

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.

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.

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.

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:
-

- (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.

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.