Division 121.D.5	
r 121.205.....	ad F2018L01784
r 121.210.....	ad F2018L01784
r 121.215.....	ad F2018L01784

Provision affected	How affected
r 121.220.....	ad F2018L01784
Division 121.D.6	
r 121.225.....	ad F2018L01784
r 121.230.....	ad F2018L01784
r 121.235.....	ad F2018L01784
r 121.240.....	ad F2018L01784
Division 121.D.7	
r 121.245.....	ad F2018L01784
r 121.250.....	as F2018L01784
r 121.255.....	ad F2018L01784
r 121.260.....	ad F2018L01784
r 121.265.....	ad F2018L01784
r 121.270.....	ad F2018L01784
r 121.275.....	ad F2018L01784
r 121.280.....	ad F2018L01784
r 121.285.....	ad F2018L01784
r 121.290.....	ad F2018L01784
r 121.295.....	ad F2018L01784
Division 121.D.8	
r 121.300.....	ad F2018L01784
r 121.305.....	ad F2018L01784
r 121.310.....	ad F2018L01784
r 121.315.....	ad F2018L01784
r 121.320.....	ad F2018L01784
r 121.325.....	ad F2018L01784
r 121.330.....	ad F2018L01784
r 121.335.....	ad F2018L01784
r 121.340.....	ad F2018L01784
Division 121.D.9	
r 121.345.....	ad F2018L01784
r 121.350.....	ad F2018L01784
r 121.355.....	ad F2018L01784
r 121.360.....	ad F2018L01784
r 121.365.....	ad F2018L01784
r 121.370.....	ad F2018L01784
r 121.375.....	ad F2018L01784
r 121.380.....	ad F2018L01784
r 121.385.....	ad F2018L01784
Subpart 121.F	
r 121.390.....	ad F2018L01784

Provision affected	How affected
r 121.395	ad F2018L01784
r 121.420	ad F2018L01784
r 121.425	ad F2018L01784
r 121.430	ad F2018L01784
Subpart 121.J	
r 121.435	ad F2018L01784
r 121.440	ad F2018L01784
r 121.445	ad F2018L01784
r 121.450	ad F2018L01784
r 121.455	ad F2018L01784
Subpart 121.K	
r 121.460	ad F2018L01784
Subpart 121.N	
Division 121.N.1	
r 121.470	ad F2018L01784
r 121.475	ad F2018L01784
r 121.480	ad F2018L01784
r 121.485	ad F2018L01784
r 121.490	ad F2018L01784
r 121.495	ad F2018L01784
r 121.500	ad F2018L01784
r 121.505	ad F2018L01784
r 121.510	ad F2018L01784
r 121.515	ad F2018L01784
Division 121.N.2	
r 121.520	ad F2018L01784
r 121.525	ad F2018L01784
r 121.530	ad F2018L01784
Division 121.N.3	
r 121.535	ad F2018L01784
Division 121.N.4	
r 121.540	ad F2018L01784
r 121.545	ad F2018L01784
r 121.550	ad F2018L01784
Division 121.N.5	
r 121.555	ad F2018L01784
r 121.560	ad F2018L01784
r 121.565	ad F2018L01784
Division 121.N.6	
r 121.570	ad F2018L01784

Provision affected	How affected
r 121.575	ad F2018L01784
r 121.580	ad F2018L01784
r 121.585	ad F2018L01784
r 121.590	ad F2018L01784
r 121.595	ad F2018L01784
r 121.600	ad F2018L01784
r 121.605	ad F2018L01784
r 121.610	ad F2018L01784
r 121.615	ad F2018L01784
r 121.620	ad F2018L01784
Subpart 121.P	
Division 121.P.1	
r 121.625	ad F2018L01784
r 121.630	ad F2018L01784
Division 121.P.2	
r 121.635	ad F2018L01784
r 121.640	ad F2018L01784
r 121.645	ad F2018L01784
r 121.650	ad F2018L01784
r 121.655	ad F2018L01784
r 121.660	ad F2018L01784
r 121.665	ad F2018L01784
r 121.670	ad F2018L01784
r 121.675	ad F2018L01784
r 121.680	ad F2018L01784
Division 121.P.3	
r 121.685	ad F2018L01784
r 121.690	ad F2018L01784
r 121.695	ad F2018L01784
r 121.700	ad F2018L01784
Division 121.P.4	
r 121.705	ad F2018L01784
Division 121.P.5	
r 121.710	ad F2018L01784
r 121.715	ad F2018L01784
r 121.720	ad F2018L01784
Division 121.P.6	
r 121.725	ad F2018L01784
r 121.730	ad F2018L01784
r 121.735	ad F2018L01784

Provision affected	How affected
Division 121.P.7	
r 121.740	ad F2018L01784
r 121.745	ad F2018L01784
r 121.750	ad F2018L01784
Subpart 121.V	
r 121.755	ad F2018L01784
Subpart 121.Z	
r 121.760	ad F2018L01784
r 121.765	ad F2018L01784
r 121.770	ad F2018L01784
r 121.775	ad F2018L01784
r 121.780	ad F2018L01784
Part 129	
Part 129.....	ad No 204, 2000 rs No 247, 2015
Subpart 129.A	
r 129.005	ad No 247, 2015
r 129.020	ad No 247, 2015
r 129.025	ad No 247, 2015
r 129.030	ad No 247, 2015
r 129.035	ad No 247, 2015
r 129.040	ad No 247, 2015
Subpart 129.B	
r 129.045	ad No 247, 2015
r 129.050	ad No 247, 2015
r 129.055	ad No 247, 2015
r 129.060	ad No 247, 2015
r 129.065	ad No 247, 2015
Subpart 129.C	
r 129.070	ad No 247, 2015
r 129.075	ad No 247, 2015
r 129.080	ad No 247, 2015
r 129.085	ad No 247, 2015
r 129.090	ad No 247, 2015
r 129.095	ad No 247, 2015
r 129.100	ad No 247, 2015
r 129.105	ad No 247, 2015
r 129.110	ad No 247, 2015
r 129.115	ad No 247, 2015
r 129.120	ad No 247, 2015

Provision affected	How affected
r 129.125	ad No 247, 2015
Subpart 129.M	
r 129.200	ad No 247, 2015
r 129.205	ad No 247, 2015
Subpart 129.N	
r 129.250	ad No 247, 2015
r 129.255	ad No 247, 2015
Part 131	
Part 131	ad F2019L01621
Subpart 131.A	
r 131.005	ad F2019L01621 am F2021L00200
r 131.010	ad F2019L01621
r 131.015	ad F2019L01621
r 131.020	ad F2019L01621
r 131.025	ad F2019L01621 am F2021L00200
r 131.030	ad F2019L01621
r 131.035	ad F2019L01621
r 131.040	ad F2019L01621
r 131.045	ad F2019L01621
r 131.050	ad F2019L01621
r 131.055	ad F2019L01621
Subpart 131.B	
Division 131.B.1	
r 131.060	ad F2019L01621
r 131.065	ad F2019L01621
r 131.070	ad F2019L01621
Division 131.B.2	
r 131.075	ad F2019L01621
r 131.080	ad F2019L01621
r 131.085	ad F2019L01621
r 131.090	ad F2019L01621
Division 131.B.3	
r 131.095	ad F2019L01621
r 131.100	ad F2019L01621
r 131.105	ad F2019L01621
r 131.110	ad F2019L01621
r 131.115	ad F2019L01621

Provision affected	How affected
Division 131.B.4	
r 131.120	ad F2019L01621
r 131.125	ad F2019L01621
r 131.130	ad F2019L01621
r 131.135	ad F2019L01621
r 131.140	ad F2019L01621
r 131.145	ad F2019L01621
r 131.150	ad F2019L01621
r 131.155	ad F2019L01621
r 131.160	ad F2019L01621
r 131.165	ad F2019L01621
r 131.170	ad F2019L01621
r 131.175	ad F2019L01621
Division 131.B.5	
r 131.180	ad F2019L01621
r 131.185	ad F2019L01621
r 131.190	ad F2019L01621
Division 131.B.6	
r 131.195	ad F2019L01621
r 131.200	ad F2019L01621
r 131.205	ad F2019L01621
r 131.210	ad F2019L01621
Division 131.B.7	
r 131.215	ad F2019L01621
r 131.220	ad F2019L01621
r 131.225	ad F2019L01621
r 131.230	ad F2019L01621
Division 131.B.8	
r 131.235	ad F2019L01621
r 131.240	ad F2019L01621
Subpart 131.C	
Division 131.C.1	
r 131.245	ad F2019L01621
r 131.250	ad F2019L01621
Division 131.C.2	
r 131.255	ad F2019L01621
r 131.260	ad F2019L01621
Division 131.C.3	
r 131.265	ad F2019L01621
r 131.270	ad F2019L01621

Provision affected	How affected
r 131.275	ad F2019L01621
r 131.280	ad F2019L01621
Division 131.C.4	
r 131.285	ad F2019L01621
Division 131.C.5	
r 131.290	ad F2019L01621
r 131.295	ad F2019L01621
Division 131.C.6	
Division 131.C.6 heading	am F2021L00200
r 131.300	ad F2019L01621
r 131.305	ad F2019L01621
r 131.310	ad F2019L01621
r 131.315	ad F2019L01621
r 131.320	ad F2019L01621
r 131.325	ad F2019L01621
r 131.330	ad F2019L01621
Subpart 131.D	
Division 131.D.2	
r 131.340	ad F2019L01621
Division 131.D.3	
r 131.345	ad F2019L01621
r 131.350	ad F2019L01621
Division 131.D.4	
Subdivision 131.D.4.1	
r 131.353	ad F2019L01621
r 131.354	ad F2019L01621
r 131.355	ad F2019L01621
r 131.360	ad F2019L01621
r 131.365	ad F2019L01621
Subdivision 131.D.4.2	
r 131.367	ad F2019L01621
Division 131.D.5	
r 131.370	ad F2019L01621
r 131.375	ad F2019L01621
Division 131.D.6	
r 131.380	ad F2019L01621
r 131.385	ad F2019L01621
Division 131.D.7	
r 131.390	ad F2019L01621
r 131.395	ad F2019L01621

Provision affected	How affected
r 131.400.....	ad F2019L01621
r 131.405.....	ad F2019L01621
r 131.410.....	ad F2019L01621
r 131.415.....	ad F2019L01621
r 131.420.....	ad F2019L01621
r 131.425.....	ad F2019L01621
r 131.430.....	ad F2019L01621
Division 131.D.8	
r 131.435.....	ad F2019L01621 am F2021L00200
r 131.440.....	ad F2019L01621
Subpart 131.F	
r 131.445.....	ad F2019L01621
r 131.450.....	ad F2019L01621 rs F2021L00200
r 131.455.....	ad F2019L01621
Subpart 131.K	
r 131.460.....	ad F2019L01621
Subpart 131.N	
r 131.565.....	ad F2019L01621 am F2021L00200
Subpart 131.P	
Division 131.P.1	
r 131.570.....	ad F2019L01621
Subpart 131.R	
r 131.580.....	ad F2019L01621
r 131.585.....	ad F2019L01621
Subpart 131.Z	
r 131.685.....	ad F2019L01621
r 131.690.....	ad F2019L01621
r 131.695.....	ad F2019L01621
r 131.700.....	ad F2019L01621
r 131.705.....	ad F2019L01621
r 131.710.....	ad F2019L01621
Part 132	
Part 132.....	ad F2016L01655
Subpart 132.A	
r 132.005.....	ad F2016L01655 am F2021L00200
r 132.010.....	ad F2016L01655

Provision affected	How affected
r 132.015	ad F2016L01655
r 132.020	ad F2016L01655
r 132.025	ad F2016L01655
r 132.030	ad F2016L01655
r 132.035	ad F2016L01655
r 132.040	ad F2016L01655
r 132.045	ad F2016L01655
	am F2021L00200
Subpart 132.B	
r 132.050	ad F2016L01655
r 132.055	ad F2016L01655
r 132.060	ad F2016L01655
r 132.065	ad F2016L01655
r 132.070	ad F2016L01655
	am F2021L00200
r 132.075	ad F2016L01655
r 132.080	ad F2016L01655
	rep F2021L00200
r 132.085	ad F2016L01655
Subpart 132.C	
Division 132.C.1	
r 132.090	ad F2016L01655
r 132.095	ad F2016L01655
r 132.100	ad F2016L01655
r 132.105	ad F2016L01655
r 132.110	ad F2016L01655
r 132.115	ad F2016L01655
r 132.120	ad F2016L01655
r 132.125	ad F2016L01655
r 132.130	ad F2016L01655
r 132.135	ad F2016L01655
r 132.140	ad F2016L01655
Division 132.C.2	
r 132.145	ad F2016L01655
r 132.150	ad F2016L01655
	am F2021L00200
r 132.155	ad F2016L01655
	am F2021L00200
r 132.160	ad F2016L01655
r 132.165	ad F2016L01655

Provision affected	How affected
r 132.170.....	ad F2016L01655
Subpart 132.D	
Division 132.D.1	
r 132.175.....	ad F2016L01655
r 132.180.....	ad F2016L01655
r 132.185.....	ad F2016L01655
r 132.190.....	ad F2016L01655
Division 132.D.2	
r 132.195.....	ad F2016L01655
r 132.200.....	ad F2016L01655
r 132.205.....	ad F2016L01655
r 132.210.....	ad F2016L01655
r 132.215.....	ad F2016L01655
r 132.220.....	ad F2016L01655
Division 132.D.3	
r 132.225.....	ad F2016L01655
r 132.230.....	ad F2016L01655
r 132.235.....	ad F2016L01655
Subpart 132.M	
Subpart 132.M.....	ad F2016L01655
Part 133	
Part 133.....	ad No 204, 2000 rs F2018L01788
Subpart 133.A	
r 133.005.....	ad F2018L01788
r 133.010.....	ad F2018L01788
r 133.015.....	ad F2018L01788
r 133.020.....	ad F2018L01788
Subpart 133.C	
Division 133.C.1	
r 133.025.....	ad F2018L01788
Division 133.C.2	
r 133.030.....	ad F2018L01788
r 133.035.....	ad F2018L01788
r 133.040.....	ad F2018L01788
Division 133.C.3	
r 133.045.....	ad F2018L01788
r 133.050.....	ad F2018L01788
r 133.055.....	ad F2018L01788
r 133.060.....	ad F2018L01788

Provision affected	How affected
r 133.065	ad F2018L01788
r 133.070	ad F2018L01788
r 133.075	ad F2018L01788
r 133.080	ad F2018L01788
r 133.085	ad F2018L01788
Division 133.C.4	
r 133.090	ad F2018L01788
r 133.095	ad F2018L01788
Division 133.C.5	
r 133.100	ad F2018L01788
r 133.105	ad F2018L01788
Division 133.C.6	
r 133.110	ad F2018L01788
r 133.115	ad F2018L01788
r 133.120	ad F2018L01788
Subpart 133.D	
Division 133.D.1	
r 133.125	ad F2018L01788
Division 133.D.2	
r 133.130	ad F2018L01788
Division 133.D.3	
r 133.135	ad F2018L01788
r 133.140	ad F2018L01788
Division 133.D.4	
r 133.145	ad F2018L01788
r 133.150	ad F2018L01788
r 133.155	ad F2018L01788
r 133.160	ad F2018L01788
r 133.165	ad F2018L01788
r 133.167	ad F2018L01788
Division 133.D.5	
r 133.170	ad F2018L01788
r 133.175	ad F2018L01788
Division 133.D.6	
r 133.180	ad F2018L01788
r 133.185	ad F2018L01788
r 133.190	ad F2018L01788
r 133.195	ad F2018L01788
Division 133.D.7	
r 133.200	ad F2018L01788

Provision affected	How affected
r 133.205	ad F2018L01788
r 133.210	ad F2018L01788
r 133.215	ad F2018L01788
r 133.220	ad F2018L01788
r 133.225	ad F2018L01788
r 133.230	ad F2018L01788
r 133.235	ad F2018L01788
r 133.240	ad F2018L01788
r 133.245	ad F2018L01788
Division 133.D.8	
r 133.250	ad F2018L01788
r 133.255	ad F2018L01788
r 133.260	ad F2018L01788
r 133.265	ad F2018L01788
r 133.270	ad F2018L01788
Division 133.D.9	
r 133.275	ad F2018L01788
r 133.280	ad F2018L01788
r 133.285	ad F2018L01788
r 133.290	ad F2018L01788
r 133.295	ad F2018L01788
Subpart 133.F	
r 133.305	ad F2018L01788
r 133.310	ad F2018L01788
r 133.315	ad F2018L01788
r 133.320	ad F2018L01788
r 133.325	ad F2018L01788
r 133.330	ad F2018L01788
r 133.335	ad F2018L01788
r 133.340	ad F2018L01788
Subpart 133.J	
r 133.345	ad F2018L01788
r 133.350	ad F2018L01788
r 133.355	ad F2018L01788
Subpart 133.K	
r 133.360	ad F2018L01788
Subpart 133.N	
Division 133.N.1	
r 133.370	ad F2018L01788
r 133.375	ad F2018L01788

Provision affected	How affected
r 133.377	ad F2018L01788
r 133.380	ad F2018L01788
r 133.385	ad F2018L01788
r 133.390	ad F2018L01788
r 133.395	ad F2018L01788
r 133.400	ad F2018L01788
Division 133.N.3	
r 133.410	ad F2018L01788
r 133.415	ad F2018L01788
Division 133.N.4	
r 133.420	ad F2018L01788
Subpart 133.P	
Division 133.P.1	
r 133.425	ad F2018L01788
r 133.430	ad F2018L01788
r 133.435	ad F2018L01788
r 133.440	ad F2018L01788
r 133.445	ad F2018L01788
r 133.450	ad F2018L01788
Division 133.P.2	
r 133.455	ad F2018L01788
r 133.460	ad F2018L01788
r 133.465	ad F2018L01788
Division 133.P.3	
r 133.470	ad F2018L01788
r 133.475	ad F2018L01788
Part 135	
Part 135	ad F2018L01782 ed C93
Subpart 135.A	
r 135.005	ad F2018L01782
r 135.010	ad F2018L01782
r 135.015	ad F2018L01782
r 135.020	ad F2018L01782
r 135.025	ad F2018L01782
Subpart 135.C	
Division 135.C.1	
r 135.030	ad F2018L01782
r 135.035	ad F2018L01782 am F2021L00200

Provision affected	How affected
Division 135.C.2	
r 135.040	ad F2018L01782
r 135.045	ad F2018L01782
r 135.050	ad F2018L01782
Division 135.C.3	
r 135.055	ad F2018L01782
r 135.060	ad F2018L01782
r 135.065	ad F2018L01782
r 135.070	ad F2018L01782
r 135.075	ad F2018L01782
r 135.080	ad F2018L01782
r 135.085	ad F2018L01782
r 135.090	ad F2018L01782
r 135.095	ad F2018L01782
Division 135.C.4	
r 135.100	ad F2018L01782
r 135.105	ad F2018L01782
Division 135.C.5	
r 135.110	ad F2018L01782
r 135.115	ad F2018L01782
Division 135.C.6	
r 135.120	ad F2018L01782
r 135.125	ad F2018L01782
r 135.130	ad F2018L01782
Subpart 135.D	
Division 135.D.1	
r 135.135	ad F2018L01782
Division 135.D.2	
r 135.140	ad F2018L01782
Division 135.D.3	
r 135.145	ad F2018L01782
r 135.150	ad F2018L01782
Division 135.D.4	
r 135.155	ad F2018L01782
r 135.160	ad F2018L01782
r 135.165	ad F2018L01782
r 135.170	ad F2018L01782
r 135.175	ad F2018L01782
r 135.180	ad F2018L01782
r 135.185	ad F2018L01782

Provision affected	How affected
r 135.190.....	ad F2018L01782
Division 135.D.5	
r 135.195.....	ad F2018L01782
r 135.200.....	ad F2018L01782
Division 135.D.6	
r 135.205.....	ad F2018L01782
r 135.210.....	ad F2018L01782
r 135.215.....	ad F2018L01782
r 135.220.....	ad F2018L01782
Division 135.D.7	
r 135.225.....	ad F2018L01782
r 135.230.....	ad F2018L01782
r 135.235.....	ad F2018L01782
r 135.240.....	ad F2018L01782
r 135.245.....	ad F2018L01782
r 135.250.....	ad F2018L01782
r 135.255.....	ad F2018L01782
r 135.260.....	ad F2018L01782
r 135.265.....	ad F2018L01782
r 135.270.....	ad F2018L01782
r 135.275.....	ad F2018L01782
r 135.280.....	ad F2018L01782
r 135.285.....	ad F2018L01782
r 135.290.....	ad F2018L01782
Division 135.D.8	
r 135.295.....	ad F2018L01782
r 135.300.....	ad F2018L01782
r 135.305.....	ad F2018L01782
Division 135.D.9	
r 135.310.....	ad F2018L01782
r 135.315.....	ad F2018L01782
r 135.320.....	ad F2018L01782
r 135.325.....	ad F2018L01782
r 135.330.....	ad F2018L01782
r 135.335.....	ad F2018L01782
Subpart 135.F	
r 135.340.....	ad F2018L01782
r 135.345.....	ad F2018L01782
r 135.350.....	ad F2018L01782

Provision affected	How affected
Subpart 135.J	
r 135.355	ad F2018L01782
r 135.360	ad F2018L01782
r 135.365	ad F2018L01782
Subpart 135.K	
r 135.370	ad F2018L01782
Subpart 135.N	
Division 135.N.1	
r 135.380	ad F2018L01782
r 135.385	ad F2018L01782
r 135.387	ad F2018L01782
r 135.390	ad F2018L01782
r 135.395	ad F2018L01782
r 135.400	ad F2018L01782
r 135.405	ad F2018L01782
r 135.410	ad F2018L01782
Division 135.N.2	
r 135.415	ad F2018L01782
r 135.420	ad F2018L01782
Division 135.N.3	
r 135.425	ad F2018L01782
r 135.430	ad F2018L01782
Division 135.N.4	
r 135.435	ad F2018L01782
Subpart 135.P	
Division 135.P.2	
r 135.445	ad F2018L01782
r 135.450	ad F2018L01782
r 135.455	ad F2018L01782
Division 135.P.3	
r 135.460	ad F2018L01782
r 135.465	ad F2018L01782
Part 137	
Part 137	ad No 204, 2000 rs No 41, 2007 am No 80, 2013; No 274, 2013
Subpart 137.A	
r 137.005	ad No 41, 2007
r 137.010	ad No 41, 2007

Provision affected	How affected
Subpart 137.B	
r 137.015	ad No 41, 2007
r 137.020	ad No 41, 2007
r 137.025	ad No 41, 2007
r 137.030	ad No 41, 2007
Subpart 137.C	
r 137.035	ad No 41, 2007
r 137.040	ad No 41, 2007
r 137.045	ad No 41, 2007 am No 77, 2011
r 137.050	ad No 41, 2007 am No 77, 2011
r 137.055	ad No 41, 2007
r 137.060	ad No 41, 2007
r 137.065	ad No 41, 2007
r 137.070	ad No 41, 2007
r 137.075	ad No 41, 2007
r 137.080	ad No 41, 2007
r 137.085	ad No 41, 2007
r 137.090	ad No 41, 2007
Subpart 137.D	
r 137.095	ad No 41, 2007
r 137.100	ad No 41, 2007
r 137.105	ad No 41, 2007
r 137.110	ad No 41, 2007
r 137.115	ad No 41, 2007
r 137.120	ad No 41, 2007
r 137.125	ad No 41, 2007
r 137.130	ad No 41, 2007
r 137.135	ad No 41, 2007 am F2021L00200
r 137.140	ad No 41, 2007
r 137.145	ad No 41, 2007
r 137.150	ad No 41, 2007
r 137.155	ad No 41, 2007 rep F2021L00200
r 137.160	ad No 41, 2007
r 137.165	ad No 41, 2007
r 137.170	ad No 41, 2007
r 137.175	ad No 41, 2007

Provision affected	How affected
Subpart 137.E	
Subpart 137.E	ad No 41, 2007
Subpart 137.H	
r 137.180	ad No 41, 2007
r 137.185	ad No 41, 2007
Subpart 137.J	
r 137.190	ad No 41, 2007
	am No 274, 2013
r 137.195	ad No 41, 2007
Subpart 137.K	
r 137.200	ad No 41, 2007
	am No 188, 2013
r 137.210	ad No 41, 2007
r 137.215	ad No 41, 2007
r 137.220	ad No 41, 2007
r 137.225	ad No 41, 2007
Subpart 137.M	
r 137.230	ad No 41, 2007
Subpart 137.N	
r 137.235	ad No 41, 2007
	rs No 5, 2013
r 137.240	ad No 41, 2007
	am No 5, 2013
Subpart 137.P	
r 137.245	ad No 41, 2007
r 137.250	ad No 41, 2007
r 137.255	ad No 41, 2007
r 137.260	ad No 41, 2007
Subpart 137.Q	
r 137.265	ad No 41, 2007
r 137.270	ad No 41, 2007
r 137.275	ad No 41, 2007
r 137.280	ad No 41, 2007
r 137.285	ad No 41, 2007
r 137.290	ad No 41, 2007
r 137.295	ad No 41, 2007
r 137.300	ad No 41, 2007
Part 138	
Part 138	ad No 204, 2000
	rs F2018L01789

Provision affected	How affected
Subpart 138.A	
r 138.005	ad F2018L01789
r 138.010	ad F2018L01789
	am F2022L01612
r 138.012	ad F2018L01789
r 138.015	ad F2018L01789
r 138.020	ad F2018L01789
r 138.025	ad F2018L01789
Subpart 138.B	
Division 138.B.1	
r 138.030	ad F2018L01789
Division 138.B.2	
r 138.035	ad F2018L01789
r 138.040	ad F2018L01789
r 138.045	ad F2018L01789
r 138.050	ad F2018L01789
r 138.055	ad F2018L01789
Division 138.B.3	
r 138.060	ad F2018L01789
r 138.062	ad F2018L01789
r 138.064	ad F2018L01789
r 138.066	ad F2018L01789
r 138.068	ad F2018L01789
Division 138.B.4	
r 138.070	ad F2018L01789
r 138.075	ad F2018L01789
r 138.080	ad F2018L01789
r 138.085	ad F2018L01789
r 138.090	ad F2018L01789
r 138.095	ad F2018L01789
r 138.100	ad F2018L01789
r 138.105	ad F2018L01789
r 138.110	ad F2018L01789
r 138.115	ad F2018L01789
r 138.120	ad F2018L01789
Division 138.B.5	
r 138.125	ad F2018L01789
r 138.130	ad F2018L01789
r 138.135	ad F2018L01789

Provision affected	How affected
Division 138.B.6	
r 138.140	ad F2018L01789
r 138.145	ad F2018L01789
Division 138.B.7	
r 138.150	ad F2018L01789
Division 138.B.8	
r 138.155	ad F2018L01789
r 138.157	ad F2018L01789
r 138.160	ad F2018L01789
r 138.165	ad F2018L01789
Division 138.B.9	
r 138.170	ad F2018L01789
r 138.175	ad F2018L01789
r 138.180	ad F2018L01789
r 138.185	ad F2018L01789
Division 138.B.10	
r 138.195	ad F2018L01789
r 138.200	ad F2018L01789
Subpart 138.C	
Division 138.C.1	
r 138.205	ad F2018L01789
Division 138.C.2	
r 138.210	ad F2018L01789
r 138.215	ad F2018L01789
Division 138.C.3	
r 138.220	ad F2018L01789
r 138.225	ad F2018L01789
Division 138.C.4	
r 138.230	ad F2018L01789
r 138.235	ad F2018L01789
Subpart 138.D	
Division 138.D.2	
r 138.265	ad F2018L01789
Division 138.D.3	
r 138.270	ad F2018L01789
Division 138.D.4	
r 138.275	ad F2018L01789
Division 138.D.5	
r 138.280	ad F2018L01789

Provision affected	How affected
Division 138.D.6	
r 138.285	ad F2018L01789
r 138.290	ad F2018L01789
r 138.300	ad F2018L01789
r 138.302	ad F2018L01789
Division 138.D.7	
r 138.305	ad F2018L01789
r 138.320	ad F2018L01789
Division 138.D.8	
r 138.340	ad F2018L01789
r 138.345	ad F2018L01789
r 138.350	ad F2018L01789
Division 138.D.9	
r 138.370	ad F2018L01789
r 138.375	ad F2018L01789
r 138.380	ad F2018L01789
r 138.385	ad F2018L01789
Division 138.D.10	
r 138.400	ad F2018L01789
r 138.410	ad F2018L01789
Division 138.D.11	
r 138.425	ad F2018L01789
Division 138.D.12	
r 138.430	ad F2018L01789
r 138.432	ad F2018L01789
Subpart 138.F	
r 138.435	ad F2018L01789
r 138.440	ad F2018L01789
Subpart 138.J	
r 138.450	ad F2018L01789
r 138.460	ad F2018L01789
Subpart 138.K	
r 138.465	ad F2018L01789
Subpart 138.N	
r 138.475	ad F2018L01789
r 138.480	ad F2018L01789
r 138.485	ad F2018L01789
r 138.490	ad F2018L01789
r 138.500	ad F2018L01789
r 138.505	ad F2018L01789

Provision affected	How affected
Subpart 138.P	
Division 138.P.1	
r 138.535	ad F2018L01789
r 138.540	ad F2018L01789
r 138.550	ad F2018L01789
Division 138.P.2	
r 138.575	ad F2018L01789
r 138.580	ad F2018L01789
r 138.590	ad F2018L01789
Part 139	
Part 139 heading	rs No 58, 2003
Part 139	ad No 204, 2000
	rs No 167, 2002
	am No 345, 2004; No 80, 2013; No 274, 2013; No 275, 2013
Subpart 139.A	
Subpart 139.A	rs No 58, 2003; F2019L00176
r 139.000	ad No 167, 2002
	rs No 58, 2003
	am No 75, 2003
	rep No 345, 2004
r 139.001	ad F2019L00176
	am F2021L00200
r 139.005	ad No 58, 2003
	rs F2019L00176
r 139.010	ad No 58, 2003
	am No 77, 2011
	rs F2019L00176
r 139.015	ad No 58, 2003
	rs F2019L00176
Subpart 139.B	
Subpart 139.B	ad No 58, 2003
	rs F2019L00176
r 139.020	ad No 58, 2003
	rep No 77, 2011
	ad F2019L00176
r 139.025	ad No 58, 2003
	rs F2019L00176
r 139.030	ad No 58, 2003
	rs No 265, 2011; F2019L00176
r 139.035	ad No 58, 2003

Provision affected	How affected
	rs F2019L00176
r 139.036	ad No 58, 2003
	rep No 345, 2004
Division 139.B.1 heading	rep F2019L00176
r 139.040	ad No 58, 2003
	am No 265, 2011
	rs F2019L00176
Subpart 139.C	
Subpart 139.C	ad No 58, 2003
	rs F2019L00176
Division 139.C.1	
r 139.045	ad No 58, 2003
	am No 77, 2011
	rs F2019L00176
r 139.050	ad No 58, 2003
	am No 77, 2011
	rs F2019L00176
r 139.055	ad No 58, 2003
	rep No 77, 2011
	ad F2019L00176
	am F2020L00913
r 139.060	ad No 58, 2003
	rep No 77, 2011
	ad F2019L00176
Division 139.C.2	
r 139.065	ad No 58, 2003
	rep No 77, 2011
	ad F2019L00176
r 139.070	ad No 58, 2003
	rs F2019L00176
Division 139.C.3	
r 139.075	ad No 58, 2003
	rep No 77, 2011
	ad F2019L00176
r 139.080	ad No 58, 2003
	rep No 80, 2013
	ad F2019L00176
r 139.085	ad No 58, 2003
	am No 77, 2011
	rs F2019L00176

Provision affected	How affected
Division 139.B.2 heading	rep F2019L00176
r 139.090	ad No 58, 2003
	rs F2019L00176
Division 139.C.4	
r 139.095	ad No 58, 2003
	am No 77, 2011
	rs F2019L00176
r 139.100	ad No 58, 2003
	rs F2019L00176
r 139.105	ad No 58, 2003
	rs F2019L00176
Division 139.C.5	
r 139.110	ad No 58, 2003
	rs F2019L00176
r 139.115	ad No 58, 2004
	rs F2019L00176
Division 139.B.3 heading	rep F2019L00176
r 139.120	ad No 58, 2003
	rs F2019L00176
Division 139.C.6	
r 139.125	ad No 58, 2003
	rs F2019L00176
r 139.130	ad No 58, 2003
	rs F2019L00176
Division 139.C.7	
r 139.135	ad No 58, 2003
	rs F2019L00176
r 139.140	ad No 58, 2003
	rs F2019L00176
r 139.145	ad No 58, 2003
	rs F2019L00176
Subpart 139.D	
Subpart 139.D	ad No 58, 2003
	rs F2019L00176
Division 139.D.1	
r 139.150	ad No 58, 2003
	rs F2019L00176
Division 139.D.2	
r 139.155	ad No 58, 2003
	rs F2019L00176

Provision affected	How affected
r 139.160.....	ad No 58, 2003 rs F2019L00176
Subpart 139.E	
Subpart 139.E.....	ad No 58, 2003 rs F2019L00176
Division 139.E.1	
r 139.165.....	ad No 58, 2003 rs F2019L00176
r 139.170.....	ad No 58, 2003 rs F2019L00176
Division 139.E.2	
r 139.175.....	ad No 58, 2003 rs F2019L00176
r 139.180.....	ad No 58, 2003 rs F2019L00176
r 139.185.....	ad No 58, 2003 am No 77, 2011 rs F2019L00176
r 139.190.....	ad No 58, 2003 am No 345, 2004 rep F2019L00176
r 139.195.....	ad No 58, 2003 rep F2019L00176
r 139.200.....	ad No 58, 2003 rep F2019L00176
r 139.205.....	ad No 58, 2003 rep F2019L00176
r 139.210.....	ad No 58, 2003 rep F2019L00176
r 139.215.....	ad No 58, 2003 rep F2019L00176
r 139.220.....	ad No 58, 2003 rep F2019L00176
r 139.225.....	ad No 58, 2003 rep F2019L00176
r 139.230.....	ad No 58, 2003 rep F2019L00176
r 139.235.....	ad No 58, 2003 rep F2019L00176
r 139.240.....	ad No 58, 2003

Provision affected	How affected
	rep F2019L00176
r 139.245	ad No 58, 2003
	rep F2019L00176
r 139.250	ad No 58, 2003
	rep F2019L00176
Division 139.B.4.....	ad No 265, 2011
	rep F2019L00176
r 139.251	ad No 265, 2011
	rep F2019L00176
r 139.252	ad No 265, 2011
	rep F2019L00176
r 139.254	ad No 265, 2011
	rep F2019L00176
r 139.255	ad No 58, 2003
	rep F2019L00176
r 139.260	ad No 58, 2003
	am No 345, 2004; No 265, 2011
	rep F2019L00176
r 139.265	ad No 58, 2003
	rep F2019L00176
r 139.270	ad No 58, 2003
	rep F2019L00176
r 139.275	ad No 58, 2003
	rep F2019L00176
r 139.280	ad No 58, 2003
	rep F2019L00176
r 139.285	ad No 58, 2003
	rep F2019L00176
r 139.290	ad No 58, 2003
	rep F2019L00176
r 139.295	ad No 58, 2003
	rep F2019L00176
r 139.300	ad No 58, 2003
	rep F2019L00176
r 139.305	ad No 58, 2003
	rep F2019L00176
r 139.310	ad No 58, 2003
	rep F2019L00176
r 139.315	ad No 58, 2003
	am No 345, 2004

Provision affected	How affected
	rep F2019L00176
r 139.320	ad No 58, 2003
	am No 77, 2011
	rep F2019L00176
r 139.325	ad No 58, 2003
	rep F2019L00176
r 139.330	ad No 58, 2003
	rep F2019L00176
r 139.335	ad No 58, 2003
	rep F2019L00176
r 139.340	ad No 58, 2003
	rep F2019L00176
r 139.345	ad No 58, 2003
	am No 345, 2004
	rep F2019L00176
r 139.350	ad No 58, 2003
	rep F2019L00176
r 139.355	ad No 58, 2003
	rep F2019L00176
r 139.360	ad No 58, 2003
	rep F2019L00176
r 139.365	ad No 58, 2003
	am No 274, 2013
	rep F2019L00176
r 139.370	ad No 58, 2003
	am No 274, 2013
	rep F2019L00176
Subpart 139.F.....	ad No 58, 2003
	rep F2019L00176
r 139.375	ad No 58, 2003
	rep F2019L00176
r 139.380	ad No 58, 2003
	rep F2019L00176
r 139.385	ad No 58, 2003
	rep F2019L00176
r 139.390	ad No 58, 2003
	rep F2019L00176
r 139.395	ad No 58, 2003
	rep F2019L00176
r 139.400	ad No 58, 2003

Provision affected	How affected
	rep F2019L00176
r 139.405	ad No 58, 2003
	rep F2019L00176
r 139.410	ad No 58, 2003
	rep F2019L00176
r 139.415	ad No 58, 2003
	rep F2019L00176
r 139.420	ad No 58, 2003
	am No 77, 2011
	rep F2019L00176
r 139.425	ad No 58, 2003
	rep F2019L00176
r 139.430	ad No 58, 2003
	am No 77, 2011
	rep F2019L00176
r 139.435	ad No 58, 2003
	rep F2019L00176
Subpart 139.H	
Subpart H heading	rep No 75, 2003
Subpart H.....	ad No 167, 2002
Subpart 139.H heading	ad No 75, 2003
	rs No 77, 2011
Division 139.H.1	
Division 1 heading.....	rep No 75, 2003
Division 139.H.1 heading.....	ad No 75, 2003
r 139.700.....	ad No 167, 2002
	am No 75, 2003; No 77, 2011
r 139.705.....	ad No 167, 2002
	am No 75, 2003
r 139.710.....	ad No 167, 2002
r 139.711.....	ad No 75, 2003
	am No 77, 2011
r 139.712.....	ad No 75, 2003
	am No 345, 2004; No 323, 2005; No 80, 2013; F2016L00170
r 139.712A.....	ad No 75, 2003
	rep No 345, 2004
r 139.712B.....	ad No 75, 2003
	rep No 345, 2004
r 139.712C.....	ad No 75, 2003
	rep No 345, 2004

Provision affected	How affected
r 139.712D	ad No 75, 2003 rep No 345, 2004
r 139.712E	ad No 75, 2003 rep No 345, 2004
r 139.712F.....	ad No 75, 2003 rep No 345, 2004
r 139.712G	ad No 75, 2003 rep No 345, 2004
r 139.712H	ad No 75, 2003 rep No 345, 2004
r 139.715.....	ad No 167, 2002
Division 2	rep No 75, 2003
r 139.720.....	ad No 167, 2002 rep No 75, 2003
r 139.725.....	ad No 167, 2002 rep No 75, 2003
r 139.730.....	ad No 167, 2002 rep No 75, 2003
r 139.735.....	ad No 167, 2002 rep No 75, 2003
r 139.740.....	ad No 167, 2002 rep No 75, 2003
r 139.745.....	ad No 167, 2002 rep No 75, 2003
Division 139.H.3	
Division 3 heading.....	rep No 75, 2003
Division 139.H.3 heading.....	ad No 75, 2003
r 139.750.....	ad No 167, 2002
r 139.755.....	ad No 167, 2002 rs No 75, 2003 am F2016L00170
r 139.760.....	ad No 167, 2002
r 139.765.....	ad No 167, 2002
r 139.770.....	ad No 167, 2002 am No 75, 2003
r 139.771.....	ad No 75, 2003
r 139.772.....	ad No 75, 2003
r 139.773.....	ad No 75, 2003
r 139.775.....	ad No 167, 2002 am No 75, 2003

Provision affected	How affected
r 139.780.....	ad No 167, 2002
r 139.785.....	ad No 167, 2002
r 139.795.....	ad No 167, 2002
r 139.800.....	ad No 167, 2002
r 139.805.....	ad No 167, 2002
r 139.810.....	ad No 167, 2002
r 139.815.....	ad No 167, 2002
r 139.820.....	ad No 167, 2002
	am No 5, 2013
r 139.825.....	ad No 167, 2002
r 139.830.....	ad No 167, 2002
r 139.835.....	ad No 167, 2002
r 139.840.....	ad No 167, 2002
r 139.845.....	ad No 167, 2002
r 139.850.....	ad No 167, 2002
r 139.855.....	ad No 167, 2002
r 139.860.....	ad No 167, 2002
r 139.865.....	ad No 167, 2002
r 139.870.....	ad No 167, 2002
r 139.875.....	ad No 167, 2002
r 139.880.....	ad No 167, 2002
r 139.885.....	ad No 167, 2002
r 139.890.....	ad No 167, 2002
r 139.895.....	ad No 167, 2002
r 139.900.....	ad No 167, 2002
r 139.905.....	ad No 167, 2002
r 139.910.....	ad No 167, 2002
	am No 75, 2003; No 77, 2011
Division 139.H.4	
Division 4 heading.....	rep No 75, 2003
Division 139.H.4 heading.....	ad No 75, 2003
r 139.915.....	ad No 167, 2002
	am No 75, 2003; No 345, 2004
Division 139.H.5	
Division 5 heading.....	rep No 75, 2003
Division 139.H.5 heading.....	ad No 75, 2003
r 139.920.....	ad No 167, 2002
r 139.925.....	ad No 167, 2002
	am No 75, 2003; No 185, 2006; No 77, 2011
r 139.930.....	ad No 167, 2002

Provision affected	How affected
	rep No 77, 2011
r 139.935	ad No 167, 2002
	rep No 77, 2011
r 139.940	ad No 167, 2002
	rep No 77, 2011
r 139.945	ad No 167, 2002
	rep No 77, 2011
r 139.950	ad No 167, 2002
	rep No 77, 2011
r 139.955	ad No 167, 2002
	rep No 77, 2011
r 139.960	ad No 167, 2002
	rep No 77, 2011
r 139.965	ad No 167, 2002
	am No 75, 2003; No 77, 2011
r 139.970	ad No 167, 2002
	am No 77, 2011
r 139.975	ad No 167, 2002
	rep No 77, 2011
r 139.980	ad No 167, 2002
	rep No 77, 2011
r 139.985	ad No 167, 2002
	rep No 77, 2011
r 139.990	ad No 167, 2002
	rep No 77, 2011
r 139.995	ad No 167, 2002
	am No 77, 2011
r 139.1000	ad No 167, 2002
	rep No 77, 2011
r 139.1005	ad No 167, 2002
	am No 345, 2004
r 139.1010	ad No 167, 2002
	am No 345, 2004
r 139.1015	ad No 167, 2002
r 139.1020	ad No 167, 2002
r 139.1022	ad No 75, 2003
r 139.1025	ad No 167, 2002
	rep No 77, 2011
Part 141	
Part 141	ad No 204, 2000

Provision affected	How affected
	rs No 5, 2013 am No 274, 2013; No 125, 2014
Subpart 141.A	
r 141.005	ad No 5, 2013
r 141.010	ad No 5, 2013
r 141.015	ad No 5, 2013 am No 274, 2013; F2021L00200
r 141.020	ad No 5, 2013 am No 125, 2014
r 141.025	ad No 5, 2013 am No 125, 2014
r 141.030	ad No 5, 2013 am No 125, 2014
r 141.035	ad No 5, 2013 am No 274, 2013
r 141.040	ad No 5, 2013
r 141.045	ad No 5, 2013 am No 125, 2014
r 141.050	ad No 5, 2013
Subpart 141.B	
r 141.055	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.060	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.065	ad No 5, 2013 am No 125, 2014
r 141.070	ad No 5, 2013 am No 125, 2014
r 141.075	ad No 5, 2013
Subpart 141.C	
r 141.080	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.085	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.090	ad No 5, 2013 am No 125, 2014
r 141.095	ad No 5, 2013 am No 125, 2014
r 141.100	ad No 5, 2013 am No 125, 2014

Provision affected	How affected
Subpart 141.D	
r 141.105	ad No 5, 2013 am No 125, 2014
r 141.110	ad No 5, 2013
r 141.115	ad No 5, 2013
r 141.120	ad No 5, 2013 am No 125, 2014; F2017L00697
r 141.125	ad No 5, 2013 am No 274, 2013
r 141.130	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.135	ad No 5, 2013 rep No 125, 2014
r 141.140	ad No 5, 2013 rep No 125, 2014
r 141.145	ad No 5, 2013 rep No 125, 2014
r 141.150	ad No 5, 2013 rep No 125, 2014
r 141.155	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.160	ad No 5, 2013 am No 125, 2014
Subpart 141.E	
r 141.165	ad No 5, 2013
r 141.170	ad No 5, 2013 am No 125, 2014
r 141.175	ad No 5, 2013
r 141.180	ad No 5, 2013
r 141.185	ad No 5, 2013
r 141.190	ad No 5, 2013
r 141.195	ad No 5, 2013
r 141.200	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.205	ad No 5, 2013
r 141.210	ad No 5, 2013 am No 125, 2014
Subpart 141.F.....	rep No 125, 2014
r 141.215	ad No 5, 2013 rep No 125, 2014

Provision affected	How affected
r 141.220.....	ad No 5, 2013 am No 274, 2013 rep No 125, 2014
Subpart 141.G	
Subpart 141.G.....	rs No 125, 2014
r 141.225.....	ad No 5, 2013 rs No 125, 2014
r 141.230.....	ad No 5, 2013 rep No 125, 2014
Subpart 141.H	
Subpart 141.H.....	ad No 5, 2013
Subpart 141.I	
Subpart 141.I heading.....	am No 125, 2014
r 141.260.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
r 141.265.....	ad No 5, 2013 am No 125, 2014
r 141.270.....	ad No 5, 2013 am No 274, 2013; No 125, 2014
Subpart 141.J	
r 141.275.....	ad No 5, 2013
r 141.280.....	ad No 5, 2013
Subpart 141.K	
Subpart 141.K heading.....	rs No 274, 2013
r 141.285.....	ad No 5, 2013
r 141.290.....	ad No 5, 2013
r 141.295.....	ad No 5, 2013
r 141.300.....	ad No 5, 2013
r 141.305.....	ad No 5, 2013 rs No 274, 2013 am No 125, 2014
r 141.306.....	ad No 274, 2013
r 141.310.....	ad No 5, 2013 am No 125, 2014
r 141.315.....	ad No 274, 2013
Part 142	
Part 142 heading.....	am F2020L01283
Part 142.....	ad No 204, 2000 rs No 5, 2013 am No 274, 2013

Provision affected	How affected
Subpart 142.A	
r 142.005	ad No 5, 2013 am F2020L01283
r 142.010	ad No 5, 2013
r 142.015	ad No 5, 2013 am No 274, 2013; F2020L01283; F2021L00200
r 142.020	ad No 5, 2013 am F2020L01283 ed C93
r 142.025	ad No 5, 2013
r 142.030	ad No 5, 2013
r 142.035	ad No 5, 2013 ed C81 am F2020L01283
r 142.040	ad No 5, 2013 am No 274, 2013
r 142.045	ad No 5, 2013
r 142.050	ad No 5, 2013
r 142.055	ad No 5, 2013
r 142.060	ad No 5, 2013
Subpart 142.B	
Division 142.B.1	
r 142.065	ad No 5, 2013
r 142.070	ad No 5, 2013 am No 274, 2013
r 142.075	ad No 5, 2013
r 142.080	ad No 5, 2013 am No 274, 2013
r 142.085	ad No 5, 2013 am No 274, 2013
r 142.090	ad No 5, 2013 rep No 274, 2013
r 142.095	ad No 5, 2013
r 142.100	ad No 5, 2013
Division 142.B.2	
r 142.105	ad No 5, 2013 am No 274, 2013
r 142.110	ad No 5, 2013
r 142.115	ad No 5, 2013
r 142.120	ad No 5, 2013

Provision affected	How affected
r 142.125	ad No 5, 2013
r 142.130	ad No 5, 2013
Subpart 142.C	
r 142.135	ad No 5, 2013 am No 274, 2013
r 142.140	ad No 5, 2013 am No 274, 2013
r 142.145	ad No 5, 2013
r 142.150	ad No 5, 2013
r 142.155	ad No 5, 2013
Subpart 142.D	
r 142.160	ad No 5, 2013 am F2020L01283
r 142.165	ad No 5, 2013
r 142.170	ad No 5, 2013
r 142.175	ad No 5, 2013
r 142.180	ad No 5, 2013
r 142.185	ad No 5, 2013
r 142.190	ad No 5, 2013 am No 274, 2013; F2020L01283
r 142.195	ad No 5, 2013
r 142.200	ad No 5, 2013
r 142.205	ad No 5, 2013
r 142.210	ad No 5, 2013
r 142.215	ad No 5, 2013 am No 274, 2013
Subpart 142.E	
r 142.220	ad No 5, 2013
r 142.225	ad No 5, 2013
r 142.230	ad No 5, 2013
r 142.235	ad No 5, 2013
r 142.240	ad No 5, 2013
r 142.245	ad No 5, 2013
Subpart 142.F	
r 142.250	ad No 5, 2013
r 142.255	ad No 5, 2013 am F2020L01283
Subpart 142.G	
r 142.260	ad No 5, 2013
r 142.265	ad No 5, 2013

Provision affected	How affected
	am No 274, 2013; No 125, 2014
Subpart 142.H	
r 142.270.....	ad No 5, 2013
r 142.275.....	ad No 5, 2013
Subpart 142.I	
Subpart 142.I.....	ad No 5, 2013
Subpart 142.J	
r 142.310.....	ad No 5, 2013
r 142.315.....	ad No 5, 2013
	am No 125, 2014
r 142.320.....	ad No 5, 2013
	am No 125, 2014
r 142.325.....	ad No 5, 2013
r 142.330.....	ad No 5, 2013
r 142.335.....	ad No 5, 2013
	am No 274, 2013
Subpart 142.K	
r 142.340.....	ad No 5, 2013
	am No 274, 2013; F2020L01283
r 142.345.....	ad No 5, 2013
r 142.350.....	ad No 5, 2013
	am No 274, 2013
Subpart 142.L	
r 142.355.....	ad No 5, 2013
r 142.360.....	ad No 5, 2013
Subpart 142.M	
r 142.365.....	ad No 5, 2013
r 142.370.....	ad No 5, 2013
r 142.375.....	ad No 5, 2013
r 142.380.....	ad No 5, 2013
r 142.385.....	ad No 5, 2013
	rs No 274, 2013
r 142.386.....	ad No 274, 2013
r 142.390.....	ad No 5, 2013
r 142.395.....	ad No 274, 2013
Part 143	
Part 143.....	ad No 204, 2000
	rs No 167, 2002
	am No 345, 2004; No 80, 2013; No 274, 2013

Provision affected	How affected
Subpart 143.A	
Subpart A heading	rep No 345, 2004
Subpart 143.A heading	ad No 345, 2004
r 143.000	ad No 167, 2002 am No 75, 2003 rep No 345, 2004
r 143.005	ad No 167, 2002 rs No 75, 2003
r 143.010	ad No 167, 2002 am No 75, 2003; No 5, 2013
r 143.015	ad No 167, 2002
r 143.016	ad No 75, 2003
r 143.017	ad No 75, 2003 am No 345, 2004; No 323, 2005; No 80, 2013; F2016L00170
r 143.017A	ad No 75, 2003 rep No 345, 2004
r 143.017B	ad No 75, 2003 rep No 345, 2004
r 143.017C	ad No 75, 2003 rep No 345, 2004
r 143.017D	ad No 75, 2003 rep No 345, 2004
r 143.017E	ad No 75, 2003 rep No 345, 2004
r 143.017F	ad No 75, 2003 rep No 345, 2004
r 143.017G	ad No 75, 2003 rep No 345, 2004
r 143.017H	ad No 75, 2003 rep No 345, 2004
Subpart 143.B	
Subpart B heading	rep No 345, 2004
Subpart 143.B heading	ad No 345, 2004
r 143.020	ad No 167, 2002 am No 75, 2003; No 5, 2013
r 143.025	ad No 167, 2002 am No 75, 2003; No 5, 2013
r 143.027	ad No 75, 2003 am No 77, 2011
r 143.030	ad No 167, 2002

Provision affected	How affected
	rep No 77, 2011
r 143.035	ad No 167, 2002
	rep No 80, 2013
r 143.040	ad No 167, 2002
	rep No 77, 2011
r 143.045	ad No 167, 2002
	rep No 77, 2011
r 143.050	ad No 167, 2002
	am No 77, 2011
Subpart 143.C	
Subpart C heading	rep No 345, 2004
Subpart 143.C heading	ad No 345, 2004
Division 143.C.1	
Division 1 heading	rep No 345, 2004
Division 143.C.1 heading	ad No 345, 2004
r 143.055	ad No 167, 2002
r 143.060	ad No 167, 2002
Division 143.C.2	
Division 2 heading	rep No 345, 2004
Division 143.C.2 heading	ad No 345, 2004
r 143.065	ad No 167, 2002
	am No 75, 2003
r 143.070	ad No 167, 2002
	am No 75, 2003
Division 143.C.3	
Division 3 heading	rep No 345, 2004
Division 143.C.3 heading	ad No 345, 2004
r 143.075	ad No 167, 2002
r 143.080	ad No 167, 2002
r 143.085	ad No 167, 2002
r 143.090	ad No 167, 2002
Subpart 143.D	
Subpart D heading	rep No 345, 2004
Subpart 143.D heading	ad No 345, 2004
r 143.095	ad No 167, 2002
r 143.100	ad No 167, 2002
r 143.105	ad No 167, 2002
	am No 75, 2003; No 5, 2013
Subpart 143.E	
Subpart E heading	rep No 345, 2004

Provision affected	How affected
Subpart 143.E heading.....	ad No 345, 2004
r 143.110.....	ad No 167, 2002 am No 75, 2003; No 5, 2013
Subpart 143.F	
Subpart F heading.....	rep No 345, 2004
Subpart 143.F heading.....	ad No 345, 2004 rs No 77, 2011
Division 143.F.1	
Division 1 heading.....	rep No 345, 2004
Division 143.F.1 heading.....	ad No 345, 2004
r 143.115.....	ad No 167, 2002
Division 143.F.2	
Division 2 heading.....	rep No 345, 2004
Division 143.F.2 heading.....	ad No 345, 2004
r 143.118.....	ad No 77, 2011
r 143.120.....	ad No 167, 2002
r 143.125.....	ad No 167, 2002 rep No 77, 2011
r 143.130.....	ad No 167, 2002 am No 75, 2003 rs No 77, 2011
r 143.135.....	ad No 167, 2002 rep No 77, 2011
r 143.140.....	ad No 167, 2002 rep No 77, 2011
r 143.145.....	ad No 167, 2002 rs No 77, 2011
r 143.150.....	ad No 167, 2002 rep No 77, 2011
r 143.155.....	ad No 167, 2002 rep No 77, 2011
r 143.160.....	ad No 167, 2002 rep No 77, 2011
r 143.165.....	ad No 167, 2002 rep No 77, 2011
r 143.170.....	ad No 167, 2002 rep No 77, 2011
r 143.175.....	ad No 167, 2002 rs No 77, 2011
r 143.180.....	ad No 167, 2002

Provision affected	How affected
	am No 77, 2011
r 143.185	ad No 167, 2002
r 143.190	ad No 167, 2002
r 143.192	ad No 75, 2003
	reloc and renum No 77, 2011
r 143.195	ad No 167, 2002
	rep No 77, 2011
Division 3 heading.....	rep No 345, 2004
Division 143.F.3 heading.....	ad No 345, 2004
	rep No 77, 2011
Division 143.F.3	rep No 77, 2011
r 143.200	ad No 167, 2002
	rep No 77, 2011
r 143.205	ad No 167, 2002
	am No 345, 2004
	rep No 77, 2011
r 143.210	ad No 167, 2002
	rep No 77, 2011
Division 143.F.4	
Division 4 heading.....	rep No 345, 2004
Division 143.F.4 heading.....	ad No 345, 2004
r 143.215	ad No 167, 2002
r 143.220	ad No 167, 2002
r 143.225	ad No 167, 2002
	am No 345, 2004
r 143.230	ad No 167, 2002
r 143.235	ad No 167, 2002
	am No 77, 2011
r 143.240	ad No 167, 2002
	rep No 77, 2011
r 143.245 (prev r 143.192).....	reloc and renum No 77, 2011
Part 144	
Part 144.....	ad No 204, 2000
Part 145	
Part 145.....	ad No 204, 2000
	rs No 328, 2010
	am No 80, 2013
Subpart 145.A	
r 145.005	ad No 328, 2010
	am No 275, 2013

Provision affected	How affected
r 145.010.....	ad No 328, 2010
r 145.015.....	ad No 328, 2010
r 145.020.....	ad No 328, 2010
Subpart 145.B	
r 145.025.....	ad No 328, 2010
r 145.030.....	ad No 328, 2010
r 145.035.....	ad No 328, 2010
r 145.040.....	ad No 328, 2010
r 145.045.....	ad No 328, 2010
Subpart 145.C	
r 145.050.....	ad No 328, 2010
r 145.055.....	ad No 328, 2010
r 145.060.....	ad No 328, 2010
r 145.065.....	ad No 328, 2010
Subpart 145.D	
r 145.070.....	ad No 328, 2010
r 145.075.....	ad No 328, 2010
r 145.080.....	ad No 328, 2010
r 145.085.....	ad No 328, 2010
Part 146.....	ad No 204, 2010 rep No 328, 2010
Part 147	
Part 147.....	ad No 204, 2000 rs No 328, 2010 am No 80, 2013
Subpart 147.A	
r 147.005.....	ad No 328, 2010
r 147.010.....	ad No 328, 2010 am No 5, 2013; No 80, 2013
r 147.015.....	ad No 328, 2010
r 147.020.....	ad No 328, 2010
Subpart 147.B	
r 147.025.....	ad No 328, 2010
r 147.030.....	ad No 328, 2010
r 147.035.....	ad No 328, 2010
r 147.040.....	ad No 328, 2010
r 147.045.....	ad No 328, 2010
Subpart 147.C	
r 147.050.....	ad No 328, 2010
r 147.055.....	ad No 328, 2010

Provision affected	How affected
r 147.060.....	ad No 328, 2010
r 147.065.....	ad No 328, 2010
Subpart 147.D	
r 147.070.....	ad No 328, 2010
r 147.075.....	ad No 328, 2010
r 147.080.....	ad No 328, 2010
r 147.085.....	ad No 328, 2010
Part 148.....	ad No 204, 2000 rep No 240, 2003
Part 149	
Part 149.....	ad No 204, 2000 rs F2018L01030
Subpart 149.A	
r 149.005.....	ad F2018L01030
r 149.010.....	ad F2018L01030
r 149.015.....	ad F2018L01030
r 149.020.....	ad F2018L01030
Subpart 149.B	
r 149.060.....	ad F2018L01030
r 149.070.....	ad F2018L01030
r 149.075.....	ad F2018L01030
r 149.080.....	ad F2018L01030
r 149.085.....	ad F2018L01030
r 149.090.....	ad F2018L01030
Subpart 149.C	
r 149.110.....	ad F2018L01030
r 149.115.....	ad F2018L01030
r 149.120.....	ad F2018L01030
Subpart 149.D	
r 149.195.....	ad F2018L01030
r 149.200.....	ad F2018L01030
r 149.205.....	ad F2018L01030
r 149.210.....	ad F2018L01030
r 149.215.....	ad F2018L01030
r 149.220.....	ad F2018L01030
Subpart 149.E	
r 149.270.....	ad F2018L01030
r 149.275.....	ad F2018L01030
r 149.280.....	ad F2018L01030
r 149.285.....	ad F2018L01030

Provision affected	How affected
	am F2019L01621
r 149.290	ad F2018L01030
Subpart 149.F	
r 149.340	ad F2018L01030
r 149.345	ad F2018L01030
r 149.350	ad F2018L01030
Subpart 149.G	
r 149.400	ad F2018L01030
r 149.405	ad F2018L01030
r 149.410	ad F2018L01030
r 149.415	ad F2018L01030
	am F2021L00200
r 149.425	ad F2018L01030
r 149.430	ad F2018L01030
r 149.435	ad F2018L01030
r 149.440	ad F2018L01030
Subpart 149.H	
r 149.490	ad F2018L01030
r 149.495	ad F2018L01030
r 149.500	ad F2018L01030
Subpart 149.J	
r 149.540	ad F2018L01030
r 149.550	ad F2018L01030
Subpart 149.K	
r 149.605	ad F2018L01030
r 149.610	ad F2018L01030
r 149.615	ad F2018L01030
r 149.620	ad F2018L01030
r 149.625	ad F2018L01030
r 149.630	ad F2018L01030
Part 171	
Part 171	ad No 204, 2000
	rs No 167, 2002
	am No 345, 2004; No 80, 2013
Subpart 171.A	
Subpart A heading	rep No 345, 2004
Subpart 171.A heading	ad No 345, 2004
r 171.000	ad No 167, 2002
	am No 75, 2003
	rep No 345, 2004

Provision affected	How affected
r 171.005	ad No 167, 2002 rs No 75, 2003
r 171.010	ad No 167, 2002 am No 75, 2003; No 124, 2006; No 265, 2011; F2020L00913; F2021L00200
r 171.012	ad No 75, 2003
r 171.015	ad No 167, 2002
r 171.017	ad No 75, 2003 am No 345, 2004; No 323, 2005; No 80, 2013; F2016L00170
r 171.017A	ad No 75, 2003 rep No 345, 2004
r 171.017B	ad No 75, 2003 rep No 345, 2004
r 171.017C	ad No 75, 2003 rep No 345, 2004
r 171.017D	ad No 75, 2003 rep No 345, 2004
r 171.017E	ad No 75, 2003 rep No 345, 2004
r 171.017F	ad No 75, 2003 rep No 345, 2004
r 171.017G	ad No 75, 2003 rep No 345, 2004
r 171.017H	ad No 75, 2003 rep No 345, 2004
Subpart 171.B	
Subpart B heading	rep No 345, 2004
Subpart 171.B heading	ad No 345, 2004 rs No 77, 2011
r 171.020	ad No 167, 2002 am No 75, 2003; No 77, 2011
r 171.022 (prev r 171.165)	reloc and renum No 77, 2011
r 171.025	ad No 167, 2002 am No 77, 2011
r 171.026	ad No 77, 2011
r 171.027	ad No 77, 2011
r 171.028	ad No 77, 2011
r 121.029	ad No 77, 2011
Subpart 171.C	
Subpart C heading	rep No 345, 2004
Subpart 171.C heading	ad No 345, 2004

Provision affected	How affected
r 171.030.....	ad No 167, 2002
r 171.035.....	ad No 167, 2002 am No 124, 2006; No 77, 2011
r 171.040.....	ad No 167, 2002
r 171.045.....	ad No 167, 2002 rs No 75, 2003 rep No 124, 2006
r 171.050.....	ad No 167, 2002
r 171.055.....	ad No 167, 2002 am No 124, 2006
r 171.060.....	ad No 167, 2002 rep No 124, 2006
r 171.065.....	ad No 167, 2002
r 171.070.....	ad No 167, 2002
r 171.075.....	ad No 167, 2002
r 171.080.....	ad No 167, 2002
r 171.085.....	ad No 167, 2002
r 171.086.....	ad No 124, 2006
Subpart 171.D	
Subpart D heading.....	rep No 345, 2004
Subpart 171.D heading.....	ad No 345, 2004
r 171.090.....	ad No 167, 2002
r 171.095.....	ad No 167, 2002
r 171.100.....	ad No 167, 2002
r 171.105.....	ad No 167, 2002 am No 75, 2003
r 171.110.....	ad No 167, 2002
r 171.115.....	ad No 167, 2002
r 171.120.....	ad No 167, 2002
r 171.125.....	ad No 167, 2002 rs No 124, 2006
r 171.130.....	ad No 167, 2002 rep No 124, 2006
r 171.135.....	ad No 167, 2002 rep No 124, 2006
r 171.140.....	ad No 167, 2002
r 171.145.....	ad No 167, 2002
r 171.150.....	ad No 167, 2002
r 171.155.....	ad No 167, 2002
r 171.160.....	ad No 167, 2002

Provision affected	How affected
Subpart 171.E	
Subpart E heading.....	rep No 345, 2004
Subpart 171.E heading.....	ad No 345, 2004
	rs No 77, 2011
r 171.165.....	ad No 167, 2002
	reloc and renum No 77, 2011
r 171.170.....	ad No 167, 2002
	rep No 77, 2011
r 171.175.....	ad No 167, 2002
	rep No 77, 2011
r 171.180.....	ad No 167, 2002
	rep No 77, 2011
r 171.185.....	ad No 167, 2002
	rep No 77, 2011
r 171.190.....	ad No 167, 2002
	rep No 77, 2011
r 171.195.....	ad No 167, 2002
	rep No 77, 2011
r 171.200.....	ad No 167, 2002
	rep No 77, 2011
r 171.205.....	ad No 167, 2002
	am No 75, 2003
	rep No 77, 2011
r 171.210.....	ad No 167, 2002
	rep No 77, 2011
r 171.215.....	ad No 167, 2002
	rep No 77, 2011
r 171.220.....	ad No 167, 2002
	am No 345, 2004
r 171.225.....	ad No 167, 2002
r 171.230.....	ad No 167, 2002
	am No 345, 2004
r 171.235.....	ad No 167, 2002
r 171.237.....	ad No 75, 2003
r 171.240.....	ad No 167, 2002
	rep No 77, 2011
r 171.245.....	ad No 167, 2002
r 171.250.....	ad No 167, 2002
	am No 124, 2006
	rep No 77, 2011

Provision affected	How affected
r 171.255	ad No 167, 2002 rep No 77, 2011
Part 172	
Part 172.....	ad No 204, 2000 rs No 167, 2002 am No 345, 2004; No 80, 2013
Subpart 172.A	
Subpart A heading	rep No 345, 2004
Subpart 172.A heading	ad No 345, 2004
r 172.000	ad No 167, 2002 am No 75, 2003 rep No 345, 2004
r 172.005	ad No 167, 2002 rs No 75, 2003
r 172.010	ad No 167, 2002 am No 75, 2003; No 172, 2007; F2020L00913
r 172.015	ad No 167, 2002
r 172.020	ad No 167, 2002
r 172.022	ad No 75, 2003 am No 345, 2004; No 323, 2005; No 80, 2013; F2016L00170
r 172.022A	ad No 75, 2003 rep No 345, 2004
r 172.022B	ad No 75, 2003 rep No 345, 2004
r 172.022C	ad No 75, 2003 rep No 345, 2004
r 172.022D	ad No 75, 2003 rep No 345, 2004
r 172.022E	ad No 75, 2003 rep No 345, 2004
r 172.022F.....	ad No 75, 2003 rep No 345, 2004
r 172.022G	ad No 75, 2003 rep No 345, 2004
r 172.022H	ad No 75, 2003 rep No 345, 2004
Subpart 172.B	
Subpart B heading	rep No 345, 2004
Subpart 172.B heading	ad No 345, 2004
r 172.024	ad No 75, 2003

Provision affected	How affected
r 172.025	ad No 167, 2002 am No 345, 2004 rep No 77, 2011
r 172.030	ad No 167, 2002 am No 345, 2004
r 172.035	ad No 167, 2002 rep No 77, 2011
r 172.040	ad No 167, 2002 rep No 80, 2013
r 172.045	ad No 167, 2002 am No 345, 2004 rep No 77, 2011
r 172.050	ad No 167, 2002 am No 345, 2004; No 77, 2011
r 172.055	ad No 167, 2002 am No 345, 2004
Subpart 172.C	
Subpart C heading	rep No 345, 2004
Subpart 172.C heading	ad No 345, 2004
Division 172.C.1	
Division 1 heading	rep No 345, 2004
Division 172.C.1 heading	ad No 345, 2004
r 172.060	ad No 167, 2002
Division 172.C.2	
Division 2 heading	rep No 345, 2004
Division 172.C.2 heading	ad No 345, 2004
r 172.065	ad No 167, 2002
r 172.070	ad No 167, 2002
r 172.075	ad No 167, 2002
r 172.080	ad No 167, 2002
r 172.085	ad No 167, 2002
r 172.090	ad No 167, 2002
Division 172.C.3	
Division 3 heading	rep No 345, 2004
Division 172.C.3 heading	ad No 345, 2004
r 172.095	ad No 167, 2002
Division 172.C.4	
Division 4 heading	rep No 345, 2004
Division 4	ad No 167, 2002
Division 172.C.4 heading	ad No 345, 2004

Provision affected	How affected
r 172.100.....	ad No 167, 2002
r 172.105.....	ad No 167, 2002
r 172.110.....	ad No 167, 2002
r 172.115.....	ad No 167, 2002
r 172.120.....	ad No 167, 2002
Division 172.C.5	
Division 5 heading.....	rep No 345, 2004
Division 172.C.5 heading.....	ad No 345, 2004
r 172.125.....	ad No 167, 2002
r 172.130.....	ad No 167, 2002
r 172.135.....	ad No 167, 2002
Division 172.C.6	
Division 6 heading.....	rep No 345, 2004
Division 172.C.6 heading.....	ad No 345, 2004
r 172.140.....	ad No 167, 2002
r 172.145.....	ad No 167, 2002
r 172.150.....	ad No 167, 2002
r 172.155.....	ad No 167, 2002
Division 172.C.7	
Division 7 heading.....	rep No 345, 2004
Division 172.C.7 heading.....	ad No 345, 2004
r 172.160.....	ad No 167, 2002
r 172.165.....	ad No 167, 2002
r 172.170.....	ad No 167, 2002
r 172.175.....	ad No 167, 2002
Division 172.C.8	
Division 8 heading.....	rep No 345, 2004
Division 172.C.8 heading.....	ad No 345, 2004
r 172.180.....	ad No 167, 2002
	am No 265, 2011
Subpart 172.D	
Subpart D heading.....	rep No 345, 2004
Subpart 172.D heading.....	ad No 345, 2004
r 172.185.....	ad No 167, 2002
r 172.190.....	ad No 167, 2002
Subpart 172.E	
Subpart E heading.....	rep No 345, 2004
Subpart 172.E heading.....	ad No 345, 2004
r 172.195.....	ad No 167, 2002

Provision affected	How affected
Subpart 172.F	
Subpart F heading.....	rep No 345, 2004
Subpart 172.F heading.....	ad No 345, 2004 rs No 77, 2011
Division 172.F.1	
Division 1 heading.....	rep No 345, 2004
Division 172.F.1 heading.....	ad No 345, 2004
r 172.200.....	ad No 167, 2002
Division 172.F.2	
Division 2 heading.....	rep No 345, 2004
Division 172.F.2 heading.....	ad No 345, 2004
r 172.202.....	ad No 77, 2011
r 172.205.....	ad No 167, 2002
r 172.210.....	ad No 167, 2002 rep No 77, 2011
r 172.215.....	ad No 167, 2002 rs No 77, 2011
r 172.220.....	ad No 167, 2002 rep No 77, 2011
r 172.225.....	ad No 167, 2002 rep No 77, 2011
r 172.230.....	ad No 167, 2002 rs No 77, 2011
r 172.235.....	ad No 167, 2002 rep No 77, 2011
r 172.240.....	ad No 167, 2002 rep No 77, 2011
r 172.245.....	ad No 167, 2002 rep No 77, 2011
r 172.250.....	ad No 167, 2002 rep No 77, 2011
r 172.255.....	ad No 167, 2002 rep No 77, 2011
r 172.260.....	ad No 167, 2002 rs No 77, 2011
r 172.265.....	ad No 167, 2002 am No 77, 2011
r 172.270.....	ad No 167, 2002 rs No 77, 2011
r 172.275.....	ad No 167, 2002

Provision affected	How affected
	rep No 77, 2011
r 172.280	ad No 167, 2002
	rep No 77, 2011
Division 3 heading.....	rep No 345, 2004
Division 172.F.3 heading.....	ad No 345, 2004
Division 172.F.3	rep No 77, 2011
r 172.285	ad No 167, 2002
	rep No 77, 2011
r 172.290	ad No 167, 2002
	am No 345, 2004
	rep No 77, 2011
r 172.295	ad No 167, 2002
	am No 75, 2003
	rep No 77, 2011
Division 172.F.4	
Division 4 heading.....	rep No 345, 2004
Division 172.F.4 heading.....	ad No 345, 2004
r 172.300	ad No 167, 2002
Division 172.F.5	
Division 5 heading.....	rep No 345, 2004
Division 172.F.5 heading.....	ad No 345, 2004
r 172.305	ad No 167, 2002
r 172.310	ad No 167, 2002
	am No 345, 2004
r 172.315	ad No 167, 2002
	am No 345, 2004
r 172.320	ad No 167, 2002
r 172.325	ad No 167, 2002
r 172.327	ad No 75, 2003
r 172.330	ad No 167, 2002
	rep No 77, 2011
Part 173	
Part 173.....	ad No 204, 2000
	rs No 189, 2003
	am No 345, 2004; No 80, 2013
Subpart 173.A	
r 173.000	ad No 189, 2003
	rep No 345, 2004
r 173.005	ad No 189, 2003
r 173.010	ad No 189, 2003

Provision affected	How affected
	am No 265, 2011
r 173.015	ad No 189, 2003
r 173.020	ad No 189, 2003
r 173.025	ad No 189, 2003
r 173.030	ad No 189, 2003
	am No 80, 2013; F2016L01448
r 173.035	ad No 189, 2003
	rs No 265, 2011
r 173.040	ad No 189, 2003
Subpart 173.B	
Division 173.B.1	
Division 173.B.1 heading	rs No 77, 2011
r 173.045	ad No 189, 2003
	am No 77, 2011
r 173.050	ad No 189, 2003
r 173.055	ad No 189, 2003
	am No 77, 2011
r 173.060	ad No 189, 2003
	rep No 77, 2011
r 173.065	ad No 189, 2003
	rs No 77, 2011
r 173.070	ad No 189, 2003
	rs No 77, 2011
Division 173.B.2	
r 173.075	ad No 189, 2003
r 173.080	ad No 189, 2003
r 173.085	ad No 189, 2003
r 173.090	ad No 189, 2003
r 173.095	ad No 189, 2003
r 173.100	ad No 189, 2003
r 173.105	ad No 189, 2003
r 173.110	ad No 189, 2003
r 173.115	ad No 189, 2003
r 173.120	ad No 189, 2003
r 173.125	ad No 189, 2003
r 173.130	ad No 189, 2003
r 173.135	ad No 189, 2003
r 173.140	ad No 189, 2003
r 173.145	ad No 189, 2003
r 173.150	ad No 189, 2003

Provision affected	How affected
r 173.155	ad No 189, 2003
r 173.160	ad No 189, 2003
Division 173.B.3	
r 173.165	ad No 189, 2003
r 173.170	ad No 189, 2003
r 173.175	ad No 189, 2003
r 173.180	ad No 189, 2003
r 173.185	ad No 189, 2003
r 173.190	ad No 189, 2003
Division 173.B.4	
r 173.195	ad No 189, 2003 am No 265, 2011
r 173.200	ad No 189, 2003
r 173.205	ad No 189, 2003
r 173.210	ad No 189, 2003
r 173.215	ad No 189, 2003
Subpart 173.C	
Division 173.C.1	
Division 173.C.1 heading	rs No 77, 2011
r 173.220	ad No 189, 2003 am No 77, 2011
r 173.225	ad No 189, 2003
r 173.230	ad No 189, 2003 rep No 77, 2011
r 173.235	ad No 189, 2003 rep No 77, 2011
r 173.240	ad No 189, 2003 rs No 77, 2011
r 173.245	ad No 189, 2003 rs No 77, 2011
Division 173.C.2	
r 173.250	ad No 189, 2003
r 173.255	ad No 189, 2003
r 173.260	ad No 189, 2003
r 173.265	ad No 189, 2003 am F2016L01448
r 173.270	ad No 189, 2003
r 173.275	ad No 189, 2003
r 173.280	ad No 189, 2003
r 173.285	ad No 189, 2003

Provision affected	How affected
r 173.290.....	ad No 189, 2003 am No 265, 2011
Division 173.C.3	
r 173.295.....	ad No 189, 2003
r 173.300.....	ad No 189, 2003
r 173.305.....	ad No 189, 2003
Subpart 173.D	
r 173.310.....	ad No 189, 2003
r 173.315.....	ad No 189, 2003
Subpart 173.E	
Subpart 173.E heading.....	rs No 77, 2011
Division 173.E.1	
Division 173.E.1 heading.....	rs No 77, 2011
r 173.320.....	ad No 189, 2003 rep No 77, 2011
r 173.325.....	ad No 189, 2003 rep No 77, 2011
r 173.330.....	ad No 189, 2003 rs No 77, 2011
r 173.335.....	ad No 189, 2003 rs No 77, 2011
r 173.340.....	ad No 189, 2003 rep No 77, 2011
r 173.345.....	ad No 189, 2003 am No 77, 2011
r 173.350.....	ad No 189, 2003 am No 77, 2011
r 173.355.....	ad No 189, 2003 rep No 77, 2011
r 173.360.....	ad No 189, 2003 rep No 77, 2011
Division 173.E.2.....	rep No 77, 2011
r 173.365.....	ad No 189, 2003 rep No 77, 2011
r 173.370.....	ad No 189, 2003 rep No 77, 2011
Division 173.E.3	
r 173.375.....	ad No 189, 2003
Division 173.E.4	
r 173.380.....	ad No 189, 2003

Provision affected	How affected
r 173.385	ad No 189, 2003 rep No 77, 2011
Division 173.E.5	
r 173.390	ad No 189, 2003
r 173.395	ad No 189, 2003
r 173.400	ad No 189, 2003 am No 265, 2011
Part 175	
Part 175	ad No 135, 2014
Subpart 175.A	
r 175.005	ad No 135, 2014
r 175.010	ad No 135, 2014
r 175.015	ad No 135, 2014
r 175.020	ad No 135, 2014
r 175.025	ad No 135, 2014
Subpart 175.B	
Division 175.B.1	
r 175.030	ad No 135, 2014
r 175.035	ad No 135, 2014
Division 175.B.2	
r 175.040	ad No 135, 2014
r 175.045	ad No 135, 2014
r 175.050	ad No 135, 2014
r 175.055	ad No 135, 2014
r 175.060	ad No 135, 2014
r 175.065	ad No 135, 2014
r 175.067	ad No 135, 2014
Division 175.B.3	
r 175.070	ad No 135, 2014
r 175.075	ad No 135, 2014
r 175.080	ad No 135, 2014
r 175.085	ad No 135, 2014
Division 175.B.4	
r 175.090	ad No 135, 2014
r 175.095	ad No 135, 2014
r 175.100	ad No 135, 2014
r 175.105	ad No 135, 2014
r 175.110	ad No 135, 2014
r 175.115	ad No 135, 2014
r 175.120	ad No 135, 2014

Provision affected	How affected
r 175.125.....	ad No 135, 2014
r 175.130.....	ad No 135, 2014
r 175.135.....	ad No 135, 2014
r 175.140.....	ad No 135, 2014
	am F2020L00913
r 175.145.....	ad No 135, 2014
Division 175.B.5	
r 175.150.....	ad No 135, 2014
r 175.155.....	ad No 135, 2014
r 175.160.....	ad No 135, 2014
r 175.165.....	ad No 135, 2014
r 175.170.....	ad No 135, 2014
r 175.175.....	ad No 135, 2014
r 175.180.....	ad No 135, 2014
r 175.185.....	ad No 135, 2014
r 175.190.....	ad No 135, 2014
r 175.195.....	ad No 135, 2014
Division 175.B.6	
r 175.200.....	ad No 135, 2014
r 175.205.....	ad No 135, 2014
r 175.210.....	ad No 135, 2014
r 175.215.....	ad No 135, 2014
r 175.220.....	ad No 135, 2014
r 175.225.....	ad No 135, 2014
r 175.230.....	ad No 135, 2014
r 175.235.....	ad No 135, 2014
r 175.240.....	ad No 135, 2014
r 175.245.....	ad No 135, 2014
r 175.250.....	ad No 135, 2014
r 175.255.....	ad No 135, 2014
r 175.260.....	ad No 135, 2014
Subpart 175.C	
Division 175.C.1	
r 175.265.....	ad No 135, 2014
r 175.270.....	ad No 135, 2014
r 175.275.....	ad No 135, 2014
Division 175.C.2	
r 175.280.....	ad No 135, 2014
r 175.285.....	ad No 135, 2014
r 175.290.....	ad No 135, 2014

Provision affected	How affected
r 175.295	ad No 135, 2014
r 175.300	ad No 135, 2014
r 175.305	ad No 135, 2014
Division 175.C.3	
r 175.310	ad No 135, 2014
r 175.315	ad No 135, 2014
r 175.320	ad No 135, 2014
r 175.325	ad No 135, 2014
r 175.330	ad No 135, 2014
Division 175.C.4	
r 175.335	ad No 135, 2014
r 175.340	ad No 135, 2014
r 175.345	ad No 135, 2014
Division 175.C.5	
r 175.350	ad No 135, 2014
r 175.355	ad No 135, 2014
r 175.360	ad No 135, 2014
r 175.365	ad No 135, 2014
r 175.370	ad No 135, 2014
r 175.375	ad No 135, 2014
Division 175.C.6	
r 175.380	ad No 135, 2014
r 175.385	ad No 135, 2014
r 175.390	ad No 135, 2014
r 175.395	ad No 135, 2014
r 175.400	ad No 135, 2014
r 175.405	ad No 135, 2014
r 175.410	ad No 135, 2014
r 175.415	ad No 135, 2014
r 175.420	ad No 135, 2014
r 175.425	ad No 135, 2014
r 175.430	ad No 135, 2014
r 175.435	ad No 135, 2014
r 175.440	ad No 135, 2014
Subpart 175.D	
Division 175.D.1	
r 175.445	ad No 135, 2014
r 175.450	ad No 135, 2014
r 175.455	ad No 135, 2014
r 175.460	ad No 135, 2014

Provision affected	How affected
r 175.465	ad No 135, 2014
r 175.470	ad No 135, 2014
Division 175.D.2	
r 175.475	ad No 135, 2014
Subpart 175.E	
r 175.480	ad No 135, 2014 am F2020L00913
r 175.485	ad No 135, 2014
r 175.490	ad No 135, 2014
r 175.495	ad No 135, 2014
r 175.500	ad No 135, 2014
Part 183	ad No 204, 2000 rep No 77, 2011
Part 200	
Part 200 heading	rs No 345, 2004 am No 345, 2004; No 80, 2013; No 274, 2013 rs F2018L01030
Subpart 200.A	
Subpart A	ad No 204, 2000
Subpart 200.A (prev Subpart A)	renum No 350, 2002 rep No 345, 2004 ad F2018L01030 rep F2021L00200
r 200.0	ad No 204, 2000
r 200.000 (prev r 200.0)	renum No 350, 2002 rep No 345, 2004
r 200.001A	ad F2018L01030 rep F2021L00200
Subpart 200.B	
Division 1 heading	rep No 204, 2000
Subpart B heading	ad No 204, 2000
Subpart 200.B heading	rs F2018L01030
Subpart 200.B (prev Subpart B)	renum No 350, 2002
r 200.1	am No 227, 2000; No 350, 2002
r 200.001 (prev r 200.1)	renum No 350, 2002 rs F2018L01030 rep F2021L00200
r 200.2	am No 227, 2000; No 350, 2002
r 200.002 (prev r 200.2)	renum No 350, 2002

Provision affected	How affected
	am No 216, 2004
	rs F2018L01030
	rep F2021L00200
r 200.3.....	am No 227, 2000; No 350, 2002
r 200.003 (prev r 200.3).....	renum No 350, 2002
	rs No 226, 2007
	am F2018L01030
	rep F2021L00200
r 200.4.....	am No 227, 2000; No 350, 2002
r 200.004 (prev r 200.4).....	renum No 350, 2002
	rs No 321, 2005
	am F2018L01030
	rep F2021L00200
r 200.5.....	am No 227, 2000
	rs No 349, 2001
r 200.005 (prev r 200.5).....	renum No 350, 2002
	am No 350, 2002
	rs F2018L01030
r 200.6.....	am No 227, 2000
	rep No 349, 2001
r 200.006.....	ad F2018L01030
	rep F2021L00200
r 200.7.....	rep No 7, 2000
r 200.8.....	am No 227, 2000; No 350, 2002
r 200.008 (prev r 200.8).....	renum No 350, 2002
	am F2018L01030
r 200.9.....	am No 227, 2000
	rep No 349, 2001
r 200.10.....	rs No 7, 2000
	am No 350, 2002
r 200.010 (prev r 200.10).....	renum No 350, 2002
	rep F2021L00200
r 200.11.....	rep No 7, 2000
r 200.12.....	rep No 7, 2000
r 200.13.....	am No 166, 1999; No 227, 2000; No 350, 2002
r 200.013 (prev r 200.13).....	renum No 350, 2002
	am No 216, 2004
	rs No 321, 2005
	am F2018L01030
	rep F2021L00200

Provision affected	How affected
r 200.14.....	am No 227, 2000; No 350, 2002
r 200.014 (prev r 200.14).....	renum No 350, 2002 rs No 321, 2005 am F2018L01030 rep F2021L00200
Subpart 200.C	
Division 2 heading.....	rep No 204, 2000
Subpart C heading	ad No 204, 2000
Subpart 200.C (prev..... Subpart C)	renum No 350, 2002
r 200.20.....	am No 227, 2000; No 350, 2002
r 200.020 (prev r 200.20).....	renum No 350, 2002 am F2018L01030; F2021L00200
r 200.025.....	ad No 5, 2013 am No 274, 2013; F2021L00200
r 200.030.....	ad No 274, 2013 am F2021L00200
Part 201	
Part 201.....	am No 345, 2004; No 80, 2013; No 274, 2013
r 201.0.....	ad No 204, 2000
r 201.000 (prev r 201.0).....	renum No 350, 2002 rep No 345, 2004
r 201.1.....	am No 227, 2000; No 350, 2002
r 201.001 (prev r 201.1).....	renum No 350, 2002 am F2021L00200
r 201.2.....	am No 227, 2000; No 350, 2002
r 201.002 (prev r 201.2).....	renum No 350, 2002 rep No 345, 2004 ad F2021L00200
r 201.002A.....	ad F2021L00200
r 201.003 (prev r 201.3).....	renum No 350, 2002 am F2019L00176
r 201.4.....	am No 166, 1999; No 262, 1999; No 204, 2000; No 227, 2000; No 350, 2002
r 201.004 (prev r 201.4).....	renum No 350, 2002 am No 345, 2004; No 41, 2007; No 64, 2009; No 277, 2010; No 328, 2010; No 77, 2011; No 265, 2011 rs No 80, 2013 am No 274, 2013; No 275, 2013; No 204, 2014; No 245, 2015; No 246, 2015; F2016L01655; F2018L01030; F2019L01027; F2020L00913; F2021L00200
r 201.005.....	ad No 345, 2004 rep No 80, 2013

Provision affected	How affected
r 201.010.....	ad No 345, 2004 rep No 80, 2013
r 201.015.....	ad No 345, 2004 rep No 77, 2011
r 201.016.....	ad No 258, 2005 am No 192, 2008; F2019L01027; F2023L00606
r 201.020.....	ad No 345, 2004 rs No 77, 2011
r 201.022.....	ad F2021L00200 am F2023L00606
r 201.025.....	ad No 274, 2013
r 201.030.....	ad F2021L00200
Part 202	
Part 202.....	ad No 262, 1999 am No 345, 2004; No 80, 2013; No 188, 2013; No 274, 2013; No 275, 2013; No 40, 2014; No 125, 2014; No 135, 2014
Subpart 202.AA heading.....	ad No 321, 2002 rep No 345, 2004
Subpart 202.AA.....	rep No 345, 2004
r 202.0.....	ad No 204, 2000 rep No 321, 2002
r 202.000.....	ad No 321, 2002 am No 58, 2003; No 75, 2003; No 240, 2003 rep No 345, 2004
Subpart 202.AB	
Subpart 202.AB.....	ad No 321, 2002 rs No 77, 2011
Subpart 202.AD	
Subpart 202.AD.....	ad No 321, 2002 rs No 345, 2004
Division 202.AD.1	
Division 202.AD.1 heading.....	ad F2019L01027 rep F2021L00200
Division 202.AD.1.....	rep F2021L00200
r 202.010.....	ad No 345, 2004 am No 77, 2011 rep F2021L00200
r 202.011.....	ad No 345, 2004 am No 77, 2011; No 80, 2013 rep F2021L00200

Provision affected	How affected
r 202.011A	ad No 77, 2011 rep F2021L00200
r 202.011B	ad No 77, 2011 rep F2021L00200
r 202.011C	ad No 77, 2011 rep F2021L00200
r 202.011D	ad No 77, 2011 rep F2021L00200
r 202.011E	ad No 77, 2011 am No 80, 2013 rep F2021L00200
r 202.011F	ad No 77, 2011 am No 80, 2013 rep F2021L00200
r 202.011G	ad No 77, 2011 rep F2021L00200
r 202.012	ad No 345, 2004 rep F2021L00200
r 202.013	ad No 77, 2011 rep F2021L00200
Division 202.AD.2	
Division 202.AD.2	ad F2019L01027
r 202.014	ad F2019L01027
Subpart 202.AF	
Subpart 202.AF	ad No 321, 2002
Subpart 202.AJ	
Subpart 202.AJ heading	ad No 321, 2002
Division 202.AJ.1	
Division 202.AJ.1 heading	ad No 76, 2011
Subdivision 202.AJ.1.A	
Subdivision 202.AJ.1.A	ad No 188, 2013 heading
r 202.049A	ad No 76, 2011
Subdivision 202.AJ.1.B	
Subdivision 202.AJ.1.B	ad No 188, 2013 heading
r 202.1	ad No 262, 1999
r 202.050 (prev r 202.1)	renum No 321, 2002 am No 350, 2002 (md not incorp); F2016L01448
r 202.2	ad No 262, 1999

Provision affected	How affected
r 202.051 (prev r 202.2).....	renum No 321, 2002 am No 350, 2002 (md not incorp); F2016L01448
r 202.3.....	ad No 262, 1999
r 202.052 (prev r 202.3).....	renum No 321, 2002 am No 350, 2002 (md not incorp); F2016L01448
Subdivision 202.AJ.1.C.....	ad No 188, 2013 rep F2024L00297
r 202.052A.....	ad No 188, 2013 exp 1 Mar 2017 (r 202.052A(5)) rep F2024L00297
Subdivision 202.AJ.1.D	
Subdivision 202.AJ.1.D.....	ad F2016L01655
r 202.052AA.....	ad F2016L01655
r 202.052B.....	ad F2016L01655
r 202.052C.....	ad F2016L01655
r 202.052D.....	ad F2016L01655
r 202.052E.....	ad F2016L01655
Division 202.AJ.2	
Division 202.AJ.2.....	ad No 76, 2011
Subdivision 202.AJ.2.A	
Subdivision 202.AJ.2.A.....	ad No 40, 2014 heading
r 202.053.....	ad No 76, 2011
r 202.054.....	ad No 76, 2011
r 202.055.....	ad No 76, 2011
r 202.056.....	ad No 76, 2011
r 202.057.....	ad No 76, 2011 rep No 40, 2014
r 202.058.....	ad No 76, 2011
Subdivision 202.AJ.2.B	
Subdivision 202.AJ.2.B.....	ad No 40, 2014
r 202.058A.....	ad No 40, 2014
Division 202.AJ.3	
Division 202.AJ.3.....	ad No 76, 2011
Subdivision 202.AJ.3.A	
Subdivision 202.AJ.3.A.....	ad No 40, 2014 heading
r 202.059.....	ad No 76, 2011
Subpart 202.AK	
Subpart 202.AK.....	ad No 321, 2002

Provision affected	How affected
	rs No 147, 2009
r 202.060	ad No 147, 2009
Subpart 202.AL	
Subpart 202.AL	ad No 321, 2002
	rs No 147, 2009
r 202.070	ad No 147, 2009
Subpart 202.AM	ad No 321, 2002
	rep No 345, 2004
Subpart 202.AN	
Subpart 202.AN	ad No 321, 2002
	rs No 147, 2009
r 202.090	ad No 147, 2009
Subpart 202.AO	
Subpart 202.AO	ad No 321, 2002
Subpart 202.AP	
Subpart 202.AP	ad No 321, 2002
Subpart 202.AR	
Subpart 202.AR	ad No 321, 2002
Subpart 202.AT	
Subpart 202.AT	ad No 321, 2002
Subpart 202.AU	
Subpart 202.AU	ad No 321, 2002
	rs No 147, 2009
r 202.140	ad No 147, 2009
Subpart 202.AV	
Subpart 202.AV	ad No 321, 2002
Subpart 202.AX	
Subpart 202.AX	ad No 321, 2002
Subpart 202.AZ	
Subpart 202.AZ heading	ad No 321, 2002
	rs No 345, 2004
Subpart 202.AZ	rs No 345, 2004
r 202.4	ad No 262, 1999
r 202.170 (prev r 202.4)	renum No 321, 2002
	am No 350, 2002 (md not incorp)
	rs No 345, 2004
r 202.5	ad No 262, 1999
r 202.171 (prev r 202.5)	renum No 321, 2002
	am No 350, 2002 (md not incorp)
	rs No 345, 2004

Provision affected	How affected
r 202.6.....	ad No 262, 1999
r 202.172 (prev r 202.6).....	renum No 321, 2002 am No 350, 2002 (md not incorp) rs No 345, 2004
Subpart 202.BA	
Subpart 202.BA	ad No 328, 2010
r 202.180.....	ad No 328, 2010 rs No 275, 2013 am F2021L00200
r 202.181.....	ad No 328, 2010 rs No 275, 2013 am F2021L00200
r 202.182.....	ad No 328, 2010 rep No 275, 2013
r 202.183.....	ad No 328, 2010
r 202.184.....	ad No 328, 2010 am No 107, 2012 rep No 275, 2013
r 202.185.....	ad No 328, 2010
r 202.186.....	ad No 328, 2010
r 202.187.....	ad No 328, 2010 am No 275, 2013
r 202.188.....	ad No 328, 2010 rs No 80, 2013
r 202.189.....	ad No 328, 2010 rep No 275, 2013
r 202.190.....	ad No 328, 2010 rep No 275, 2013
r 202.191.....	ad No 328, 2010 am No 80, 2013
r 202.192.....	ad No 328, 2010 rep No 275, 2013
r 202.193.....	ad No 328, 2010 am No 80, 2013
r 202.194.....	ad No 328, 2010
Subpart 202.BB	ad No 321, 2002 rep No 328, 2010
Subpart 202.BD	
Subpart 202.BD	ad No 321, 2002 rs No 345, 2004

Provision affected	How affected
Division 202.BD.1	
Division 202.BD.1 heading	ad No 245, 2015
r 202.200	ad No 345, 2004
Division 202.BD.2	
Division 202.BD.2	ad No 245, 2015
r 202.205	ad No 245, 2015
r 202.210	ad No 245, 2015
r 202.215	ad No 245, 2015
r 202.217 (prev r 202.220 first occurring)	
r 202.220 (first occurring)	ad No 245, 2015 renum F2024L00297
Subpart 202.BF	
Subpart 202.BF	ad No 321, 2002 rs No 134, 2004
Division 202.BF.1	
Division 202.BF.1 heading	ad No 204, 2014
r 202.220 (second occurring)	ad No 134, 2004 am No 204, 2014
r 202.221	ad No 134, 2004
r 202.222	ad No 134, 2004
r 202.223	ad No 134, 2004 am No 345, 2004; No 242, 2005
r 202.224	ad No 134, 2004
r 202.225	ad No 134, 2004 am No 242, 2005
Division 202.BF.2	
Division 202.BF.2	ad No 204, 2014
r 202.226	ad No 134, 2004 rep No 242, 2005 ad No 204, 2014
r 202.227	ad No 204, 2014
r 202.228	ad No 204, 2014
Division 202.BF.3	ad F2019L01027 rep F2023L00606
r 202.229	ad F2019L01027 am F2019L01364; F2022L00157; F2022L00499 rep F2023L00606
r 202.230	ad F2019L01027 am F2019L01364

Provision affected	How affected
	rep F2022L00157
r 202.231	ad F2019L01027
	am F2019L01364; F2022L00157; F2022L00499
	rep F2023L00606
r 202.232	ad F2019L01027
	rs F2019L01364
	am F2022L00157; F2022L00499
	rep F2023L00606
Subpart 202.CA	ad No 321, 2002
	rs No 240, 2003
	rep F2016L01448
r 202.240	ad No 240, 2003
	am No 345, 2004
	rep F2016L01448
r 202.241	ad No 240, 2003
	am No 345, 2004
	rep F2016L01448
Subpart 202.CB	
Subpart 202.CB	ad No 321, 2002
	rs No 5, 2013
Division 202.CB.1	
Division 202.CB.1 heading	rs No 274, 2013; No 125, 2014
	exp end of 31 Aug 2025 (r 202.281)
Division 202.CB.1	exp end of 31 Aug 2025 (r 202.281)
Subdivision 202.CB.1.1	
Subdivision 202.CB.1.1	ad No 274, 2013
heading	exp end of 31 Aug 2025 (r 202.281)
r 202.260	ad No 5, 2013
	rs No 274, 2013
	exp end of 31 Aug 2025 (r 202.281)
r 202.261	ad No 5, 2013
	am No 274, 2013; No 125, 2014; F2016L01448
	exp end of 31 Aug 2025 (r 202.281)
r 202.262	ad No 274, 2013
	exp end of 31 Aug 2025 (r 202.281)
Subdivision 202.CB.1.2	
Division 202.CB.2 heading	rep No 274, 2013
Subdivision 202.CB.1.2	ad No 274, 2013
heading	exp end of 31 Aug 2018 (r 202.271)
Subdivision 202.CB.1.2	exp end of 31 Aug 2018 (r 202.271)

Provision affected	How affected
r 202.263	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.264	ad No 5, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.265	ad No 5, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.266	ad No 5, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.267	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.268	ad No 5, 2013 rs No 274, 2013 am No 125, 2014 exp end of 31 Aug 2018 (r 202.271)
r 202.268A	ad No 274, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.269	ad No 5, 2013 exp end of 31 Aug 2018 (r 202.271)
r 202.270	ad No 5, 2013 am No 274, 2013; No 125, 2014 exp end of 31 Aug 2018 (r 202.271)
r 202.271	ad No 5, 2013 rs No 274, 2013 exp end of 31 Aug 2018 (r 202.271)
Subdivision 202.CB.1.3	
Division 202.CB.3 heading	rep No 274, 2013
Subdivision 202.CB.1.3	ad No 274, 2013 rs F2018L01131 exp end of 31 Aug 2025 (r 202.281)
Subdivision 202.CB.1.3	rs F2018L01131 exp end of 31 Aug 2025 (r 202.281)
r 202.272	ad No 5, 2013 am No 274, 2013; No 125, 2014 rs F2018L01131 exp end of 31 Aug 2025 (r 202.281)
r 202.273	ad No 5, 2013 rs No 274, 2013; F2018L01131 exp end of 31 Aug 2025 (r 202.281)

Provision affected	How affected
Subdivision 202.CB.1.4	
Division 202.CB.4 heading	rep No 274, 2013
Subdivision 202.CB.1.4..... heading	ad No 274, 2013 exp <u>end of 31 Aug 2025 (r 202.281)</u>
r 202.274.....	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.274(3))
r 202.275.....	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.275(4))
r 202.276.....	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.276(5))
r 202.277.....	ad No 5, 2013 rs F2018L01131 exp <u>end of 31 Aug 2025 (r 202.281)</u>
r 202.277A.....	ad No 274, 2013 am F2017L00697 rep end of 31 Aug 2018 (r 202.277A(3))
r 202.277B.....	ad No 274, 2013 am F2017L00697 rep end of 31 Aug 2018 (r 202.277B(3))
r 202.277C.....	ad No 274, 2013 exp <u>end of 31 Aug 2025 (r 202.281)</u>
r 202.277D.....	ad No 274, 2013 rep No 125, 2014
r 202.278.....	ad No 5, 2013 rs No 274, 2013 am F2018L01131; F2020L01051 exp end of 31 Aug 2023 (r 202.278(2))
r 202.279.....	ad No 274, 2013 am F2018L01131; F2020L01051 exp end of 31 Aug 2023 (r 202.279(3))
r 202.280.....	ad No 274, 2013 rep 31 May 2015 (r 202.280(4))
r 202.281.....	ad No 274, 2013 exp <u>end of 31 Aug 2025 (r 202.281)</u>
Division 202.CB.2	
Division 202.CB.2.....	ad F2020L01051
r 202.290.....	ad F2020L01051

Provision affected	How affected
Subpart 202.CD	ad No 321, 2002 rep No 5, 2013
Subpart 202.CE	
Subpart 202.CE.....	ad No 321, 2002 rs No 5, 2013
Division 202.CE.1	
Division 202.CE.1 heading.....	rs No 274, 2013; No 125, 2014 exp end of 31 Aug 2025 (r 202.312(2))
Division 202.CE.1	exp end of 31 Aug 2025 (r 202.312(2))
Subdivision 202.CE.1.1	
Subdivision 202.CE.1.1	ad No 274, 2013 exp end of 31 Aug 2025 (r 202.312(2))
heading	
r 202.300	ad No 5, 2013 am No 274, 2013; No 125, 2014 exp end of 31 Aug 2025 (r 202.312(2))
r 202.301	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.312(1))
r 202.302	ad No 5, 2013 am No 274, 2013 exp end of 31 Aug 2018 (r 202.312(1))
r 202.303	ad No 5, 2013 exp end of 31 Aug 2018 (r 202.312(1))
r 202.304	ad No 5, 2013 am No 274, 2013 rs F2018L01131 exp end of 31 Aug 2025 (r 202.312(2))
r 202.304A	ad F2018L01131 exp end of 31 Aug 2025 (r 202.312(2))
r 202.305	ad No 5, 2013 exp end of 31 Aug 2018 (r 202.312(1))
Subdivision 202.CE.1.2	
Division 202.CE.2 heading.....	rep No 274, 2013
Subdivision 202.CE.1.2	ad No 274, 2013 exp end of 31 Aug 2018 (r 202.312(1))
heading	
r 202.307	ad No 5, 2013 am No 274, 2013; No 125, 2014 exp end of 31 Aug 2018 (r 202.312(1))
r 202.308	ad No 5, 2013 am No 125, 2014

Provision affected	How affected
r 202.309	exp end of 31 Aug 2018 (r 202.312(1)) ad No 5, 2013 am No 125, 2014
r 202.310	exp end of 31 Aug 2018 (r 202.312(1)) ad No 5, 2013
r 202.311	exp end of 31 Aug 2018 (r 202.312(1)) ad No 5, 2013 am No 274, 2013; No 125, 2014 exp end of 31 Aug 2018 (r 202.312(1))
Subdivision 202.CE.1.3	
Subdivision 202.CE.1.3	ad No 274, 2013
r 202.312	exp end of 31 Aug 2025 (r 202.312(2)) ad No 5, 2013 rs No 274, 2013; F2018L01131 exp end of 31 Aug 2025 (r 202.312(2))
Subpart 202.CF	
Subpart 202.CF	ad No 321, 2002 rs No 75, 2003
r 202.320	ad No 75, 2003 am No 345, 2004
r 202.321	ad No 345, 2004
Subpart 202.CG	
Subpart 202.CG	ad No 321, 2002 rs No 328, 2010
r 202.340	ad No 328, 2010 rs No 246, 2015
r 202.341	ad No 328, 2010 rs No 246, 2015
r 202.342	ad No 328, 2010 rs No 246, 2015
r 202.343	ad No 328, 2010 rs No 246, 2015
r 202.344	ad No 328, 2010 am No 107, 2012; No 80, 2013; No 275, 2013 exp 26 June 2015 (r 202.344(5)) rep 26 June 2015 (r 202.344(6))
r 202.345	ad No 328, 2010 rep No 246, 2015 ad No 246, 2015 am F2020L00824

Provision affected	How affected
	rep 1 July 2022 (r 202.345(3))
r 202.345A	ad No 80, 2013
	am No 275, 2013
	exp 26 June 2015 (r 202.345A(5))
	rep 26 June 2015 (r 202.345A(6))
r 202.345B	ad No 80, 2013
	am No 275, 2013
	exp 26 June 2015 (r 202.345B(5))
	rep 26 June 2015 (r 202.345B(6))
r 202.345C	ad No 80, 2013
	am No 275, 2013
	exp 26 June 2015 (r 202.345C(5))
	rep 26 June 2015 (r 202.345C(6))
r 202.346	ad No 328, 2010
	rs No 80, 2013
	rep No 246, 2015
r 202.347	ad No 328, 2010
	rep No 246, 2015
r 202.348	ad No 80, 2013
	rep No 246, 2015
r 202.350	ad No 246, 2015
	rep 1 Jan 2017 (r 202.350(3))
r 202.355	ad F2016L01448
Subpart 202.CH	
Subpart 202.CH	ad No 321, 2002
	rs No 232, 2003
r 202.360	ad No 232, 2003
	am No 345, 2004
r 202.361	ad No 232, 2003
	am No 345, 2004
r 202.362	ad No 232, 2003
	am No 345, 2004
r 202.363	ad No 232, 2003
	rs No 345, 2004
Subpart 202.DA	
Subpart 202.DA	ad No 321, 2002
Subpart 202.EA	
Subpart 202.EA	ad No 321, 2002
	am F2017L01149
r 202.400	ad F2017L01149

Provision affected	How affected
Subpart 202.EAA	
Subpart 202.EAA.....	ad F2021L00200
Division 202.EAA.1	
Subdivision 202.EAA.1.1	
r 202.405.....	ad F2021L00200
r 202.405A.....	ad F2021L00200
r 202.405B.....	ad F2021L00200
r 202.405C.....	ad F2021L00200
Subdivision 202.EAA.1.2	
r 202.406.....	ad F2021L00200
Subdivision 202.EAA.1.3	
r 202.407.....	ad F2021L00200
Subdivision 202.EAA.1.4	
r 202.408.....	ad F2021L00200
r 202.408A.....	ad F2021L00200
Subdivision 202.EAA.1.5	
r 202.409.....	ad F2021L00200
Subdivision 202.EAA.1.6	
r 202.410.....	ad F2021L00200
Subdivision 202.EAA.1.7	
r 202.411.....	ad F2021L00200
r 202.411A.....	ad F2021L00200
r 202.411B.....	ad F2021L00200
Subdivision 202.EAA.1.8	
Subdivision 202.EAA.1.8.....	ad F2021L00200
r 202.412.....	ad F2021L00200
r 202.412A.....	ad F2021L00200
r 202.412B.....	ad F2021L00200
r 202.412C.....	ad F2021L00200
Subdivision 202.EAA.1.9	
Subdivision 202.EAA.1.9.....	ad F2021L00200
r 202.413.....	ad F2021L00200
r 202.413A.....	ad F2021L00200
Subdivision 202.EAA.1.10	
Subdivision 202.EAA.1.10.....	ad F2021L00200
r 202.414.....	ad F2021L00200
Subdivision 202.EAA.1.11	
Subdivision 202.EAA.1.11.....	ad F2021L00200
r 202.415.....	ad F2021L00200

Provision affected	How affected
Subdivision 202.EAA.1.12	
Subdivision 202.EAA.1.12.....	ad F2021L00200
r 202.416.....	ad F2021L00200
r 202.416A.....	ad F2021L00200
r 202.416B.....	ad F2021L00200
r 202.416C.....	ad F2021L00200
Subdivision 202.EAA.1.13	
Subdivision 202.EAA.1.13.....	ad F2021L00200
r 202.417.....	ad F2021L00200
Subdivision 202.EAA.1.14	
Subdivision 202.EAA.1.14.....	ad F2021L00200
r 202.418.....	ad F2021L00200
r 202.418A.....	ad F2021L00200
r 202.418B.....	ad F2021L00200
Subdivision 202.EAA.1.15	
Subdivision 202.EAA.1.15.....	ad F2021L00200
r 202.419.....	ad F2021L00200
r 202.419A.....	ad F2021L00200
r 202.419B.....	ad F2021L00200
r 202.419C.....	ad F2021L00200
r 202.419D.....	ad F2021L00200
r 202.419E.....	ad F2021L00200
r 202.419F.....	ad F2021L00200
r 202.419G.....	ad F2021L00200
r 202.419H.....	ad F2021L00200
r 202.419J.....	ad F2021L00200
r 202.419K.....	ad F2021L00200
r 202.419L.....	ad F2021L00200
r 202.419M.....	ad F2021L00200
r 202.419N.....	ad F2021L00200
r 202.419P.....	ad F2021L00200
r 202.419Q.....	ad F2021L00200
r 202.419R.....	ad F2021L00200
	rep <u>end of 2 Dec 2024 (r 202.419R(2))</u>
r 202.419S.....	ad F2021L00200
	rep <u>end of 2 Dec 2024 (r 202.419S(2))</u>
r 202.419T.....	ad F2021L00200
	am F2022L00978
	rep end of 1 Dec 2023 (r 202.419T(3))

Provision affected	How affected
Subpart 202.EB	
Subpart 202.EB.....	ad No 321, 2002
Subpart 202.EC	
Subpart 202.EC.....	ad No 321, 2002
	rs No 365, 2003
r 202.440.....	ad No 365, 2003
	am No 365, 2003; No 345, 2004; No 275, 2013
Subpart 202.FA	
Subpart 202.FA.....	ad No 321, 2002
	rs No 345, 2004
Division 202.FA.1	
Division 202.FA.1.....	ad F2016L00400
r 202.455.....	ad F2016L00400
r 202.460.....	ad No 345, 2004
	rs F2016L00400
r 202.461.....	ad F2016L00400
r 202.462.....	ad F2016L00400
Division 202.FA.2	
Division 202.FA.2.....	ad F2019L01027
r 202.463.....	ad F2019L01027
	am F2019L01364
	ed C83
	am F2022L00157; F2022L00499; F2023L00606
r 202.464.....	ad F2019L01027
	am F2019L01364
	rep F2023L00606
r 202.465.....	ad F2019L01027
	am F2019L01364
	rep F2022L00157
r 202.466.....	ad F2019L01027
	am F2019L01364; F2022L00157; F2022L00499
	ed C95
	am F2023L00606
Subpart 202.FC	
Subpart 202.FC.....	ad No 321, 2002
Subpart 202.FE	
Subpart 202.FE.....	ad No 321, 2002
	rs F2019L01621
Division 202.FE.1	
r 202.500.....	ad F2019L01621

Provision affected	How affected
r 202.501	ad F2019L01621
r 202.502	ad F2019L01621 am F2022L00978 rep end of 1 Dec 2023 (r 202.502(4))
r 202.503	ad F2019L01621 am F2022L00978 rep end of 1 Dec 2023 (r 202.503(2))
Subpart 202.FJ	
Subpart 202.FJ	ad No 321, 2002
Subpart 202.FL	
Subpart 202.FL	ad No 321, 2002
Subpart 202.FN	
Subpart 202.FN	ad No 321, 2002
Subpart 202.FO	
Subpart 202.FO	ad No 321, 2002
Subpart 202.FR	
Subpart 202.FR	ad No 321, 2002 rs No 247, 2015 am F2024L00297
Division 202.FR.1	rep 20 Apr 2018 (r 202.603)
r 202.600	ad No 247, 2015 rep 20 Apr 2018 (r 202.603)
r 202.601	ad No 247, 2015 rep 20 Apr 2018 (r 202.603)
r 202.602	ad No 247, 2015 rep 20 Apr 2018 (r 202.603)
r 202.603	ad No 247, 2015 rep 20 Apr 2018 (r 202.603)
Subpart 202.FS	
Subpart 202.FS	ad F2016L01655
Division 202.FS.1	
r 202.609	ad F2016L01655
r 202.610	ad F2016L01655
r 202.611	ad F2016L01655
r 202.612	ad F2016L01655
r 202.613	ad F2016L01655
r 202.614	ad F2016L01655
Subpart 202.FT	
Subpart 202.FT	ad No 321, 2002

Provision affected	How affected
Subpart 202.FV	
Subpart 202.FV.....	ad No 321, 2002
Subpart 202.FW	
Subpart 202.FW.....	ad No 321, 2002
Subpart 202.FX	
Subpart 202.FX.....	ad No 321, 2002
Subpart 202.FY	
Subpart 202.FY.....	ad No 321, 2002 rs No 58, 2003; F2020L00913
Division 202.FY.1	
r 202.700.....	ad No 58, 2003 am No 345, 2004 rs F2020L00913
r 202.701.....	ad No 58, 2003 rs No 345, 2004; F2020L00913
r 202.702.....	ad No 58, 2003 am No 345, 2004 rs F2020L00913
r 202.703.....	ad No 58, 2003 am No 345, 2004 rs F2020L00913
r 202.704.....	ad No 58, 2003 am No 345, 2004 rs F2020L00913
r 202.705.....	ad No 58, 2003 rs No 345, 2004 rep F2020L00913
Subpart 202.FYH	
Subpart 202.FYH.....	ad No 75, 2003
r 202.710.....	ad No 75, 2003 am No 345, 2004
Subpart 202.GA	
Subpart 202.GA heading.....	rs No 274, 2013
Subpart 202.GA.....	ad No 321, 2002 rs No 5, 2013
Division 202.GA.1 heading.....	ad No 274, 2013 rs No 125, 2014 rep end of 31 Aug 2018 (r 202.729)
Division 202.GA.1.....	rep end of 31 Aug 2018 (r 202.729)
r 202.720.....	ad No 5, 2013

Provision affected	How affected
	rs No 274, 2013
	rep end of 31 Aug 2018 (r 202.729)
r 202.721	ad No 5, 2013
	am No 274, 2013; F2017L00697
	rep end of 31 Aug 2018 (r 202.729)
r 202.722	ad No 5, 2013
	am No 274, 2013; F2017L00697
	rep end of 31 Aug 2018 (r 202.729)
r 202.723	ad No 5, 2013
	am No 274, 2013; F2017L00697
	rep end of 31 Aug 2018 (r 202.729)
r 202.724	ad No 5, 2013
	am No 125, 2014
	rep end of 31 Aug 2018 (r 202.729)
r 202.725	ad No 5, 2013
	rep No 125, 2014
r 202.726	ad No 5, 2013
	am No 125, 2014
	rep end of 31 Aug 2018 (r 202.729)
r 202.727	ad No 5, 2013
	am No 125, 2014
	rep end of 31 Aug 2018 (r 202.729)
r 202.727A	ad No 125, 2014
	rep end of 31 Aug 2018 (r 202.729)
r 202.728	ad No 5, 2013
	am No 274, 2013
	rep end of 31 Aug 2018 (r 202.729)
r 202.729	ad No 5, 2013
	rs No 274, 2013; F2017L00697
	rep end of 31 Aug 2018 (r 202.729)
Subpart 202.GB	
Subpart 202.GB heading.....	rs No 274, 2013
	am F2020L01283
Subpart 202.GB	ad No 321, 2002
	rs No 5, 2013
Division 202.GB.1 heading	ad No 274, 2013
	rs No 125, 2014
	rep end of 31 Aug 2018 (r 202.752)
Division 202.GB.1	rep end of 31 Aug 2018 (r 202.752)
r 202.740	ad No 5, 2013

Provision affected	How affected
	rs No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.741	ad No 5, 2013
	rs No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.742	ad No 5, 2013
	rs No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.743	ad No 5, 2013
	rs No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.744	ad No 5, 2013
	am F2017L00697
	rep end of 31 Aug 2018 (r 202.752)
r 202.745	ad No 5, 2013
	am F2017L00697
	rep end of 31 Aug 2018 (r 202.752)
r 202.746	ad No 5, 2013
	am F2017L00697
	rep end of 31 Aug 2018 (r 202.752)
r 202.747	ad No 5, 2013
	am No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.748	ad No 5, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.749	ad No 5, 2013
	am No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.750	ad No 5, 2013
	am No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.751	ad No 5, 2013
	am No 274, 2013
	rep end of 31 Aug 2018 (r 202.752)
r 202.752	ad No 5, 2013
	rs No 274, 2013; F2017L00697
	rep end of 31 Aug 2018 (r 202.752)
Subpart 202.GC	
Subpart 202.GC heading.....	rs No 345, 2004
Subpart 202.GC	ad No 321, 2002

Provision affected	How affected
	rs No 75, 2003
r 202.760	ad No 75, 2003
	am No 345, 2004
Subpart 202.GD	
Subpart 202.GD	ad No 321, 2002
Subpart 202.GE	
Subpart 202.GE	ad No 321, 2002
	rs No 328, 2010
Division 202.GE.1	
Division 202.GE.1 heading	ad No 275, 2013
r 202.800	ad No 328, 2010
Division 202.GE.2	
Division 202.GE.2	ad No 275, 2013
Subdivision 202.GE.2.1	
r 202.801	ad No 275, 2013
r 202.802	ad No 275, 2013
r 202.803	ad No 275, 2013
r 202.804	ad No 275, 2013
Subdivision 202.GE.2.2	
r 202.805	ad No 275, 2013
r 202.806	ad No 275, 2013
r 202.807	ad No 275, 2013
r 202.808	ad No 275, 2013
r 202.809	ad No 275, 2013
Subdivision 202.GE.2.3	
r 202.810	ad No 275, 2013
Subpart 202.GF	ad No 321, 2002
	rep No 328, 2010
Subpart 202.GG	
Subpart 202.GG	ad No 321, 2002
	rs No 328, 2010
r 202.840	ad No 328, 2010
r 202.841	ad No 328, 2010
r 202.842	ad No 328, 2010
Subpart 202.GI	
Subpart 202.GI	ad No 321, 2002
	rs F2018L01030
Division 202.GI.1	
r 202.860	ad F2018L01030
r 202.861	ad F2018L01030

Provision affected	How affected
	am F2022L00978
	rep end of 1 Dec 2023 (r 202.861(2))
r 202.862	ad F2018L01030
	am F2021L00200
Subpart 202.HA	
Subpart 202.HA	ad No 321, 2002
	rs No 75, 2003
r 202.880	ad No 75, 2003
	am No 345, 2004
Subpart 202.HB	
Subpart 202.HB heading.....	rs No 345, 2004
Subpart 202.HB	ad No 321, 2002
	rs No 75, 2003
r 202.900	ad No 75, 2003
	am No 345, 2004
Subpart 202.HC	
Subpart 202.HC	ad No 321, 2002
Subpart 202.HD	
Subpart 202.HD	ad No 321, 2002
Subpart 202.HE	
Subpart 202.HE	ad No 135, 2014
Division 202.HE.1	rep 4 Mar 2016 (r 202.964(1))
r 202.960	ad No 135, 2014
	exp (r 202.960(3))
	rep 4 Mar 2016 (r 202.964(1))
r 202.961	ad No 135, 2014
	rep 4 Mar 2016 (r 202.964(1))
r 202.962	ad No 135, 2014
	rep 4 Mar 2016 (r 202.964(1))
r 202.963	ad No 135, 2014
	exp (r 202.963(3))
	rep 4 Mar 2016 (r 202.964(1))
r 202.964	ad No 135, 2014
	rep 4 Mar 2016 (r 202.964(1))
Subpart 202.HJ	ad No 321, 2002
	rep No 77, 2011
Subpart 202.HL	
Subpart 202.HL	ad No 321, 2002
Subpart 202.HM	
Subpart 202.HM	ad No 321, 2002

Provision affected	How affected
Dictionary	
Dictionary	am No 166, 1999; No 262, 1999
Part 1	
Part 1 heading	ad No 204, 2000
Part 1	am No 204, 2000; No 227, 2000; No 34, 2001; No 242, 2001; No 349, 2001; No 167, 2002; No 268, 2002; No 321, 2002; No 350, 2002; No 58, 2003; No 189, 2003; No 232, 2003; No 240, 2003; No 365, 2003; No 134, 2004; No 222, 2004; No 230, 2004; No 345, 2004; No 321, 2005; No 323, 2005; No 172, 2007; No 192, 2008; No 274, 2008; No 64, 2009; No 147, 2009; No 277, 2010; No 328, 2010; No 76, 2011; No 77, 2011; No 265, 2011; No 107, 2012; No 5, 2013; No 80, 2013; No 188, 2013; No 274, 2013; No 125, 2014; No 135, 2014; No 166, 2014; No 245, 2015; No 247, 2015; F2016L00400; F2016L01448 ed C72; C73 am F2016L01655; F2018L01030; F2019L00176; F2019L00372; F2019L00557; F2019L01027; F2019L01621; F2020L00913; F2021L00200; F2022L00157; F2023L00606; F2024L00297
Part 2	
Part 2	ad No 204, 2000 rs No 345, 2004
c 1	ad No 204, 2000 rs No 345, 2004; No 328, 2010
c 3	ad No 247, 2015 rs F2019L00557; F2021L00200
c 5	ad No 204, 2000 rs No 345, 2004
c 10	ad No 349, 2001 rs No 345, 2004 rep No 277, 2010
c 12	ad No 230, 2004 rep No 345, 2004
c 15	ad No 75, 2003 rs No 345, 2004
c 18	ad No 328, 2010 am No 275, 2013
c 20	ad No 345, 2004 rep No 77, 2011
c 25	ad No 345, 2004
c 30	ad No 345, 2004 rep No 274, 2013
c 35	ad No 345, 2004
c 36	ad No 5, 2013
c 37	ad No 76, 2011

Provision affected	How affected
	am No 274, 2013; No 166, 2014
c 40	ad No 345, 2004
c 45	ad No 345, 2004
	rs No 147, 2009
c 50	ad No 345, 2004
c 55	ad No 345, 2004
	rep F2016L01655
c 60	ad No 345, 2004
	am F2021L00200
c 65	ad No 345, 2004
c 70	ad F2019L00557
c 75	ad F2021L00200
Part 3	
Part 3	ad No 328, 2010
c 1	ad No 328, 2010
	am No 80, 2013; No 275, 2013; No 246, 2015; F2019L00557
c 5	ad No 328, 2010
c 10	ad No 328, 2010
	am No 76, 2011; No 245, 2015
c 15	ad No 328, 2010
c 20	ad No 328, 2010
	am No 275, 2013
c 21	ad No 275, 2013
c 25	ad No 328, 2010
c 30	ad No 328, 2010