

## 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.

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Part 141 operators—personnel fatigue management **Subpart 141.H**

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## **Subpart 141.H—Part 141 operators—personnel fatigue management**

Note: This Subpart is reserved for future use.



## **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.

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**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.

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**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.