Civil Aviation Safety Regulations
1998

Statutory Rules 1998 No. 237 as amended
made under the

Civil Aviation Act 1988

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[Note: Regulation 92.150 ceased to apply at the end of 31 December
2006, see subregulation 92.150 (8)]

This document has been split into three volumes
Volume 1 contains Parts 1 to 43
Volume 2 contains Parts 45 to 138
Volume 3 contains Parts 139 to 202, the Dictionary and the Notes
Each volume has its own Table of Contents

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Subpart 45.A  General

45.005  Applicability of this Part

(1) This Part deals mainly with:

(a) the nationality and registration marks of Australian aircraft; and

(b) the display of those, and other, marks on Australian aircraft; and

(c) the display of aircraft registration identification plates on Australian aircraft.

(2) This Part also makes provision about the display of nationality and registration marks on foreign registered aircraft.

Note  For the definitions of Australian aircraft and foreign registered aircraft see subsection 3 (1) of the Act.
Subpart 45.B  Australian nationality and registration markings

Division 45.B.1  General rules

45.010  Applicability of this Subpart

This Subpart applies to all Australian aircraft.

Note  For the definition of *Australian aircraft* see subsection 3 (1) of the Act.

45.015  Australian nationality mark

The *Australian nationality mark* is the capital letters *VH*.

45.020  Registration mark

The *registration mark* of an Australian aircraft is the group of characters that is assigned to the aircraft under Part 47.

45.025  Meaning of markings and set of markings

(1) An Australian aircraft’s *markings* are the letters *VH* (the Australian nationality mark) and the aircraft’s registration mark, in that order, connected by a hyphen.

(2) A *set of markings* for an Australian aircraft is an instance of the aircraft’s markings.

45.030  Meaning of character

In this Subpart:

*character* includes a letter and a digit, but does not include a hyphen.

45.035  Requirement for aircraft to bear its markings

(1) Except as Division 45.B.2 allows otherwise, an Australian aircraft, whenever it is operated, must bear as many sets of its markings as is required by whichever is applicable of regulations 45.045, 45.050, 45.055 and 45.060.
(2) Except as Division 45.B.2 allows otherwise, the sets must be on the outside of the aircraft in the places required by the applicable regulation.

(3) Except as Division 45.B.2 allows otherwise, the characters, and any hyphens, in each set must comply with regulations 45.065, 45.070 and 45.075.

(4) If an aircraft does not bear its markings as required by subregulations (1), (2) and (3), the aircraft’s registration holder is guilty of an offence.

Penalty: 50 penalty units.

(5) An offence against subregulation (4) is an offence of strict liability.

Note for subregulation (5) For strict liability, see section 6.1 of the Criminal Code.

Note For the definition of Australian aircraft see subsection 3 (1) of the Act. For the definitions of registration holder and registration mark see the Dictionary.

45.040 Markings not to be obscured

A set of markings must be in a position where it is not obscured at any time by a moveable surface of the aircraft.

45.045 Number and location of sets of markings — fixed-wing aircraft

(1) On a fixed-wing aircraft, 3 sets of the aircraft’s markings must be displayed, as follows:
   (a) 1 set either on the under surface of the port wing or across the under surface of both wings, in each case as set out in subregulation (2);
   (b) the 2 other sets on:
      (i) the fuselage, as set out in subregulation (3); or
      (ii) engine nacelles or similar fixed obstructions on the fuselage, as set out in subregulation (5); or
      (iii) the vertical tail, as set out in subregulation (6).
(2) A marking on the wing of an aircraft:
   (a) must have its top towards the leading edge of the wing; and
   (b) must be as nearly as possible parallel to the leading edge, and half-way between the leading and the trailing edge, of the wing.

(3) If the markings are on the aircraft’s fuselage, there must be 1 set on each side of the fuselage:
   (a) between the trailing edge of the wing and the leading edge of the tailplane; or
   (b) if the aircraft is of canard configuration and has no tailplane — between the trailing edge of the foreplane and the leading edge of the wing.

(4) In subregulation (3):
   *tailplane* includes the tail surfaces of an aeroplane that has a vee-tail.

(5) If there is an engine nacelle or similar fixed obstruction on the part of the fuselage mentioned in paragraph (3) (a) or (b), there may be a set of markings on each nacelle or obstruction.

(6) If the markings are on the aircraft’s vertical tail, there must be:
   (a) if the aircraft has a single vertical tail — 1 set on each side of the tail; or
   (b) if the aircraft has a multi-vertical tail — 1 set on the outer side of each of its outermost surfaces.

45.050 **Number and location of sets of markings — rotorcraft**

On a rotorcraft, there must be 1 set of its markings on each side of its cabin, fuselage, boom or tail.

45.055 **Number and location of sets of markings — airships**

(1) An airship’s markings must be on either its hull or its stabilisers.

(2) If its markings are on its hull, there must be:
   (a) 1 set on the line of symmetry of its upper surface; and
(b) 1 set on each side of its hull.

(3) If its markings are on its stabilisers:
   (a) there must be 1 set on each of:
       (i) the upper surface of the right horizontal stabiliser; and
       (ii) the lower surface of the left horizontal stabiliser; and
   (b) each of those sets must be as nearly as possible half-way between the leading and the trailing edge of the stabiliser; and
   (c) the tops of the letters in each of those sets must be towards the leading edge of the stabiliser; and
   (d) there must be 1 set on each side of the lower vertical stabiliser.

45.060 Number and location of sets of markings — manned free balloons

(1) A manned free balloon must bear 2 sets of its markings.

(2) On a spherical balloon, the 2 sets must be in diametrically opposite places near the maximum horizontal circumference of its envelope.

(3) On a non-spherical balloon, the 2 sets must be on opposite sides of its envelope as near as possible to its maximum cross-section, but no lower than the higher of:
   (a) the rigging band; or
   (b) the points of attachment of the basket or the basket suspension cables.

45.065 Minimum height of characters

(1) This regulation sets out the minimum height of the characters in a set of markings.

(2) All the characters in a set of markings must be of the same height.

(3) Subject to subregulation (5), the minimum height of the characters in a set of markings is:
Regulation 45.065

(a) in the case of markings on an aircraft (other than a glider) for which there is in force an experimental certificate issued for the purpose referred to in paragraph 21.191 (d) or (g), and whose maximum cruising speed is not greater than 180 knots CAS — 75 millimetres (for all markings); or

(b) in the case of markings on any other fixed-wing aircraft (except a glider):
   (i) for markings on the aircraft’s wings — 500 millimetres; and
   (ii) for markings on other parts of the aircraft — 300 millimetres; or

(c) in any other case — as given in the following table.

**Minimum heights of characters in markings on certain kinds of aircraft**

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</tr>
<tr>
<td>2</td>
<td>Glider</td>
<td>75</td>
</tr>
<tr>
<td>3</td>
<td>Airship</td>
<td>500</td>
</tr>
<tr>
<td>4</td>
<td>Manned free balloon</td>
<td>500</td>
</tr>
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</table>

(4) If a surface of the aircraft on which there must be a set of the aircraft’s markings is not large enough to allow the characters to be as high as required by subregulation (3), then:

(a) that subregulation is to be disregarded; and

(b) the characters must be as high as possible while keeping their proportions the same.

(5) If a set of markings is required to be on each of 2 symmetrical parts of the aircraft (for example, on each side of the fuselage or tail), the height of the characters in both sets must be the same.
45.070 Minimum width of characters
(1) The width of a character must be equal to $\frac{2}{3}$ of its height, with the following exceptions:
   (a) the letter ‘I’ and the digit ‘1’, whose width must be equal to $\frac{1}{6}$-th of their height;
   (b) the letters ‘M’ and ‘W’, whose width may be equal to their height.

(2) A character must be made up of solid lines that are $\frac{1}{6}$-th as thick as the character is high.

45.075 Size of hyphens
(1) A hyphen in a set of markings must be $\frac{1}{6}$-th of the height of the characters in the set.

(2) The width of a hyphen must be equal to 4 times its height.

45.080 Minimum spacing of characters
(1) The space between any 2 adjacent characters must be at least $\frac{1}{6}$-th of their height.

(2) The space between a hyphen and a character must be at least $\frac{1}{6}$-th of the height of the character.

45.085 How markings to be marked on aircraft
(1) An Australian aircraft’s markings must be painted on it, or fixed to it in some other way that is at least as permanent as painting.

(2) The markings:
   (a) must be legible; and
   (b) must have no ornamentation; and
   (c) must be of a colour that clearly contrasts with their background.

(3) Subregulation (2) does not prohibit the use of slanted characters if:
   (a) the characters remain legible; and
Regulation 45.090

(b) the slant is no more than 35° from the perpendicular.

(4) The characters in a set of markings may be arranged one above the other only if the set is on:
(a) the centre-line of the upper surface of an airship; or
(b) a balloon.

(5) If the markings on an aircraft do not comply with subregulation (1), (2) or (4), the aircraft’s registration holder is guilty of an offence.

Penalty: 20 penalty units.

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

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

45.090 No confusing markings to be on aircraft

(1) Subject to subregulation (3), a person must not, without the written approval of CASA, place on an Australian aircraft a design, mark or symbol that modifies, or creates confusion about, the marks displayed on the aircraft as its markings.

Penalty: 20 penalty units.

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

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

(2) CASA must not grant an approval under subregulation (1) if granting the approval would adversely affect the safety of air navigation.

Note For the definition of Australian aircraft see subsection 3 (1) of the Act.

(3) However, subregulation (1) does not apply in relation to the application of Defence Force symbols or call-signs to an Australian aircraft that is being operated by the Defence Force.
Division 45.B.2  Exemptions from general rules

45.095  Exhibition aircraft

(1) In this regulation:

exhibition includes an airshow and a film or television production.

(2) This regulation applies to an Australian aircraft if:

(a) the aircraft is to be operated for an exhibition; and

(b) the display of the aircraft’s markings on the aircraft would be inconsistent with its use for that purpose.

(3) Subject to subregulations (4) and (5), the aircraft need not bear its markings while it is operated:

(a) for any practice or test flight necessary for the exhibition; or

(b) at an exhibition location; or

(c) between exhibition locations; or

(d) between an exhibition location and the aircraft’s base of operations.

(4) Subregulation (3) applies only if:

(a) the aircraft’s registration holder has:

(i) told CASA in writing that the aircraft will be operated for the exhibition; and

(ii) given CASA a photograph or drawing of the aircraft, showing the colour of the aircraft, and any marks it will bear, while it is operated as mentioned in paragraph (3) (a), (b), (c) or (d); and

(b) the aircraft’s registration mark is clearly displayed in the aircraft’s cabin or cockpit.

(5) If the exhibition is taking place in a foreign country, subregulation (3) does not apply if the aircraft’s failure to bear its markings would contravene a law of that country.
45.100 Antique, experimental and ex-military aircraft

(1) This regulation applies to:
   (a) an Australian aircraft in the normal category, utility category, acrobatic category or commuter category:
      (i) of which the prototype was built 45 years or longer ago; and
      (ii) that is employed in private operations; and
   (b) an Australian aircraft:
      (i) for which there is in force an experimental certificate issued for the purpose mentioned in paragraph 21.191 (d) or (g); and
      (ii) that has the same external configuration as an aircraft built 45 years or longer ago; and
   (c) an Australian aircraft of a type mentioned in subparagraph 21.189 (1) (a) (ii) for which there is in force:
      (i) a special certificate of airworthiness of the kind mentioned in regulation 21.189; or
      (ii) an experimental certificate issued for the purposes mentioned in paragraph 21.191 (b), (c), (d) or (e).

Note An aircraft in any of the categories mentioned in paragraph (1) (a) is an aircraft whose type design is certificated as meeting airworthiness standards equivalent to those set out in Part 23.

(2) The registration holder of an aircraft to which this regulation applies need not comply with any of regulations 45.045, 45.050, 45.055 and 45.060 that would otherwise apply in relation to the aircraft, nor with regulations 45.065, 45.070, 45.075, 45.080 and 45.085, if:
   (a) the aircraft’s markings are either on each side of the fuselage, or as follows:
      (i) if the aircraft has a single vertical tail — on each of the surfaces of the vertical tail; or
      (ii) if the aircraft has a multi-vertical tail — on each of its outer surfaces; and
   (b) those markings are at least 50 millimetres high; and
   (c) there are no other marks beginning with VH anywhere on the aircraft; and
(d) if the aircraft is being operated in a foreign country, failure to comply with those regulations would not contravene a law of that country.

Note For the definition of private operations see subregulation 2 (7) of CAR. For the definitions of experimental certificate and registration holder see the Dictionary.

45.105 Aircraft with special configuration

(1) This regulation applies to an Australian aircraft if, because of the aircraft’s configuration, it is not possible for it to bear its markings in accordance with whichever is applicable of regulations 45.045, 45.050, 45.055 and 45.060.

(2) On application by the aircraft’s registration holder, CASA must give the registration holder a written direction about where the aircraft must bear its markings.

(3) Despite regulations 45.065, 45.070, 45.075, 45.080 and 45.085, the direction may specify the size and spacing of the characters and any hyphens in the sets.

(4) The registration holder must comply with the direction.

Penalty: 50 penalty units.

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

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

(5) If CASA gives a direction in respect of an aircraft under subregulation (2), the aircraft’s registration holder need not comply with whichever of regulations 45.045, 45.050, 45.055 or 45.060 would otherwise apply, nor with regulations 45.065, 45.070, 45.075, 45.080 and 45.085, to the extent that the direction requires otherwise.

45.110 Australian aircraft used by Defence Force

In spite of regulations 45.040, 45.045, 45.050, 45.055, 45.060, 45.065, 45.070, 45.075, 45.080 and 45.085, if an Australian aircraft is being used by the Defence Force its markings may be removed or covered.
Division 45.B.3   Removal of markings

45.115  Removal of markings from sold aircraft

(1) This regulation applies if an Australian aircraft is sold to a person other than:

(a) an Australian citizen; or

(b) an individual who is not an Australian citizen, but holds a permanent visa (within the meaning of the Migration Act 1958); or

(c) a corporation incorporated under the Corporations Law of a State or Territory; or

(d) a body incorporated under a law (other than the Corporations Law of a State or Territory) in force in Australia; or

(e) the Commonwealth, a State or a Territory, or an agency of the Commonwealth, a State or a Territory; or

(f) a foreign corporation that:
   (i) is lawfully carrying on business in Australia; and
   (ii) intends to base, and primarily use, the aircraft in Australia.

(2) The person who was the aircraft’s registration holder immediately before the sale is guilty of an offence if the aircraft’s markings are not removed from it before it is delivered to the purchaser.

Penalty: 20 penalty units.

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

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

Subpart 45.C    Certain aircraft to bear words

45.120  Applicability of this Subpart

This Subpart applies to an Australian aircraft:

(a) that is:
(i) a limited category aircraft (that is, an aircraft for which a special airworthiness certificate of the kind mentioned in regulation 21.189 is in force); or
(ii) a restricted category aircraft (that is, an aircraft for which a type certificate of the kind referred to in regulation 21.025 has been issued and is in force, or an aircraft of the same design as such an aircraft); or
(b) for which a provisional certificate of airworthiness or an experimental certificate of airworthiness is in force.

45.125 Requirement to bear certain words

(1) Whenever an aircraft to which this Subpart applies is operated, its registration holder must ensure that the aircraft bears the word required by subregulation (2), written in capital letters not less than 50, but not more than 150, millimetres high:
(a) on the outside of the aircraft near each entrance to the cabin or cockpit; or
(b) in the case of an aircraft that is entered by opening the canopy — on the outside of each side of the aircraft, immediately below the cockpit coaming; or
(c) in the case of an aircraft for which an experimental certificate of airworthiness is in force — inside the cockpit, in a position where it will alert the pilot and passenger to the fact that the aircraft meets no approved airworthiness standard.

Penalty: 50 penalty units.

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

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

(2) The word is:
(a) for a limited category aircraft — ‘LIMITED’; and
(b) for a restricted category aircraft — ‘RESTRICTED’; and
(c) for an aircraft for which a provisional certificate of airworthiness is in force — ‘PROVISIONAL’; and
(d) for an aircraft for which an experimental certificate of airworthiness is in force — ‘EXPERIMENTAL’.
Subpart 45.C  Certain aircraft to bear words

45.130 Exemption for exhibition aircraft

(1) In this regulation:

exhibition includes an airshow and a film or television production.

(2) This regulation applies to an Australian aircraft to which this Subpart applies if:

(a) the aircraft is to be operated for an exhibition; and

(b) it would be inconsistent with the use of the aircraft for that purpose for the aircraft to bear a word required by subregulation 45.120 (1).

Note Subregulation 45.120 (1) requires the word ‘LIMITED’, ‘RESTRICTED’, ‘PROVISIONAL’ or ‘EXPERIMENTAL’ to be displayed on certain aircraft.

(3) Subject to subregulations (4) and (5), the aircraft need not bear that word while it is operated:

(a) for any practice or test flight necessary for the exhibition; or

(b) at an exhibition location; or

(c) between exhibition locations; or

(d) between an exhibition location and the aircraft’s base of operations.

(4) Subregulation (3) applies only if:

(a) the aircraft’s registration holder has:

(i) told CASA in writing that the aircraft will be operated for the exhibition; and

(ii) given CASA a photograph or drawing of the aircraft, showing the colour of the aircraft, and the markings the aircraft will bear, while it is operated as mentioned in paragraph (3) (a), (b), (c) or (d); and

(b) the aircraft’s registration mark is clearly displayed in the aircraft’s cabin or cockpit.

(5) If the exhibition is taking place in a foreign country, subregulation (3) does not apply if the aircraft’s failure to bear the word would contravene a law of that country.
Subpart 45.D Aircraft registration identification plates

Note This Subpart gives effect for Australia to section 8 of Annex 7 to the Chicago Convention.

45.135 Applicability of this Subpart

This Subpart applies to all Australian aircraft.

45.140 What an aircraft registration identification plate is

(1) An aircraft registration identification plate is a plate, made of fireproof material, on which is marked (by etching, stamping, engraving, or another approved method) the letters VH (the Australian nationality mark) followed by a hyphen and the aircraft’s registration mark.

(2) For subregulation (1), the material of which a plate is made is fireproof if the plate withstands the heat of a fire at least as well as a steel plate of the same size and thickness.

45.145 Aircraft must carry aircraft registration identification plate

(1) A person may operate an Australian aircraft only if an aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Penalty: 50 penalty units.

(2) The registered owner of an Australian aircraft may permit a person to operate that aircraft only if an aircraft registration identification plate is attached to the aircraft in accordance with regulation 45.150.

Penalty: 50 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
45.150 How and where aircraft registration identification plate is to be attached to aircraft

(1) An aircraft’s registration identification plate must be attached to it in a way that ensures that the plate is not likely to be defaced or to become detached from the aircraft.

(2) The plate must be attached:
   (a) in the case of a manned free balloon — to the skirt of the balloon’s envelope, in a place where it is clearly visible before the balloon is inflated; or
   (b) if CASA gives a direction under subregulation (3) — as set out in the direction; or
   (c) in any other case — in a place (either inside or outside the aircraft’s hull or fuselage):
      (i) near the aircraft’s entrance or main entrance; and
      (ii) where it is clearly visible.

(3) CASA may, in writing, direct where the plate is to be attached to an aircraft (other than a balloon) if:
   (a) the aircraft’s registration holder applies in writing to CASA for a direction under this subregulation; and
   (b) the configuration of the aircraft does not allow its aircraft registration identification plate to be attached in accordance with paragraph (2) (c).

45.155 Removal or alteration of aircraft registration identification plates

(1) A person must not engage in conduct that results in the removal of the aircraft registration identification plate of an aircraft from where it is attached to the aircraft if CASA has not given written approval to do so.

Penalty: 20 penalty units.
Note The removal of an aircraft registration identification plate is permitted during maintenance, subject to conditions — see regulation 61 of CAR.

(2) A person must not engage in conduct that results in the removal or alteration of any of an aircraft’s markings marked on the registration identification plate of the aircraft if CASA has not given written approval to do so.

Penalty: 20 penalty units.

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

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

(3) CASA must not grant an approval under subregulation (1) or (2) if the granting of the approval will adversely affect the safety of air navigation.

45.160 Attachment of aircraft registration identification plate from another aircraft

(1) A person must not attach to an aircraft an aircraft registration identification plate that displays the markings of another aircraft, or fictitious markings.

Penalty: 50 penalty units.

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

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

Subpart 45.E Marks on foreign registered aircraft operating in Australian territory

45.165 Applicability of this Subpart

This Subpart applies to foreign registered aircraft operated in Australia.
45.170 Marks to be on foreign registered aircraft in Australian territory

(1) A person may operate a foreign registered aircraft in Australian territory only if the aircraft bears its nationality and registration marks in accordance with the law of the country in which it is registered.

Penalty: 50 penalty units.

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

Note for subregulation (2) For strict liability, see section 6.1 of the Criminal Code.

Note For the definition of foreign registered aircraft see subsection 3 (1) of the Act.
Part 47  Registration of aircraft and related matters

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Subpart 47.A General

47.005 Applicability of Part 47

(1) This Part sets out:
(a) how aircraft are registered; and
(b) how registration marks are assigned to aircraft.

(2) It also sets out how dealer’s marks are assigned to manufacturers, distributors and dealers of aircraft, and regulates their use.
47.010 Definitions for Part 47

In this Part:

eligible person means one of the following:
(a) a resident of Australia who is:
   (i) 18 years of age or older; and
   (ii) an Australian citizen or the holder of a permanent visa (within the meaning of the Migration Act 1958);
(b) a corporation incorporated under the Corporations Act 2001;
(c) a body incorporated under a law (other than the Corporations Act 2001) in force in Australia;
(d) the Commonwealth, a State or a Territory;
(e) an agency of the Commonwealth, a State or a Territory;
(f) a foreign corporation that is lawfully carrying on business in Australia.

owner, of an aircraft, includes a part-owner of the aircraft who is appointed under regulation 47.020.

Note The owner of an aircraft who becomes its registration holder must, if he or she is not eligible to be its registered operator, appoint an eligible person as the registered operator: see regulation 47.100.

registered operator has the meaning given by regulation 47.100.

47.015 Requirement for aircraft to be registered

(1) For paragraph 20AA (1) (b) of the Act, an aircraft is required to be registered unless it is one of the following:
(a) an aircraft that is not intended to be used as an aircraft;
(b) an aircraft that, under Subpart 200.B, is exempt from these Regulations;
(c) an unmanned free balloon;
(d) a permanently tethered balloon;
(e) a kite;
(f) a model aircraft;
(g) a parachute;
(h) a rocket;
(i) a UAV other than a large UAV;
(j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
(k) an aircraft that satisfies all the following conditions:
   (i) it has been manufactured in Australia for delivery outside Australia to a foreign operator;
   (ii) it is registered under the law of a foreign country referred to in subregulation (2);
   (iii) it displays nationality and registration marks in accordance with the law of that country;
   (iv) it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
   (v) it is flown within Australia only for a purpose mentioned in paragraph 21.197 (1) (b) or (c).

(2) For paragraph (1) (j) and subparagraph (1) (k) (ii), the foreign countries are:
   (a) the Contracting States; and
   (b) any other foreign country with which Australia has an agreement that allows an aircraft registered under the law of that country to be operated in Australia.

Note For the definition of Contracting State see subsection 3 (1) of the Act.

47.020 Appointment of person to act on behalf of owners

If an aircraft is owned by more than 1 person, the owners must, to register the aircraft, appoint one of them to act on their behalf.

Subpart 47.B The Australian Civil Aircraft Register

47.025 Australian Civil Aircraft Register

CASA must keep a register called the Australian Civil Aircraft Register, or ensure that it is kept, in accordance with this Subpart.
Note The Australian Civil Aircraft Register is the successor to the Aircraft Register mentioned in regulation 8 of CAR: see regulation 202.221.

47.030 Register to be accessible to public

(1) CASA must make the Australian Civil Aircraft Register available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.

(2) CASA may comply with subregulation (1) by making the information in the Register accessible on the Internet or by another suitable electronic means.

47.035 Correction of Register

CASA must correct the information recorded in an entry in the Australian Civil Aircraft Register as soon as practicable after becoming aware that the entry is out of date or otherwise incorrect.

Note An aircraft registration holder who finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is not correct must tell CASA about the change that should be made to the Register: see regulation 47.115.

47.040 Seeking information about Register

(1) If CASA thinks that there may be an error in the Australian Civil Aircraft Register in relation to an aircraft, CASA may ask the aircraft registration holder, in writing, to give CASA information that may show the accuracy of the entry.

Note Information that must be given to CASA under subregulation (1) may include a copy of a relevant document.

(2) A request under subregulation (1) must:

(a) describe the information; and

(b) specify a period of at least 28 days, starting when the request is given to the registration holder, during which the registration holder must give CASA the information.

Note CASA may cancel the registration of an aircraft if the registration holder fails to comply with a request for information made under subregulation (1): see subregulation 47.130 (3).
(3) A registration holder must comply with a request made under subregulation (2).

Penalty: 10 penalty units.

(4) An offence under subregulation (3) is an offence of strict liability.

47.045 Communicating with CASA

(1) A notice that, under this Part, must be given to CASA may be delivered, posted, sent by fax or sent by e-mail.

Note The address, fax number and e-mail address for notices can be found in the advisory circular for this Part or on CASA’s website: www.casa.gov.au.

(2) CASA may refuse to accept a notice that is not legible.

47.050 Accuracy of information in Register

(1) CASA must give, to an aircraft registration holder, a copy of the information in the Australian Civil Aircraft Register that relates to the holder and the aircraft.

(2) CASA must give the copy of the information within 28 days after:

(a) the end of 3 years after the day on which:

   (i) an aircraft is registered; or

   (ii) if the aircraft’s certificate of registration is transferred — the certificate is transferred; and

(b) the end of each period of 3 years after that day.

(3) Within 28 days after the day when the registration holder is given the copy of the information, the holder must:

   (a) if necessary, correct the information on the copy about the aircraft and the holder; and

   (b) return the copy to CASA.

Maximum penalty: 10 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.
(5) Information given to CASA for subregulation (3) must not be used as evidence of an offence against regulation 47.115.

(6) This regulation is not intended to limit the operation of regulations 47.035 and 47.040.

47.055 Entries in Register etc not conclusive evidence of title to aircraft

(1) An entry in the Australian Civil Aircraft Register in relation to an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

(2) A certificate of registration for an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

Subpart 47.C Registration of aircraft

47.060 Applying for registration of unregistered aircraft

(1) An application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner.

(2) The application must be made:
   (a) in writing; or
   (b) orally (by telephone or in person).

   Note An oral application must be confirmed in writing in accordance with regulation 47.070. If an oral application is not confirmed in writing in accordance with that regulation, the registration lapses: see subregulation 47.130 (4).

(3) An application for registration made in writing must:
   (a) be made in an approved form; and
   (b) include the information set out in regulation 47.065; and
   (c) be signed by the person making the application.

(4) An application for registration made in writing must also include a declaration, signed by the person making the application:
(a) that the aircraft will be used as an aircraft; and
(b) if the aircraft has not been registered before — that the aircraft has never been registered; and
(c) if the aircraft has been registered before (whether in Australia or not) — that the aircraft is not, at the time of the application, registered on a foreign civil aircraft register.

47.065 Information required for registration — general

For paragraph 47.060 (3) (b), and subject to regulation 47.075, the following information must be included in an application for registration of an aircraft:

(a) the owner’s name and address;
(aa) if the aircraft is owned by more than 1 person — the name and signature of the owner who is appointed to act on behalf of the owners; and
(b) if the application is made by a person on behalf of the owner — the name and address of the person making the application;
(c) if the owner proposes to appoint another person as the registered operator of the aircraft — the registered operator’s name and postal address, and:
   (i) if the registered operator is an individual — his or her home address; or
   (ii) if the registered operator is a corporation — the corporation’s registered address;
(d) for an aircraft that has a type certificate, type acceptance certificate or provisional type certificate:
   (i) the number of the certificate (if applicable); and
   (ii) the production certificate number (if applicable); and
   (iii) the manufacturer, and the country and year of manufacture, of the aircraft; and
   (iv) the aircraft model; and
   (v) the aircraft serial number;

Note For paragraph (d), the aircraft’s manufacturer, model and serial number are those set out on the aircraft’s data plate.
(e) for an aircraft to which paragraph (d) does not apply —
the following:

(i) the aircraft manufacturer (if applicable);
(ii) the aircraft builder (if applicable);
(iii) whether the aircraft is a manned free balloon, an
airship, a glider, a power-driven aeroplane, a
rotorcraft or an ornithopter;
(iv) the country and year of manufacture of the aircraft;
(v) the aircraft model;
(vi) the aircraft serial number;
(vii) if the aircraft is power-driven — the number of
engines and whether they are piston, turbopropeller
or jet turbine engines;
(viii) the number of seats including seats for the crew;
(ix) whether the aircraft is able to be used on land, on
water, or on both;

(f) if a registration mark has been reserved for the aircraft,
and the reservation has not lapsed — the registration
mark;

(g) if the aircraft has been imported:

(i) the name of the country from which the aircraft was
imported; and
(ii) the aircraft’s registration mark, if any, in that
country; and
(iii) evidence, provided by the NAA of that country, that
the aircraft is not on the aircraft register of that
country;

(h) if the registration is required for a specific period —
the period.

Note 1 If the application for registration is an oral application, CASA will
ask for the information mentioned in this regulation during the oral
application.

Note 2 If an aircraft is registered for a specific period, the registration
lapses at the end of that period: see subregulation 47.130 (1). (However the
period may be extended under subregulation 47.095 (4).)
47.070 Confirmation of oral application

(1) A person who has applied orally for the registration of an aircraft must give to CASA a written confirmation of the application.

(2) The confirmation:
   (a) must be in an approved form; and
   (b) must include the information required by regulation 47.065; and
   (c) must be received by CASA within 14 days after the day on which the oral application was made.

47.075 CASA may ask for further information

(1) If CASA reasonably requires further information to enable it to consider an application for the registration of an aircraft, CASA may ask the applicant, in writing, to give CASA the information.

(2) CASA must describe the information in the request.

(3) CASA may refuse to consider, or cease considering, the application until the applicant complies with the request.

47.080 Registration of aircraft

(1) CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060.

(2) CASA must enter the following information about the aircraft in the Australian Civil Aircraft Register:
   (a) the registration mark assigned to the aircraft;
   (b) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
   (c) its manufacturer, model and serial number;
   (d) its country and year of manufacture;
   (e) the name and address of the owner;
   (f) the name and address of the registered operator;
(g) the day on which it was registered;
(h) if the registration is for a particular period — the day on which the registration ends.

47.085 Interim certificate of registration

(1) If CASA registers an aircraft on the basis of an oral application, CASA must:

(a) issue an interim certificate of registration for the aircraft; and

(b) tell the applicant:
   (i) the time and date from which the interim registration is in force; and
   (ii) a unique number that identifies the registration.

Note 1 An interim certificate includes the information set out in paragraph 47.080 (2) (a) and the applicable provisions in paragraphs 47.080 (2) (c) to (g).

Note 2 If the oral application is not confirmed in accordance with regulation 47.070, the registration of the aircraft lapses: see subregulation 47.130 (4).

(2) If CASA registers an aircraft on the basis of an oral application, the aircraft registration holder must not allow the aircraft to be taken outside Australia before CASA issues the certificate of registration for the aircraft.

Maximum penalty: 50 penalty units.

Note An interim certificate of registration is not covered by the provisions of Annex 7 to the Chicago Convention, so is only valid for flights within Australia.

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

(4) An interim certificate of registration for an aircraft ceases to be in force on the earlier of the following:

(a) the day that CASA gives the certificate of registration to the aircraft’s registration holder;

(b) 14 days after the day on which CASA registered the aircraft on the basis of an oral application.
47.090 **Issue of certificate of registration**

If CASA:
(a) registers an aircraft because it has received a written application; or
(b) receives confirmation of an oral application for the registration of an aircraft;

CASA must give a certificate of registration for the aircraft to the aircraft’s owner (the *registration holder*).

*Note* The certificate of registration replaces any interim certificate of registration issued under regulation 47.085.

47.095 **Period of registration**

(1) Subject to this regulation, the registration of an aircraft has effect unless it lapses or is cancelled.

(2) If an applicant applies for registration of an aircraft for a particular period, CASA must register the aircraft for that period.

(3) If CASA registers an aircraft for a particular period, the registration holder may apply for an extension of that period.

(4) If CASA approves an application made under subregulation (3):
(a) CASA must extend the period of registration of the aircraft in accordance with the application; and
(b) the registration of the aircraft has effect until the end of that period.

### Subpart 47.D Registered operator

47.100 **Identity of registered operator of aircraft**

(1) If the registration holder of an aircraft is an eligible person, the holder is the aircraft’s *registered operator*.

(2) However, the registration holder may appoint another eligible person as the registered operator.
(3) If the registration holder is not an eligible person, the registration holder must appoint an eligible person to be the registered operator.

*Note* If the registration holder of an aircraft is not an eligible person and no eligible person is appointed as the registered operator, CASA must cancel the registration: see paragraph 47.130 (2) (c).

(4) The appointment of a registered operator has effect unless the appointment is cancelled or otherwise ceases to have effect.

*Note* Regulation 202.222 provides that a reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft. Under CAR, the holder of the certificate of registration is responsible for the maintenance and continuing airworthiness of the aircraft.

(5) If the registration holder of an aircraft:
(a) appoints a person as the aircraft’s registered operator; or
(b) cancels the appointment of a person as the aircraft’s registered operator;
the registration holder must, within 14 days of the appointment or cancellation, give CASA a notice in an approved form, including the aircraft’s registration mark, manufacturer, model and serial number.

Penalty: 10 penalty units.

(5A) An offence under subregulation (5) is an offence of strict liability.

(5B) If CASA finds out, other than by a notice given by the registration holder, that the appointment of the registered operator of an aircraft has ceased to have effect, CASA must, within 7 days, inform the aircraft’s registration holder in writing.

(6) A notice of the appointment of a registered operator must also include:
(a) the registered operator’s name and postal address, and:
   (i) if the registered operator is an individual — his or her home address; or
   (ii) if the registered operator is a corporation — the address of the corporation’s registered office; and
Subpart 47.E Transfer of ownership of aircraft

47.105 Meaning of former owner and new owner

For this Subpart, if the ownership of an aircraft is transferred, the transferor is the former owner and the transferee is the new owner.

47.110 Transfer of ownership

(1) In this regulation, transfer notice means a notice in an approved form that relates to the transfer of ownership of an aircraft and:

(a) shows:

(i) the aircraft’s registration mark, manufacturer, model and serial number; and

(ii) the date of the transfer; and

(b) the date of the appointment of the registered operator; and

(c) evidence that the registered operator accepts the appointment.

(7) A notice of the cancellation of the appointment of a registered operator must include the date of the cancellation.

Note If a registration holder of an aircraft cancels the appointment of the registered operator and does not appoint another registered operator, the registration holder becomes the aircraft’s registered operator. However, if the registration holder is not an eligible person, CASA must cancel the aircraft’s registration: see paragraph 47.130 (2) (c).

(7A) CASA must not accept a notice under subregulation (6) or (7) that does not include the required information.

(8) If CASA receives a notice that complies with this regulation, CASA must:

(a) amend the Australian Civil Aircraft Register to show the name and address of the new registered operator; and

(b) in writing, notify the registration holder and the new registered operator about the amendment of the Register.
(iii) the former owner’s name and address; and
(iv) the new owner’s name and address; and
(b) either:
   (i) is signed by the former owner; or
   (ii) is signed by a person acting on behalf of, and at the
direction or request of, the former owner.

(2) If a transfer notice is signed by a person acting on behalf of the
former owner, it must include evidence of the person’s
authority to do so.

(3) This regulation sets out how, if the ownership of an aircraft is
transferred, the new owner becomes the aircraft’s registration
holder.

(4) As soon as practicable after the transfer, the former owner, or a
person acting on behalf of the former owner, must:
   (a) give CASA a transfer notice; and
   (b) give the new owner:
      (i) a transfer notice; and
      (ii) the aircraft’s certificate of registration.

(5) Within 14 days after the transfer, the new owner must apply to
become the registration holder.

   Note If the aircraft’s new owner does not apply to be the new registration
   holder within 14 days after the transfer, CASA must cancel the aircraft’s
   registration: see subregulation 47.130 (5).

(6) An application must:
   (a) be in an approved form; and
   (b) include the transfer notice given by the former owner; and
   (c) either:
      (i) be signed by the new owner; or
      (ii) if the application is made by a person on behalf of
          the new owner — include the name, address and
          signature of the person making the application.

(7) CASA must, if it receives a transfer notice and an application
that complies with subregulation (6):
Regulation 47.115

(a) amend the Australian Civil Aircraft Register to show the new owner as the registration holder; and
(b) give a certificate of registration to the new owner.

Note 1 The new owner must return the old certificate of registration to CASA: see regulation 47.135.

Note 2 The new owner, as the registration holder, is also the registered operator of the aircraft unless the new owner appoints another person as the registered operator: see regulation 47.100.

Note 3 If the new owner is not an eligible person, the new owner must appoint an eligible person as the registered operator: see subregulation 47.100 (3).

Subpart 47.F Administration of Australian Civil Aircraft Register

47.115 Notice of error in information in Register

If an aircraft registration holder finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is no longer correct, the holder must tell CASA in writing, within 14 days after finding out, about the change that should be made.

Maximum penalty: 10 penalty units.

47.120 Replacement certificate of registration

(1) Subregulation (2) applies if:

(a) CASA has changed an entry in the Australian Civil Aircraft Register about an aircraft; and
(b) the certificate of registration for the aircraft does not show the correct information.

(2) CASA must give the aircraft registration holder a replacement certificate of registration for the aircraft that:

(a) shows the correct information; and
(b) states that it is a replacement certificate of registration.
(3) If CASA gives the aircraft registration holder a replacement certificate, the holder must return the old certificate to CASA within 14 days after the holder receives the replacement certificate.

Maximum penalty: 1 penalty unit.

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

47.125 Loss etc of certificate of registration

(1) CASA must, on written application by an aircraft registration holder, give the holder a copy of the aircraft’s certificate of registration if the certificate, or a copy of it previously given by CASA:

(a) has been lost, stolen or destroyed; or

(b) is so damaged that information on it is no longer clearly legible.

(2) If the application is made because a certificate or copy has been damaged, the aircraft registration holder must return the damaged certificate or copy to CASA within 14 days after the holder receives the new copy.

(3) The copy given under subregulation (1) must state that it is a true copy of the original certificate.

47.130 Lapsing or cancellation of registration

(1) If the registration of an aircraft was only for a particular period, the registration lapses at the end of that period.

(2) CASA must cancel the registration of an aircraft if:

(a) the registration holder applies in writing for the registration to be cancelled; or

(b) CASA finds out that the aircraft:

(i) is registered under the law of another country; or

(ii) is no longer to be used as an aircraft; or

(iii) has been stolen or destroyed; or
(c) the registration holder of the aircraft is not an eligible person and the aircraft does not have a registered operator.

(3) CASA may cancel the registration of an aircraft if the registration holder does not comply with a request made under subregulation 47.040 (1).

(4) If the aircraft was registered following an oral application, the registration lapses if:
   (a) CASA does not receive a written confirmation of the application in accordance with regulation 47.070; or
   (b) within 14 days after the day on which the oral application was made, CASA has not received a written confirmation that includes all the information mentioned in regulation 47.065; or
   (c) CASA receives a document purporting to be a written confirmation that includes information that differs in a significant way from the corresponding information given orally to CASA.

(5) If:
   (a) the ownership of an aircraft is transferred; and
   (b) the new owner does not make an application that complies with subregulation 47.110 (6) to be the new registration holder within 14 days after the transfer;

CASA must cancel the aircraft’s registration at the end of that period.

47.135 Return of certificate of registration

(1) This regulation applies to:
   (a) a person who ceases to be the registration holder of an aircraft because the registration of the aircraft has lapsed or has been cancelled; and
   (b) a person who:
      (i) under subregulation 47.110 (7), has received a new certificate of registration of an aircraft; or
      (ii) under regulation 47.165, has received a certificate of registration showing a new registration mark for an aircraft.
(2) Within 14 days after the day on which the registration lapsed or was cancelled, the person received a certificate of registration mentioned in paragraph (1) (b), the person must:

(a) return the old certificate of registration for the aircraft to CASA; or

(b) if the old certificate of registration has been destroyed or lost — give CASA a statutory declaration to that effect.

Maximum penalty: 1 penalty unit.

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

Subpart 47.G  Reservation, assignment and change of registration marks

47.140 Meaning of aircraft for Subpart 47.G

In this Subpart:

aircraft includes an aircraft that:

(a) has not yet been built; or

(b) is being built.

47.145 Reservation of registration mark

(1) The owner of an aircraft may ask CASA, in writing, to reserve a particular registration mark for the aircraft, whether or not the aircraft is registered.

(2) The request must be in an approved form and identify the aircraft.

(3) On receiving a request, CASA must reserve the registration mark for the aircraft unless, under regulation 47.155, the mark must not be reserved for an aircraft.

Note About registration marks generally: see Part 45.

(4) The reservation lapses if, 12 months after the day on which the registration mark was reserved, the aircraft is not registered and using the reserved mark.
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(5) In subregulation (1), owner includes a person acting on behalf of, and at the direction or request of, the owner.

47.150 Assignment of registration mark
If a person applies for the registration of an aircraft, and:

(a) CASA has not reserved a registration mark for the aircraft under regulation 47.145; or
(b) the reservation of a registration mark for the aircraft has lapsed;

CASA must assign a registration mark to the aircraft before registering the aircraft.

47.155 Marks that must not be reserved or assigned
The following registration marks must not be reserved for, or assigned to, an aircraft:

(a) the registration mark of an Australian aircraft;
(b) a registration mark that has been reserved for an aircraft under regulation 47.145;
(c) a mark that has been assigned to a dealer;
(d) a mark that might be confused with any 5-letter combination used in Part II of the International Code of Signals;
(e) a mark that might be confused with any 3-letter combination beginning with Q used in the Q Code;
(f) a mark that might be confused with the distress signal SOS;
(g) a mark that might be confused with an urgency or safety signal.

Examples of urgency or safety signals
XXX, PAN and TTT.

47.160 Assigning reserved registration mark to unregistered aircraft
If the owner of an unregistered aircraft:

(a) reserves a registration mark for the aircraft; and
(b) makes an application that complies with regulation 47.060 for registration of the aircraft;
CASA must, when it registers the aircraft, give the applicant a certificate of registration showing the reserved mark.

47.165 Change of registration mark

(1) If the registration holder of a registered aircraft has reserved a registration mark (the reserved mark) for the aircraft:
(a) the holder; or
(b) if the registered operator has the written consent of the registration holder — the registered operator;
may apply to CASA to change the aircraft’s existing mark to the reserved mark.

(2) The application must:
(a) be received by CASA at least 14 days before the day on which the existing mark is proposed to be changed; and
(b) be in an approved form and include the following:
(i) the aircraft’s existing mark;
(ii) the aircraft’s manufacturer, model and serial number;
(iii) the reserved mark;
(iv) the date on which the existing mark is proposed to be changed;
(v) if the application is made by a person on behalf of the registration holder or registered operator — the name and address of the person making the application.

(3) When CASA approves the application, CASA must give the applicant a certificate of registration showing the new mark.
Subpart 47.H Dealer’s marks

47.170 Definitions for Subpart 47.H

In this Subpart:

aircraft dealer includes a manufacturer or distributor of aircraft.
dealer’s plate means a plate made by an aircraft dealer under regulation 47.205.

47.175 Assignment of dealer’s marks

(1) This regulation sets out the way in which an aircraft dealer may be assigned 1 or more marks for use on aircraft manufactured, or being distributed or dealt with, by the dealer.

(2) An aircraft dealer may apply to be assigned a mark only if the dealer is an eligible person.

(3) The application must be made in an approved form and must include:

(a) the dealer’s name and address; and
(b) a declaration that the dealer is an eligible person; and
(c) evidence that the dealer is engaged in the manufacture, sales or distribution of aircraft in Australia; and
(d) a request for a particular number of marks and a statement explaining why the dealer needs that number of marks; and
(e) if the application is made by a person on behalf of the dealer — the name and address of the person making the application.

(4) If the application complies with subregulation (3), CASA must assign to the dealer:

(a) the number of marks requested by the dealer; or
(b) if CASA thinks that the dealer has applied for more marks than is reasonably required to undertake the dealer’s business — a lesser number of marks.
47.180 What marks may be assigned to dealers
A mark that is assigned to an aircraft dealer must be a mark that could be assigned to an aircraft as a registration mark.

47.185 Record of dealer's marks
(1) CASA must keep a record of dealer’s marks that have been assigned to aircraft dealers.

(2) The information in the record must include:
(a) the mark; and
(b) the aircraft dealer’s name and address.

47.190 How long assignment to dealer remains in effect
The assignment of a dealer’s mark to an aircraft dealer has effect unless CASA revokes the assignment.

Note For revocation of the assignment of a dealer’s mark: see regulation 47.225.

47.195 Certificate of assignment of dealer's mark
(1) If CASA assigns a dealer's mark to an aircraft dealer, CASA must give to the dealer a certificate stating that the mark is assigned to the dealer.

(2) Each such certificate must be for 1 dealer’s mark only.

47.200 Loss of certificate of assignment of dealer's mark
(1) If a certificate of assignment of a dealer’s mark, or a replacement certificate of assignment already given under this subregulation, has been lost or destroyed, or is so damaged that information on it is no longer clearly legible, CASA must give to the aircraft dealer to whom the mark was assigned a replacement certificate if the dealer applies in writing.

(2) If an application is made because a certificate or copy has been damaged, the dealer must return the damaged certificate or copy to CASA within 14 days after the dealer receives the replacement certificate.
(3) A replacement certificate must state that it is a true copy of the original certificate.

47.205 Dealer’s plate

(1) If CASA assigns a dealer’s mark to an aircraft dealer, the dealer may make 1 dealer’s plate bearing that mark.

(2) The plate must:
   (a) be a piece of stainless steel (or similar fireproof material) at least 100 mm by 160 mm and at least 1 mm thick; and
   (b) be engraved with the following in sans serif capital letters:
      (i) ‘VH-’ and the mark in letters at least 25 mm high;
      (ii) ‘CIVIL AVIATION SAFETY AUTHORITY’ and ‘DEALER’S PLATE CASR 1998’ in letters at least 8 mm high;
   set out as shown in the following diagram, in which the letters ‘ABC’ represent the mark:

   ![Diagram of dealer's plate]

   CIVIL AVIATION SAFETY AUTHORITY

   VH-ABC

   DEALER’S PLATE CASR 1998

47.210 Use of dealer’s marks

(1) An aircraft dealer to whom a dealer’s mark is assigned must use the mark only on an aircraft that:
   (a) is not currently registered in any country; and
   (b) was manufactured, or is being distributed or dealt with, by the dealer.

   Maximum penalty: 10 penalty units.
(2) If title to, or possession of, an unregistered aircraft on which a dealer’s mark is being used passes to another person, the dealer must ensure that the plate is removed from the aircraft before the other person operates the aircraft.

Maximum penalty: 30 penalty units.

(3) The aircraft dealer must keep records showing:
(a) the manufacturer, model and serial number of each aircraft on which the mark was used; and
(b) the periods during which it was used on that aircraft.

Maximum penalty: 10 penalty units.

(4) The aircraft dealer must keep the records for 12 months after the end of the period during which the mark was used on an aircraft.

Maximum penalty: 10 penalty units.

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

47.215 Aircraft taken to be registered

An unregistered aircraft on which a dealer’s mark is being used is taken to be registered during any period in which it is being operated in Australia if:
(a) the aircraft carries the corresponding dealer’s plate; and
(b) the possession of the aircraft remains with the dealer.

Note Flying an unregistered aircraft may be an offence: see subsection 20AA (1) of the Act.

47.220 Annual report to CASA on aircraft using dealer’s marks

(1) An aircraft dealer to whom a dealer’s mark has been assigned must, within 1 month after the end of each reporting period, give CASA a report showing the manufacturer, model and serial number of each aircraft on which the mark was used during that period.

Maximum penalty: 30 penalty units.
(2) An offence against subregulation (1) is an offence of strict liability.

(3) In subregulation (1):

reporting period means:

(a) the period of 12 months beginning on the day on which the mark was assigned to the dealer; or

(b) each consecutive period of 12 months at the end of which the mark is still assigned to the dealer; or

(c) a period of less than 12 months beginning on the day on which the mark was assigned to the dealer, or an anniversary of that day, and ending on the day on which the assignment of the mark is revoked or otherwise ceases.

47.225 Revocation of assignment of dealer’s mark etc

(1) CASA must revoke the assignment of a dealer’s mark to a person if the person:

(a) asks it in writing to do so; or

(b) ceases to be an aircraft dealer, or an eligible person; or

(c) fails to comply with this Subpart.

(2) If CASA revokes such an assignment, it must tell the person in writing that it has done so.

(3) The person must return the certificate of assignment of the mark to CASA within 14 days after receiving the notice of the revocation.

Maximum penalty: 10 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.
### Part 60 Synthetic training devices

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| Subpart 60.C | Basic instrument flight trainers               |

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_Civil Aviation Safety Regulations 1998_  
65
Subpart 60.A Preliminary

60.005 Applicability
This Part applies to synthetic training devices that may be used by a person to gain aeronautical experience.

60.010 Definitions for Part 60
In this Part:

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 60’ published by CASA, as in force from time to time.

master QTG, for a synthetic training device, means the QTG approved for the device under this Part.

QTG (or qualification test guide), for a synthetic training device, means a document that:

(a) shows that:

(i) the performance and handling qualities of the synthetic training device agree, within the limits set out in the Manual of Standards, with those of the aircraft to which it relates; and

(ii) all applicable requirements in these Regulations have been met; and

(b) includes the following information that relates to the matters mentioned in paragraph (a):

(i) data relating to the performance and handling qualities of the aircraft and synthetic training device;

(ii) the validation tests, and all functions and subjective tests for the device.

user, of a flight simulator or flight training device, means the person who uses the simulator or device in a training, testing or checking program.
Subpart 60.B  Flight simulators and flight training devices

60.015 Definitions for Subpart 60.B

In this Subpart:

flight simulator qualification, for a flight simulator, means a qualification of the flight simulator under regulation 60.030.

flight simulator qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight simulator.

flight training device qualification, for a flight training device, means a qualification of the flight training device under regulation 60.030.

flight training device qualification certificate, means a certificate issued under regulation 60.035 for a qualified flight training device.

operator, of a flight simulator or flight training device, means the person who is responsible for the maintenance and operation of the simulator or device.

qualification level, for a flight simulator or flight training device, has the meaning given by regulation 60.020.

60.020 Qualification levels

(1) The qualification level of a flight simulator is the level mentioned in column 2 of an item in table 60.020-1 met by the simulator, determined in accordance with the standards in the Manual of Standards.

Table 60.020-1  Flight simulator qualification levels

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<td>Level B</td>
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<td>3</td>
<td>Level C</td>
</tr>
<tr>
<td>4</td>
<td>Level D</td>
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</table>
(2) The qualification level of a flight training device is the level mentioned in column 2 of an item in Table 60.020-2 met by the device, determined in accordance with the standards in the Manual of Standards.

### Table 60.020-2  Flight training device qualification levels

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<tr>
<td>2</td>
<td>FAA Level 5</td>
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<td>4</td>
<td>FAA Level 7</td>
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<td>5</td>
<td>JAA Level 1</td>
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<tr>
<td>6</td>
<td>JAA Level 2</td>
</tr>
</tbody>
</table>

### 60.025 Application for flight simulator qualification or flight training device qualification

(1) The operator of a flight simulator or flight training device may apply to CASA, in writing, for qualification of the simulator or device.

(2) An application must include:
   (a) a QTG for the simulator or device; and
   (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.060.

*Note* For further guidance see Advisory Circulars 60-1, 60-3 and 60-4.

### 60.030 Initial evaluation and qualification

(1) If CASA receives an application for the qualification of a flight simulator or flight training device, CASA must conduct an evaluation (an *initial evaluation*) of the simulator or device, including consideration of:
   (a) any inspection or trial of the simulator or device; and
   (b) the data provided in the QTG; and
(c) information available from any test conducted during the initial evaluation.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

(2) If, after the initial evaluation, CASA is satisfied that:
   (a) the operator’s quality system will be suitable for the simulator or device; and
   (b) the simulator or device meets a qualification level;
CASA must qualify the simulator or device at the qualification level.

(3) CASA may qualify a simulator or device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.

(4) An interim qualification level applies for the period agreed between CASA and the operator of the simulator or device.

(5) If CASA qualifies a simulator or device, it must at the same time approve the QTG for the simulator or device.

60.035 Issue of flight simulator qualification certificate or flight training device qualification certificate

(1) CASA must issue a flight simulator qualification certificate to the operator of a flight simulator, or a flight training device qualification certificate to the operator of a flight training device, if CASA qualifies the simulator or device.

(2) The certificate must include the name of the operator and:
   (a) include information identifying the simulator or device; and
   (b) specify the aircraft that is simulated by the simulator or device; and
   (c) specify the qualification level for the simulator or device.
60.040 Period of validity of flight simulator qualification or flight training device qualification

(1) A flight simulator qualification or flight training device qualification is in force for:
   (a) 12 months from the date of issue of the flight simulator qualification certificate or flight training device qualification certificate; or
   (b) if a shorter period is specified in the certificate — that period.

(2) However, a qualification ceases to be in force if:
   (a) it is cancelled by CASA under regulation 60.050; or
   (b) there is a change of operator of the simulator or device; or
   (c) the simulator or device is deactivated or relocated.

(3) A qualification is not in force for the period of any suspension imposed by CASA under regulation 60.050.

60.045 Recurrent evaluation of qualified flight simulator or qualified flight training device

(1) The operator of a qualified flight simulator or qualified flight training device may, within 60 days before the expiry of the flight simulator qualification or flight training device qualification, ask CASA, in writing, to conduct an evaluation (a recurrent evaluation) of the simulator or device.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

(2) Subject to subregulation (3), regulations 60.030 and 60.035 apply in respect of a recurrent evaluation in the same way as they apply to the initial evaluation.

(3) During a recurrent evaluation, a qualified flight simulator or qualified flight training device must be assessed against:
   (a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
   (b) if CASA has changed the qualification level since the initial evaluation — the qualification level as changed.
60.050 Variation, cancellation or suspension of flight simulator qualification or flight training device qualification

(1) CASA may, by notice in writing to the operator of a qualified flight simulator or qualified flight training device, vary, cancel or suspend the qualification of the simulator or device if:

(a) the simulator or device no longer meets the qualification level specified in its qualification certificate; or

(b) the operator has failed to comply with a requirement of this Part in relation to the simulator or device.

(2) If an operator receives a notice of variation or cancellation under subregulation (1), the operator must return the qualification certificate to CASA within 14 days after receiving the notice.

(3) If CASA varies a qualification, CASA must reissue the qualification certificate specifying the qualification as varied.

60.055 Flight simulator or flight training device approvals

(1) A person who proposes to be the user of a qualified flight simulator or qualified flight training device must apply to CASA, in writing, for approval to do so.

Note See Advisory Circulars 60-2 and 60-4.

(2) In considering whether to grant an approval, CASA must take into account:

(a) the differences between the characteristics of the flight simulator or flight training device and the characteristics of a specific type (or a specific make, model and series) of aircraft, whether or not the user operates such an aircraft; and

(b) the proposed user’s operating and training competencies.

(3) CASA may also take into account any other matter that affects the way the simulator or device operates or may be used.

(4) An approval:

(a) must be in writing; and
(b) may be issued subject to conditions that are set out in the approval.

(5) An approval takes effect on the date of issue and continues in force unless the applicable flight simulator qualification or flight training device qualification ceases to be in force.

(6) However, if CASA is satisfied that any matter that was taken into account under subregulation (2) or (3) has changed, CASA may, by notice in writing to the user, vary, suspend or cancel the approval.

60.060 Quality system

(1) The operator of a qualified flight simulator or qualified flight training device must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.

(2) The quality system must cover at least the following matters:
   (a) quality policy;
   (b) management responsibility;
   (c) document control;
   (d) resource allocation;
   (e) quality procedures;
   (f) internal audit.

Note The quality system may be structured according to the size and complexity of the operator’s organisation, in accordance with the requirements set out in the following documents:
   (a) AS/NZS ISO 9001:2000 Quality Management System Requirements;
   (b) SQAP:2000 Simulator Quality Assurance Program Standard published by the FAA.

60.065 Ongoing fidelity requirements

(1) The operator of a qualified flight simulator or qualified flight training device must, progressively during the 12 months after the issue of the applicable flight simulator qualification certificate or flight training device qualification certificate, perform:
(a) all validation tests mentioned in the master QTG for the simulator or device; and
(b) all functions and subjective tests within the current (and any planned) training program (or an equivalent sample approved by CASA).

(2) The operator must establish a configuration management system to ensure the continued integrity of the equipment and software of the simulator or device.

(3) The operator must maintain an on-going modification program to ensure that the equipment, software and performance of the simulator or device accurately simulates the aircraft specified in the certificate.

(4) The operator must notify each user of the simulator or device, before its use, if the simulator or device is unsuitable for any training, testing or checking sequence specified in the certificate.

60.070 Modification of qualified flight simulator or qualified flight training devices

(1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if it proposes to modify the equipment or software of the simulator or device in a way that will change the characteristics of the simulator or device.

(2) If CASA receives a notice under subregulation (1), CASA may conduct an evaluation (a special evaluation) of the simulator or device as it is proposed to be modified.

(3) Subject to subregulations (4) and (5), regulations 60.030 and 60.035 apply in respect of a special evaluation in the same way as they apply to the initial evaluation.

(4) If CASA decides not to conduct a special evaluation:
   (a) the operator may make the proposed modification of the simulator or device; and
   (b) the flight simulator or flight training device qualification continues to be in force.
(5) During a special evaluation, a simulator or device must be assessed against:
(a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or
(b) if CASA has changed the qualification level since the initial evaluation — the qualification level as changed.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

(6) This regulation does not apply to the modification of a device for the purpose of a change in the qualification level of the simulator or device.

### 60.075 Change in qualification level of qualified flight simulator or qualified flight training device

(1) The operator of a qualified flight simulator or qualified flight training device may ask CASA, in writing, to change the qualification level of the simulator or device.

Note For further guidance about qualification levels see the Manual of Standards.

(2) If CASA receives a request under subregulation (1), it must conduct a special evaluation of the simulator or device, applying the standards in the Manual of Standards.

Note CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

(3) If CASA changes the qualification level, it must:
(a) approve any resulting amendments to the master QTG of the simulator or device; and
(b) issue a revised flight simulator qualification certificate or flight training device qualification certificate.

### 60.080 Deactivation, relocation or reactivation of qualified flight simulator or qualified flight training device

(1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, if the simulator or device is deactivated.
(2) An operator must notify CASA, in writing, before the operator reactivates or relocates a simulator or device, and CASA may then conduct a special evaluation of the simulator or device.

Note 1 A flight simulator qualification or flight training device qualification ceases to be in force if the simulator or device is deactivated or relocated: see paragraph 60.040 (2) (c).

Note 2 CASA may arrange for an evaluation to be conducted by an evaluation team: see regulation 60.090.

(3) During a special evaluation, a flight simulator or flight training device must be assessed against:

(a) the qualification level at which the simulator or device was qualified at the initial qualification or accreditation of the simulator or device in Australia; or

(b) if CASA has changed the qualification level since the initial evaluation — the qualification level as changed.

60.085 Change of operator of qualified flight simulator or qualified flight training device

(1) The operator of a qualified flight simulator or qualified flight training device must notify CASA, in writing, of any proposed change of operator of the simulator or device.

(2) If there is a change of operator of a simulator or device:

(a) the former operator must give to the new operator the records mentioned in regulation 60.095 that apply to the simulator or device; and

(b) the new operator may apply to CASA, in writing, for qualification of the simulator or device.

(3) An application under paragraph (2) (b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.

(4) If CASA is satisfied that the new operator is able to comply with the requirements of this Subpart, CASA must:

(a) approve the plan; and
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(b) issue a new flight simulator qualification certificate or flight training device qualification certificate.

*Note* A flight simulator qualification or flight training device qualification ceases to be in force if there is a change of operator: see paragraph 60.040 (2) (b).

**60.090 Evaluation teams**

CASA may:

(a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team; and

(b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

*Note* See Advisory Circulars 60-1 and 60-4.

**60.095 Records**

(1) The operator of a qualified flight simulator or qualified flight training device must keep the following records relating to the simulator or device for at least 3 years after the simulator or device is decommissioned:

(a) the master QTG;

(b) modification records;

(c) quality system records.

(2) The operator must also keep the results of each test carried out under subregulation 60.065 (1) for the simulator or device for at least 3 years after the test.

(3) If there is a change of operator of a simulator or device, the new operator must keep the records and test results relating to the simulator or device that were kept by the former operator.

Subpart 60.C Basic instrument flight trainers

*Note* This Subpart heading is reserved for future use.
Part 61  
**Pilot licensing**  
*Note*  This Part heading is reserved for future use.

Part 63  
**Flightcrew licensing other than pilots**  
*Note*  This Part heading is reserved for future use.

Part 64  
**Ground operations personnel licensing**  
*Note*  This Part heading is reserved for future use.
Part 65  Air traffic services licensing

Note  This Part is made up as follows:

Subpart 65.A  General
65.005  Applicability of this Part
65.010  Definitions for this Part
65.015  Meaning of successful completion of training
65.020  Effect of ATS provider’s failure to comply with this Part
65.025  How to satisfy recency requirement
65.030  How to satisfy currency requirement
65.033  Issue of Manual of Standards

Subpart 65.B  Authority to act in air traffic control and flight service
65.035  Authority to carry out air traffic control function
65.040  Rules applicable when a person performs ATC function under supervision
65.045  Offences — carrying out ATC function without authority
65.050  Authority to carry out flight service function
65.055  Rules applicable when a person performs flight service function under supervision
65.060  Offences — carrying out flight service function without authority
65.065  Authority to use ground-based radio equipment

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Division 65.C.1  Air traffic controller licensing
65.070  Eligibility for grant of ATC licence
65.075  Air traffic controller ratings
65.080  Grant of rating on ATC licence
65.085  Grant of endorsement on ATC licences
65.090  ATS provider’s obligation to provide currency and recency training and assessment
65.095  Ancillary qualifications
65.100  Conduct of practical training
65.105  Conduct of examinations
65.110  Duration of ATC licence
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65.130 Flight service ratings
65.135 Maintenance of ratings on flight service licence
65.140 Endorsements on flight service licences
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65.250 Re-examination or re-assessment of licence or qualification holder

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65.255 Provisional suspension of licence pending examination or assessment
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65.265 Show cause procedure
65.270 CASA’s powers in respect of licence etc
65.275 Choice between cancellation and suspension
65.280 Procedure for decision
Subpart 65.A  General

65.005  Applicability of this Part

(1) This Part applies to the performance of functions in connection with providing air traffic services (within the meaning of Annex 11 to the Chicago Convention) in Australian territory.

(2) However, this Part does not apply to a person who is providing an air traffic service in the course of his or her duties for the Defence Force.

65.010  Definitions for this Part

In this Part:

currency requirement means the requirement referred to in regulation 65.030.

Manual of Standards means the document called ‘Manual of Standards (MOS) – Part 65’ issued by CASA under regulation 65.033, as in force from time to time.

recency requirement means the requirement referred to in regulation 65.025.

Note Air traffic control function means a function described in a paragraph of subregulation 65.075 (2); flight service function means the function described in subregulation 65.130 (2) — see the Dictionary.

65.015  Meaning of successful completion of training

For this Part, a person has successfully completed training for a licence, rating, endorsement or qualification only if:

(a) he or she has passed (to the standard required by the Manual of Standards) any examination required by that Manual; and

(b) he or she has successfully completed (to the standard required by that Manual) any practical performance assessment so required.
65.020 Effect of ATS provider’s failure to comply with this Part

A failure by an ATS provider to comply with a requirement of or under this Part is not an offence but may be taken into account in deciding whether or not the provider’s certificate should be suspended or revoked.

65.025 How to satisfy recency requirement

(1) The holder of an ATC licence or a flight service licence satisfies the recency requirement in relation to an endorsement at a particular time if he or she has performed the duties required by the relevant function at the aerodrome or in relation to the airspace to which the endorsement relates, for at least 5 hours within the previous 21 days.

(2) If an ATS provider specifies in its operations manual that 2 or more endorsements are of like type for this regulation, a licence holder who performed the duties of any of those endorsements for a total of at least 5 hours within the previous 21 days also satisfies the recency requirement.

(3) A licence holder who does not satisfy the recency requirement at a particular time in relation to an endorsement is taken to satisfy that requirement at a later time after:

(a) he or she:
   (i) has carried out the relevant function at that aerodrome, or in relation to that airspace, under supervision for at least 1 normal working day for each month that has passed since he or she last performed the function at that aerodrome or in relation to that airspace; or
   (ii) has undergone any retraining required by the relevant ATS provider’s operations manual; and
(b) he or she has been assessed by the ATS provider as competent in performing the function at that aerodrome or in relation to that airspace.
65.030 How to satisfy currency requirement

(1) The holder of an ATC licence or a flight service licence satisfies the currency requirement in relation to an endorsement at a particular time if:

(a) within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the endorsement; and

(b) within the previous 6 months, his or her performance of the relevant function at the aerodrome, or in relation to the airspace, to which the endorsement relates, has been assessed as satisfactory.

(2) The holder of an ATC licence or a flight service licence satisfies the currency requirement in relation to a rating at a particular time if, within the previous 12 months, he or she has passed, to the standard required by the Manual of Standards, an examination in the subject-matter specific to the rating.

(3) The examination and assessment must be carried out in accordance with any relevant requirements and standards in the Manual of Standards.

65.033 Issue of Manual of Standards

(1) CASA may issue a Manual of Standards for this Part that provides for the following matters:

(a) the form and classification of a licence, rating, endorsement or qualification that is granted for this Part (an ATS authorisation);

(b) the requirements for, and standards to be met by, an applicant for, and the holder of, an ATS authorisation;

(c) the requirements and standards for training, tests and examinations for ATS authorisations;

(d) the duration of an ATS authorisation and the procedure for the renewal of an ATS authorisation;

(e) any matter required or permitted by the regulations to be provided for by the Manual of Standards;
(f) any matter necessary or convenient to be provided for the effective operation of this Part.

Note A Manual of Standards is a legislative instrument — see subsections 98 (5A) and (5B) of the Act and subparagraph 6 (d) (i) of the Legislative Instruments Act 2003. It must be registered in accordance with the latter Act and must be tabled in both Houses of the Parliament within 6 sitting days after its making.

(2) CASA must give a copy of a notice about a Manual of Standards for this Part (being a notice referred to in subregulation 11.275 (3) or regulation 11.280) to each ATS provider.

Note Subpart 11.J (including regulations 11.275 and 11.280) sets out procedures for the issue, amendment and revocation of a MOS.

Subpart 65.B Authority to act in air traffic control and flight service

65.035 Authority to carry out air traffic control function

(1) A person may carry out an air traffic control function in Australian territory if, at the time the person carries out the function:

(a) he or she holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and

(b) the licence, rating and endorsement are in force; and

(c) he or she:

(i) satisfies the recency and currency requirements in relation to the endorsement; and

(ii) satisfies the currency requirement in relation to the rating.

(2) A person to whom subregulation (3) applies may carry out an air traffic control function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).

(3) This subregulation applies to each of the following persons:

(a) a person who CASA has authorised in writing to carry out the relevant function;
(b) a person who:
   (i) holds an ATC licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
   (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
(c) a person who:
   (i) holds an ATC licence; and
   (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
(d) a person (other than a person who held an ATC licence that has been cancelled) who:
   (i) has completed an approved course of training in the theory of air traffic control; and
   (ii) carries out the function in the course of undergoing practical training for an ATC licence.

65.040 Rules applicable when a person performs ATC function under supervision

(1) If a person to whom subregulation 65.035 (3) applies (the trainee) is carrying out an air traffic control function under the supervision of a person who meets the requirements of subregulation 65.035 (1) (the supervisor), this regulation applies.

(2) The trainee must comply with the supervisor’s directions.
   Penalty: 25 penalty units.

(3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor’s ATC licence should be suspended or cancelled.
65.045 Offences — carrying out ATC function without authority

(1) A person who is not authorised to do so by subregulation 65.035 (1) or (2) must not carry out an air traffic control function in Australian territory.

Penalty: 25 penalty units.

(2) A person to whom subregulation 65.035 (3) applies must not carry out an air traffic control function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.035 (1).

Penalty: 25 penalty units.

(3) Strict liability applies to the following physical elements:

(a) in subregulation (1) — that the person is not authorised by subregulation 65.035 (1) or (2);

(b) in subregulation (2) — that the person under whose supervision the air traffic control function is carried out is a person who meets the requirements of subregulation 65.035 (1).

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

(4) It is a defence to a charge of contravening subregulation (1) or (2) that the relevant action was, in the circumstances, reasonable in the interests of the safety of air navigation.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (4).

65.050 Authority to carry out flight service function

(1) A person may carry out a flight service function in Australian territory if, at the time he or she carries out the function:

(a) he or she holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; and

(b) the licence, rating and endorsement are in force; and

(c) he or she:

(i) satisfies the recency and currency requirements in relation to the endorsement; and
(ii) satisfies the currency requirement in relation to the rating.

(2) A person to whom subregulation (3) applies may carry out a flight service function in Australian territory under the supervision of a person who meets the requirements of subregulation (1).

(3) This subregulation applies to each of the following persons:
   (a) a person who CASA has authorised in writing to carry out the function;
   (b) a person who:
      (i) holds a flight service licence with a rating for the function and an endorsement for the place where, or the airspace in relation to which, he or she carries it out; but
      (ii) at the relevant time, in relation to the rating or endorsement, does not satisfy the recency or currency requirement;
   (c) a person who:
      (i) holds a flight service licence; and
      (ii) carries out the function in the course of training for a rating or endorsement (whether or not the person holds a rating or endorsement at the time);
   (d) a person (other than a person who held a flight service licence that has been cancelled) who:
      (i) has completed an approved course of training in the theory of flight service; and
      (ii) carries out the function in the course of undergoing practical training for a flight service licence.

65.055 Rules applicable when a person performs flight service function under supervision

(1) If a person to whom subregulation 65.050 (3) applies (the trainee) is carrying out a flight service function under the supervision of a person who meets the requirements of subregulation 65.050 (1) (the supervisor), this regulation applies.
(2) The trainee must comply with the supervisor’s directions.

Penalty: 25 penalty units.

(3) Any failure by the supervisor to supervise the trainee adequately is not an offence, but may be taken into account in considering whether the supervisor’s flight service licence should be suspended or cancelled.

65.060 Offences — carrying out flight service function without authority

(1) A person who is not authorised to do so by subregulation 65.050 (1) or (2) must not carry out a flight service function in Australian territory.

Penalty: 25 penalty units.

(2) A person to whom subregulation 65.050 (3) applies must not carry out a flight service function in Australian territory if the person is not acting under the supervision of a person who meets the requirements of subregulation 65.050 (1).

Penalty: 25 penalty units.

(3) Strict liability applies to the following physical elements:

(a) in subregulation (1) — that the person is not authorised by subregulation 65.050 (1) or (2);

(b) in subregulation (2) — that the person under whose supervision the flight service function is carried out is a person who meets the requirements of subregulation 65.050 (1).

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

65.065 Authority to use ground-based radio equipment

(1) Despite subregulations 83 (2) and (3) of CAR, a person to whom subregulation (2) applies may operate, for the purpose of performing an air traffic control function or a flight service function, a radiocommunication system used for the purpose of ensuring the safety of air navigation but not installed in or carried on an aircraft.
(2) This subregulation applies to the following:
   (a) a person who may, under regulation 65.035, carry out an air traffic control function or, under regulation 65.050, carry out a flight service function in Australian territory;
   (b) a person who is engaged by an ATS provider (whether or not as an employee), and who is acting in the course of his or her duties.

(3) For paragraph (2) (b), ATS provider means an ATS provider, within the meaning given by regulation 172.015, that is approved to provide a flight information service.

Subpart 65.C Licensing

Division 65.C.1 Air traffic controller licensing

65.070 Eligibility for grant of ATC licence

(1) A person is eligible to be granted an ATC licence if he or she:
   (a) has turned 18; and
   (b) holds a Class 3 medical certificate; and
   (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, a rating and an endorsement; and
   (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function.

(3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1) (e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.075 Air traffic controller ratings

(1) The air traffic controller ratings for Australia are the following:
   (a) aerodrome control rating;
(b) approach control rating;
(c) approach radar control rating;
(d) area control rating;
(e) area radar control rating.

Note The air traffic controller ratings are specified in section 4.4 of Annex 1, Personnel Licensing, to the Chicago Convention. Not all the ratings specified there are in use in Australia.

(2) The function of an ATC licence holder who holds a particular rating is as follows:
(a) if the rating is an aerodrome control rating — to provide, or supervise the provision of, aerodrome control service (including traffic information, flight information and alerting services) for the aerodrome for which the licence holder holds an endorsement;
(b) if the rating is an approach control rating — to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
(c) if the rating is an approach radar control rating — to provide, or supervise the provision of, approach control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement;
(d) if the rating is an area control rating — to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) for the airspace for which the licence holder holds an endorsement;
(e) if the rating is an area radar control rating — to provide, or supervise the provision of, area control service (including traffic information, flight information and alerting services) with the use of radar or another surveillance system for the airspace for which the licence holder holds an endorsement.
65.080  Grant of rating on ATC licence

(1) CASA may grant a rating to a person who:
   (a) is eligible to be granted an ATC licence; and
   (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

(2) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain ratings appropriate to their duties.

(3) That program must be in accordance with any standards and requirements set out in the Manual of Standards.

(4) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.085  Grant of endorsement on ATC licences

(1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.

(2) CASA may grant an endorsement to a person who:
   (a) is eligible to be granted an ATC licence with a rating; and
   (b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

(3) An ATS provider must set up and maintain a program to ensure that its employees who hold ATC licences maintain endorsements appropriate to their duties.

(4) That program must be in accordance with any standards and requirements set out in the Manual of Standards.

(5) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
65.090 **ATS provider’s obligation to provide currency and recency training and assessment**

(1) An ATS provider must set up and maintain, in accordance with the Manual of Standards, programs for:

(a) continuing assessment of its employees’ competency for the purposes of ensuring that they continue to satisfy the currency requirements in relation to ratings and endorsements; and

(b) familiarisation, retraining and assessment of any of its employees who at any time do not satisfy the currency or recency requirement in relation to an endorsement.

(2) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

65.095 **Ancillary qualifications**

(1) An ATC qualification certifies that the holder is competent to perform a particular ancillary function.

(2) The functions include the following:

(a) classroom instructor;

(b) on-the-job instructor;

(c) workplace assessor.

(3) Within the limits set out in the Manual of Standards, an ATS provider may define, for the provider’s organisation, the responsibilities of the holder of an ATC qualification mentioned in paragraph (2) (a), (b) or (c).

(4) Subregulation (3) does not prevent an ATS provider defining an ancillary function for use within its own organisation.

(5) An ATS provider must set up and maintain a program to grant ATC qualifications to, and administer ATC qualifications held by, its employees.

(6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.
(7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.100 **Conduct of practical training**

An ATS provider must ensure that practical training carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

(a) the standards and requirements set out in the Manual of Standards; and

(b) the provider’s operations manual.

65.105 **Conduct of examinations**

An ATS provider must ensure that an examination or assessment carried out by it, or on its behalf, for the award of an ATC licence, rating, endorsement or ATC qualification, is carried out in accordance with:

(a) the standards and requirements set out in the Manual of Standards; and

(b) the provider’s operations manual.

65.110 **Duration of ATC licence**

(1) An ATC licence is in force until it is cancelled.

(2) However, an ATC licence is not in force:

(a) during any period of suspension; or

(b) during any period during which its holder does not also hold a Class 3 medical certificate.

*Note* Suspension of a licence also suspends each rating or endorsement on it — see subregulation 65.115 (4). However, suspension of a licence, rating or endorsement does not automatically suspend an ATC qualification held by the same person — see subregulation 65.120 (3).

65.115 **Periods of validity of ratings and endorsements**

(1) Unless sooner cancelled, a rating on an ATC licence is valid for 12 months or until the licence is cancelled.
(2) Unless sooner cancelled, an endorsement on an ATC licence remains valid:
   (a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or
   (b) if the licence is cancelled before that time — until the licence is cancelled; or
   (c) if the rating with which the endorsement is connected is cancelled before that time — until the rating is cancelled; or
   (d) until the licence holder ceases to be employed by that ATS provider.

(3) For paragraph (2) (c), an endorsement is connected with a rating if the endorsement authorises the performance, at a particular aerodrome or in relation to particular airspace, of the function of a holder of the rating.

Note For the function of the holder of each kind of rating, see subregulation 65.075 (2).

(4) A rating or endorsement is not in force:
   (a) during any period of suspension; or
   (b) during any period of suspension of the relevant licence.

65.120 Periods of validity of ATC qualifications

(1) Unless sooner cancelled, an ATC qualification remains valid:
   (a) for the period specified by the ATS provider or ATS training provider that granted it; or
   (b) if any ATC licence, rating or endorsement on which it is dependent, is cancelled before that time — until the licence, rating or endorsement is cancelled; or
   (c) until the holder ceases to be employed by that ATS provider or ATS training provider.

(2) For paragraph (1) (b), an ATC qualification is dependent on a particular licence, rating or endorsement if the ATS provider or ATS training provider that grants the qualification so specifies.
(3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Division 65.C.2 Flight service officer licensing

65.125 Eligibility for grant of flight service licence

(1) A person is eligible to be granted a flight service licence with a traffic information service rating if he or she:
   (a) has turned 18; and
   (b) holds a Class 3 medical certificate; and
   (c) has successfully completed the training (including any examination or assessment) specified in the Manual of Standards for the licence, the rating and an endorsement; and
   (e) speaks English clearly, and understands spoken English, to a standard that allows clear spoken two-way communication in the course of performing a flight service function.

(3) A statement by an ATS provider, given in accordance with procedures set out in its operations manual, that a person meets the requirements in paragraph (1) (e) is, in the absence of contrary evidence, sufficient evidence of that fact.

65.130 Flight service ratings

(1) CASA may grant a traffic information service rating to a person who:
   (a) is eligible to be granted a flight service licence with a traffic information service rating; and
   (b) successfully completes the training required by the Manual of Standards for the grant of the rating.

Note The traffic information service rating is the only flight service rating for Australia.
(2) The function of a flight service licence holder holding a traffic information service rating is to provide, or supervise the provision of, a traffic and flight information and alerting service for the flight information area for which the licence is endorsed.

65.135 Maintenance of ratings on flight service licence

(1) An ATS provider must set up and maintain a program to ensure that its employees who hold flight service licences hold traffic information service ratings.

(2) The provider must include details of that program, including necessary training and tests of competency, in its operations manual.

(3) That program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.140 Endorsements on flight service licences

(1A) CASA may grant an endorsement to a person who:
(a) is eligible to be granted a flight service licence with a traffic information service rating; and
(b) successfully completes the training required by the Manual of Standards for the grant of the endorsement.

(1) An endorsement on a flight service licence certifies that the licence holder is competent to perform a flight service function in relation to an aerodrome or particular airspace.

(2) An ATS provider must set up and maintain a program to grant and administer endorsements on flight service licences held by its employees.

(3) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

(4) The program must be in accordance with the standards and requirements set out in the Manual of Standards.
65.145 Ancillary qualifications

(1) A flight service qualification certifies that the holder is competent to perform a particular ancillary function.

(2) The functions are the following:
   (a) classroom instructor;
   (b) on-the-job instructor;
   (c) workplace assessor.

(3) Within the limits set by the Manual of Standards, an ATS provider may define, for the provider’s organisation, the responsibilities of the holder of a flight service qualification mentioned in paragraph (2) (a), (b) or (c).

(4) Subregulation (1) does not prevent an ATS provider defining an ancillary function for use within its own organisation.

(5) An ATS provider must set up and maintain a program to grant flight service qualifications to, and administer flight service qualifications held by, its employees.

(6) The provider must include details of the program, including necessary training and tests of competency, in its operations manual.

(7) The program must be in accordance with the standards and requirements set out in the Manual of Standards.

65.150 Conduct of training

An ATS provider must ensure that training carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

(a) the standards and requirements set out in the Manual of Standards; and

(b) the provider’s operations manual.
65.155 Conduct of examinations

An ATS provider must ensure that an examination carried out by it, or on its behalf, for the award of a flight service licence, rating, endorsement or flight service qualification, is carried out in accordance with:

(a) the standards and requirements set out in the Manual of Standards; and

(b) the provider’s operations manual.

65.160 Duration of flight service licence

(1) A flight service licence is in force until it is cancelled.

(2) However, a flight service licence is not in force:

(a) during any period of suspension; or

(b) during any period during which its holder does not also hold a Class 3 medical certificate.

Note Suspension of a licence also suspends each rating or endorsement on it — see subregulation 65.165 (3). However, suspension of a licence, rating or endorsement does not automatically suspend an ATC qualification held by the same person — see subregulation 65.170 (3).

65.165 Periods of validity of rating and endorsement

(1) Unless sooner cancelled, a rating on a flight service licence is valid for 12 months or until the licence is cancelled or ceases to be valid.

(2) Unless sooner cancelled, an endorsement on a flight service licence remains valid:

(a) for the period (no longer than 6 months) specified for an endorsement in the operations manual of the ATS provider that granted it; or

(b) if the licence is cancelled before that time — until the licence is cancelled; or

(c) until the licence holder ceases to be employed by that ATS provider.
(3) A rating or endorsement is not in force:
   (a) during any period of suspension; or
   (b) during any period of suspension of the relevant licence.

65.170 Period of validity of flight service qualification

(1) Unless sooner cancelled, a flight service qualification remains valid:
   (a) for the period specified by the ATS provider or ATS training provider that granted it; or
   (b) if a flight service licence, rating or endorsement on which it is dependent is cancelled before that time — until the licence, rating or endorsement is cancelled; or
   (c) until the holder ceases to be employed by that ATS provider or ATS training provider.

(2) For paragraph (1) (b), a flight service qualification is dependent on a flight service licence, rating or endorsement if the ATS provider or ATS training provider that granted the qualification so specifies.

(3) A qualification is not in force during any period of suspension, but is not taken to be suspended by the suspension of any licence, rating or endorsement held by the holder of the qualification.

Subpart 65.E Administrative functions

Division 65.E.1 Grant of licences

65.175 Definitions for this Subpart

In this Subpart:

licence means an ATC licence or a flight service officer licence.

qualification means an ATC qualification or a flight service qualification.
65.180 How to apply

(1) A person must apply for the grant of a licence in the way set out in this regulation.

(2) The application must be in writing.

(3) The application must give details of the applicant’s training, qualifications and experience, so far as relevant.

(4) The application must be accompanied by:
   (a) a copy of any document that shows that the applicant has completed that training, holds that qualification or has that experience; and
   (b) evidence that the applicant holds a Class 3 medical certificate; and
   (c) evidence of the kind mentioned in subregulation 65.070 (3) or 65.125 (3), as the case requires.

65.185 Who to apply to

The application must be made to CASA.

65.190 Application for licence cancelled previously

If a person who applies for a licence has previously held a licence, and the previously held licence was cancelled for a reason mentioned in paragraph 65.265 (1) (a), (b) or (c), the person must include with the application any available evidence tending to show that the person could now properly exercise the powers or carry out the functions that would be conferred by the licence applied for.

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

(1) CASA may ask an applicant, in writing, to:
   (a) undertake a test or tests of competence; or
   (b) come to a specified CASA office at a specified reasonable time to be interviewed.
(2) If CASA asks an applicant to undertake a test, or come for interview, under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant undertakes the tests or participates in the interview.

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

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

(2) In particular, CASA may ask an applicant to provide a written statement by any ATS provider that has employed the applicant as to the applicant’s service history.

(3) If CASA asks for more information, or a copy of a document, under subregulation (1) or (2), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the information or copy.

65.205 Statutory declarations to verify applications

(1) CASA may ask an applicant, in writing, to verify, by statutory declaration, any statement in an application.

(2) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

65.215 Matters that CASA may or must take into account

(1) In making a decision on an application, CASA may take into account:
   (a) anything in the application or in any other document submitted by the applicant; and
   (b) anything in its records about the applicant; and
   (c) the contents of any statutory declaration made by the applicant under regulation 65.205.
(2) However, before taking into account anything in its records about an applicant, CASA must:
   (a) tell the applicant in writing that it intends to do so, and the substance of what CASA intends to take into account; and
   (b) invite the applicant in writing to make a written submission about the matter within a specified reasonable time.

(3) If the applicant makes a written submission within the specified time, CASA must take the submission into account.

(4) When deciding whether to grant a new licence to an applicant who previously held a licence that was cancelled, CASA must take into account:
   (a) the fact of the cancellation; and
   (b) the reasons for the cancellation; and
   (c) any evidence of the kind mentioned in regulation 65.190 that the person submits.

65.220 Statutory declarations to verify statements in submissions

(1) CASA may ask an applicant to verify any statement in a submission under subregulation 65.215 (3) by statutory declaration.

(2) CASA must, in making a decision on the application concerned, take such a submission into account.

(3) If CASA asks an applicant to verify a statement under subregulation (1), CASA need not begin to consider, or may stop considering, the application until the applicant gives it the statutory declaration.

65.225 When CASA must grant a licence

(1) Subject to paragraph 30A (4) (b) of the Act, if a person has applied for the grant of a licence in accordance with this Subpart, CASA must grant the licence if:
   (a) the person is eligible for the grant of the licence; and
65.230 When decision must be made

(1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.

(2) However, if CASA makes a request under regulation 65.195 or 65.200, the time between when CASA makes the request, and when the applicant undertakes the test, or comes in for interview, or gives CASA the information or copy requested, does not count towards the 21 days.
(3) Also, if CASA asks an applicant to make a statutory declaration under regulation 65.205 or 65.220, the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the 21 days.

(4) Also, if CASA invites an applicant to comment under subregulation 65.215 (2), the time between when CASA gives the invitation and when the applicant comments does not count towards the 21 days.

65.235 Notice of decision

After making a decision on an application for a licence, CASA must tell the applicant in writing, as soon as practicable:

(a) the decision; and

(b) if the decision was to refuse the application, or to grant the licence subject to a condition not sought by the applicant, the reasons for the decision.

65.240 When licence comes into effect

A licence comes into effect:

(a) on a day stated in the notice under regulation 65.235; or

(b) if no day is so stated, on the date of the notice.

65.245 Licence document

(1) CASA must issue to a licence holder a licence document that complies with Chapter 5 of Annex 1 to the Chicago Convention.

(2) CASA may issue a replacement document if anything set out on such a document is no longer correct.

(3) If CASA issues a document to a licence holder and the licence is cancelled, the person who held the licence must return the relevant licence document to CASA immediately.

Penalty: 1 penalty unit.

Note A person is not guilty of an offence of failing to do something that he or she is not capable of doing: see section 4.2 of the Criminal Code.
(4) An offence against subregulation (3) is an offence of strict liability.

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

(5) It is a defence to a charge of contravening subregulation (3) that the defendant returned the licence document to CASA as soon as practicable.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (5).

Division 65.E.2 Ongoing proficiency and medical testing

65.250 Re-examination or re-assessment of licence or qualification holder

(1) If:

(a) there is evidence that the holder of a licence or a qualification is not adequately performing his or her duties (whether because of lack of proficiency, injury, illness or for any other reason); and

(b) it is necessary, in the interests of the safety of air navigation, to require the holder to demonstrate his or her proficiency or fitness to perform those duties;

CASA may, at a reasonable time and on reasonable notice, direct the holder to undertake:

(c) an appropriate examination or performance assessment; or

(d) a medical assessment by a designated aviation medical examiner.

(2) In paragraph (1) (d):

medical includes psychological and psychiatric.
Division 65.E.3 Suspension and cancellation of licences

65.255 Provisional suspension of licence pending examination or assessment

(1) If under regulation 65.250 CASA directs the holder of a licence or qualification to undergo an examination, performance assessment or medical assessment, CASA may provisionally suspend the licence or a rating or endorsement on it, or the qualification, by notice in writing to the holder.

(2) The provisional suspension has effect from the time the notice is served on the holder.

(3) As soon as practicable after the examination or assessment, CASA must either:
   (a) give the holder a notice under regulation 65.265 to show cause why the licence, rating, endorsement or qualification should not be cancelled or further suspended; or
   (b) revoke the provisional suspension and tell the holder in writing that it has done so.

(4) CASA may revoke the provisional suspension at any time by notice in writing.

(5) If CASA gives the holder a show cause notice, the provisional suspension remains in effect (unless sooner revoked) until CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it.

(6) However, if the holder does not comply with the direction within the time allowed by the notice to do so (or any extension of that time allowed by CASA), the licence, rating, endorsement or qualification remains suspended until the holder does so.

65.260 Provisional suspension of licence etc during investigation

(1) If there is evidence that the holder of a licence:
(a) may have contravened a provision of the Act or these Regulations; or
(b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
(c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;

CASA may provisionally suspend the holder’s licence, or a rating, endorsement or qualification, by notice in writing to the holder.

(2) CASA may revoke the provisional suspension at any time by notice in writing.

(3) The provisional suspension has effect from the time notice under subregulation (1) is served on the holder, and remains in effect (unless sooner revoked) until:

(a) if CASA gives to the holder a show cause notice — CASA decides, or is taken to have decided, whether or not to cancel the licence, rating, endorsement or qualification, or to further suspend it; or

(b) the end of 7 days after the time the notice under subregulation (1) is served on the holder.

65.265 Show cause procedure

(1) If there is evidence that the holder of a licence:

(a) may have contravened a provision of the Act or these Regulations; or
(b) may not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
(c) may have failed in his or her duty in a way that might adversely affect the safe navigation or operation of an aircraft;

CASA may give to the holder a notice in accordance with this regulation (a show cause notice).
(2) Also, CASA may give to the holder of a licence a show cause notice if:
   (a) under regulation 65.250, CASA has directed the holder to undertake an examination or a performance assessment or medical assessment; and
   (b) the holder has not done so within the time allowed by the direction (or any extension of that time allowed by CASA).

(3) The notice must be in writing.

(4) The notice must set out the facts and circumstances that appear to justify cancellation or suspension of the licence, rating, endorsement or qualification.

(5) The notice must invite the holder to show cause in writing, within a reasonable period stated in the notice, why the licence, rating, endorsement or qualification should not be cancelled or further suspended.

65.270 CASA’s powers in respect of licence etc

CASA may cancel or suspend a licence, rating, endorsement or qualification if the holder:
   (a) has contravened a provision of the Act or these Regulations; or
   (b) does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification; or
   (c) has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft.

65.275 Choice between cancellation and suspension

(1) This regulation sets out how CASA decides whether to cancel a person’s licence, rating, endorsement or qualification, or suspend it.

(2) If the person has contravened a provision of the Act or these Regulations, or has failed in his or her duty in a way that adversely affects the safe navigation or operation of an aircraft:
(a) where CASA is satisfied that the contravention or failure is not likely to recur, CASA may do either or both of the following:
   (i) suspend the person’s licence, rating, endorsement or qualification for an appropriate period;  
   (ii) direct the person to receive appropriate counselling or training; and

(b) where CASA is not satisfied as mentioned in paragraph (a), CASA may:
   (i) if the contravention or failure is sufficiently serious, or has occurred before — cancel the licence, rating, endorsement or qualification; or
   (ii) take either or both of the courses mentioned in paragraph (a).

(3) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification, but there is a reasonable prospect that he or she will be able to do so within a reasonable time, CASA may suspend the licence, rating, endorsement or qualification:
   (a) until the happening of a specified event; or
   (b) until the holder successfully completes specified training;  
   or
   (c) for a specified period within which the holder is likely to become able to meet the requirement.

(4) If the person does not meet a requirement of, or under, these Regulations in relation to getting or keeping the licence, rating, endorsement or qualification and there is no reasonable prospect that he or she will be able to do so within a reasonable time, CASA must cancel the licence, rating, endorsement or qualification.

65.280 Procedure for decision

(1) When considering whether to cancel or suspend a licence, rating, endorsement or qualification, CASA must take into account any submission that the holder makes within the time allowed by the relevant show cause notice.
(2) CASA must tell the holder in writing of its decision.

(3) If CASA has not decided whether or not to cancel or further suspend the licence, rating, endorsement or qualification within 30 days after the end of the period allowed for submissions by the show cause notice, CASA is taken to have decided, at the end of that 30-day period, neither to cancel nor further suspend the licence, rating, endorsement or qualification.

(4) If the licence, rating, endorsement or qualification is provisionally suspended, and CASA decides, or is taken under subregulation (3) to have decided, neither to cancel nor further suspend it, the provisional suspension ceases to have effect when CASA makes, or is taken to have made, that decision.
Part 66 Maintenance personnel licensing

Note This Part heading is reserved for future use.
Part 67 Medical

Subpart 67.A General

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67.005 Applicability
This Part:
(a) provides for the appointment of appropriately qualified persons as DAMEs or DAOs and for the cancellation of such appointments; and
(b) sets out procedures under which CASA may make declarations that particular persons, or persons who hold or perform the duties of certain positions or offices, are to be taken to be DAMEs or DAOs; and
(c) sets out the medical standards for the issue of medical certificates; and
(d) provides for the issue and administrative control of medical certificates.

67.010 Definitions for this Part
(1) In this Part:

clinical psychologist means a person who:
(a) is registered or licensed as a clinical psychologist under a law of a State or Territory of Australia; or
(b) in the case of a psychologist practising as a clinical psychologist in a country other than Australia — has other qualifications in clinical psychology acceptable to CASA.

Designated Aviation Medical Examiner’s Handbook means the document called ‘Designated Aviation Medical Examiner’s Handbook’ published by CASA, as in force from time to time.

Note The Designated Aviation Medical Examiner’s Handbook is available from CASA’s website at:
medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory or under a law of a Contracting State.

medical standard 1 means the standard set out in table 67.150.

medical standard 2 means the standard set out in table 67.155.

medical standard 3 means the standard set out in table 67.160.

relevant examination means an examination or test of, or in relation to, a person for the purpose of finding out whether the person meets the relevant medical standard for the issue to him or her of a medical certificate.

relevant medical standard means:
(a) for a class 1 medical certificate — medical standard 1; and
(b) for a class 2 medical certificate — medical standard 2; and
(c) for a class 3 medical certificate — medical standard 3.

specialist medical practitioner means a medical practitioner who has:
(a) postgraduate qualifications in a recognised medical specialty entitling him or her to be recognised as a specialist medical practitioner by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or
(b) in the case of a medical practitioner practising in a country other than Australia — other postgraduate qualifications in the specialty acceptable to CASA.

specialist psychiatrist means a medical practitioner who has:
(a) postgraduate qualifications in psychiatry entitling him or her to be recognised as a specialist psychiatrist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or
(b) in the case of a psychiatrist practising in a country other than Australia — other postgraduate qualifications in psychiatry acceptable to CASA.

(2) In this Part, a mention of a medically significant condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

67.015 Meaning of safety-relevant

For the purposes of this Part, a medically significant condition is safety-relevant if it reduces, or is likely to reduce, the ability of someone who has it to exercise a privilege conferred or to be conferred, or perform a duty imposed or to be imposed, by a licence that he or she holds or has applied for.

67.020 Extended meaning of convicted of an offence

(1) In this Part, convicted of an offence has, in addition to its ordinary meaning, the meaning set out in subregulation (2).

(2) For this Part, a person is taken to have been convicted of an offence if:
(a) he or she is found guilty of the offence but is discharged without a conviction being recorded; or
(b) with his or her consent, the offence is taken into account in sentencing him or her for another offence.
Subpart 67.B  Designated aviation medical examiners and designated aviation ophthalmologists

67.025 Application for appointment as DAME or DAO

(1) A medical practitioner may apply to CASA for appointment as a DAME or DAO for the purposes of this Part.

(2) An application must be in the approved form and must be accompanied by copies of the following documents:

(a) the certificate of the applicant’s registration as a medical practitioner in the State or Territory of Australia, or the Contracting State, in which he or she proposes to function as a DAME or DAO;

(b) if the applicant is applying for appointment as a DAME — either:

(i) a certificate as to his or her successful completion of a course in aviation medicine approved by CASA; or

(ii) documents that are evidence of his or her demonstrated competence in aviation medicine;

(c) if the applicant is applying for appointment as a DAO — documents that are evidence that:

(i) he or she is a Fellow of the Royal Australian College of Ophthalmologists or has postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or

(ii) if the applicant is practising in a country other than Australia — he or she has postgraduate qualifications in ophthalmology that are acceptable to CASA.

Note The documents ‘Conditions of Appointment for DAMEs’ and ‘Conditions of Appointment for DAOs’ (part of the application form for an appointment as a DAME or DAO) are available from CASA’s website at: http://www.casa.gov.au/manuals/regulate/dame/form755.pdf.
(3) If the applicant has previously been appointed as a DAME or DAO, and the previous appointment was cancelled, the applicant must include with the application any available evidence to show that the applicant could now properly exercise the powers or perform the functions of the appointment sought.

67.030 More information for application

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

(2) The notice must include a statement to the effect that the application will be taken to be withdrawn if the information or document is not given to CASA within 1 month or any further time allowed by CASA under paragraph (3) (b).

(3) The applicant must give to CASA the information or document:
   (a) within 1 month after the date of the notice; or
   (b) if the applicant asks CASA for an extension of time before the end of the month and CASA extends the time within which the applicant must give the information — before the end of the extended period.

(4) If the applicant does not comply with subregulation (3), the application is taken to be withdrawn by the applicant.

(5) If an applicant for appointment as a DAME or DAO is designated in a Contracting State as a medical examiner for subclause 1.2.2.4 of Annex 1, Personnel Licensing, to the Chicago Convention, CASA need not consider the application unless the applicant authorises the authority of the Contracting State that designated the applicant under that subclause to disclose to CASA information about the applicant’s performance and competence as a medical examiner.
67.035 Continuation of appointment until application decided

(1) This regulation applies in relation to an appointment of a DAME or DAO that is granted by CASA for a specified period (the old appointment) if:

(a) at least 1 month before the time when the old appointment would, but for this regulation cease, its holder applies to CASA under this Subpart for a new appointment that authorises the holder to exercise the same powers or perform the same functions as the old appointment; and

(b) at the time when the old appointment would, but for this regulation cease, CASA has not made a decision on the application.

(2) Despite anything else in these Regulations, but subject to subregulations (3) and (4), the old appointment continues in force until CASA makes a decision on the application.

(3) If CASA asks for information or a document under subregulation 67.030 (1) and the holder does not provide the information or document within the period mentioned in paragraph 67.030 (3) (a) or any further period allowed by CASA under paragraph 67.030 (3) (b), the old appointment is taken to cease at the end of that period.

(4) If subregulation 67.030 (5) applies to the holder and the holder has not authorised the authority of the Contracting State concerned to disclose to CASA information about the holder’s performance and competence as a medical examiner within 1 month after the date of the application, the old appointment is taken to cease at the end of that period.

67.040 When decision must be made

(1) Subject to this regulation, if CASA does not make a decision about an application for appointment as a DAME or DAO within 3 months after receiving it, CASA is taken to have refused the application.

(2) If CASA asks for information or a document under subregulation 67.030 (1), the time between when CASA asks for the information or document, and when the applicant gives
CASA the information or document, does not count towards the period.

(3) If subregulation 67.030 (5) applies to the applicant, any time between when the applicant submits the application to CASA and when the applicant authorises the authority of the Contracting State concerned to disclose to CASA information about the applicant’s performance and competence as a medical examiner, does not count towards the period.

67.045 Appointment of DAMEs

(1) Subject to this regulation, if a medical practitioner has applied for appointment as a DAME in accordance with this Subpart, CASA must appoint the practitioner as a DAME if:

(a) the practitioner is registered in the State or Territory of Australia, or registered or licensed in the Contracting State, in which he or she proposes to function as a DAME; and

(b) either he or she:

(i) has received training acceptable to CASA in aviation medicine; or

(ii) has demonstrated competence in aviation medicine; and

(c) appointing the practitioner would not be likely to have an adverse effect on the safety of air navigation.


(2) An appointment must be in writing.

(3) If CASA limits in any way the number of appointments that may be made, CASA may refuse to make the appointment if the limit will be exceeded if the appointment is made.

(4) In deciding whether an appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
(a) the practitioner’s record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
(b) the practitioner’s experience (if any) in aviation; and
(c) the practitioner’s knowledge of the regulatory requirements applicable to civil aviation in Australia; and
(d) the practitioner’s history, if any, of serious behavioural problems; and
(e) any evidence held by CASA that the practitioner has contravened:
   (i) the Act or these Regulations; or
   (ii) a law of another country relating to aviation safety; or
   (iii) another law (of Australia or of another country) relating to transport safety.

(5) In deciding whether to appoint a medical practitioner who has previously been appointed as a DAME and whose previous appointment was cancelled, CASA must take into account:
(a) the fact of the cancellation; and
(b) the reasons for the cancellation given at the time of the cancellation; and
(c) any evidence that the practitioner submits about his or her capacity to exercise the powers or carry out the functions that would be conferred by the appointment, if it were made.

(6) However, in making a decision in relation to a medical practitioner referred to in subregulation (5), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

(7) If CASA refuses to appoint a medical practitioner as a DAME, it must tell the practitioner, in writing, of the refusal, and of the reasons for not appointing the practitioner.

*Note* A refusal is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.
67.050 **DAMEs — duration of appointment**

An appointment of a person as a DAME remains in force:

(a) unless it is cancelled or surrendered; or

(b) if a period (which must not be less than 4 weeks) is specified in the certificate issued to the DAME under regulation 67.085 — until the end of that period unless sooner cancelled or surrendered.

67.055 **DAMEs — declaration about holders of position**

(1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAME.

(2) CASA may also declare, in writing, that a medical practitioner specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAME.

(3) A declaration under subregulation (1) has no effect in relation to a person occupying or performing the duties of an office or position if the person is not a medical practitioner.

(4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:

(a) unless it is revoked; or

(b) if a period (which must not be less than 4 weeks) is specified in the declaration — until the end of that period unless it is sooner revoked.

(5) A declaration under subregulation (1) is not in force while it is suspended.

67.060 **DAMEs — conditions**

(1) The appointment of a DAME is subject to the following conditions:

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*Civil Aviation Safety Regulations 1998* 121
(a) that he or she complies with any requirement of the Designated Aviation Medical Examiner’s Handbook that is applicable to him or her;

(b) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;

(c) that he or she undertakes continuing training in aviation medicine according to a course or system specified, or referred to, on the CASA website or otherwise approved by CASA;

(d) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of convicted of an offence, see regulation 67.020.

(2) A declaration under subregulation 67.055 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:

(a) observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and

(b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

(3) A declaration under subregulation 67.055 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

(4) CASA may impose a condition, restriction or limitation:

(a) on an appointment of a DAME in addition to the conditions to which the appointment is subject under subregulation (1); or
(b) on a declaration under regulation 67.055 in addition to the conditions to which the declaration is subject under subregulation (2) or (3).

(5) A condition, restriction or limitation on an appointment of a DAME that is imposed under paragraph (4) (a) must be set out in the certificate issued to the DAME under regulation 67.085.

(6) A condition, restriction or limitation on a declaration that is imposed under paragraph (4) (b) must be set out in the declaration.

**67.065 Appointment of DAOs**

(1) Subject to this regulation, if a medical practitioner has applied for appointment as a DAO in accordance with this Subpart, CASA must appoint the practitioner as a DAO if:

(a) the practitioner has the qualifications set out in subregulation (4); and

(b) making the appointment would not be likely to have an adverse effect on the safety of air navigation.

(2) An appointment must be in writing.

(3) If CASA limits in any way the number of appointments that may be made, CASA may refuse to make the appointment if the limit will be exceeded if the appointment is made.

(4) The qualifications are:

(a) in the case of a practitioner who is an ophthalmologist practising in Australia — being a Fellow of the Royal Australian College of Ophthalmologists or otherwise having postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; and

(b) in the case of a practitioner who is an ophthalmologist practising in a country other than Australia — having postgraduate qualifications in ophthalmology that are acceptable to CASA.
(5) In deciding whether an appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
   (a) the practitioner’s record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
   (b) the practitioner’s experience (if any) in aviation; and
   (c) the practitioner’s knowledge of the regulatory requirements applicable to civil aviation in Australia; and
   (d) the practitioner’s history, if any, of serious behavioural problems; and
   (e) any evidence held by CASA that the practitioner has contravened:
      (i) the Act or these Regulations; or
      (ii) a law of another country relating to aviation safety; or
      (iii) another law (of Australia or of another country) relating to transport safety.

(6) In deciding whether to appoint a medical practitioner who has previously been appointed as a DAO and whose previous appointment was cancelled, CASA must take into account:
   (a) the fact of the cancellation; and
   (b) the reasons for the cancellation given at the time of the cancellation; and
   (c) any evidence that the practitioner submits about his or her capacity to exercise the powers or carry out the functions that would be conferred by the appointment, if it were made.

(7) However, in making a decision in relation to a medical practitioner referred to in subregulation (6), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

(8) If CASA refuses to appoint a medical practitioner as a DAO, it must tell the practitioner, in writing, of the refusal, and of the reasons for not appointing the practitioner.

Note A refusal is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.
67.070 DAOs — duration of appointment

An appointment of a person as a DAO remains in force:
(a) unless it is cancelled or surrendered; or
(b) if a period (which must not be less than 4 weeks) is specified in the certificate issued to the DAO under regulation 67.085 — until the end of that period unless sooner cancelled or surrendered.

67.075 DAOs — declaration about holders of position

(1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAO.

(2) CASA may also declare, in writing, that a qualified person specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAO.

(3) A declaration under subregulation (1) has no effect in relation to a person occupying, or performing the duties of, an office or position if:
(a) the person is not a Fellow of the Royal Australian College of Ophthalmologists, or does not have postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Medicare Australia or by the public hospital service or public health service of a State or Territory of Australia; or
(b) in the case of an ophthalmologist practising in a country other than Australia — the person does not have postgraduate qualifications in ophthalmology that are acceptable to CASA.

(4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
(a) unless it is revoked; or
(b) if a period (which must not be less than 4 weeks) is specified in the declaration — until the end of that period unless it is sooner revoked.

(5) A declaration under subregulation (1) is not in force while it is suspended.

(6) In this regulation:

qualified person means a person who is a medical practitioner having the qualifications referred to in paragraph 67.065 (4) (a) or (b).

67.080 DAOs — conditions

(1) The appointment of a DAO is subject to the following conditions:

(a) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;

(b) that he or she undertakes continuing training in ophthalmology according to courses or systems acceptable to CASA;

(c) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of convicted of an offence, see regulation 67.020.

(2) A DAO who is a Fellow of the Royal Australian College of Ophthalmologists, and undertakes continuing education in ophthalmology according to the requirements of the College, is taken to satisfy the requirement in paragraph (1) (b) as to continuing training in ophthalmology.

(3) A declaration under subregulation 67.075 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:

(a) observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
(b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

*Note* For the extended meaning of *convicted of an offence*, see regulation 67.020.

(4) A declaration under subregulation 67.075 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.

(5) CASA may impose a condition, restriction or limitation:

(a) on an appointment of a DAO in addition to the conditions to which the appointment is subject under subregulation (1); or

(b) on a declaration under regulation 67.075 in addition to the conditions to which the declaration is subject under subregulation (3) or (4).

(6) A condition, restriction or limitation on an appointment of a DAO that is imposed under paragraph (5) (a) must be set out in the certificate issued to the DAO under regulation 67.085.

(7) A condition, restriction or limitation on a declaration that is imposed under paragraph (5) (b) must be set out in the declaration.

### 67.085 Certificate of appointment

(1) If CASA appoints a medical practitioner as a DAME under regulation 67.045 or as a DAO under regulation 67.065, it must issue to the practitioner a certificate setting out:

(a) what the appointment is; and

(b) the practitioner’s name and business address; and

(c) any expiry date of the appointment (if not sooner cancelled or surrendered); and

(d) any conditions, restrictions or limitations of the appointment imposed under paragraph 67.060 (4) (a) or 67.080 (5) (a); and
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(e) any other information CASA thinks should be included.

(2) CASA may issue a replacement certificate in place of one that contains anything that is not, or is no longer, correct or has been lost or destroyed.

67.090 Release of information about performance of DAMEs or DAOs

(1) CASA may disclose, to an authority referred to in subregulation (3), information about the performance and competence as a medical examiner of a person who:
(a) is a DAME or a DAO; or
(b) is performing or has performed the duties of a position referred to in a declaration under subregulation 67.055 (1) or 67.075 (1).

(2) Despite subregulation (1), CASA may only disclose to the authority the information if CASA has taken all reasonable steps to ensure that that authority has given appropriate undertakings:
(a) for protecting the confidentiality of the information; and
(b) for ensuring that it is used only for the purpose of assessing the performance and competence of the person as a medical examiner.

(3) The authority is the authority of a Contracting State that designates medical examiners for that State for subclause 1.2.2.4 of Annex 1, Personnel Licensing, to the Chicago Convention, being an authority:
(a) that has designated the person for that subclause; or
(b) to which the person has applied to be so designated.

Note Medical practitioners who apply to CASA for appointment as DAMEs or DAOs and persons occupying, or performing the duties of, an office or position to which a declaration under subregulation 67.055 (1) or 67.075 (1) relates are notified by CASA about the effect of regulation 67.090.
67.095 **DAMEs and DAOs — cancellation or surrender of appointment**

(1) CASA may cancel a person’s appointment as a DAME or DAO if there are reasonable grounds for believing that the person:

(a) has contravened a condition to which his or her appointment is subject; or

(b) has contravened regulation 67.125 or subregulation 67.170 (1); or

(c) does not meet, or does not continue to meet, a requirement of, or imposed under, this Subpart for getting or holding the appointment.

(2) Before cancelling the appointment of a person as a DAME or DAO under subregulation (1), CASA:

(a) must give to the person a show cause notice that:

(i) sets out the matters that might constitute grounds for cancellation; and

(ii) invites the person, within a reasonable time stated in the notice, to make representations explaining why his or her appointment should not be cancelled; and

(b) must take into account any written representations that the person makes within the period stated in the notice.

(3) If CASA cancels the appointment of a person as a DAME or DAO under subregulation (1), CASA must give the person written notice of the cancellation, setting out the grounds for the cancellation.

*Note* A decision by CASA to cancel a DAME’s or DAO’s appointment is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.

(4) A DAME or DAO may, by written notice to CASA, surrender his or her appointment.

(5) If a DAME or DAO surrenders his or her appointment under subregulation (4), the appointment stops having effect on the day when the notice of surrender is given to CASA, or if a later day is specified in the notice, on the later day.
67.100 DAMEs and DAOs — automatic suspension and cancellation after criminal conviction

(1) This regulation applies to a person appointed as a DAME or DAO who is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed).

Note 1 For the extended meaning of convicted of an offence, see regulation 67.020.

Note 2 This regulation operates subject to the provisions of Part VIIC of the Crimes Act 1914.

(2) The person’s appointment is taken to be suspended at the time of the conviction.

(3) The person’s appointment is taken to be cancelled:
   (a) if he or she appeals against the conviction and the appeal is dismissed — at the time the appeal is dismissed; or
   (b) if he or she does not appeal against the conviction — on the last day for lodging such an appeal.

67.105 DAMEs — automatic cancellation on ceasing to be medical practitioner

(1) Subject to subregulation (2), this regulation applies to a person appointed as a DAME who ceases to be a medical practitioner.

(2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia, and registered as a medical practitioner in a State or Territory of Australia, if he or she ceases to be registered or licensed as a medical practitioner in the other country.

(3) The person’s appointment is taken to be cancelled at the time he or she ceases to be registered or licensed as a medical practitioner.
67.110 DAOs — automatic cancellation on ceasing to be medical practitioner or ophthalmologist

(1) Subject to subregulation (2), this regulation applies to a person appointed as a DAO who ceases to be a medical practitioner or specialist ophthalmologist.

(2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia and registered as a medical practitioner in a State or Territory of Australia if he or she ceases to be registered or licensed as a medical practitioner in the other country.

(3) The person’s appointment is taken to be cancelled:
   (a) at the time he or she ceases to be a specialist ophthalmologist; or
   (b) if he or she ceases to be registered or licensed as a medical practitioner — at the time he or she so ceases.

67.115 Suspension of declaration under subregulation 67.055 (1) or 67.075 (1)

(1) If the occupant or holder of an office or position specified in a declaration made under subregulation 67.055 (1) or 67.075 (1):
   (a) is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed); or
   (b) fails to comply with a condition of the declaration;
   CASA may direct, by written notice to the body or organisation of which the office or position forms part, that the declaration is taken not to have effect while that person holds or performs the duties of the office or position.

   Note For the extended meaning of convicted of an offence, see regulation 67.020.

(2) Before giving such a direction for the reason mentioned in paragraph (1) (b), CASA must give to the organisation:
   (a) written notice of the matters that might constitute grounds for the suspension of the declaration; and
   (b) a reasonable opportunity to make representations explaining why the declaration should not be suspended.
(3) If CASA suspends the declaration for the reason mentioned in paragraph (1) (b), the notice of suspension must set out the grounds for the suspension.

67.120 Revocation of declarations

(1) CASA may revoke a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position by written notice to the body or organisation of which the office or position forms part if there are reasonable grounds for believing that:

(a) a fact or circumstance exists that, had it existed and been known to CASA at the time the declaration was made, is likely to have resulted in the declaration not being made; or

(b) continuing the particular office or position to be declared would be likely to have an adverse effect on the safety of air navigation.

(2) Before revoking a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position, CASA must give to the body or organisation of which the office forms part:

(a) written notice of the matters that might constitute grounds for the revocation of the declaration; and

(b) a reasonable opportunity to make representations explaining why the declaration should not be revoked.

(3) Despite anything else in this Part, CASA must revoke a declaration made under subregulation 67.055 (1) or 67.075 (1) if the organisation or body of which the office or position specified in it forms part asks CASA in writing to revoke the declaration.

67.125 Obligation to report

If the holder of a medical certificate tells a DAME or DAO about a medical condition that is safety-relevant, the DAME or DAO must inform CASA of the condition within 5 working days.
67.130  **Surrender of certificate of appointment**

(1) CASA may require, by written notice, a DAME or DAO to surrender any certificate or replacement certificate issued to the person under regulation 67.085 within a reasonable time specified in the notice.

(2) The DAME or DAO must comply with the requirement.

Penalty:  5 penalty units.

(3) A person who fails to comply with subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.

(4) A person must not destroy, mutilate or deface a certificate that he or she is required to surrender to CASA under subregulation (1) with intent to evade the obligation to comply with the requirement.

Penalty:  10 penalty units.

67.135  **Return of certificate if appointment cancelled or surrendered**

(1) A person who ceases to be a DAME or DAO must return any certificate or replacement certificate issued to the person under regulation 67.085 within 14 days after ceasing to be a DAME or DAO.

Penalty:  1 penalty unit.

(2) Subregulation (1) does not prevent CASA from returning the certificate or replacement certificate to the person if CASA first defaces it.

67.140  **Indemnification of medical reporting**

(1) In this regulation:

*indemnified act* means any of the following acts:

(a) advising CASA that a person does not meet a relevant medical standard;
(b) expressing to CASA, whether in writing or otherwise, an opinion that a person whom the practitioner has examined or treated may not be competent or medically fit to undertake a duty or exercise a privilege under a licence that the person holds or has applied for, because of:
   (i) illness or bodily or mental infirmity, defect or incapacity suffered by the person; or
   (ii) the effect on the person of treatment for any illness, infirmity, defect or incapacity;
(c) stating to CASA, whether in writing or otherwise:
   (i) the nature of a person’s illness, infirmity, defect or incapacity; or
   (ii) the effect on a person of treatment for any illness, infirmity, defect or incapacity.

(2) A DAME or DAO is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of carrying out his or her functions under this Part.

(3) A person to whom, or an organisation to which, subregulation (4) applies is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of answering any question put to the person or organisation by CASA:
   (a) that concerns a person who has applied for, or holds, a medical certificate; and
   (b) that is relevant to any action CASA may take under this Part.

(4) This subregulation applies to:
   (a) a medical practitioner; and
   (b) a specialist psychiatrist or clinical psychologist; and
   (c) a person, organisation, body or authority referred to in paragraph 67.180 (6) (b), (c), (d) or (e) or 67.225 (6) (b), (c), (d) or (e); and
   (d) a person, organisation, body or authority acting on behalf of a person, organisation, body or authority referred to in paragraph (c).
Subpart 67.C Medical certificates

67.145 Kinds of medical certificate
There are 3 classes of medical certificate, as follows:
(a) class 1 medical certificate;
(b) class 2 medical certificate;
(c) class 3 medical certificate.

67.150 Who meets medical standard 1
(1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.150 meets medical standard 1.

(2) A person may use contact lenses to meet the criterion in item 1.35 of table 67.150 if the lenses are monofocal and not tinted, and are well tolerated.

(3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.

(4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 1.35 of table 67.150 until he or she is free of safety-relevant sequelae of the surgery.

(5) A person who requires both near correction and distant correction to meet the criteria in items 1.35 and 1.36 of table 67.150 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.

(6) A person must demonstrate that he or she meets the criterion in item 1.39 of table 67.150 by:
(a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
(b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
   (i) no errors on 1 run of 9 pairs of lights; or
(ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or

(c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.

(7) If a change is made to a criterion in an item of table 67.150, a person who held a class 1 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, Personnel Licensing, to the Chicago Convention, medical standard 1 applies to holders of, or applicants for, licences of the following kinds:
- commercial pilot licence (aeroplane or helicopter)
- airline transport pilot licence (aeroplane or helicopter)
- flight navigator
- flight engineer.

### Table 67.150 Criteria for medical standard 1

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
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</thead>
<tbody>
<tr>
<td><strong>Abnormalities, disabilities and functional capacity</strong></td>
<td></td>
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</tbody>
</table>
| 1.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation:  
(a) an abnormality;  
(b) a disability or disease (active or latent);  
(c) an injury;  
(d) a sequela of an accident or a surgical operation |
<p>| 1.2 | Has no physical conditions or limitations that are safety-relevant |
| 1.3 | Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
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<tbody>
<tr>
<td><strong>Mental fitness</strong></td>
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<tr>
<td>1.4</td>
<td>Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant:</td>
</tr>
<tr>
<td></td>
<td>(a) psychosis;</td>
</tr>
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<td></td>
<td>(b) significant personality disorder;</td>
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<tr>
<td></td>
<td>(c) significant mental abnormality or neurosis</td>
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<tr>
<td>1.5</td>
<td>Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, Personnel Licensing, to the Chicago Convention)</td>
</tr>
<tr>
<td>1.6</td>
<td>If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, Personnel Licensing, to the Chicago Convention):</td>
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<tr>
<td></td>
<td>(a) the person’s abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and</td>
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<td></td>
<td>(b) the person is not suffering from any safety-relevant sequelae resulting from the person’s use of the substance; and</td>
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<tr>
<td></td>
<td>(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy</td>
</tr>
</tbody>
</table>

*Note*  In Annex 1, Personnel Licensing, to the Chicago Convention, ‘Problematic use of substances’ is defined as follows:

‘The use of one or more psychoactive substances by aviation personnel in a way that:

a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or

b) causes or worsens an occupational, social, mental or physical problem or disorder.’.

‘Psychoactive substances’ is there defined as ‘Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.’.

**Nervous system**

1.7 Has no established medical history or clinical diagnosis of:

(a) a safety-relevant disease of the nervous system; or

(b) epilepsy; or

(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
### Item 1.8
Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure

### Cardiovascular system
- **Item 1.9** Has no safety-relevant heart abnormality
- **Item 1.10** Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner’s Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
- **Item 1.11** Has no significant functional or structural abnormality of the circulatory tree

### Respiratory system
- **Item 1.12** Is not suffering from a safety-relevant condition of the respiratory system
- **Item 1.13** Has full and free respiratory function without the use of drugs (other than drugs approved by CASA for this item) that act on the respiratory organs

### Alimentary system and metabolic disorders
- **Item 1.14** Is not suffering from any safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
- **Item 1.15** Is not suffering from any safety-relevant metabolic, nutritional or endocrine disorders
- **Item 1.16** If suffering from diabetes mellitus — the diabetes is satisfactorily controlled without the use of any anti-diabetic drug

### Reticulo-endothelial system
- **Item 1.17** Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
- **Item 1.18** Is not suffering from a safety-relevant condition of any of the following kinds:
  (a) localised or generalised enlargement of the lymphatic nodes;
  (b) a disease of the blood;
  (c) an immune deficiency disorder
<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Genito-urinary system</strong></td>
<td></td>
</tr>
<tr>
<td>1.19</td>
<td>Is not suffering from any safety-relevant disease of the genito-urinary system</td>
</tr>
<tr>
<td>1.20</td>
<td>Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract</td>
</tr>
<tr>
<td>1.21</td>
<td>Kidneys and urinary tract are free of significant obstructions</td>
</tr>
<tr>
<td>1.22</td>
<td>If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection</td>
</tr>
<tr>
<td><strong>Gynaecological and obstetrical</strong></td>
<td></td>
</tr>
<tr>
<td>1.23</td>
<td>Does not suffer from safety-relevant menstrual disturbances</td>
</tr>
<tr>
<td>1.24</td>
<td>If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for</td>
</tr>
<tr>
<td><em>Note</em></td>
<td>See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.</td>
</tr>
<tr>
<td><strong>Skeletal system</strong></td>
<td></td>
</tr>
<tr>
<td>1.25</td>
<td>Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons</td>
</tr>
<tr>
<td>1.26</td>
<td>Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons</td>
</tr>
<tr>
<td><strong>Ear, nose and throat</strong></td>
<td></td>
</tr>
</tbody>
</table>
| 1.27 | Is not suffering from:  
(a) active pathological processes of the internal ear or of the middle ear; or  
(b) permanent obstructions of the Eustachian tubes; or  
(c) permanent disturbances of the vestibular apparatus |
| 1.28 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |
| **Hearing requirements** |  |
| 1.29 | Is not suffering from any safety-relevant hearing defect |
### Regulation 67.150

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
</table>
| 1.30 | If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than:  
(a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz;  
or  
(b) 50 dB at 3 000 Hz —  
passes a speech discrimination test, or an operational check, carried out by an approved person in an aircraft of similar ambient noise level to that in which the person being tested is or will be operationally involved |

#### Visual requirements

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.31</td>
<td>Eyes and their adnexae function normally</td>
</tr>
<tr>
<td>1.32</td>
<td>Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma</td>
</tr>
<tr>
<td>1.33</td>
<td>Has normal fields of vision</td>
</tr>
<tr>
<td>1.34</td>
<td>Has normal binocular vision</td>
</tr>
<tr>
<td>1.35</td>
<td>Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)</td>
</tr>
</tbody>
</table>
| 1.36 | Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre  
*Note* A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200. |
| 1.37 | Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses) |
| 1.38 | If using contact lenses to meet the visual standards set out in items 1.31 to 1.37:  
(a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and  
(b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly |
### Colour perception

**1.39** Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence

**Note** For how to demonstrate this, see subregulation 67.150 (6).

#### 67.155 Who meets medical standard 2

1. Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.155 meets medical standard 2.

2. A person may use contact lenses to meet the criterion in item 2.35 of table 67.155 if the lenses are monofocal and not tinted, and are well tolerated.

3. A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.

4. A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 2.35 of table 67.155 until he or she is free of safety-relevant sequelae of the surgery.

5. A person who requires both near correction and distant correction to meet the criteria in items 2.35 and 2.36 of table 67.155 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.

6. A person must demonstrate that he or she meets the criterion in item 2.39 of table 67.155 by:
   - **in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or**
   - **for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:**
     - no errors on 1 run of 9 pairs of lights; or
(ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or

(c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.

(7) If a change is made to a criterion in an item of table 67.155, a person who held a class 2 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, Personnel Licensing, to the Chicago Convention, medical standard 2 applies to holders of, or applicants for, licences of the following kinds:
- private pilot licences (aeroplane or helicopter)
- glider pilot licence
- free balloon pilot licence.

**Table 67.155 Criteria for medical standard 2**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abnormalities, disabilities and functional capacity</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation:</td>
</tr>
<tr>
<td></td>
<td>(a) an abnormality;</td>
</tr>
<tr>
<td></td>
<td>(b) a disability or disease (active or latent);</td>
</tr>
<tr>
<td></td>
<td>(c) an injury;</td>
</tr>
<tr>
<td></td>
<td>(d) a sequela of an accident or a surgical operation</td>
</tr>
<tr>
<td>2.2</td>
<td>Has no physical conditions or limitations that are safety-relevant</td>
</tr>
<tr>
<td>2.3</td>
<td>Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant</td>
</tr>
<tr>
<td>Item</td>
<td>Criterion</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
</tr>
<tr>
<td><strong>Mental fitness</strong></td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant:</td>
</tr>
<tr>
<td></td>
<td>(a) psychosis;</td>
</tr>
<tr>
<td></td>
<td>(b) significant personality disorder;</td>
</tr>
<tr>
<td></td>
<td>(c) significant mental abnormality or neurosis</td>
</tr>
<tr>
<td>2.5</td>
<td>Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, Personnel Licensing, to the Chicago Convention)</td>
</tr>
<tr>
<td>2.6</td>
<td>If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, Personnel Licensing, to the Chicago Convention):</td>
</tr>
<tr>
<td></td>
<td>(a) the person’s abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and</td>
</tr>
<tr>
<td></td>
<td>(b) the person is not suffering from any safety-relevant sequelae resulting from the person’s use of the substance; and</td>
</tr>
<tr>
<td></td>
<td>(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy</td>
</tr>
</tbody>
</table>

*Note* In Annex 1, Personnel Licensing, to the Chicago Convention, ‘Problematic use of substances’ is defined as follows: ‘The use of one or more psychoactive substances by aviation personnel in a way that:

a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or

b) causes or worsens an occupational, social, mental or physical problem or disorder.’.

‘Psychoactive substances’ is there defined as ‘Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.’.

**Nervous system**

2.7 | Has no established medical history or clinical diagnosis of: |
|     | (a) a safety-relevant disease of the nervous system; or |
|     | (b) epilepsy; or |
|     | (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur |
Part 67 Medical
Subpart 67.C Medical certificates

Regulation 67.155

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.8</td>
<td>Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure</td>
</tr>
</tbody>
</table>

**Cardiovascular system**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.9</td>
<td>Has no safety-relevant heart abnormality</td>
</tr>
<tr>
<td>2.10</td>
<td>Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner’s Handbook (even if approved drugs are used to maintain the blood pressure within those limits)</td>
</tr>
<tr>
<td>2.11</td>
<td>Has no significant functional or structural abnormality of the circulatory tree</td>
</tr>
</tbody>
</table>

**Respiratory system**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.12</td>
<td>Is not suffering from a safety-relevant condition of the respiratory system</td>
</tr>
</tbody>
</table>

**Alimentary system and metabolic disorders**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.13</td>
<td>Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae</td>
</tr>
<tr>
<td>2.14</td>
<td>Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders</td>
</tr>
</tbody>
</table>
| 2.15 | If suffering from diabetes mellitus:  
        (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or  
        (b) if an oral anti-diabetic drug is used to control the condition:  
            (i) the condition is under on-going medical supervision and control; and  
            (ii) the oral drug is approved by CASA |

**Reticulo-endothelial system**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.16</td>
<td>Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin</td>
</tr>
</tbody>
</table>
| 2.17 | Is not suffering from a safety-relevant condition of any of the following kinds:  
        (a) localised or generalised enlargement of the lymphatic nodes;  
        (b) a disease of the blood;  
        (c) an immune deficiency disorder |
### Medical Part 67

#### Medical certificates Subpart 67.C

**Regulation 67.155**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Genito-urinary system</strong></td>
<td></td>
</tr>
<tr>
<td>2.18</td>
<td>Is not suffering from any safety relevant disease of the genitor-urinary system</td>
</tr>
<tr>
<td>2.19</td>
<td>Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract</td>
</tr>
<tr>
<td>2.20</td>
<td>Kidneys and urinary tract are free of significant obstructions</td>
</tr>
<tr>
<td>2.21</td>
<td>If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection</td>
</tr>
<tr>
<td><strong>Gynaecological and obstetrical</strong></td>
<td></td>
</tr>
<tr>
<td>2.22</td>
<td>Does not suffer from safety-relevant menstrual disturbances</td>
</tr>
<tr>
<td>2.23</td>
<td>If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for</td>
</tr>
</tbody>
</table>

*Note*  See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

| **Skeletal system** | |
| 2.24 | Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons |
| 2.25 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |

| **Ear, nose and throat** | |
| 2.26 | Is not suffering from: |
| | (a) active pathological processes of the internal ear or of the middle ear; or |
| | (b) permanent obstructions of the Eustachian tubes; or |
| | (c) permanent disturbances of the vestibular apparatus |
| 2.27 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract |

| **Hearing** | |
| 2.28 | Is not suffering from any safety-relevant hearing defect |
**Part 67 Medical**

**Subpart 67.C Medical certificates**

**Regulation 67.155**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.29</td>
<td>With or without a hearing aid, is able to hear with both ears an average conversational voice in a quiet room while at a distance of 2 metres from the examiner, and looking away from the examiner</td>
</tr>
<tr>
<td>2.30</td>
<td>For somebody who fails to meet the standard in item 2.29, passes an operational check by an approved person in an aircraft having a similar ambient noise level to that in which the person is or will be operationally involved</td>
</tr>
</tbody>
</table>

**Visual requirements**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.31</td>
<td>Eyes and their adnexae function normally</td>
</tr>
<tr>
<td>2.32</td>
<td>Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma</td>
</tr>
<tr>
<td>2.33</td>
<td>Has normal fields of vision</td>
</tr>
<tr>
<td>2.34</td>
<td>Has normal binocular vision</td>
</tr>
<tr>
<td>2.35</td>
<td>Has a distant visual acuity of 6/12 or better in each eye separately and 6/9 or better binocular (with or without correcting lenses)</td>
</tr>
<tr>
<td>2.36</td>
<td>Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre</td>
</tr>
</tbody>
</table>

*Note:* A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.37</td>
<td>Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)</td>
</tr>
<tr>
<td>2.38</td>
<td>If using contact lenses to meet the visual standards set out in items 2.31 to 2.37:</td>
</tr>
<tr>
<td></td>
<td>(a) is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and</td>
</tr>
<tr>
<td></td>
<td>(b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly</td>
</tr>
</tbody>
</table>
Medical certificates
Subpart 67.C

Regulation 67.160

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colour perception</td>
<td></td>
</tr>
<tr>
<td>2.39</td>
<td>Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence.</td>
</tr>
</tbody>
</table>

Note: For how to demonstrate this, see subregulation 67.155 (6).

67.160 Who meets medical standard 3

(1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.160 meets medical standard 3.

(2) A person may use contact lenses to meet the criterion in item 3.33 of table 67.160 if the lenses are monofocal and not tinted, and are well tolerated.

(3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.

(4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 3.33 of table 67.160 until he or she is free of safety-relevant sequelae of the surgery.

(5) A person who requires both near correction and distant correction to meet the criteria in items 3.33 and 3.34 of table 67.160 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.

(6) If a person applies for a class 3 medical certificate, the person must demonstrate that he or she meets the criterion in item 3.37 of table 67.160 by, in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors.

(7) If a change is made to a criterion in an item of table 67.160, a person who held a class 3 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.
**Regulation 67.160**

*Note* Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 3 applies to holders of, or applicants for, air traffic controller licences.

### Table 67.160 Criteria for medical standard 3

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity, or risk of incapacitation:</td>
</tr>
<tr>
<td></td>
<td>(a) an abnormality;</td>
</tr>
<tr>
<td></td>
<td>(b) a disability or disease (active or latent);</td>
</tr>
<tr>
<td></td>
<td>(c) an injury;</td>
</tr>
<tr>
<td></td>
<td>(d) a sequela of an accident or a surgical operation</td>
</tr>
<tr>
<td>3.2</td>
<td>Has no physical conditions or limitations that are safety-relevant</td>
</tr>
<tr>
<td>3.3</td>
<td>Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant</td>
</tr>
<tr>
<td>3.4</td>
<td>Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant:</td>
</tr>
<tr>
<td></td>
<td>(a) psychosis;</td>
</tr>
<tr>
<td></td>
<td>(b) significant personality disorder;</td>
</tr>
<tr>
<td></td>
<td>(c) significant mental abnormality or neurosis</td>
</tr>
<tr>
<td>3.5</td>
<td>Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <em>Personnel Licensing</em>, to the Chicago Convention)</td>
</tr>
<tr>
<td>3.6</td>
<td>If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <em>Personnel Licensing</em>, to the Chicago Convention):</td>
</tr>
<tr>
<td></td>
<td>(a) the person’s abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and</td>
</tr>
<tr>
<td></td>
<td>(b) the person is not suffering from any safety-relevant sequelae resulting from the person’s use of the substance; and</td>
</tr>
<tr>
<td></td>
<td>(c) the person provides evidence that the person is undertaking, or has successfully completed, an appropriate course of therapy</td>
</tr>
</tbody>
</table>
Item | Criterion
--- | ---

Note  In Annex 1, *Personnel Licensing*, to the Chicago Convention, ‘Problematic use of substances’ is defined as follows:

‘The use of one or more psychoactive substances by aviation personnel in a way that:

a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or

b) causes or worsens an occupational, social, mental or physical problem or disorder.’.

‘Psychoactive substances’ is there defined as ‘Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.’.

Nervous system

3.7  Has no established medical history or clinical diagnosis of:

(a) a safety-relevant disease of the nervous system; or

(b) epilepsy; or

(c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur

3.8  Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure

Cardiovascular system

3.9  Has no safety-relevant heart abnormality

3.10  Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner’s Handbook (even if approved drugs are used to maintain the blood pressure within those limits)

3.11  Has no significant functional or structural abnormality of the circulatory tree

Respiratory system

3.12  Is not suffering from a safety-relevant condition of the respiratory system

Alimentary system and metabolic disorders

3.13  Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
### Medical certificates

#### Regulation 67.160

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.14</td>
<td>Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders</td>
</tr>
</tbody>
</table>
| 3.15 | If suffering from diabetes mellitus:  
(a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or  
(b) if an oral anti-diabetic drug is used to control the condition:  
(i) the condition is under on-going medical supervision and control; and  
(ii) the oral drug is approved by CASA |

**Reticulo-endothelial system**

3.16 Is not suffering from a safety-relevant condition of any of the following kinds:  
(a) localised or generalised enlargement of the lymphatic nodes;  
(b) a disease of the blood;  
(c) an immune deficiency disorder

**Genito-urinary system**

3.17 Is not suffering from any safety relevant disease of the genito-urinary system

3.18 Has no sequelae of disease or surgical procedures on the kidneys or urinary tract

3.19 Kidneys and urinary tract are free of significant obstructions

3.20 If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection

**Gynaecological and obstetrical**

3.21 Does not suffer from safety-relevant menstrual disturbances

3.22 If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for

*Note* See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

**Skeletal system**

3.23 Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons

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Item | Criterion
---|---
3.24 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons

*Ear, nose and throat*

3.25 | Is not suffering from:
   - (a) active pathological processes of the internal ear or of the middle ear; or
   - (b) permanent disturbances of the vestibular apparatus

3.26 | Has no safety-relevant condition of the buccal cavity or the upper respiratory tract

*Hearing requirements*

3.27 | Is not suffering from any safety-relevant hearing defect

3.28 | If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than:
   - (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or
   - (b) 50 dB at 3 000 Hz — passes a speech discrimination test, or an operational check, carried out by an approved person

*Visual requirements*

3.29 | Eyes and their adnexae function normally

3.30 | Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma

3.31 | Has normal binocular vision

3.32 | Has normal fields of vision

3.33 | Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)

3.34 | Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre

*Note*  A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.
Part 67  Medical
Subpart 67.C  Medical certificates

Regulation 67.165

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.35</td>
<td>Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)</td>
</tr>
</tbody>
</table>
| 3.36 | If using contact lenses to meet the visual standards set out in items 3.29 to 3.35:  
(a) is able to wear those lenses for twice the projected length of duty time for the person without deterioration in visual acuity or discomfort; and  
(b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly |

**Colour perception**

<table>
<thead>
<tr>
<th>Item</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.37</td>
<td>Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence</td>
</tr>
</tbody>
</table>

*Note*  For how to demonstrate this, see subregulation 67.160 (6).

67.165 **Directions about examinations for issue of medical certificates**

(1) If CASA has reason to believe that an applicant for the issue of a medical certificate has a condition (including a condition other than a medical condition) that may, if he or she is issued the medical certificate, endanger the safety of air navigation, CASA may direct the applicant to do either or both of the following:

(a) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;

(b) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought.

(2) For paragraph (1) (a), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
(3) For paragraph (1) (b), CASA may nominate a particular person who is expert in the safe performance of the activity concerned to carry out the examination.

67.170 Evidence of identity

(1) If a person submits to a relevant examination by a DAME or DAO, the DAME or DAO must ask the person to produce evidence of his or her identity before finishing the examination.

(2) The evidence must include a photograph of the person.

Example
The identification might take the form of a passport or any of the following that includes a photograph: a driver’s licence, a workplace identification document, a student’s identity card.

(3) However, subregulation (1) does not require the DAME or DAO to ask the person to produce the evidence if the DAME or DAO knows or reasonably believes the person is who the person claims to be.

(4) If the DAME or DAO has asked the person to produce evidence of his or her identity under subregulation (1), the DAME or DAO may refuse to carry out, or finish, the examination until the person produces the evidence.

67.175 Medical certificates — application
A person may apply to CASA for the issue of a medical certificate.

67.180 Medical certificates — issue and refusal

(1) Subject to this regulation, on receiving an application under regulation 67.175, CASA must issue a medical certificate to the applicant only if:

(a) the applicant meets the requirements of subregulation (2);

or

(b) if subregulation (3) applies to the applicant — CASA is satisfied that issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.
(2) For paragraph (1) (a), the requirements are:

(a) the applicant has undergone any relevant examinations that, in the opinion of CASA, are necessary in the particular case; and

(b) each relevant examination has been carried out by an examiner to whom subregulation (4) applies; and

(c) for each relevant examination, the applicant answers every question asked by the examiner that the examiner considers necessary to help CASA to decide whether the applicant meets the relevant medical standard; and

(d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information about the applicant that may help CASA to decide whether the applicant meets the relevant medical standard, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and

(e) either:

(i) the applicant meets the relevant medical standard; or

(ii) if the applicant does not meet that medical standard — the extent to which he or she does not meet the standard is not likely to endanger the safety of air navigation; and

(f) if, in addition to any relevant examinations that the applicant has undergone under paragraph (a), CASA has directed the applicant to undergo an examination under subregulation 67.165 (1):

(i) the applicant has undergone that examination; and

(ii) having taken into account the result of the examination, CASA is satisfied that issuing a medical certificate to the applicant would not endanger the safety of air navigation.

Note 1 The routine examinations that an applicant for the issue of a medical certificate must undergo to establish whether he or she meets the relevant medical standard for the certificate are those set out in the Designated Aviation Medical Examiner’s Handbook.

Note 2 Part VIIC of the Crimes Act 1914 operates to prevent any requirement to disclose a spent conviction. For details, see that Part.
(3) This subregulation applies to an applicant:
   (a) whose medical certificate (the old certificate) has expired; and
   (b) who:
      (i) applies to CASA for the issue of a new medical certificate within 3 months after the old certificate expired; and
      (ii) in the opinion of CASA, is not required to undergo any relevant examinations for the issue of the new certificate.

Note If a medical certificate is issued to an applicant referred to in subregulation (3), the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate — see subregulation 67.205 (4).

(4) This subregulation applies to the following persons:
   (a) a DAME;
   (b) a DAO;
   (c) a specialist medical practitioner, or any other medical practitioner, who CASA has directed may carry out medical examinations for the purposes of subregulation (2);
   (d) if CASA has directed that the applicant be assessed by a specialist psychiatrist or clinical psychologist — the psychiatrist or psychologist who carried out the assessment;
   (e) if CASA has directed that the applicant be assessed by an audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthodontist, or similar practitioner — the practitioner who carried out the assessment;
(f) if CASA has directed that the applicant be assessed by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought — the person who carried out the assessment.

(5) An authorisation under paragraph (2) (d) does not require a person, organisation, body or authority to disclose:

(a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or

(b) information that could not, because of Part 3.10 of the Evidence Act 1995, be given in evidence in a proceeding to which that Part applies.

Note Part 3.10 of the Evidence Act 1995 is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

(6) For paragraph (2) (d), the persons, organisations, bodies or authorities are as follows:

(a) a medical practitioner;

(b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;

(c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;

(d) an employer (including a former employer) of the applicant;

(e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the Crimes Act 1914, a court) that holds information of the kind referred to in paragraph (2) (d).

(7) CASA must not issue a medical certificate to an applicant if it is satisfied that the applicant:

(a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or

(b) does not satisfy the requirements of this regulation; or
(c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).

(8) A medical certificate issued to an applicant who does not meet the relevant medical standard for the issue of the certificate, or to whom subparagraph (2) (f) (ii) applies, must bear a note of that fact.

(9) The fact that an applicant who does not meet the relevant medical standard in all respects has previously been issued with a medical certificate under subparagraph (2) (e) (ii) or (f) (ii), or a special medical certificate (within the meaning of Part 6 of CAR), does not automatically entitle him or her to the issue of a further such medical certificate.

67.185 Notice of decision to refuse medical certificate

(1) If CASA refuses to issue a medical certificate to a person, it must tell the person, in writing, of the refusal, and of:
   (a) the reasons for not issuing the certificate; and
   (b) if the reason was that the person failed to meet the relevant medical standard, the respects in which he or she did not meet the standard.

(2) Failure to comply with subregulation (1) in relation to a decision does not affect the validity of the decision.

67.190 Reconsideration of decision to refuse medical certificate

(1) A person to whom CASA has refused to issue a medical certificate, or to whom CASA has issued a medical certificate subject to a condition not sought by the person, may apply to CASA in writing for reconsideration of the decision.

(2) The application must be made within 21 days after the day when the person is told by CASA, in writing, that it:
   (a) has refused to issue a medical certificate to the person; or
   (b) has issued a medical certificate subject to a condition not sought by the person.
67.195 Medical certificate — conditions

(1) CASA may issue a medical certificate to a person subject to any condition that is necessary in the interests of the safety of air navigation, having regard to the medical condition of the person.

(2) In particular, CASA may issue a medical certificate subject to a condition that the period during which the certificate remains in force may be extended only by CASA.

(3) A person must not contravene a condition subject to which his or her medical certificate is issued.

Penalty: 50 penalty units.

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

(5) A condition to which a medical certificate is subject must be set out in the certificate.

67.200 Conditions applicable to certain medical certificates — correcting lenses

(1) In addition to any other condition imposed by or under this Part, a medical certificate issued to a person who needs correcting lenses to satisfy the requirements of item 1.36 of table 67.150, item 2.36 of table 67.155 or item 3.34 of table 67.160 is subject to the conditions set out in subregulations (2) and (4).

(2) The person must have those correcting lenses available for use while exercising the privileges of a licence for which the certificate is required.
(3) If the person is the holder of, or an applicant for, a licence for which he or she is required to meet medical standard 1 or 2, the correcting lenses may be a pair of spectacles or a combination of contact lenses and a pair of spectacles.

(4) A person to whom subregulation (3) applies must have within reach, while he or she is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that he or she requires to meet the relevant medical standard.

(5) The holder of a medical certificate that is subject to a condition set out in subregulation (2) or (4) must not contravene the condition.

Penalty: 50 penalty units.

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

67.205 Medical certificates — period in force

(1) In this regulation:

appropriate day means:

(a) for a medical certificate issued to a person who:

(i) has never held a medical certificate, or a person who has previously held a medical certificate that has expired; and

(ii) has undergone any relevant examinations required for the purpose of the issue of the certificate;

the day when the last relevant examination is completed; and

(b) for a new medical certificate issued to a person:

(i) who holds a medical certificate that is in force (the current certificate); and

(ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and

(iii) whose last relevant examination is completed more than 28 days before his or her current certificate is due to expire;
the day when the examination is completed; and
(c) for a new medical certificate issued to a person:
   (i) who holds a medical certificate that is in force (the current certificate); and
   (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
   (iii) whose last relevant examination is completed 28 or fewer days before his or her current certificate is due to expire;

the day when the current certificate is due to expire.

Examples
1. A person who has never held a medical certificate has an examination for the issue of a medical certificate on 1 January 2003. The appropriate day for the certificate is 1 January 2003.
2. A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 1 November 2003. The appropriate day for the new certificate is 1 November 2003.
3. A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 20 December 2003. The appropriate day for the new certificate is 1 January 2004.
4. A person who held a medical certificate that expired on 1 January 2003 has an examination for a new certificate on 1 March 2003. The appropriate day for the new certificate is 1 March 2003.

(2) A medical certificate comes into force:
   (a) if the holder has undergone any relevant examinations required for the purpose of the issue of the certificate and complies with the relevant medical standard in all respects — on the certificate’s appropriate day; or
   (b) in any other case — on the day when the certificate is issued.

(3) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has undergone any relevant examinations required for the purpose of the issue of the certificate remains in force for the period set out in the certificate, being a period of not more than:
   (a) in the case of a class 1 medical certificate — 1 year after the day when the certificate comes into force; and
(b) in the case of a class 2 medical certificate:
   (i) if the person is less than 40 years old when the certificate is issued to him or her — 4 years after the day when the certificate comes into force; or
   (ii) if the person is 40 years old or older when the certificate is issued to him or her — 2 years after the day when the certificate comes into force; and

(c) in the case of a class 3 medical certificate — 2 years after the day when the certificate comes into force.

(4) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has not been required to undergo any relevant examinations for the purpose of the issue of the certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate.

(5) Subject to subregulation (6), a medical certificate issued by a DAME remains in force for the period (which must not be longer than 2 months) set out in the certificate.

(6) If a new medical certificate is issued to a person who holds a current medical certificate, and the new certificate comes into force before the current certificate is due to expire, the current certificate ceases to be in force at the last moment of the day before the day when the new certificate comes into force.

67.210 Medical certificates — application for extension of period in force

(1) The holder of a current medical certificate issued by CASA may apply for an extension of the period during which the medical certificate remains in force.

(2) The application may be made to:
   (a) CASA; or
   (b) if the certificate is not subject to a condition to the effect that the period during which the certificate remains in force may be extended only by CASA — a DAME.
67.215 Medical certificates — extension of period in force by CASA

(1) If, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force, CASA is satisfied that extending the period will not adversely affect the safety of air navigation, CASA may extend the period by:

(a) entering the period of the extension on the certificate; or
(b) giving to the holder of the certificate a written notice setting out the period of the extension.

(2) An extension by CASA of the period during which the certificate remains in force must not be for longer than 1 year after the day when the certificate would expire if the period had not been extended.

67.220 Medical certificates — extension of period in force by DAMEs

(1) A DAME must, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force:

(a) deal with the application in accordance with the Designated Aviation Medical Examiner’s Handbook; and
(b) extend the period only if the DAME is satisfied that this will not adversely affect the safety of air navigation.

(2) If the DAME extends the period during which a medical certificate remains in force, the DAME must:

(a) enter the period of the extension on the certificate; or
(b) give to the holder of the certificate a written notice setting out the period of the extension.

(3) A medical certificate may be extended by a DAME only once.

(4) An extension by a DAME of the period during which the certificate remains in force must not be for longer than 2 months after the day when the certificate would expire if the period had not been extended.
67.225 Medical certificates — new medical certificates issued by DAMEs

(1) A person whose medical certificate has expired may apply to a DAME for the issue of a medical certificate under this regulation if the medical certificate:
   (a) was issued by CASA; and
   (b) was not subject to a condition that the period during which the certificate remains in force may be extended only by CASA.

(2) An application must be made within 3 months after the medical certificate has expired.

(3) On receiving an application under subregulation (1), a DAME must:
   (a) deal with it in accordance with the Designated Aviation Medical Examiner’s Handbook; and
   (b) subject to this regulation, issue a new medical certificate to the applicant only if satisfied that:
      (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information to the DAME, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
      (ii) issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

Note If a medical certificate is issued to a person by a DAME, the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate — see subregulation 67.205 (5).

(4) The DAME must not issue a medical certificate to the applicant if the DAME is satisfied that the applicant:
   (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
   (b) does not satisfy the requirements of this regulation; or
   (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).
(5) An authorisation under subparagraph (3) (b) (i) does not require a person, organisation, body or authority to disclose:
(a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
(b) information that could not, because of Part 3.10 of the Evidence Act 1995, be given in evidence in a proceeding to which that Part applies.

Note Part 3.10 of the Evidence Act 1995 is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

(6) For subparagraph (3) (b) (i), the persons, organisations, bodies or authorities are as follows:
(a) a medical practitioner;
(b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
(c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
(d) an employer (including a former employer) of the applicant;
(e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the Crimes Act 1914, a court) that holds information of the kind referred to in subparagraph (3) (b) (i).

67.230 CASA may require medical examination of certificate holders

(1) If it is necessary, in the interests of the safety of air navigation, for the holder of a medical certificate to demonstrate:
(a) that he or she continues to meet the relevant medical standard; or
(b) that holding the certificate does not adversely affect the safety of air navigation;
CASA may direct the holder to do any 1 or more of the following:

(c) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;

(d) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity to which the medical certificate relates;

(e) authorise the disclosure to CASA of any information about the holder, held by a person, organisation, body or authority referred to in subregulation (4), that may help CASA to decide whether:

(i) the holder continues to meet that medical standard; or

(ii) the holder’s holding the certificate may adversely affect the safety of air navigation.

(2) For paragraph (1) (c), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.

(3) For paragraph (1) (d), CASA may nominate a particular person who is expert in the performance of the activity concerned to carry out the examination.

(4) For paragraph (1) (e), the persons, organisations, bodies and authorities are as follows:

(a) a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or similar practitioner who has examined or treated the holder;

(b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the holder;

(c) any other person or organisation (including a hospital) that has treated the holder for a medically significant condition;

(d) an employer (including a former employer) of the holder;
(e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the Crimes Act 1914, a court) that holds information relevant to deciding whether the person’s holding the certificate may adversely affect the safety of air navigation.

67.235 Suspension of medical certificates — pregnancy

(1) A medical certificate held by a pregnant woman who holds, or is an applicant for, a licence is taken to be suspended:

(a) during the period beginning immediately after the end of the 30th week of gestation and ending when a DAME certifies that she is fully recovered following delivery or the termination of the pregnancy; or

(b) if in a particular case CASA directs in writing that a different period should apply — during the period so directed by CASA; or

(c) if, before the start of the period mentioned in paragraph (a), the pregnancy ends in miscarriage or premature labour, or is terminated by medical intervention — from the time of the miscarriage, premature labour or intervention until a DAME certifies that the woman is fully recovered.

Note This regulation does not preclude a pilot who is pregnant from undertaking or receiving instruction in a flight simulator at any stage of the pilot’s pregnancy.

(2) Despite subregulation (1), a pregnant woman who holds an air traffic controller licence may continue to exercise the privileges of the licence until the end of the 38th week of gestation if:

(a) the medical practitioner who is attending the woman certifies her continued medical fitness to do so each week beginning at the 31st week of gestation; and

(b) a DAME certifies the woman’s continuing fitness to do so each week beginning at the 31st week of gestation; and

(c) another person who holds an air traffic controller licence, and is medically fit and able to take over responsibility for
the function, is on duty and available at the times when she does so.

67.240 Medical certificates — suspension pending examination

(1) If CASA directs the holder of a medical certificate to submit to an examination under regulation 67.230, or to authorise the disclosure of information to CASA under that regulation, CASA may, in writing, suspend the medical certificate.

(2) If CASA suspends a medical certificate, CASA must give the holder of the certificate written notice of the suspension and of the reasons for the suspension.

(3) A suspension of a medical certificate takes effect when the holder of the certificate is told of the suspension, either orally or in writing.

(4) If:
   (a) CASA suspends a medical certificate; and
   (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
   (c) the examination, test or information shows that:
       (i) the holder meets the relevant medical standard; and
       (ii) the continued holding of the certificate by the holder will not adversely affect the safety of air navigation;

   CASA must:
   (d) end the suspension; and
   (e) tell the holder in writing that the suspension has ended.

(5) If:
   (a) CASA suspends a medical certificate; and
   (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
   (c) the examination, test or information shows either or both of the following:
(i) the holder fails to meet the relevant medical standard;
(ii) the continued holding of the certificate by the holder will adversely affect the safety of air navigation;

CASA must tell the holder in writing the respect in which the holder does not meet the medical standard.

### 67.245 Suspension of medical certificates — special arrangements for service in urgent cases

(1) If there is reason to believe in a particular case that:
   (a) the holding of a medical certificate by a person may seriously and adversely affect the safety of air navigation; and
   (b) it is necessary, in the interests of the safety of air navigation, to suspend the certificate immediately; and
   (c) the person is likely to attempt to evade service on him or her of the notice of suspension;

CASA may give the notice to the person in any way by which it is likely to be quickly brought to the person’s attention.

(2) In particular, if no other method of giving the notice is practicable in the circumstances, the notice may be given by fixing it in a prominent position to an aircraft that the person is likely to fly.

(3) A notice that is fixed to an aircraft is taken to have been given to the person at the time it is fixed to the aircraft.

### 67.250 Medical certificates — effect of suspension

If CASA suspends a medical certificate, its holder is taken not to be the holder of a medical certificate during the period of the suspension.

### 67.255 Medical certificates — cancellation if medical standard not met

(1) If, after undergoing an examination for the purposes of regulation 67.180 or under regulation 67.230, the holder of a medical certificate fails to meet the relevant medical standard
for the certificate (or, in the case of a person who did not, at the time the certificate was issued, meet the standard in all respects, fails to meet the standard in an additional respect), CASA must:

(a) by written notice given to the holder, cancel the certificate; and

(b) if CASA is satisfied that the holding of a medical certificate by the holder will not adversely affect the safety of air navigation — issue to the holder a medical certificate that is subject to any conditions that are necessary in the interests of the safety of air navigation.

(2) CASA must include in the notice the reasons for the holder’s failure to meet the relevant medical standard.

67.260 Medical certificates — cancellation and suspension in other cases

(1) CASA may, by written notice given to the holder of a medical certificate, cancel the certificate, or suspend it for a specified period, if there are reasonable grounds for believing that the holder:

(a) has contravened a condition to which the certificate is subject; or

(b) has contravened subregulation 67.265 (3) or (4); or

(c) has failed to comply with a direction under regulation 67.230.

(2) A notice must set out the grounds for the cancellation or suspension.

(3) Before cancelling or suspending a medical certificate, CASA must:

(a) give a show cause notice to the holder of the certificate of the facts and circumstances that, in the opinion of CASA, justify consideration being given to the cancellation or suspension of the certificate; and

(b) allow the holder to show cause (within the time CASA sets out in that notice, being a period of not less than 14 days after the notice was given), why the certificate should not be cancelled or suspended.
Subpart 67.D Responsibilities of medical certificate holders

67.265 Obligation to tell CASA of changes in medical condition

(1) In this regulation:

licence means a licence of any of the following kinds:

(a) flight crew licence;
(b) special pilot licence;
(c) flight radiotelephone licence;
(d) air traffic controller licence.

(2) In this regulation, a reference to a DAME includes, in relation to a medically significant condition that affects a person’s vision, a DAO.

(3) If:

(a) the holder of a class 1 medical certificate and a licence:

(i) knows that he or she has a medically significant condition; and
(ii) is reckless as to whether the condition has been disclosed to CASA; and

(b) the condition continues for longer than 7 days; and

(c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 7 days.

Penalty: 50 penalty units.

(4) If:

(a) the holder of a class 2 or class 3 medical certificate and a licence:

(i) knows that he or she has a medically significant condition; and
(ii) is reckless as to whether the condition has been disclosed to CASA; and

(b) the condition continues for longer than 30 days; and
(c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;
he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 30 days.

Penalty: 50 penalty units.

(5) If the holder of a medical certificate and a licence:
(a) knows that he or she has a medically significant condition;
and
(b) is reckless as to whether the condition has been disclosed to CASA; and
(c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;
he or she must not do the act until a DAME certifies that the holder can safely do such acts.

Penalty: 50 penalty units.

Note If the holder of a medical certificate tells a DAME about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days — see regulation 67.125.

(6) It is a defence to a prosecution under subregulation (5) that, in the circumstances, the relevant act was a reasonable measure to save life (including the holder’s own life) or avoid damage to property.

67.270 Offence — doing act while efficiency impaired

(1) This regulation applies in relation to a licence of any of the following kinds:
(a) flight crew licence;
(b) special pilot licence;
(c) flight radiotelephone licence;
(d) air traffic controller licence.

(2) The holder of the licence must not do an act authorised by the licence if at the time:
(a) he or she knows that he or she has a medically significant condition; and
Part 67 Medical
Subpart 67.D Responsibilities of medical certificate holders

**Regulation 67.275**

(b) the condition has the result that his or her ability to do the act is impaired.

Penalty: 50 penalty units.

(3) If the holder’s normal ability to do such acts is not fully restored within the period specified in subregulation (4) for the holder’s licence, the holder must not do an act authorised by the licence until a DAME gives a certificate to the holder to the effect that the person’s ability to do such acts is no longer impaired.

Penalty: 50 penalty units.

(4) The period is:

(a) for a licence for which a class 1 medical certificate is necessary — 7 days; and

(b) for a licence of any other kind to which this regulation applies — 30 days.

Note If the holder of a medical certificate tells a DAME or DAO about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days — see regulation 67.125.

**67.275 Surrender of medical certificates**

(1) CASA may require, by written notice, the holder of a medical certificate to surrender the certificate to CASA within a reasonable time specified in the notice.

(2) The person must comply with the requirement.

Penalty: 5 penalty units.

(3) A person who contravenes subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.

(4) The person must not destroy, mutilate or deface the certificate with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.
Part 71  Airspace

Note  This Part heading is reserved for future use.

Part 90  Additional airworthiness standards

Note  This Part heading is reserved for future use.
Part 91 General operating and flight rules

Note This Part is made up as follows:

Subpart 91.A Applicability and definitions
91.005 Applicability

Subpart 91.D Operational procedures
91.830 Reduced vertical separation minimum (RVSM) operations
91.850 Required navigation performance (RNP) operations
91.865 Basic area navigation (B-RNAV) operations
91.870 Precision area navigation (P-RNAV) operations
91.875 Minimum navigation performance specification (MNPS) operations
91.880 Australian area navigation (AUSEP) operations
91.885 Navigation trial operations
91.890 Area navigation (RNAV) operations

Subpart 91.U Navigation authorisations
Division 91.U.1 Preliminary
91.5000 Applicability
91.5005 Definition for this Subpart
91.5010 Issue of Manual of Standards
91.5015 How long navigation authorisations remain in force
91.5020 Contravention of conditions of navigation authorisations
91.5025 Removal of aircraft from navigation authorisations — holder ceasing to operate aircraft
91.5030 Aircraft allotted new registration marks

Division 91.U.2 RVSM airworthiness authorisation

Division 91.U.3 RVSM operational authorisation

Division 91.U.4 RNP operational authorisation
91.5150 RNP types
91.5155 Applications for RNP operational authorisation
91.5160 Criteria for grant of RNP operational authorisations
91.5165 RNP operational authorisations
91.5170 Conditions on RNP operational authorisations

Division 91.U.5 B-RNAV operational authorisation

Division 91.U.6 P-RNAV operational authorisation
Division 91.U.7  MNPS operational authorisation
Division 91.U.8  AUSEP operational authorisation
Division 91.U.9  Navigation trial operational authorisation
Division 91.U.10 RNAV operational authorisation

Subpart 91.A  Applicability and definitions

91.005  Applicability

(1) This Part applies to:

(a) the operation of Australian civil aircraft operating in or outside Australian territory; and

(b) the operation of a foreign registered civil aircraft flying into or out of, or operating in, Australian territory.

Note Each Subpart has its own applicability provision to describe its subject-matter.

(2) In spite of paragraph (1) (a):

(a) Annex 2, Rules of the Air, to the Chicago Convention applies to the operation of an Australian civil aircraft over the high seas; and

(b) the rules of a foreign State relating to the flight and manoeuvre of aircraft apply to the operation of an Australian civil aircraft in that State; and

(c) subject to any contrary intention in another provision of this Part, a requirement of this Part applies in the circumstances referred to in paragraph (b) if it is not inconsistent with, or is more stringent than, the corresponding requirement of the law of the foreign State.

Subpart 91.D  Operational procedures

91.830  Reduced vertical separation minimum (RVSM) operations

Note This regulation heading is reserved for future use. For the rules presently applying to such operations, see regulations 181A to 181X of CAR.
91.850 Required navigation performance (RNP) operations

(1) The operator of an aircraft must not permit it to start a flight during which it may operate in an RNP operation unless:
   (a) a flight plan for the flight has been submitted to air traffic services; and
   (b) the flight plan complies with regulation 241 of CAR so far as those requirements apply to the operation.

Penalty: 25 penalty units.

(2) In this regulation:

RNP operation means an aircraft operation of a kind for which the airspace or route design or aircraft separation minima for the operation are based on an RNP type.

Note An operator who does not hold an RNP operational authorisation will not necessarily be excluded by air traffic services from airspace in which the route design, route spacing and aircraft separation minima are based on an RNP type. However, such an operator would not be given the separation minima that would be given to an operator who holds an RNP operational authorisation.
91.890 Area navigation (RNAV) operations

Note This regulation heading is reserved for future use.

Subpart 91.U Navigation authorisations

Division 91.U.1 Preliminary

91.5000 Applicability

(1) This Subpart applies in relation to navigation authorisations held by Australian operators.

(2) This Subpart sets out the administrative processes to be followed by CASA and applicants, and the technical, training, operational and monitoring standards that form the basis of the navigation authorisations.

91.5005 Definition for this Subpart

In this Subpart:

Australian operator means an operator whose principal place of business, or whose place of permanent residence, is in Australian territory.

MOS Subpart 91.U means the manual known as Manual of Standards — Subpart 91.U, as issued by CASA from time to time.

navigation authorisation means an RNP operational authorisation (within the meaning given by subregulation 91.5155 (1)).

Note In future it is intended that the definition will be expanded to cover other kinds of navigation authorisation (such as RVSM approvals, which are presently dealt with in Division 5 of Part 12 of CAR).

91.5010 Issue of Manual of Standards

CASA may issue a Manual of Standards for this Subpart that provides for the following matters:

(a) equipment requirements;

(b) training requirements;
(c) continuing airworthiness;
(d) operating procedures;
(e) reporting of navigation or system errors;
(f) any other matter required or permitted by this Subpart to be provided for by the Manual of Standards;
(g) any matter necessary or convenient to be provided for the effective operation of this Subpart.

Note 1  A Manual of Standards is a legislative instrument for the purposes of the Legislative Instruments Act 2003: see paragraph 6 (d) of that Act and subsections 98 (5A) and (5B) of the Civil Aviation Act 1988.

Note 2  Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

91.5015 How long navigation authorisations remain in force

(1) Subject to subregulation (2), a navigation authorisation remains in force unless it is cancelled.

(2) A navigation authorisation is not in force during any period in which it is suspended.

91.5020 Contravention of conditions of navigation authorisations

(1) The holder of a navigation authorisation must not contravene a condition of the authorisation.

Penalty: 25 penalty units.

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

91.5025 Removal of aircraft from navigation authorisations — holder ceasing to operate aircraft

(1) If the holder of a navigation authorisation ceases to be the operator of an aircraft covered by the authorisation, the holder must notify CASA, in writing, within 14 days after ceasing to be the operator.

Penalty: 5 penalty units.
(2) An offence against subregulation (1) is an offence of strict liability.

(3) After receiving a notice under subregulation (1), CASA must:
   (a) cancel the navigation authorisation; and
   (b) if any other aircraft is or are covered by the authorisation, give the holder a new navigation authorisation covering the remaining aircraft.

(4) CASA must give the holder written notice of the cancellation, and the new authorisation (if any), setting out:
   (a) the date of the cancellation; and
   (b) any other information CASA thinks should be included.

(5) A new navigation authorisation given under paragraph (3) (b) takes effect on the cancellation of the replaced authorisation.

91.5030 Aircraft allotted new registration marks

If a navigation authorisation identifies an Australian aircraft by reference to its registration mark, but that registration mark has been replaced with a new one, the reference in the authorisation to the old registration mark is taken to be a reference to the new registration mark.

Note A navigation authorisation identifies an aircraft by both its serial number and its registration mark — see paragraph 91.5165 (d).

Division 91.U.2 RVSM airworthiness authorisation

Note This Division is reserved for future use.

Division 91.U.3 RVSM operational authorisation

Note This Division is reserved for future use.

Division 91.U.4 RNP operational authorisation

Note RNP means required navigation performance. An RNP type is a level of navigation performance accuracy expressed as a distance, in nautical miles.
91.5150 RNP types

There are the following RNP types:
(a) RNP 4;
(b) RNP 10.

Note  The number in an RNP type is the level of navigation performance accuracy for the type, in nautical miles. Hence, RNP 4 requires a navigation performance accuracy of 4 nautical miles.

91.5155 Applications for RNP operational authorisation

(1) An RNP operational authorisation is an authorisation granted to an Australian operator by CASA certifying that the operator is qualified to operate a specified aircraft in a specified aircraft operation to which a specified RNP type applies.

(2) An Australian operator may apply to CASA for the grant of an RNP operational authorisation.

(3) The application:
(a) must be made in writing; and
(b) must specify the RNP type or types proposed to be covered by the authorisation; and
(c) must specify the aircraft, or each aircraft, proposed to be covered by the authorisation by reference to the aircraft’s registration mark and serial number; and
(d) must contain, or be accompanied by:
   (i) written information, in accordance with MOS Subpart 91.U, that shows whether each of those aircraft meets the standards referred to in paragraph 91.5160 (a); and
   (ii) a written description, in accordance with MOS Subpart 91.U, of the training program proposed by the operator for the members of the operator’s flight crew who would, if the authorisation were to be granted, operate any or all of the aircraft; and
   (iii) a written description, in accordance with MOS Subpart 91.U, of the program proposed by the operator for the continued airworthiness of the aircraft; and
(iv) a written description, in accordance with MOS Subpart 91.U, of the operational procedures for operating the aircraft in aircraft operations of the kind for which the airspace or route spacing and separation minima are based on the RNP type, or an RNP type, for which the authorisation is sought; and
(v) any other information required by MOS Subpart 91.U.

91.5160 Criteria for grant of RNP operational authorisations
For regulation 11.055, an applicant for an RNP operational authorisation must show that:
(a) each aircraft proposed to be covered by the authorisation is equipped in accordance with the standards set out in MOS Subpart 91.U for equipment for aircraft operated under such an authorisation; and
(b) the operator would, if the authorisation were to be granted, be able to comply with the conditions to which the authorisation would be subject.

91.5165 RNP operational authorisations
An RNP operational authorisation:
(a) must contain a reference number by which it can be identified; and
(b) must state the name of the operator and the date when it comes into force; and
(c) must state the RNP type or types covered by it; and
(d) must specify the aircraft, or each aircraft, covered by it by reference to the aircraft’s registration mark and serial number; and
(e) must set out any conditions imposed on the authorisation; and
(f) may include any other information CASA thinks should be included.
91.5170 Conditions on RNP operational authorisations

In addition to any other conditions imposed by or under Part 11, an RNP operational authorisation is subject to the following conditions:

(a) that the operator to which it is granted has, and complies with, a program for the continued airworthiness of each aircraft covered by the authorisation to ensure that it will continue to meet the standards for continued airworthiness set out in MOS Subpart 91.U;

(b) that the operator has, for the members of the operator’s flight crew who will operate the aircraft, a training program that complies with the standards for training programs set out in MOS Subpart 91.U;

(c) that the operator has operating procedures for operating the aircraft in aircraft operations for which the airspace or route design and separation minima are based on an RNP type covered by the authorisation;

(d) the aircraft’s operator or pilot-in-command reports to CASA any navigation or system error of a type specified for that purpose in MOS Subpart 91.U.
Division 91.U.5 B-RNAV operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.6 P-RNAV operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.7 MNPS operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.8 AUSEP operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.9 Navigation trial operational authorisation

Note This Division heading is reserved for future use.

Division 91.U.10 RNAV operational authorisation

Note This Division heading is reserved for future use.
Part 92 Consignment and carriage of dangerous goods by air

Note This Part is made up as follows:

Subpart 92.A General
92.005 Applicability
92.010 Definitions for Part 92
92.015 What are dangerous goods?

Subpart 92.B Conditions for carriage etc of dangerous goods
92.020 Compliance with Technical Instructions generally
92.025 Compliance with Technical Instructions — operators
92.030 Compliance with Technical Instructions — passengers and crew
92.035 Compliance with Technical Instructions — persons who consign dangerous goods
92.040 Commercial Australian aircraft operators — conditions for carriage of dangerous goods — dangerous goods manual
92.045 Dangerous goods manual — Australian aircraft operators
92.050 Commercial foreign aircraft operators — conditions to which carriage of dangerous goods is subject
92.055 Dangerous goods manual — requirements applicable to all operators
92.060 Directions relating to dangerous goods manuals
92.065 Commercial operators — reporting of dangerous goods incidents
92.070 Dangerous goods statement (Act s 23A)
92.075 Dangerous goods statement in reliance on statement already made
92.080 Exclusions from requirement about dangerous goods statement

Subpart 92.C Training
92.085 Definitions for Subpart 92.C
92.090 Extended meaning of every 2 years for this Subpart
92.095 Training — certain employees of Australian aircraft operators
92.100 Training — certain employees of Australian ground handling agents
Regulation 92.005

92.105 Training — certain employees of Australian freight forwarders
92.110 Required standard of training for regulations 92.095, 92.100 and 92.105
92.115 Training — certain employees of screening authorities
92.120 Training — certain employees of shippers of dangerous goods
92.125 Training — certain employees of non-Australian operators
92.130 Training — Australian operators’ employees outside Australia
92.135 Requirements for training course
92.140 Who may conduct training
92.145 Records about training — Australian operators etc
92.150 Transitional — training undertaken before commencement of this Subpart
92.155 Exclusions from training requirements

Subpart 92.D Limitations on application of Subparts 92.B and 92.C
92.160 Aircraft operated by law enforcement authorities
92.165 Helicopter-slung loads
92.170 Cargo carried in main deck cargo compartments
92.175 Goods carried by private operators
92.180 Goods carried for parachute operations
92.185 Carriage of fuel in large containers
92.190 Goods for use in emergency services
92.195 Carriage of ammunition by air security officers

Subpart 92.E Information to passengers
92.200 Information in passenger terminals
92.205 Information with tickets

Subpart 92.A General

92.005 Applicability

(1) This Part applies in relation to the operation of:
   (a) all Australian aircraft; and
   (b) all foreign aircraft (other than state aircraft) operating in Australian territory.
(2) This Part sets out:
   (a) for section 23 of the Act — the conditions under which an aircraft may carry dangerous goods and a person may carry dangerous goods, or consign dangerous goods for carriage, on an aircraft; and
   (b) for section 23A of the Act — the requirements for the statement to be made in respect of cargo consigned for carriage on an aircraft; and
   (c) for section 23B of the Act — the requirements for training of persons involved in handling cargo carried or consigned for carriage on an aircraft.

92.010 Definitions for Part 92

(1) In this Part:

accept, used in relation to a package or consignment, has the same meaning as in the Technical Instructions.

Australian aircraft operator means an operator of an Australian aircraft.

commercial operator means an operator engaging in commercial air transport operations or commercial aerial work operations.

dangerous goods accident means an event involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and results in:

   (a) a fatal or serious injury to a person; or
   (b) serious damage to the aircraft or any cargo carried on the aircraft.

dangerous goods incident means an event (other than a dangerous goods accident) involving dangerous goods that occurs in the course of the goods being carried, or consigned for carriage, on an aircraft and that:

   (a) results in:

      (i) the escape of smoke or flames from the container or package in which the goods are contained; or
      (ii) breakage of the container or package in which the goods are contained; or
(iii) any escape of the goods or part of them from the container or package in which they are contained; or
(iv) leakage of fluid or radiation from the container or package in which the goods are contained; or
(b) seriously jeopardises, or is likely to seriously jeopardise, the aircraft or its occupants.

dangerous goods manual means a manual kept by an operator in accordance with regulation 92.045 or 92.050.

freight forwarder means a person who offers the service of arranging the transport of cargo by air.

ground handling agent means a person who performs, on behalf of an operator, the service of accepting, handling, loading, unloading, transferring or otherwise processing cargo, passengers or baggage.

shipment means shipment by air.

shipper of dangerous goods means a person who consigns dangerous goods for carriage on an aircraft.

Technical Instructions means, at a particular time, the edition that is valid at that time of the document entitled Technical Instructions for the Safe Transport of Dangerous Goods by Air, issued by the International Civil Aviation Organization.

Note 1 Each edition of the Technical Instructions states in its Introduction the dates between which it is valid. The edition for 2003–2004 of the Technical Instructions is valid from 1 March 2003 to 31 December 2004 or until the next edition becomes valid. The Technical Instructions are available (as a printed document only) from the ICAO’s Document Sales Unit at:

ICAO, Document Sales Unit
999 University Street, Montreal, Quebec H3C 5H7
Canada
Telephone: (514) 954-8022
Fax: (514) 954-6769
E-mail: sales_unit@icao.int

Note 2 General industry practice is to follow the IATA Dangerous Goods Regulations, which are issued more frequently than the Technical Instructions. The requirements of the IATA Regulations are either the same as, or more stringent than, the requirements of the Technical Instructions. If that is so, compliance with the IATA Regulations will automatically result in compliance with the Technical Instructions.
(2) An expression used in both this Part and the Technical Instructions has, unless the contrary intention appears, the same meaning in this Part as in the Technical Instructions.

92.015 What are dangerous goods?

For the purposes of subparagraph (b) (ii) of the definition of dangerous goods in subsection 23 (3) of the Act, the things specified in the Dangerous Goods List contained in the Technical Instructions are declared to be dangerous goods.

Note Explosives are dangerous goods whether or not they are mentioned in the Dangerous Goods List — see the Act, subsection 23 (3).

Subpart 92.B Conditions for carriage etc of dangerous goods

Note Subpart 92.D sets out certain exemptions from requirements of this Subpart.

92.020 Compliance with Technical Instructions generally

(1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage, and consignment for carriage, of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

(2) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be consigned for carriage on an aircraft.

Note For details of where to obtain copies of the Technical Instructions, see the note following the definition of Technical Instructions in regulation 92.010.

(3) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air must not be carried on an aircraft.
(4) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be consigned for carriage on a passenger aircraft.

(5) Dangerous goods of a kind that, under the Technical Instructions, are forbidden for transport by air on a passenger aircraft must not be carried on a passenger aircraft.

(6) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be consigned for carriage by air except in those circumstances.

(7) Dangerous goods of a kind that, under the Technical Instructions, may be carried by air only in particular circumstances must not be carried by air except in those circumstances.

92.025 Compliance with Technical Instructions — operators

(1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

(2) It is a condition of the carriage of dangerous goods on an aircraft that the operator of the aircraft complies with:

(a) the requirements (if any) of the Technical Instructions limiting the quantity of such goods that may be carried on the aircraft; or

(b) the requirements of those Instructions concerning the following matters:

(i) the loading of the goods;

(ii) the separation of the goods from passengers, animals or other cargo on board the aircraft;

(iii) the replacement of lost, damaged or detached labels;

(iv) the labelling of unit load devices (such as containers or pallets) that contain the goods;
(v) segregation of the goods from other dangerous goods;
(vi) acceptance procedures for the goods;
(vii) dealing with undeliverable consignments;
(viii) dealing with damaged packages;
(ix) inspection of the aircraft or the goods;
(x) decontamination of the aircraft;
(xi) giving information to the aircraft’s crew;
(xii) action to be taken by the crew in an emergency;
(xiii) giving information to an emergency service such as a fire service or police service;
(xiv) documentation;
(xv) providing notices and information.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.030 Compliance with Technical Instructions — passengers and crew

(1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the carriage of dangerous goods on an aircraft by a person, whether a passenger or a member of the aircraft’s crew.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

(2) Subject to subregulation (3), it is a condition of the carriage of dangerous goods on an aircraft by a person that the person complies with the requirements (if any) of the Technical Instructions:

(a) concerning the type of dangerous goods that a person may carry on board an aircraft; or
(b) as to whether the dangerous goods may be carried in the person’s carry-on baggage or in checked baggage; or
(c) limiting the quantity of such goods that may be carried on the aircraft, or in checked or carry-on baggage; or
(d) requiring the aircraft operator’s approval before the goods are carried.

Note The relevant provisions of the Technical Instructions are set out at the end of this regulation.

(3) A person who is a passenger is taken not to contravene the condition in subregulation (2) if the person carries dangerous goods in contravention of that condition, or carries such goods in a way that would, but for this subregulation, contravene that condition, if:

(a) the person carries the goods, or carries the goods in that way, in reliance on a statement, made by the operator or an employee of the operator, to the effect that the carriage of the goods, or the carriage of goods in that way, is permissible or does not contravene the Technical Instructions; and

(b) it is reasonable for the person to rely on that statement.

Note 1 This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

Note 2 Section 1.1 of the Technical Instructions, regarding dangerous goods carried by passengers or crew, is as follows:

1.1 DANGEROUS GOODS CARRIED BY PASSENGERS OR CREW

1.1.1 Except as otherwise provided in 1.1.2 below, dangerous goods must not be carried by passengers or crew members, either as or in carry-on baggage or checked baggage or on their person. Security type equipment such as attaché cases, cash boxes, cash bags, etc. incorporating dangerous goods, for example lithium batteries or pyrotechnic material, are totally forbidden; see entry in Table 3-1.

1.1.2 The provisions of these Instructions do not apply to the following when carried by passengers or crew members or in baggage, transported by the operator, that has been separated from its owner during transit (e.g. lost baggage or improperly routed baggage):

a) when in retail packagings, alcoholic beverages containing more than 24 per cent but not more than 70 per cent alcohol by volume, in receptacles not exceeding 5 L, with a total net quantity per person of 5 L for such beverages;

Note.— Alcoholic beverages containing not more than 24 per cent alcohol by volume are not subject to any restrictions.

b) non-radioactive medicinal or toilet articles (including aerosols). Also aerosols in Division 2.2, with no subsidiary risk, for sporting or home use in checked baggage only. The total net quantity of all such articles
carried by each person must not exceed 2 kg or 2 L and the net quantity of each single article must not exceed 0.5 kg or 0.5 L. The term “medicinal or toilet articles (including aerosols)” is intended to include such items as hair sprays, perfumes, colognes and medicines containing alcohols;

c) with the approval of the operator(s), small gaseous oxygen or air cylinders required for medical use;

d) small carbon dioxide gas cylinders worn for the operation of mechanical limbs, also spare cylinders of a similar size if required to ensure an adequate supply for the duration of the journey;

e) with the approval of the operator(s), as checked baggage only, securely boxed cartridges for sporting purposes, in Division 1.4S, in quantities not exceeding 5 kg gross mass per person for that person’s own use, excluding ammunition with explosive or incendiary projectiles. Allowances for more than one person must not be combined into one or more packages;

f) dry ice in quantities not exceeding 2 kg per person, when used to pack perishables not subject to these Instructions, provided the package permits the release of carbon dioxide gas:

   in carry-on baggage; or

   with the approval of the operator(s), in checked baggage;

g) safety matches or a lighter intended for use by an individual when carried on the person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel and lighter refills are not permitted on one’s person or in checked or carry-on baggage;

   Note.— “Strike anywhere” matches are forbidden for air transport.

h) radioisotopic cardiac pacemakers or other devices, including those powered by lithium batteries, implanted into a person, or radio-pharmaceuticals contained within the body of a person as the result of medical treatment;

i) with the approval of the operator(s), wheelchairs or other battery-powered mobility aids with non-spillable batteries (see Packing Instruction 806 and Special Provision A67), as checked baggage provided the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid;

j) with the approval of the operator(s), wheelchairs or other battery-powered mobility aids with spillable batteries as checked baggage, provided that the wheelchair or mobility aid can be loaded, stowed, secured and unloaded always in an upright position and that the battery is disconnected, the battery terminals are protected from short circuits and the battery is securely attached to the wheelchair or mobility aid. If the wheelchair or mobility aid cannot be loaded, stowed, secured and unloaded always in an upright position, the battery must be removed and the wheelchair or mobility aid may then be carried as checked baggage without restriction. The removed battery must be carried in strong, rigid packagings as follows:
these packagings must be leaktight, impervious to battery fluid and be protected against upset by securing to pallets or by securing them in cargo compartments using appropriate means of securement (other than by bracing with freight or baggage) such as by use of restraining straps, brackets or holders;
batteries must be protected against short circuits, secured upright in these packagings and surrounded by compatible absorbent material sufficient to absorb their total liquid contents; and these packagings must be marked “Battery, wet, with wheelchair” or “Battery, wet, with mobility aid” and be labelled with a “Corrosive” label (Figure 5-21) and with a package orientation label (Figure 5-25).
The pilot-in-command must be informed of the location of a wheelchair or mobility aid with an installed battery or the location of a packed battery.
It is recommended that passengers make advance arrangements with each operator; also unless batteries are non-spillable they should be fitted, where feasible, with spill-resistant vent caps;
k) hair curlers containing hydrocarbon gas, no more than one per person, provided that the safety cover is securely fitted over the heating element. Gas refills for such curlers must not be carried;
l) with the approval of the operator(s), as carry-on baggage only, a mercurial barometer or mercurial thermometer carried by a representative of a government weather bureau or similar official agency. The barometer or thermometer must be packed in a strong outer packaging, having a sealed inner liner or a bag of strong leak-proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the barometer or thermometer;
m) with the approval of the operator(s), no more than two small carbon dioxide cylinders of carbon dioxide or another suitable gas in Division 2.2 per person fitted into a self-inflating life-jacket for inflation purposes, plus no more than two spare cartridges;
n) with the approval of the operator(s), heat producing articles (i.e. battery-operated equipment such as underwater torches and soldering equipment which, if accidentally activated, will generate extreme heat and can cause fire) may be carried in carry-on baggage only. The heat producing component, or the energy source, must be removed so as to prevent unintentional functioning during transport;
o) one small medical or clinical thermometer which contains mercury, for personal use, when in its protective case;
p) with the approval of the operator(s), one avalanche rescue backpack per person equipped with a pyrotechnic trigger mechanism containing not more than 200 mg net of Division 1.4S and not more than 250 mg of compressed gas in Division 2.2. The backpack must be packed in such a
manner that it cannot be accidentally activated. The airbags within the backpack must be fitted with pressure relief valves; and

q) consumer electronic devices (watches, calculating machines, cameras, cellular phones, laptop computers, camcorders, etc.) containing lithium or lithium ion cells or batteries when carried by passengers or crew for personal use. Spare batteries must be individually protected so as to prevent short circuits and carried in carry-on baggage only. In addition, each spare battery must not exceed the following quantities:

- for lithium metal or lithium alloy batteries, a lithium content of not more than 2 grams; or
- for lithium ion batteries, an aggregate equivalent lithium content of not more than 8 grams.

Lithium ion batteries with an aggregate equivalent lithium content of more than 8 grams but not more than 25 grams may be carried in carry-on baggage if they are individually protected so as to prevent short circuits and are limited to two spare batteries per person.

92.035 Compliance with Technical Instructions — persons who consign dangerous goods

(1) This regulation makes provision, for the purposes of subsections 23 (1), (2) and (2A) of the Act, about the consignment for carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be consigned for carriage on an aircraft except in accordance with these Regulations.

(2) It is a condition of the consignment for carriage of dangerous goods on an aircraft that the consignor of the goods complies with the requirements of the Technical Instructions:

(a) concerning the classification of the goods; and

(b) limiting the quantity of such goods that may be carried in the one consignment; and

(c) concerning:

(i) the packing of the goods; and

(ii) the marking of the goods; and

(iii) the labelling of the goods; and

(iv) segregation of the goods from other dangerous goods; and

(v) the documentation for the goods; and

(vi) the provision of information about the goods; and
(vii) empty packaging.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.040 Commercial Australian aircraft operators — conditions for carriage of dangerous goods — dangerous goods manual

(1) This regulation sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

(2) A commercial Australian aircraft operator may carry dangerous goods (other than dangerous goods to which subregulation (3) applies) on an Australian aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:

(a) has a dangerous goods manual in accordance with regulation 92.045; and

(b) complies with regulation 92.055.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

(3) This subregulation applies to:

(a) dangerous goods required to be carried on board the aircraft by a law in force in Australia (including the Civil Aviation Orders); and

(b) dangerous goods carried on board the aircraft for use or sale on the aircraft during a flight;

but does not apply to any of the following kinds of dangerous goods:

(c) goods of the operator intended as replacements for dangerous goods referred to in paragraph (a) or (b); or

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(d) the operator’s goods, of a kind referred to in paragraph (a) or (b), that have been removed for replacement;

(e) dangerous goods permitted, under these Regulations, to be carried in passengers’ checked baggage or carry-on baggage;

(f) goods intended to be used to provide, during flight:
   (i) medical aid to a patient; or
   (ii) veterinary aid or a humane killer for an animal; or
   (iii) aid in connection with search and rescue operations;

(g) goods for dropping in connection with forestry, horticultural, or pollution-control activities.

92.045 Dangerous goods manual — Australian aircraft operators

(1) An Australian aircraft operator’s dangerous goods manual must:
   (a) set out the procedures and instructions for the handling and carriage of dangerous goods on the operator’s aircraft; or
   (b) specify where those procedures and instructions can be found.

(2) The operator must have, and must use, an appropriate amendment system to keep all the copies of the manual up-to-date.

92.050 Commercial foreign aircraft operators — conditions to which carriage of dangerous goods is subject

(1) This regulation sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.
(2) A commercial foreign aircraft operator may carry dangerous goods (other than goods required to be carried on board the aircraft by the law of the Contracting State in which the aircraft is registered, or goods carried on board the aircraft for use or sale during flight) on a foreign aircraft operated by the operator, or permit such goods to be carried on such an aircraft, only if the operator:

(a) has a dangerous goods manual in accordance with:
   (i) the Technical Instructions; or
   (ii) if the law of the Contracting State in which the aircraft is registered imposes requirements about a dangerous goods manual — that law; and

(b) complies with regulation 92.055.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.055 Dangerous goods manual — requirements applicable to all operators

(1) An operator’s dangerous goods manual may be incorporated in the operator’s operations manual or any other manual maintained by the operator that deals with the handling or carriage of cargo.

(2) Subregulations (3), (4) and (5) set out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, conditions of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

(3) An operator must make a copy of its dangerous goods manual available, in a readily accessible place:

(a) in the case of an Australian operator — to each of the operator’s employees whose duties and responsibilities are related to the handling or carriage of cargo; or
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(b) in any other case — to:

(i) any of the operator’s employees in Australia whose duties and responsibilities are related to the handling or carriage of cargo; and

(ii) any employees of its ground handling agent in Australia whose duties and responsibilities are related to the handling or carriage of cargo.

(4) An operator must take all reasonable steps to ensure that the handling and carriage of dangerous goods is in accordance with the procedures and instructions in, or referred to in, its dangerous goods manual.

(5) An operator must take all reasonable steps to ensure that each of the operator’s employees is made aware of the contents of the operator’s dangerous goods manual so far as it is applicable and relevant to the employee’s duties before the employee first performs those duties.

92.060 Directions relating to dangerous goods manuals

(1) CASA may issue, to an operator that is required to have a dangerous goods manual, a written direction in relation to the contents, distribution or revision of the manual.

(2) The operator must comply with the direction.

Maximum penalty: 10 penalty units.

92.065 Commercial operators — reporting of dangerous goods incidents

(1) Subregulation (2) sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

Note Under subsections 23 (1), (2) and (2A) of the Act, dangerous goods must not be carried on an aircraft except in accordance with these Regulations.

(2) Subject to subregulation (3), the carriage of dangerous goods by an aircraft operated by a commercial operator is subject to the condition that, if a dangerous goods incident occurs, the
operator must report the incident to CASA in writing within 2 working days after the incident occurs.

Note An accident or serious incident involving dangerous goods carried on an aircraft must also be reported to the Australian Transport Safety Bureau under section 19BA of the Air Navigation Act 1920.

(3) Subregulation (2) does not require an operator to report a dangerous goods incident involving dangerous goods that have not been accepted by the operator for carriage by air.

92.070 Dangerous goods statement (Acts 23A)

(1) A person who, in the circumstances specified in subregulation (3), consigns cargo for carriage on board an aircraft (including a freight forwarder that does so in the course of business as a freight forwarder) must make and sign a written statement that:

(a) is to the effect that the cargo does not contain dangerous goods; or

(b) describes the contents of the cargo.

Note Consigning cargo without making the required statement is an offence — see the Act, subsection 23A (2). Knowingly making a false or misleading statement is also an offence — see the Criminal Code, section 137.1.

(2) The reference in subregulation (1) to consigning cargo for carriage on board an aircraft includes consigning cargo in circumstances such that there is a possibility that the cargo may, during its journey, be carried on an aircraft.

(3) For subsection 23A (1) of the Act and subregulation (1), all circumstances other than those mentioned in subregulation (4) are specified.

(4) The circumstances in which subregulation (1) does not apply are the following:

(a) the cargo was consigned from a place outside Australia;

(b) the cargo is checked baggage that is to be carried on the same aircraft as the person who checked the baggage;
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(c) the cargo is:
   (i) a postal article (within the meaning of the Australian Postal Corporation Act 1989) that is in the course of carriage by air; or
   (ii) a document being sent between service centres of a document exchange service (within the meaning given by that Act);

   and:
   (iii) weighs no more than 500 grams; and
   (iv) is no more than 20 millimetres thick; and
   (v) is no longer than 360 millimetres; and
   (vi) is no wider than 260 millimetres;

(d) the cargo is dangerous goods that have been marked and documented in accordance with this Part;

(e) CASA has granted to the person who consigns the cargo an exclusion under regulation 92.080.

(5) Subregulation (6) sets out, for the purposes of subsections 23 (1), (2) and (2A) of the Act, a condition of the carriage of dangerous goods on an aircraft.

   Note Under subsections 23 (1), (2) and (2A) of the Act, an aircraft must not carry dangerous goods except in accordance with these Regulations.

(6) Except in the circumstances mentioned in subregulation (4), the operator of an aircraft must not allow an item of cargo to be placed on board the aircraft unless the operator has been given a statement about the item in accordance with subregulation (1).

92.075 Dangerous goods statement in reliance on statement already made

(1) If, in the course of cargo being consigned for carriage on an aircraft, a person delivers the cargo to the Australian Postal Corporation or a freight forwarder and gives to the Corporation or the forwarder a signed written statement that acknowledges that the cargo will or may be carried by air, and:

(a) is to the effect that the cargo does not contain dangerous goods; or
(b) describes the contents of the cargo;
the Corporation or the forwarder may, in making a statement to
the operator of the kind required by regulation 92.070, rely on
the person’s statement.

(2) If an aircraft operator hands cargo to another operator for
carriage on an aircraft operated by the second operator, and a
statement of the kind required by regulation 92.070 was given
to the first operator, the first operator may, in making a
statement to the second operator of the kind required by that
regulation, rely on the statement given to the first operator.

92.080 Exclusions from requirement about dangerous goods
statement

(1) CASA may, by notice in writing, exclude a person or a class of
persons from the obligation to comply with regulation 92.070.

(2) Before granting an exclusion to a person or class of persons,
CASA must take into account any relevant considerations
relating to the safe carriage, or consignment for carriage, of
dangerous goods on an aircraft.

(3) An exclusion is subject to the person, or each person in the
class, complying with any conditions that CASA specifies in
the instrument of exclusion as being necessary in the interests
of safety.

(4) If a person applies for exclusion under subregulation (1), and
CASA decides not to grant the exclusion, CASA must, as soon
as practicable after making the decision, tell the person, in
writing, of the decision and must include in the notice a
statement of the reasons for the decision.

Subpart 92.C  Training

92.085 Definitions for Subpart 92.C

(1) In this Subpart:

cargo does not include carry-on baggage or checked baggage.
**deemed employee** means a person who, although not employed by an aircraft operator, ground handling agent, freight forwarder, screening authority or shipper of dangerous goods, performs for the operator, ground handling agent, freight forwarder, screening authority or shipper any of the following services:

(a) accepting cargo consigned for transport on an aircraft, or supervising someone whose duties include accepting such cargo at any time after it leaves the custody of the original consignor;

(b) acting as a member of an aircraft’s flight crew or as a load planner;

(c) acting as a member of an aircraft’s cabin crew;

(d) handling cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor, or supervising someone whose duties include handling such cargo;

(e) handling passengers’ checked or carry-on baggage, or supervising someone whose duties include handling such baggage;

(f) packing dangerous goods, or supervising someone whose duties include packing such goods, in the course of the goods’ being consigned for carriage on an aircraft.

**group A employee** means:

(a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo known or believed to contain dangerous goods consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or

(b) a deemed employee whose function includes those duties.

**group B employee** means:

(a) an employee whose duties include accepting, or supervising someone whose duties include accepting, cargo consigned for transport on an aircraft (other than cargo known or believed to contain dangerous goods) at any time after it leaves the custody of the original consignor; or

(b) a deemed employee whose function includes those duties.
group C employee means:
(a) an employee who is a member of an aircraft’s flight crew or a load planner; or
(b) a deemed employee whose function includes performing the duties of a member of an aircraft’s flight crew or a load planner

group D employee means:
(a) an employee who is a member of an aircraft’s cabin crew; or
(b) a deemed employee whose function includes performing the duties of a member of an aircraft’s cabin crew.

group E employee means:
(a) any employee of an operator, ground handling agent, freight forwarder or screening authority who is not a group A, B, C or D employee and whose duties involve handling:
   (i) cargo consigned for transport on an aircraft at any time after it leaves the custody of the original consignor; or
   (ii) passengers’ checked or carry-on baggage; or
(b) a deemed employee whose function includes those duties.

group F employee means:
(a) an employee of a shipper of goods whose duties include packing dangerous goods, or supervising someone else whose duties include packing dangerous goods, in the course of the goods being consigned for transport on an aircraft; or
(b) a deemed employee whose function includes those duties.

load planner, in relation to dangerous goods, means a person nominated by an operator to be responsible for any 1 or more of the following:
(a) specifying where dangerous goods may be stowed on an aircraft;
(b) specifying the necessary segregation of the goods from other dangerous goods, other cargo, or passengers on the aircraft;
(c) preparing information for the use of the pilot-in-command;
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(d) providing dangerous goods emergency response information for the pilot-in command.

Note A person who performs those functions is known by many different titles: for example, load controller. Not all the functions are necessarily performed by the same person. Some or all of the functions may be the responsibility of the pilot-in-command or another crew member.

screening authority has the same meaning as in the Air Navigation Act 1920.

(2) For the definitions of deemed employee and group F employee in subregulation (1), a person packs dangerous goods if he or she does any of the following in relation to the goods:

(a) enclosing the goods in packaging;
(b) marking or labelling the package or consignment;
(c) preparing a dangerous goods transport document for the consignment.

92.090 Extended meaning of every 2 years for this Subpart

For the purposes of this Subpart, if an employee completes a training course within 3 months before the second anniversary of the day on which he or she last completed, or is taken under a previous application of this regulation to have completed, a similar training course, he or she is taken to have completed the later course on that second anniversary.

Example

Suppose John Smith and Mary Jones each complete a course on 1 July 2003. Under the other provisions of this Subpart, each needs to complete the course again on 1 July 2005.

Suppose John completes the course again on 1 May 2005 (that is, less than 3 months before the second anniversary of the last time he did so). He is taken to have done so on 1 July 2005, and needs to complete the course again on 1 July 2007. However, Mary completes the course again on 15 March 2005 (that is, more than 3 months before the second anniversary of the last time she did so). She would need to complete the course yet again on 15 March 2007.

Suppose John completes the course again on 1 May 2007. He is taken to have done so on 1 July 2007, and needs to complete the course again on 1 July 2009. However, if Mary were to complete the course again on 15 January 2007, she would need to complete the course again on 15 March 2009.
92.095 Training — certain employees of Australian aircraft operators

(1) This regulation applies to a group A, B, C, D or E employee in Australia of an Australian aircraft operator, and to a group C or D employee outside Australia of an Australian operator, but not to such an employee who is engaged only in 1 or more of the following:
   (a) private operations;
   (b) agricultural (including horticultural), forestry, or pollution-control operations;
   (c) search and rescue operations;
   (d) balloon operations;
   (e) scenic or joy-flight operations;
   (f) flying training operations.

(2) An Australian aircraft operator that has not been granted an exclusion under regulation 92.155 must ensure that each of its employees to whom this regulation applies undertakes training in accordance with regulation 92.110:
   (a) before the employee first performs the relevant duties; and
   (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

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

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

92.100 Training — certain employees of Australian ground handling agents

(1) A ground handling agent that has not been granted an exclusion under regulation 92.155 must ensure that each of its employees in Australia who is a group A, B, C or E employee undertakes training in accordance with regulation 92.110:
   (a) before the employee first performs the relevant duties; and
(b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

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

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

92.105 Training — certain employees of Australian freight forwarders

(1) Subject to subregulation (3), a freight forwarder that has not been granted an exclusion under regulation 92.155 must ensure that each of its employees in Australia who is a group A, B or E employee undertakes training in accordance with regulation 92.110:

(a) before the employee first performs the relevant duties; and

(b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

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

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

(3) Subregulation (1) does not apply to a freight forwarder’s employee who handles or accepts only cargo of the kind mentioned in paragraph 92.070 (4) (c).

92.110 Required standard of training for regulations 92.095, 92.100 and 92.105

The training that an employee to whom regulation 92.095, 92.100 or 92.105 applies must undertake is a training course that meets the relevant requirements of regulation 92.135 and:

(a) for a group A employee — is approved by CASA as being appropriate for group A employees; and

(b) for a group B employee — is approved by CASA as being appropriate for group B employees; and
(c) for a group C employee — is approved by CASA as being appropriate for group C employees; and
(d) for a group D employee — is approved by CASA as being appropriate for group D employees; and
(e) for a group E employee — is appropriate for group E employees.

Note A training course for group E employees does not require approval by CASA.

92.115 Training — certain employees of screening authorities

(1) This regulation applies to an employee in Australia of a screening authority that has not been granted an exclusion under regulation 92.155, if the employee’s duties include handling, or supervising anyone who handles, checked baggage or carry-on baggage.

(2) The screening authority must ensure that each of its employees to whom this regulation applies undertakes training in accordance with subregulation (4):
(a) before the employee first performs the relevant duties; and
(b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

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

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

(4) The training that such an employee must undertake is a training course appropriate for such employees that meets the requirements of regulation 92.135.

Note A training course for employees of screening authorities does not require approval by CASA.
92.120 Training — certain employees of shippers of dangerous goods

(1) Subject to subregulation (2), a person who ships dangerous goods, and has not been granted an exclusion under regulation 92.155, must ensure that each of its group F employees undertakes training in accordance with subregulation (4):
   (a) before the employee first performs the relevant duties; and
   (b) every 2 years while the employee continues to have those duties.

Maximum penalty: 30 penalty units.

(2) Subregulation (1) does not apply to an individual who consigns dangerous goods within Australian territory for his or her own private, non-commercial purposes.

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

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

(4) The training that such an employee must undertake is a training course approved by CASA as being appropriate for group F employees and as meeting the requirements of regulation 92.135.

92.125 Training — certain employees of non-Australian operators

(1) This regulation applies to a group A, B, C, D or E employee in Australia of an aircraft operator that is not an Australian operator, and has not been granted an exclusion under regulation 92.155.

(2) The operator must ensure that each of its employees to whom this regulation applies undertakes training in accordance with:
   (a) the requirements of the law of the place in which the operator’s aircraft are registered; or
   (b) if there are no such requirements, or the operator’s aircraft are registered in more than 1 country, the requirements of the Technical Instructions;
before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

(3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

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

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

92.130 Training — Australian operators’ employees outside Australia

(1) This regulation applies to a group A, B or E employee of an Australian operator who performs duties outside Australia if the operator has not been granted an exclusion under regulation 92.155.

(2) The operator must ensure that each employee to whom this regulation applies undertakes training in accordance with:

(a) the requirements of the law of the place in which he or she carries out those duties; or

(b) if there are no such requirements, the requirements of the Technical Instructions;

before the employee first performs the relevant duties, and as often as that law or the Technical Instructions require while the employee continues to carry out those duties.

Maximum penalty: 30 penalty units.

(3) The operator must ensure that the records about that training required by that law or the Technical Instructions are kept.

Maximum penalty: 30 penalty units.

(4) The operator must also ensure that the training is evaluated at least every second year and the evaluation process is included in the operator’s audit program.
Maximum penalty: 10 penalty units.

(5) The operator must also ensure that if a deemed employee’s services are provided to the operator under a contract, the contract contains provisions for the necessary resources, competence, procedures and management systems, to ensure that the service to the operator is a safe one.

Maximum penalty: 10 penalty units.

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

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

92.135 Requirements for training course

(1) A dangerous goods training course that is required to be approved by CASA must include training in:
(a) the subject mentioned in item 20 of Table 92.135-1; and
(b) each of the other subjects mentioned in that table that is relevant to the employee’s duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.

Note Tables 92.135-1 and 92.135-2 follow this regulation.

(2) A dangerous goods training course that is not required to be so approved must include training in:
(a) the subject mentioned in item 12 of Table 92.135-2; and
(b) each of the other subjects mentioned in that table that is relevant to the employee’s duties and responsibilities in relation to the handling, carriage or consignment of cargo on an aircraft.

(3) A dangerous goods training course must provide for a test of the employee’s knowledge of the relevant subjects based on the training.

(4) A dangerous goods training course must be of a standard that will enable the employee, on completing it satisfactorily, to carry out those duties and responsibilities effectively.
(5) A dangerous goods training course must provide for the issue, to each person who successfully completes the course, of a certificate stating that he or she has done so.

### Table 92.135-1 Syllabus for training courses requiring approval

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#### Table 92.135-2 Syllabus for training courses not requiring approval

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92.140 **Who may conduct training**

1. In this regulation:

   *approved training course* means a training course required under this Part that is required to be approved by CASA.

2. A person must not give, or offer to give, instruction that purports to be, or to form part of, a training course that is required to be approved by CASA if the course is not approved.

   Maximum penalty: 10 penalty units.

3. A person must not give instruction that is part of an approved training course if he or she is not approved for that purpose.

   Maximum penalty: 10 penalty units.

4. If an approved training course is conducted by distance education methods (including correspondence, video or computer network) a person must not:

   (a) prepare material for; or
   (b) supervise;

   the course if he or she is not approved for that purpose.

   Maximum penalty: 10 penalty units.
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Subpart 92.C Training

Regulation 92.145

(5) Unless granted an exclusion under regulation 92.155, a person must not:
   (a) give instruction that is part of a training course for group E employees, or employees of a screening authority, required under this Part; or
   (b) prepare material for such a training course that is, or is to be, given by a distance education method (including by correspondence, video or computer network); or
   (c) supervise such a training course that is, or is to be, given by such a method;

   if the person has not, within the previous 2 years, undertaken an approved training course for group A or B employees.

   Maximum penalty: 5 penalty units.

(6) For paragraph (5) (a), strict liability applies to the circumstance that a training course is required under this Part.

(7) For this regulation, strict liability applies to the circumstance that a training course is required to be approved under this Part.

92.145 Records about training — Australian operators etc

(1) This regulation applies to:
   (a) an Australian aircraft operator that has not been granted an exclusion under regulation 92.155, and that has any group A, B, C, D or E employees in Australia; and
   (b) an Australian aircraft operator that has not been granted an exclusion under regulation 92.155, and that has any group C or D employees outside Australia; and
   (c) a person in Australia who ships dangerous goods for carriage by aircraft, has not been granted an exclusion under that regulation and has any group F employees in Australia; and
   (d) a ground handling agent or a freight forwarder that has not been granted an exclusion under that regulation and has any group A, B, C or E employees in Australia; and
   (e) a screening authority that has not been granted an exclusion under that regulation.
(2) A person or organisation to whom or to which this regulation applies must maintain an up-to-date record of:
   (a) the name of each employee who has undertaken dangerous goods training in accordance with this Subpart; and
   (b) for each such employee:
      (i) the names of the person and the organisation providing the training and the date on which the training was undertaken; and
      (ii) a reference (for example, by CASA approval number) to the training material used to meet the training requirements.

Maximum penalty: 30 penalty units.

(3) A person or organisation to whom or to which this regulation applies must:
   (a) keep a copy of any certificate issued to an employee on the completion of a course of training required by this Part; and
   (b) give a copy of any such certificate to CASA if CASA so requests.

Maximum penalty: 30 penalty units.

(4) A reference in this regulation to an employee includes a deemed employee only if the deemed employee:
   (a) is self-employed; or
   (b) is employed by an employer that is not required to keep records under this regulation.

92.150 Training undertaken before 1 January 2004

(1) A group A or B employee who has undertaken a training course in accordance with subregulation 262P (1) or 262R (1) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(2) A group C employee who is a flight crew member, and who has undertaken a training course in accordance with subregulation 262P (3) of CAR on or after 1 January 2002, is
taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(3) A group C employee (other than a flight crew member) who has undertaken a training course in accordance with subregulation 262P (1) or (3) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(4) A group D employee who is a cabin attendant, and has undertaken a training course in accordance with subregulation 262P (3) or paragraph 262P (4) (a) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(5) A group E employee who has undertaken a training course in accordance with subregulation 262P (2) or 262R (2) of CAR on or after 1 January 2001 is taken, for 3 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(6) A screening authority employee who has undertaken a training course in accordance with paragraph 262P (4) (b) of CAR on or after 1 January 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(7) A group F employee who has undertaken a training course in accordance with subregulation 262P (1), regulation 262Q or subregulation 262R (1) of CAR on or after 1 July 2002 is taken, for 2 years after undertaking that training, to have undertaken training in accordance with this Subpart.

(8) This regulation ceases to have effect on 31 December 2006.

92.155 Exclusions from training requirements

(1) CASA may, by notice in writing, exclude a person or a class of persons from the obligation to comply with any of regulations 92.095, 92.100, 92.105, 92.115, 92.120, 92.125, 92.130 and 92.140 that apply to the person or class.
(2) Before excluding a person or class of persons from that obligation, CASA must take into account any relevant considerations relating to the safe carriage, or consignment for carriage, of dangerous goods on an aircraft.

(3) An exclusion is subject to the person, or each person in the class, complying with any conditions that CASA specifies in the instrument of exclusion as being necessary in the interests of safety.

(4) If a person applies for exclusion under subregulation (1), and CASA decides not to grant the exclusion, CASA must, as soon as practicable after making the decision, tell the person, in writing, of the decision and must include in the notice a statement of the reasons for the decision.

**Subpart 92.D Limitations on application of Subparts 92.B and 92.C**

**92.160 Aircraft operated by law enforcement authorities**

(1) Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft, or by a person on an Australian aircraft, operated by an Australian law enforcement authority if:

(a) the aircraft is performing an operation solely for law enforcement purposes within Australian territory; and

(b) the goods are not of a kind that is forbidden for transport by air under any circumstances by the Technical Instructions; and

(c) the goods are in a proper condition for carriage by air and are stowed and secured safely in the aircraft, and the aircraft’s pilot-in-command is told before the flight what the goods are and where they are on board the aircraft; and

(d) the authority has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the authority’s operations manual contains detailed instructions in relation to those procedures; and
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(e) only persons essential to the operation are carried on the aircraft while the goods are on board the aircraft.

(2) For subregulation (1), the Australian law enforcement authorities are the following:
(a) the Australian Federal Police;
(b) the Australian Customs Service;
(c) the Australian Quarantine and Inspection Service;
(d) the police force or police service of a State or the Northern Territory.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.165 Helicopter-slung loads

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage of dangerous goods by an Australian aircraft that is a helicopter if:
(a) the helicopter is operating in Australian territory; and
(b) the goods:
(i) are carried as a slung load; and
(ii) are in a proper condition for carriage by air; and
(iii) are segregated in accordance with the Technical Instructions, or, if they are likely to react dangerously with one another, are not carried in the same load; and
(iv) are not of a kind that the Technical Instructions forbid the transport of by air under any circumstances; and
(v) are packed and stowed to prevent leakage or damage during the flight; and
(vi) are not fireworks, pyrotechnics or other explosives intended to be activated during the flight; and
(c) only operating crew and persons associated with the goods are carried on board the helicopter; and
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(d) the helicopter’s pilot-in-command is told before the load is carried what the goods are and the quantity of them in the load; and

(e) the helicopter is operated in accordance with section 29.6 of the Civil Aviation Orders.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.170 Cargo carried in main deck cargo compartments

(1) In this regulation:

Class B cargo compartment and Class C cargo compartment
have the same respective meanings as in ICAO Document 9481, Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods, as in force on 1 January 2004.

UN followed by a 4-digit number is the number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or group of substances.

Note The numbers are set out in the UN Classification, which is available as a PDF file from:


(2) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2) (b) (i) do not apply to the carriage of dangerous goods in the main deck cargo compartment of an aircraft if:

(a) the aircraft:

(i) is operating in Australian territory; and

(ii) does not have an underfloor cargo compartment; and

(b) in the case of an aircraft engaged in passenger-carrying operations, the compartment is not a class B or class C cargo compartment; and
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(c) the cargo compartment is separated from the passenger cabin by a bulkhead or other barrier that will prevent fire and hazardous quantities of smoke or toxic gases from entering the passenger cabin or crew compartment; and

(d) the goods meet all of the packing, labelling, marking, documentation, stowage and segregation requirements of the Technical Instructions; and

(e) the goods do not have a subsidiary risk; and

(f) either:
   (i) the proper shipping name for the goods given by the UN Classification does not include the letters ‘n.o.s’; or
   (ii) the labelling rules set out in the UN Classification do not require the technical name of the goods to be used as well as the proper shipping name; and

(g) the goods are of any of the following kinds:
   (i) goods classified in Division 1.4 and compatibility group S (certain explosives);
   (ii) aerosols that contain gases classified in Division 2.1 (flammable gases);
   (iii) gases classified in Division 2.2 (non-flammable and non-toxic gases) (except UN 2037, UN 2073 and UN 2857);
   (iv) flammable liquids (Class 3) in Packing Group III in combination packagings (except UN 1112, UN 2047, UN 2059, UN 2332, UN 3054 and UN 3269);
   (v) flammable solids (Division 4.1) in Packing Group III (except UN 1309, UN 1313, UN 1314, UN 1318, UN 1324, UN 1330, UN 1338, UN 1353, UN 1869, UN 2000, UN 2213, UN 2714, UN 2715, UN 2878, UN 3089 and UN 3241);
   (vi) oxidizing substances (Division 5.1) in Packing Group III (except UN 1458, UN 1459, UN 1467, UN 1481, UN 1482, UN 1483, UN 2427, UN 2428, UN 2429, UN 2469, UN 2726, UN 2984, UN 3210, UN 3211, UN 3213, UN 3215, UN 3216, UN 3218 and UN 3219);
(vii) toxic substances (Division 6.1) in Packing Group III in combination packagings (except UN 1549, UN 1550, UN 1551, UN 1556, UN 1557, UN 1593, UN 1599, UN 1655, UN 1686, UN 1690, UN 1710, UN 1812, UN 1887, UN 1888, UN 1897, UN 1935, UN 2024, UN 2025, UN 2074, UN 2077, UN 2233, UN 2501, UN 2505, UN 2515, UN 2609, UN 2655, UN 2656, UN 2674, UN 2713, UN 2747, UN 2785, UN 2788, UN 2821, UN 2831, UN 2853, UN 2854, UN 2855, UN 2856, UN 2871, UN 2874, UN 3141, UN 3144, UN 3146, UN 3286 and UN 3293);

(viii) infectious substances (Division 6.2);

(ix) diagnostic specimens (UN 3373) packed in accordance with Packing Instruction 650 of the Technical Instructions;

(x) radioactive material (Class 7) but only excepted packages and packages assigned category I – White only;

(xi) corrosives (Class 8) in Packing Group III in combination packagings (except UN 1731, UN 1740, UN 1755, UN 1757, UN 1783, UN 1787, UN 1788, UN 1789, UN 1814, UN 1819, UN 1824, UN 1908, UN 2430, UN 2496, UN 2508, UN 2564, UN 2578, UN 2585, UN 2586, UN 2672, UN 2677, UN 2679, UN 2681, UN 2693, UN 2790, UN 2803, UN 2809, UN 2837, UN 2869, UN 3145, UN 3253 and UN 3320);

(xii) dangerous goods classified in Class 9 (except UN 1931, UN 1941, UN 1990, UN 2211, UN 2590, UN 3268, UN 3314, UN 3316, UN 3363 and UN 8000);

(xiii) dangerous goods permitted by the Technical Instructions to be carried in excepted quantities.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.
(3) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2) (b) (i) do not apply in relation to the carriage of UN 1072 (oxygen, compressed) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2) (a) to (d).

(4) Subregulations 92.020 (6) and (7) and subparagraph 92.025 (2) (b) (i) do not apply in relation to the carriage of UN 1993 (flammable liquid, n.o.s.) in the main deck cargo compartment of an aircraft if the carriage is in accordance with paragraphs (2) (a) to (d).

92.175 Goods carried by private operators

Subparts 92.B and 92.C do not apply to the carriage of dangerous goods by an aircraft operated by an operator engaged in private (non-commercial) operations if:

(a) the aircraft is operating in Australian territory and:
   (i) is unpressurised; and
   (ii) has an approved passenger seat configuration of less than 10 seats; and

(b) the goods:
   (i) are in a proper condition for carriage by air; and
   (ii) are identified by class in accordance with the Technical Instructions; and
   (iii) are permitted by the Technical Instructions to be carried on a passenger or cargo aircraft; and
   (iv) are stowed and secured on the aircraft to prevent movement and damage, and segregated in accordance with the requirements of the Technical Instructions if they are likely to react dangerously with one another; and

(c) the pilot-in-command of the aircraft ensures that every person on board the aircraft knows, before boarding the aircraft, that the dangerous goods are on board.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.
92.180 Goods carried for parachute operations

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the carriage, on an aircraft, of dangerous goods classified in Division 1.4 if:

(a) the aircraft is operating in Australian territory; and
(b) the person carrying the goods intends to jump from the aircraft by parachute, and to use the goods during the parachute descent; and
(c) the goods are not used until after the person jumps from the aircraft; and
(d) the pilot-in-command of the aircraft:
   (i) knows what the goods are; and
   (ii) before the flight begins, briefs everybody intending to board the aircraft on what to do if any of the goods are activated during the flight; and
(e) where the flight is being undertaken by a commercial operator — the operator establishes safety and emergency procedures for the operation and sets out those procedures in the operator’s dangerous goods manual.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.185 Carriage of fuel in large containers

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, on a cargo aircraft in Australian territory of:

(a) petrol (whether called petrol, gasoline or motor spirit) (UN 1203) of packing group II; or
(b) aviation turbine fuel (UN 1863) of packing group II;

if the petrol or aviation turbine fuel:
(c) is documented, labelled, stowed and segregated on the aircraft in accordance with the Technical Instructions; and
(d) is contained in 1A1 non-removable-head steel drums or 1B1 non-removable-head aluminium drums with a capacity of no more than 220 litres.
Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

92.190 Goods for use in emergency services

Regulations 92.020, 92.025, 92.030 and 92.035 do not apply to the consignment for carriage, or to the carriage, of dangerous goods on an aircraft if:

(a) the aircraft:
   (i) is unpressurised; and
   (ii) has an approved passenger seat configuration of less than 10 seats; and
   (iii) is operating in Australian territory; and
   (iv) is operating for the sole purpose of carrying people engaged in emergency services work and their essential equipment (including the goods) to a place where they intend to undertake emergency service work, or of recovering them from such a place; and

(b) where the aircraft is a helicopter — any static electric charge that it carries is discharged before the people or their equipment are loaded or unloaded; and

(c) the goods:
   (i) are limited to dangerous goods of the following kinds:
      (A) goods classified in Division 1.4 (certain explosives);
      (B) gases classified in Division 2.1 or 2.2;
      (C) flammable liquids (Class 3);
      (D) goods classified in Division 4.1 (flammable solids);
      (E) goods classified in Class 9 (miscellaneous dangerous goods);
      (F) corrosives (Class 8); and
   (ii) are in a proper condition for carriage by air; and
   (iii) are not used on the aircraft; and
(iv) if classified in Class 3:
   (A) are packaged in accordance with the Technical Instructions; and
   (B) are stowed and secured on the aircraft to prevent leakage or damage during the flight; and

(d) the aircraft’s pilot-in-command is told that the goods are on board, and where they are on the aircraft, and consents to them being carried on the aircraft; and

(e) only the aircraft’s crew and persons associated with the goods are carried on board the aircraft; and

(f) the operator establishes safety and emergency procedures for the carriage of the dangerous goods; and

(g) where the flight is being conducted by a commercial operator — the operator has a dangerous goods manual that complies with regulation 92.055, has established safety and emergency procedures for the goods, and that manual or the operator’s operations manual contains detailed instructions in relation to those procedures.

Note This regulation creates a defence to the offences created by subsections 23 (2) and (2A) of the Act. A defendant charged with either of those offences bears an evidential burden in relation to the matters set out in this regulation — see subsection 13.3 (3) of the Criminal Code.

**92.195 Carriage of ammunition by air security officers**

Regulations 92.020, 92.025 and 92.030 do not apply to the carriage of dangerous goods by an air security officer if:

(a) the officer is on duty in an aircraft engaged in regular public transport operations; and

(b) the dangerous goods is an amount of ammunition (issued by the Australian Federal Police for use by the officer) that is reasonably required in performance of that duty.
Subpart 92.E  Information to passengers

92.200  Information in passenger terminals

(1) The owner or operator of an airport terminal must comply with the provisions of the Technical Instructions concerning information that must be given to passengers about the carriage of dangerous goods on aircraft.

Penalty: 10 penalty units.

(2) The information required by subregulation (1) must at least be given by means of a sufficient number of notices, prominently displayed at each of the places at an airport where tickets are issued, passengers checked in and aircraft boarding areas maintained, and at baggage collection areas.

92.205  Information with tickets

(1) A person (other than an aircraft operator) who issues a passenger ticket must ensure that the person to whom the ticket is issued is given information about the kinds of dangerous goods that must not be transported on an aircraft.

Penalty: 10 penalty units.

(2) The information required by subregulation (1) must at least be given by means of information with the ticket and notices, visible to persons to whom tickets are issued, in each place where tickets are issued.
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### Subpart 101.G Model aircraft

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</tbody>
</table>
101.005 Applicability of this Part

(1) This Part sets out the requirements for the operation of unmanned aircraft (including model aircraft), and (to the extent that the operation of rockets and fireworks affects or may affect the safety of air navigation) the operation of rockets and the use of certain fireworks.

(2) Nothing in this Part applies to the operation of a manned balloon or a hot air balloon.

(3) Subparts 101.C to 101.I do not apply to the operation of:
   (a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
   (b) a model aircraft indoors; or
   (c) an unmanned airship indoors; or
   (d) a small balloon within 100 metres of a structure and not above the top of the structure; or
   (e) an unmanned tethered balloon that remains below 400 feet above ground level; or
(f) a firework rocket not capable of rising more than 400 feet above ground level.

Note Subpart 101.B applies to the operation of all unmanned aircraft (including model aircraft) and rockets, including firework rockets.

(4) For paragraph (3) (c), a flight does not take place indoors if the building in which it takes place has the roof, or 1 or more walls, removed.

101.010 Application to rocket-powered unmanned aircraft

This Part applies to a rocket-powered unmanned aircraft, and to the operation of such an aircraft, unless the contrary intention appears.

101.015 Application of registration and marking requirements

Parts 45 and 47 do not apply to an aircraft (other than a large UAV) to which this Part applies, nor to a micro UAV.

Note A large UAV is required to carry a manufacturer’s data plate and an aircraft registration identification plate — see respectively regulation 21.820 and Subpart 45.D of Part 45.

101.020 Exemption from certain other provisions of CAR 1988

Parts 4, 4A, 4B, 4C, 5, 7, 9, 10, 11, 12, 13 and 14 of CAR 1988 do not apply to an aircraft to which this Part applies, nor to a micro UAV.

101.025 Meaning of populous area

For this Part, an area is a populous area in relation to the operation of an unmanned aircraft or rocket if the area has a sufficient density of population for some aspect of the operation, or some event that might happen during the operation (in particular, a fault in, or failure of, the aircraft or rocket) to pose an unreasonable risk to the life, safety or property of somebody who is in the area but is not connected with the operation.
101.030 Approval of areas for operation of unmanned aircraft or rockets

(1) A person may apply to CASA for the approval of an area as an area for the operation of:
   (a) unmanned aircraft generally, or a particular class of unmanned aircraft; or
   (b) rockets.

(2) For paragraph (1) (a), the classes of unmanned aircraft are the following:
   (a) tethered balloons and kites;
   (b) unmanned free balloons;
   (c) UAVs;
   (d) model aircraft.

(3) In considering whether to approve an area for any of those purposes, CASA must take into account the likely effect on the safety of air navigation of the operation of unmanned aircraft in, or the launching of rockets in or over, the area.

(4) An approval has effect from the time written notice of it is given to the applicant, or a later day or day and time stated in the approval.

(5) An approval may be expressed to have effect for a particular period (including a period of less than 1 day), or indefinitely.

(6) CASA may impose conditions on the approval in the interests of the safety of air navigation.

(7) If CASA approves an area under subregulation (1), it must publish details of the approval (including any condition) in NOTAM or on an aeronautical chart.

(8) CASA may revoke the approval of an area, or change the conditions that apply to such an approval, in the interests of the safety of air navigation, but must publish details of any revocation or change in NOTAM or on an aeronautical chart.

(9) CASA must also give written notice of the revocation or change:
   (a) to the person who applied for the approval of the area; or
(b) if that person applied for that approval as an officer of an organisation concerned with unmanned aircraft or rockets, and no longer holds that office — to the person who now holds the office.

101.035 Requirements in this Part to give information to CASA

(1) If a provision of this Part requires a person to give information to CASA about the operation, launching or release of an unmanned aircraft or rocket, then, unless the provision says otherwise, the person may do so by giving the information to:

(a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or

(b) an appropriate approved aviation administration organisation.

(2) However, subregulation (1) does not apply in relation to the release of small balloons, or in relation to a firework display.

(3) The information need not be given in writing unless:

(a) CASA or the authority to which it is given asks for it to be given in writing in the particular case; or

(b) another provision of these Regulations requires it to be given in writing.

(4) If a person gives the information to an authority mentioned in paragraph (1) (a) or (b), then, subject to subregulation (6), the person is taken, for all purposes, to have complied with the requirement to give the information.

(5) If in a particular case CASA or the authority to which the information is given reasonably requires extra information about the operation, launching or release, CASA or the authority may ask the person for the extra information.

(6) If CASA or an authority asks for more information under subregulation (5), the person is not taken to have complied with the requirement mentioned in subregulation (1) to give the information until the person gives to CASA or the authority the extra information.
(7) If a day is not a working day for the office of CASA or an authority to which notice of an event is given or an application made, that day does not count for the purpose of working out how many working days’ notice of the event has been given, or how many working days before an event the application has been made.

(8) In subregulation (7):

working day, in relation to an office of CASA or an authority, means a day on which that office is open for business.

101.040 Exemptions

(1) CASA may do either or both of the following by instrument, in relation to a particular unmanned aircraft or rocket or type of unmanned aircraft or rocket:

(a) exempt the aircraft or rocket, or aircraft or rockets of that type, from compliance with a specified provision of Subparts 101.C to 101.H;

(b) exempt a person from compliance with a specified provision of Subparts 101.C to 101.H while he or she is operating the aircraft or launching the rocket, or operating aircraft or launching rockets of that type.

(2) Before CASA decides under subregulation (1) to exempt an aircraft, rocket or type, or a person, from compliance with a provision of any of Subparts 101.C to 101.H, CASA must take into account any relevant considerations relating to the safety of air navigation.

(3) CASA may impose a condition necessary in the interests of the safety of air navigation on such an exemption.

(4) A person must not contravene a condition imposed under subregulation (3).

Penalty: 50 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
(5) Regulation 308 of CAR 1988 does not authorise CASA to grant exemptions from the provisions of this Part.

**101.045 Conditions imposed by CASA or another authority**

(1) If a provision of this Part (other than regulation 101.030) authorises CASA or another authority to impose a condition on an approval, permission, certification or exemption, CASA or the authority must give a written statement of any condition so imposed to the person who applied for the approval, permission, certification or exemption.

(2) Unless CASA or the authority gives the statement to the person, the person is not bound by the condition.

**Subpart 101.B General prohibition on unsafe operation**

**101.050 Applicability of this Subpart**

This Subpart applies to the operation of all unmanned aircraft and rockets that are not aircraft, whether or not any of Subparts C to I applies.

**101.055 Hazardous operation prohibited**

(1) A person must not operate an unmanned aircraft in a way that creates a hazard to another aircraft, another person, or property.

Penalty: 50 penalty units.

(2) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to an aircraft.

Penalty: 50 penalty units.

(3) A person must not launch a rocket that is not an aircraft in a way that creates a hazard to another person or to property.

Penalty: 50 penalty units.
(3A) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

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

(4) It is not a defence to a charge of contravening subregulation (1), (2) or (3) that the relevant unmanned aircraft was being operated, or the relevant rocket was launched, in a way that complied with the operations manual of an approved aviation administration organisation.

(5) In subregulations (2) and (3):

rocket includes a firework rocket, regardless of whether it can rise more than 400 feet above ground level or not.

Subpart 101.C Provisions applicable to unmanned aircraft generally

101.060 Applicability of this Subpart

This Subpart applies to the operation of unmanned aircraft of all kinds, except operation mentioned in subregulation 101.005 (3).

Note Rockets that are not aircraft are dealt with separately in Subpart 101.H.

101.065 Operation in prohibited or restricted area

(1) A person may operate an unmanned aircraft in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

Note For prohibited area and restricted area, see regulation 2.07 of the Air Services Regulations. Details of prohibited or restricted areas are published in AIP or NOTAM.

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

Note For strict liability, see section 6.1 of the Criminal Code.
(2) In subregulation (1):

*authority controlling the area* means:

(a) in the case of a prohibited area — the Secretary to the Department of Defence; and

(b) in the case of a restricted area — the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

(3) For subregulation (1):

(a) the authority controlling the area must give a written statement of any condition so imposed to the person who applied for the permission; and

(b) unless the authority gives the statement to the person, the person is not bound by the condition.

**101.070 Operation in controlled airspace**

(1) A person may operate an unmanned aircraft above 400 feet AGL in controlled airspace only:

(a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same kind as the aircraft, and in accordance with any conditions of the approval; and

(b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.

*Note* AGL = above ground level (see the Dictionary).

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

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

**101.075 Operation near aerodromes**

(1) A person may operate an unmanned aircraft at an altitude above 400 feet AGL within 3 nautical miles of an aerodrome only if:

(a) the operation is permitted by another provision of this Part; or
(b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

Note  AGL = above ground level (see the Dictionary).

(2) A person may operate an unmanned aircraft over an area mentioned in paragraph (3) (a) or (b) only if:

(a) the operation is permitted by another provision of this Part; or

(b) permission has been given for the operation under regulation 101.080.

Penalty: 25 penalty units.

(3) The areas for subregulation (2) are:

(a) a movement area or runway of an aerodrome; and

(b) the approach or departure path of a runway of an aerodrome.

(4) A person must not operate an unmanned aircraft in such a manner as to create an obstruction to an aircraft taking off from, or approaching for landing at, a landing area or a runway of an aerodrome.

Penalty: 25 penalty units.

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

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

101.080 Permission for operation of unmanned aircraft near aerodrome

(1) The authority from which permission must be obtained for the purposes of regulation 101.075 is:

(a) if the aerodrome concerned is a controlled aerodrome — the air traffic control service for the aerodrome; or

(b) in the case of any other aerodrome — CASA.
(2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.080, so far as relevant to the proposed operation.

**Table 101.080 Details of operation of unmanned aircraft to be given to CASA or ATC**

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In all cases:</td>
</tr>
<tr>
<td></td>
<td>(a) the name, address and telephone number of the person who will operate the aircraft or (if the aircraft concerned is an unmanned free balloon) release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the operation); and</td>
</tr>
<tr>
<td></td>
<td>(b) the date and time the operation or release is to begin and how long it is to last; and</td>
</tr>
<tr>
<td></td>
<td>(c) where it is to be carried out; and</td>
</tr>
<tr>
<td></td>
<td>(d) if more than 1 unmanned aircraft is to be operated at a time, how many unmanned aircraft are to be operated at that time</td>
</tr>
<tr>
<td>2</td>
<td>In the case of the operation of a tethered balloon or a kite:</td>
</tr>
<tr>
<td></td>
<td>(a) a brief description of the balloon or kite, including its predominant colour; and</td>
</tr>
<tr>
<td></td>
<td>(b) the height to which it is to be operated; and</td>
</tr>
<tr>
<td></td>
<td>(c) its mass</td>
</tr>
<tr>
<td>3</td>
<td>In the case of the release of a free balloon:</td>
</tr>
<tr>
<td></td>
<td>(a) how many balloons are to be released; and</td>
</tr>
<tr>
<td></td>
<td>(b) the estimated size and mass of the balloon’s payload</td>
</tr>
<tr>
<td>4</td>
<td>In the case of the release of a medium or heavy balloon:</td>
</tr>
<tr>
<td></td>
<td>(a) the balloon’s flight identification or its project code name; and</td>
</tr>
<tr>
<td></td>
<td>(b) the balloon’s classification, or a description of the balloon; and</td>
</tr>
</tbody>
</table>
Item | Information to be provided
--- | ---
(c) | the balloon’s SSR code or NDB frequency, and its Morse identification; and 
(d) | the expected horizontal direction of the balloon’s ascent, and the balloon’s expected rate of climb; and 
(e) | the balloon’s float level (given as pressure altitude); and 
(f) | when the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so; and 
(g) | when the flight is expected to end, and where the balloon and its payload are expected to fall

Note For free balloon and heavy balloon, see regulation 101.145. For tethered balloon, see regulation 101.105.

(3) If more than 1 aircraft is to be operated at a time, such a requirement is a requirement to give the information about each such aircraft.

(4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035 (1) (a) or (b).

(5) If the authority grants the permission, it may impose conditions on the permission in the interests of the safety of air navigation.

(6) A person must not contravene a condition imposed under subregulation (5).

Penalty: 50 penalty units.

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

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

101.085 **Maximum operating height**

(1) A person may operate an unmanned aircraft at above 400 feet AGL only:
(a) in an area approved under regulation 101.030 as an area for the operation of unmanned aircraft of the same class as the aircraft concerned, and in accordance with any conditions of the approval; or
(b) as otherwise permitted by this Part.

Penalty: 50 penalty units.

Note AGL = above ground level (see the Dictionary).

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

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

101.090 Dropping or discharging of things

(1) A person must not cause a thing to be dropped or discharged from an unmanned aircraft in a way that creates a hazard to another aircraft, a person, or property.

Penalty: 25 penalty units.

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

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

101.095 Weather and day limitations

(1) A person may operate an unmanned aircraft:
   (a) in or into cloud; or
   (b) at night; or
   (c) in conditions other than VMC;
only if permitted by another provision of this Part, or in accordance with an air traffic control direction.

Penalty: 25 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
Subpart 101.D    Tethered balloons and kites

101.100 Applicability of this Subpart
This Subpart applies to the operation of tethered balloons and kites.

Note This Subpart does not apply to:
(a) the shielded operation (that is, operation within 100 metres of a structure and not above the top of the structure) of a small balloon; or
(b) the operation of an unmanned tethered balloon or kite below 400 feet AGL.
See subregulation 101.005 (3).

101.105 Definitions for Subpart
(1) In this Subpart:
tethered balloon means a balloon that is attached to the ground, or an object on the ground, by a cable.

(2) For this Subpart, the height of a tethered balloon is taken to be the height above ground level of the topmost part of its envelope.

101.110 Tethered balloons and kites that may be operated outside approved areas
(1) A person may operate a tethered balloon or a kite above 400 feet AGL outside an area approved under regulation 101.030 as an area for the operation of unmanned balloons or kites (as the case requires) only if:
(a) the mass of the balloon or kite is no more than 15 kilograms; and
(b) the horizontal visibility at the time is at least 5 kilometres; and
(c) the person gives to CASA the information required by table 101.110 about the proposed operation at least 1 working day before it is due to start.

Penalty: 10 penalty units.
Regulation 101.110

Note 1  A person can comply with this requirement by telling:
(a) if the person is an approved aviation administration organisation — the
   Australian NOTAM Office; or
(b) the appropriate approved aviation administration organisation.

See regulation 101.035.

Note 2  CASA must publish details of the approval of an area (including
any conditions) in NOTAM or on an aeronautical chart — see
subregulation 101.030 (5).

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

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

(2) If more than 1 tethered balloon or kite is to be operated at a
time, such a requirement is a requirement to give the
information about each such balloon or kite.

Table 101.110  Details of operation of tethered
balloon or kite to be given to
CASA

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The name, address and telephone number of the person who will operate the balloon or kite (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the operation)</td>
</tr>
<tr>
<td>2</td>
<td>The date and time the operation is to begin, and how long it is to last</td>
</tr>
<tr>
<td>3</td>
<td>Where it is to be carried out</td>
</tr>
<tr>
<td>4</td>
<td>A brief description of the balloon or kite, including its predominant colour</td>
</tr>
<tr>
<td>5</td>
<td>The height to which it is to be operated</td>
</tr>
<tr>
<td>6</td>
<td>Its mass</td>
</tr>
<tr>
<td>7</td>
<td>If more than 1 tethered balloon or kite is to be operated at a time, how many tethered balloons or kites are to be operated at the time</td>
</tr>
</tbody>
</table>
101.115 Mooring-line marking

(1) A person may operate a tethered balloon only if:
   (a) each mooring line has coloured streamers attached at intervals of no more than 15 metres along it, with the first streamer no more than 150 feet above ground level; and
   (b) the streamers would be visible in normal daylight for at least 1.5 kilometres.

   Penalty: 10 penalty units.

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

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

101.120 Operation of tethered balloon or kite under cloud

(1) A person may operate a tethered balloon or kite under cloud only if he or she keeps the balloon or kite at least 500 feet (measured vertically) below the cloud.

   Penalty: 10 penalty units.

   Note For tethered balloon, see regulation 101.105.

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

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

101.125 Tethered balloon to be lit at night

(1) A person may operate a tethered balloon at night at or above 400 feet AGL only if it is lit so as to be visible in VMC from at least 4 kilometres away.

   Penalty: 10 penalty units.

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

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

(2) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.
101.130 Rapid deflation device required

(1) A person may operate a tethered balloon only if it is fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.

Penalty: 10 penalty units.

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

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

101.135 What to do if tethered balloon escapes

(1) If a tethered balloon escapes from its mooring, and the deflation device does not cause it to deflate, the person operating it must tell Airservices Australia as soon as possible:

(a) where the balloon was launched; and

(b) what time it broke free; and

(c) the direction it was headed when last seen.

Penalty: 10 penalty units.

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

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

Subpart 101.E Unmanned free balloons

101.140 Applicability of this Subpart

This Subpart applies to the operation of an unmanned free balloon.

101.145 Definitions for Subpart — free balloons

(1) For this Subpart:

free balloon means an unmanned balloon that is not tethered.

(2) There are 4 kinds of free balloon: small balloon, light balloon, medium balloon and heavy balloon.
(3) In this Subpart:

small balloon means a free balloon that can carry no more than 50 grams of payload.

(4) In this Subpart:

light balloon means a free balloon that:
(a) is no more than 2 metres in diameter at any time during its flight; and
(b) can carry no more than 4 kilograms of payload.

(5) In this Subpart:

medium balloon means a free balloon that:
(a) may be more than 2 metres in diameter at some time in its flight; and
(b) is capable of carrying more than 4 kilograms, but no more than 6 kilograms, of payload.

(6) In this Subpart:

heavy balloon means a free balloon capable of carrying more than 6 kilograms of payload.

101.150 Definition for Subpart — approved area

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation or release of unmanned free balloons.

Note  CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

101.155 Releasing small balloons

(1) A person may release a small balloon only if the person has first complied with any requirements as to approval or notice set out in table 101.155-1.

Penalty: 10 penalty units.

Note  For small balloon, see subregulation 101.145 (3).
(1A) An offence against subregulation (1) is an offence of strict liability.

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

(2) Subregulation (1) does not apply if no more than 100 balloons are to be released at once.

**Table 101.155-1 Requirements for release of small balloons**

<table>
<thead>
<tr>
<th>Item</th>
<th>Number of balloons to be released at once</th>
<th>Distance from place of release to nearest aerodrome</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>less than 3 nautical miles</td>
</tr>
<tr>
<td>1</td>
<td>101–1 000</td>
<td>approval required</td>
</tr>
<tr>
<td>2</td>
<td>1 001–10 000</td>
<td>approval required</td>
</tr>
<tr>
<td>3</td>
<td>Over 10 000</td>
<td>approval required</td>
</tr>
</tbody>
</table>

(3) In the table, for a combination of a number of balloons to be released and a distance to an aerodrome:

- **approval required** means that an approval under subregulation (4) is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.
- **no approval required** means that no such approval is required for the release of that number of balloons at a place within that distance from the nearest aerodrome.
- **NOTAM** means that CASA’s approval is not required, but the person intending to release that number of balloons at a place that distance from the nearest aerodrome must give to CASA the information about the proposed release required by table 101.155-2.
Table 101.155-2 Details of release of small balloons to be given to CASA

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The name, address and telephone number of the person who will release the balloons (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)</td>
</tr>
<tr>
<td>2</td>
<td>The date and time the release is to begin, and how long it will take</td>
</tr>
<tr>
<td>3</td>
<td>Where it is to be carried out</td>
</tr>
<tr>
<td>4</td>
<td>How many balloons are to be released</td>
</tr>
<tr>
<td>5</td>
<td>The estimated size and mass of any payload</td>
</tr>
</tbody>
</table>

Note CASA will tell the NOTAM office about the release.

(4) If approval is required under subregulation (1) to release small balloons, CASA must grant the approval unless the proposed release would present an unacceptable hazard to aviation.

Note CASA will tell the NOTAM office about the release.

101.160 Light balloons that may be released outside approved areas

(1) A person may release a light balloon outside an approved area only if the person gives to CASA the information required by table 101.160 at least 1 working day before the proposed release.

Penalty: 10 penalty units.

Note 1 A person can comply with this requirement by telling:
(a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
(b) the appropriate approved aviation administration organisation.
See regulation 101.035.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

Note 3 For light balloon, see subregulation 101.145 (4).
(1A) An offence against subregulation (1) is an offence of strict liability.

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

(2) If more than 1 balloon is to be released at a time, such a requirement is a requirement to give the information about each such balloon.

**Table 101.160** Details of release of light balloon to be given to CASA

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The name, address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)</td>
</tr>
<tr>
<td>2</td>
<td>The date and time the release is to begin</td>
</tr>
<tr>
<td>3</td>
<td>Where it is to be carried out</td>
</tr>
<tr>
<td>4</td>
<td>The estimated size and mass of the balloon’s payload</td>
</tr>
<tr>
<td>5</td>
<td>If more than 1 balloon is to be released at a time, how many balloons are to be released at the time</td>
</tr>
</tbody>
</table>

(3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a light balloon if:

(a) the release is part of the Bureau’s normal meteorological procedures; and

(b) the release location has been notified in AIP or NOTAM.

**101.165 Release of medium and heavy balloons outside approved areas**

(1) Subject to subregulation (3), a person may release a medium or heavy balloon outside an approved area only if the person gives to CASA the information required by table 101.165 at least 2 working days before the proposed release.

Penalty: 10 penalty units.

Note 1 A person can comply with this requirement by telling:

(a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
(b) the appropriate approved aviation administration organisation. See regulation 101.035.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

Note 3 For heavy balloon and medium balloon, see regulation 101.145.

(2) If more than 1 balloon is to be operated at a time, such a requirement is a requirement to give the information about each such balloon.

Table 101.165 Details of release of medium or heavy balloon to be given to CASA

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The name, address and telephone number of the person who will release the balloon (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the release)</td>
</tr>
<tr>
<td>2</td>
<td>The date and time the release is to begin</td>
</tr>
<tr>
<td>3</td>
<td>Where it is to be carried out</td>
</tr>
<tr>
<td>4</td>
<td>The estimated size and mass of the balloon’s payload</td>
</tr>
<tr>
<td>5</td>
<td>The balloon’s flight identification or the project code name</td>
</tr>
<tr>
<td>6</td>
<td>The balloon’s classification, or a description of the balloon</td>
</tr>
<tr>
<td>7</td>
<td>The balloon’s SSR code or NDB frequency, and its Morse identification</td>
</tr>
<tr>
<td>8</td>
<td>The expected horizontal direction of the balloon’s ascent, and the balloon’s expected rate of climb</td>
</tr>
<tr>
<td>9</td>
<td>The balloon’s planned float level (given as pressure altitude)</td>
</tr>
<tr>
<td>10</td>
<td>The time the balloon is expected to reach 60 000 feet pressure altitude, and the location over which it is expected to do so</td>
</tr>
</tbody>
</table>
Table 101.165  Details of release of medium or heavy balloon to be given to CASA

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>The time the flight is expected to end, and where the balloon and its payload are expected to fall</td>
</tr>
<tr>
<td>12</td>
<td>If more than 1 balloon is to be released at a time, how many balloons are to be released at the time</td>
</tr>
</tbody>
</table>

(3) Subregulation (1) does not require the Bureau of Meteorology to give notice of the proposed release of a medium balloon if:
(a) the release is part of the Bureau’s normal meteorological procedures; and
(b) the release location has been notified in AIP or NOTAM.

(4) Subject to subregulation (5), the person must also confirm the details of the proposed release to the air traffic control service that has responsibility for the airspace within which the balloon will be released no later than the earlier of:
(a) 6 hours before the expected release time; or
(b) the time the balloon begins to be inflated.

Penalty: 10 penalty units.

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

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

(5) Subregulation (4) does not require the Bureau of Meteorology to confirm the details of the release of a medium balloon with an air traffic control service if:
(a) the release is part of the Bureau’s normal meteorological procedures; and
(b) the release location has been notified in AIP or NOTAM.
101.170 Medium and heavy balloons not to be flown low

(1) A person who is operating a medium or heavy balloon must not allow it to go below 3 000 feet AGL while it is over a populous area.

Penalty: 10 penalty units.

Note AGL = above ground level (see the Dictionary). For heavy balloon and medium balloon, see regulation 101.145. For populous area, see regulation 101.025.

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

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

101.175 Medium and heavy balloons to be flown in clear sky

(1) Subject to subregulations (3) and (4), a person must not operate a medium or heavy balloon below 60 000 feet pressure altitude if, at the altitude at which the balloon is being operated, the horizontal visibility is less than 8 kilometres.

Penalty: 10 penalty units.

Note For heavy balloon and medium balloon, see regulation 101.145.

(2) Subject to subregulations (3) and (4), a person who is operating a medium or heavy balloon must not allow it to remain at an altitude below 60 000 feet pressure altitude at which cloud, fog or mist obscures more than half the sky.

Penalty: 10 penalty units.

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

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

(3) Subregulations (1) and (2) do not apply to operation outside controlled airspace if CASA approves the operation and the operation is carried out in accordance with the approval.

(4) Those subregulations also do not apply to operation in controlled airspace in accordance with an air traffic control clearance.
101.180 How payload must be supported — medium and heavy balloons

(1) A person may operate a medium or heavy balloon only if the means by which the payload is attached to the balloon can support at least 10 times the mass of the payload.

Penalty: 10 penalty units.

Note For heavy balloon and medium balloon, see regulation 101.145.

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

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

101.185 Equipment that must be carried — medium and heavy balloons

(1) A person may operate a medium or heavy balloon only if:

(a) the balloon is fitted with at least 2 independent ways (either automatic or remotely-operated) of releasing its payload; and

(b) if the balloon is not a zero-pressure balloon, it has at least 2 independent ways of ending the flight of the balloon envelope; and

(c) either:

(i) the balloon envelope carries a radar reflector, or radar-reflective material, that will return an echo to a surface radar operating in the frequency range 200 megahertz to 2 700 megahertz; or

(ii) the balloon is fitted with a device to allow it to be continuously tracked by the operator beyond the range of ground-based radar; and

(d) if the balloon is operated in an area in which ground-based secondary surveillance radar is in use, it is fitted with an SSR transponder (with altitude-reporting capability) that either operates continuously or can be turned on by the operator if an air traffic control service so requires.

Penalty: 50 penalty units.
(2) An offence against subregulation (1) is an offence of strict liability.

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

### 101.190 Lighting — medium and heavy balloons

(1) A person may operate a medium or heavy balloon below 60,000 feet pressure altitude at night only if both the balloon and its payload are lit (whether or not they become separated during the operation) so as to be visible, under the prevailing conditions, for at least 4 kilometres in all directions.

Penalty: 25 penalty units.

*Note* For *heavy balloon* and *medium balloon*, see regulation 101.145.

(2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon’s horizon.

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

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

### 101.195 Marking — free balloons generally

(1) A person may operate a free balloon that carries a trailing antenna that requires a force of more than 230 newtons to break it only if the antenna has coloured streamers or pennants attached to it every 15 metres.

Penalty: 25 penalty units.

(2) A person may operate a free balloon that carries a payload only if the payload has fixed to it a durable identification plate carrying sufficient information:

(a) to identify the payload; and

(b) to enable somebody who finds the payload to contact the person who released the balloon.

Penalty: 10 penalty units.

*Note* For *free balloon*, see regulation 101.145.
(3) Subregulation (2) does not apply to a light or medium balloon operated by the Bureau of Meteorology.

Note For light balloon and medium balloon, see regulation 101.145.

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

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

101.200 Marking by day — heavy balloons

(1) A person may operate a heavy balloon (being a heavy balloon that has its payload suspended more than 15 metres below the envelope) above 60 000 feet pressure altitude by day only if:

(a) the payload’s suspension is coloured in alternate bands of conspicuous colours, or has coloured pennants attached to it; or

(b) the balloon has a conspicuous payload-recovery parachute suspended under the envelope, or the balloon is suspended beneath a conspicuous open parachute.

Penalty: 25 penalty units.

Note For heavy balloon, see subregulation 101.145 (6).

(2) For subregulation (1), a balloon is being operated by day if the sun is above the balloon’s horizon.

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

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

101.205 Lighting by night — heavy balloons

(1) A person may operate a heavy balloon above 60 000 feet pressure altitude at night only if it is lit so as to be visible in VMC from at least 4 kilometres away.

Penalty: 25 penalty units.

Note For heavy balloon, see subregulation 101.145 (6).

(2) For subregulation (1), a balloon is being operated at night if the sun is below the balloon’s horizon.
(3) The lighting required by subregulation (1) may be inside the balloon, on its outside, or on the ground.

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

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

101.210 Obligation to stay in communication with ATC — medium and heavy balloons

(1) The operator of a medium or heavy balloon must establish and maintain communication with the relevant air traffic control service from the time the balloon begins to be inflated until the flight ends.

Penalty: 25 penalty units.

Note For heavy balloon and medium balloon, see regulation 101.145.

(2) The operator must tell the relevant air traffic control service at least 1 hour before the balloon is launched.

Penalty: 50 penalty units.

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

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

101.215 Tracking of flight — medium and heavy balloons

(1) The operator of a medium or heavy balloon must track its flight continuously.

Penalty: 10 penalty units.

Note For heavy balloon and medium balloon, see regulation 101.145.

(2) While the balloon is below 60 000 feet pressure altitude, if it cannot be tracked visually from the ground or by radar, the operator must ensure that a tracking aircraft accompanies it continuously.

Penalty: 10 penalty units.
(3) An offence against subregulation (1) or (2) is an offence of strict liability.

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

101.220 Flight reporting — medium and heavy balloons

(1) The operator of a medium or heavy balloon must report the progress of the balloon’s flight to the relevant air traffic control service as follows:

(a) the operator must tell the service immediately when the balloon is released;
(b) the operator must tell the service when the balloon leaves each 10 000-foot level up to 60 000 feet (pressure altitude);
(c) the operator must report the balloon’s position to the relevant air traffic control service periodically, as follows:
   (i) when required to do so by the service;
   (ii) while the balloon is below 60 000 feet pressure altitude — every 10 minutes;
   (iii) while the balloon is at or above 60 000 feet pressure altitude — every 2 hours;
(d) if the operator loses the balloon’s position, the operator must tell the service immediately that tracking has been lost and the balloon’s last known position;
(e) after having re-established tracking of the balloon, the operator must tell the service immediately that tracking has been re-established and the balloon’s position at that time.

Penalty: 10 penalty units.

Note For heavy balloon and medium balloon, see regulation 101.145.

(2) If the balloon is being accompanied by a tracking aircraft, the operator must ensure that the crew of the aircraft maintains continuous 2-way communication with the relevant air traffic control service.

Penalty: 10 penalty units.
(2A) An offence against subregulation (1) or (2) is an offence of strict liability.

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

(3) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

101.225 Ending flight and recovery — medium and heavy balloons

(1) The operator of a medium or heavy balloon must give to the relevant air traffic control service at least 1 hour’s notice of the time the flight is planned to end, and when doing so must also give to the air traffic control service the following information:
   (a) the balloon’s current position and altitude;
   (b) the estimated time at which, and the estimated location over which, the balloon will pass through 60 000 feet pressure altitude during its descent;
   (c) the estimated time when, and place where, the payload will fall.

Penalty:  10 penalty units.

Note  For heavy balloon and medium balloon, see regulation 101.145.

(2) The operator may command the balloon to end its flight only:
   (a) in an emergency; or
   (b) if cleared to do so by the relevant air traffic control service.

Penalty:  50 penalty units.

(3) If the operator commands the balloon to end its flight when not cleared by air traffic control to do so, the operator must tell the relevant air traffic control service immediately, and when doing so must also give to it the following information:
   (a) the balloon’s current position and altitude;
(b) the estimated time when and place where the payload will fall.

Penalty: 10 penalty units.

(4) The operator must tell the relevant air traffic control service as soon as possible after the balloon’s payload falls.

Penalty: 10 penalty units.

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

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

(5) A reference in this regulation to the relevant air traffic control service is to be read, at a particular time, as a reference to the air traffic control service that is responsible for the airspace in which the balloon is located at the time.

101.230 Direction by ATC to end flight in certain circumstances

(1) If a balloon is in controlled airspace and an air traffic control service considers that it poses a hazard to other aircraft, or to people or property on the ground, that service may direct the balloon’s operator to end the balloon’s flight immediately.

(2) The operator must comply with the direction by ending the balloon’s flight by the fastest possible method.

Penalty: 50 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
Subpart 101.F  UAVs

Division 101.F.1  General

101.235 Applicability of this Subpart

(1) This Subpart applies to:
   (a) the operation of a large UAV; and
   (b) the operation of a small UAV for purposes other than sport or recreation.

   Note 1 There is no practicable distinction between a small UAV and a model aircraft except that of use — model aircraft are flown only for the sport of flying them.

   Note 2 For large UAV and small UAV, see regulation 101.240. For model aircraft see the Dictionary.

(2) Nothing in this Subpart applies to the operation of a UAV if:
   (a) while it is being operated, the person operating it keeps it in sight; and
   (b) it is operated in a way that complies with Subpart 101.G.

(3) This Subpart does not apply to the operation of a micro UAV.

   Note 1 See subregulation 101.005 (3).

   Note 2 For micro UAV, see regulation 101.240.

101.240 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of UAVs.

   Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

certified UAV controller means a person certified under Division 101.F.3 as a controller of UAVs.

controller of a UAV means a person who performs a function that would be, if the UAV were a manned aircraft, a function of its flight crew.
large UAV means any of the following:
(a) an unmanned airship with an envelope capacity greater than 100 cubic metres;
(b) an unmanned powered parachute with a launch mass greater than 150 kilograms;
(c) an unmanned aeroplane with a launch mass greater than 150 kilograms;
(d) an unmanned rotorcraft with a launch mass greater than 100 kilograms;
(e) an unmanned powered lift device with a launch mass greater than 100 kilograms.

micro UAV means a UAV with a gross weight of 100 grams or less.

small UAV means a UAV that is not a large UAV nor a micro UAV.

UAV means unmanned aircraft, other than a balloon or a kite.

Division 101.F.2 Operation of UAVs generally

101.245 Operation near people

(1) Subject to subregulations (2) and (3), a person must not operate a UAV within 30 metres of a person who is not directly associated with the operation of the UAV.

Penalty: 10 penalty units.

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

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

(2) Subregulation (1) does not apply in relation to a person who stands behind the UAV while it is taking off.

(3) Subregulation (1) also does not prevent the operation of a UAV airship within 30 metres of a person if the airship approaches no closer to the person than 10 metres horizontally and 30 feet vertically.
101.250 Where small UAVs may be operated

(1) A person may operate a small UAV outside an approved area only if:
   (a) where the UAV is operated above 400 feet AGL, the operator has CASA’s approval to do so; and
   (b) the UAV stays clear of populous areas.

Penalty: 10 penalty units.

Note 1 AGL = above ground level (see the Dictionary). For populous area, see regulation 101.025. For small UAV, see regulation 101.240.

Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

Note 3 For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

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

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

101.255 Large UAVs — requirement for certificate

(1) A person may operate a large UAV only if either a special certificate of airworthiness (restricted category), or an experimental certificate, has been issued for it under Subpart 21.H of Part 21.

Penalty: 50 penalty units.

Note 1 For large UAV, see regulation 101.240.

Note 2 A large UAV is required to carry a manufacturer’s data plate and an aircraft registration identification plate — see respectively regulation 21.820 and Subpart 45.D of Part 45.

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

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

101.260 Maintenance of large UAVs

(1) Subdivision 2 of Division 2 of Part 4A of CAR 1988 applies to large UAVs.
Note  That is, a large UAV must be maintained as a Class B aircraft.

(2) A person who carries out maintenance on a large UAV must comply with any directions given in writing by CASA in relation to the maintenance of the UAV, or the maintenance of UAVs of a class that includes the UAV.

101.265 Application of s 20AB of the Act to large UAVs

(1) For paragraph 20AB (1) (b) of the Act, a person may act as the controller of a large UAV that is an Australian aircraft if the person is certified as a UAV controller under Division 101.F.3.

Note  For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

(2) For that paragraph, a person may perform any other duty that is essential to the operation of a large UAV that is an Australian aircraft even if the person does not hold the appropriate civil aviation authorisation.

(3) For subsection 20AB (2) of the Act, and despite anything in regulation 42ZC of CAR 1988, a person may carry out maintenance on:

(a) a large UAV that is an Australian aircraft; or
(b) an aircraft component for such a UAV; or
(c) aircraft material for such a UAV;

if the person:

(d) holds an airworthiness authority that authorises the maintenance; or
(e) carries out the maintenance under the supervision of a person who holds such an authority.

101.270 Requirement for UAV operator’s certificate

(1) A person may operate a UAV for hire or reward only if the person holds a UAV operator’s certificate that authorises the person to operate the UAV.

Penalty: 50 penalty units.
(2) An offence against subregulation (1) is an offence of strict liability.

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

101.275 Approval of operation of large UAVs

(1) A person may operate a large UAV only with CASA’s approval.

Penalty: 50 penalty units.

(2) CASA may impose conditions on an approval in the interests of the safety of air navigation.

(3) For example, without limiting the generality of subregulation (2), CASA may impose conditions on an approval:

(a) prohibiting the operation of the relevant UAV at night or in conditions other than VMC; or

(b) restricting the extent to which the UAV may be operated at night or in conditions other than VMC; or

(c) requiring the UAV to stay within a specified area, or

(d) requiring the operator to make specified broadcasts.

(4) The operator of a UAV must comply with a condition of the approval of its operation.

Penalty: 50 penalty units.

(5) If the person is certificated as an operator of large UAVs, and the proposed operation would not contravene any condition of the certification, CASA must approve the proposed operation, but may impose conditions (including conditions mentioned in subregulation (3)) on the approval.

Note For certification as an operator of UAVs, see Division 101.F.4 of this Subpart.

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

Note For strict liability, see section 6.1 of the Criminal Code.
101.280 UAVs not to be operated over populous areas

(1) In this regulation:

*certificated UAV* means a UAV for which a certificate of airworthiness has been issued.

(2) A person must not operate a UAV that is not a certificated UAV over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

*Note 1* For *populous area*, see regulation 101.025. For *UAV*, see regulation 101.240.

*Note 2* For the kinds of UAV operation to which this Subpart does not apply, see regulation 101.235.

(3) Without the approval of CASA, a person must not operate a certificated UAV over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty: 50 penalty units.

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

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

(4) In considering whether to give an approval under subregulation (3), CASA must take into account:

(a) the degree of redundancy in the UAV’s critical systems; and

(b) any fail-safe design characteristics of the UAV; and

(c) the security of its communications and navigation systems.

(5) Before giving an approval under subregulation (3), CASA must be satisfied that the person who intends to operate the UAV will take proper precautions to prevent the proposed flight being dangerous to people and property.
101.285 Use of radiotelephone

(1) A person may control a UAV in controlled airspace only if he or she:
   (a) holds an aircraft radiotelephone operator’s certificate of proficiency; and
   (b) maintains a listening watch on a specified frequency or frequencies; and
   (c) makes broadcasts on a specified frequency or frequencies at the specified interval giving the specified information.

Penalty: 25 penalty units.

Note This Subpart does not apply to the operation of micro UAVs — see subregulation 101.235 (3).

(2) In subregulation (1):

   specified frequency for particular airspace means a frequency specified from time to time in AIP or by ATC as a frequency for use in the airspace.

   specified information for particular airspace means information specified from time to time in AIP or by ATC as information that must be broadcast in the airspace.

   specified interval for particular airspace means the interval specified from time to time in AIP or by ATC as the interval at which broadcasts must be made while in that airspace.

(3) CASA may direct that a particular person must not control a UAV unless the person:
   (a) holds an aircraft radiotelephone operator’s certificate of proficiency; and
   (b) maintains a listening watch on a frequency or frequencies specified in the direction; and
   (c) makes broadcasts:
      (i) on a frequency or frequencies; and
      (ii) at intervals; and
      (iii) giving information — specified in the direction.
(4) The person must comply with the direction.
Penalty: 50 penalty units.

(5) CASA may direct, in regard to a particular UAV or type of UAV, that a person must not control the UAV, or a UAV of that type, unless he or she:
(a) holds an aircraft radiotelephone operator’s certificate of proficiency; and
(b) maintains a listening watch on a frequency or frequencies specified in the direction; and
(c) makes broadcasts:
   (i) on a frequency or frequencies; and
   (ii) at intervals; and
   (iii) giving information — specified in the direction.

(6) The person must comply with the direction.
Penalty: 50 penalty units.

(7) For subregulations (3) and (5), CASA may specify that a frequency is to be a frequency specified under paragraph 99A (3) (b) of CAR 1988 for a particular area or aerodrome.

(8) An offence against subregulation (1), (4) or (6) is an offence of strict liability.
Note For strict liability, see section 6.1 of the Criminal Code.

Division 101.F.3 Certification of UAV controllers

101.290 Application for certification as UAV controller

(1) An application for certification as a UAV controller must include the following information:
(a) details of any flight crew licence, air traffic control licence or flight service licence that the applicant holds (including details of ratings, endorsements and qualifications);
(b) details of any aeronautical experience that the applicant has;
(c) details of any aviation theory examinations the applicant has passed (other than any examination passed in the course of gaining a licence mentioned in paragraph (a));

(d) if the applicant does not hold a licence mentioned in paragraph (a), details of any flight radio operator’s licence or radio operator’s certificate of proficiency that the applicant holds;

(e) details of the applicant’s experience in operating UAVs;

(f) evidence of the completion of any training course in UAV operation that the applicant has undertaken.

(2) If CASA reasonably needs more information about the applicant’s qualifications and experience, or a document, to allow it to decide whether to certify the applicant as a UAV operator, it may ask the applicant in writing to give to it that information or a copy of that document.

(3) CASA may refuse to consider, or cease considering, the application until the applicant gives the information or copy to it.

101.295 Eligibility for certification as UAV controller

(1) Only an individual is eligible to be certificated as a UAV controller.

(2) A person is eligible to be certificated as a UAV controller if he or she:
   (a) qualifies for the issue of a radio operator’s certificate of proficiency; and
   (b) has been awarded a pass in an aviation licence theory examination (other than a flight radio operator’s examination); and
   (c) has been awarded a pass in an instrument rating theory examination; and
   (d) has completed a training course in the operation of the type of UAV that he or she proposes to operate, conducted by the UAV’s manufacturer; and
   (e) has at least 5 hours experience in operating UAVs outside controlled airspace.
(3) A person who holds or has held:
   (a) a flight crew licence with a command instrument rating; or
   (b) a military qualification equivalent to a licence and rating mentioned in paragraph (a); or
   (c) an air traffic control licence, or a military qualification equivalent to an air traffic control licence;
   is taken to satisfy the conditions in paragraphs (2) (a), (b) and (c).

101.300 Conditions on certification as UAV controller

(1) CASA may impose a condition on the certification of a person as a UAV controller in the interests of the safety of air navigation.

(2) For example (without limiting the generality of subregulation (1)), a condition may:
   (a) allow the person to control UAVs of only specified kinds; or
   (b) limit the areas where he or she may control UAVs; or
   (c) allow him or her to control UAVs only in VMC.

(3) It is a condition of a UAV controller’s certification that he or she must not operate a UAV in controlled airspace unless he or she holds an aircraft radiotelephone operator’s certificate of proficiency.

101.305 Certification as UAV controller

(1) If CASA certifies a person as a UAV controller, CASA may issue a certificate setting out the fact that the person is so certified.

(2) If CASA certifies a person as a UAV controller, and imposes a condition on the certification, CASA must issue a certificate setting out the fact that the person is so certified, and the condition.

Note Section 27A of the Administrative Appeals Tribunal Act 1975 requires a person who makes a reviewable decision to give to a person whose interests are affected by the decision notice of the decision and of the person’s right to have the decision reviewed. Regulation 201.004 provides
101.310 How long controller's certification remains in force

(1) A UAV controller’s certification remains in force until it is cancelled.

(2) However, a UAV controller’s certification is not in force during any period of suspension.

101.315 Notice to certified UAV controller to show cause

(1) CASA may give a show cause notice to a certified UAV controller if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the certification under regulation 101.320.

(2) A show cause notice must:
   (a) tell the controller of the facts and circumstances that, in CASA’s opinion, would justify the cancellation of the certification under regulation 101.320; and
   (b) invite the controller to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.

(3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the certification were not suspended.

(4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.

(5) CASA may at any time revoke the suspension.

(6) If the approval is suspended and CASA has not dealt with it under regulation 101.320 within 90 days after the day it is suspended, the suspension lapses at the end of that period.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.
101.320 Cancellation of UAV controller’s certification

(1) CASA may cancel a certified UAV controller’s certification by written notice to the controller, if:

(a) CASA has given to the controller a show cause notice under regulation 101.315 in relation to it; and

(b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the controller; and

(c) there are reasonable grounds for believing that the controller:

(i) has operated a UAV in contravention of these Regulations or of a condition of the certification; or

(ii) has operated the UAV negligently or carelessly; or

(iii) in operating the UAV, has recklessly endangered human life or property.

(2) If CASA has given a show cause notice under regulation 101.315 to a certified UAV controller, and it decides not to cancel the approval, it:

(a) must tell the controller in writing of the decision; and

(b) must, if the controller’s certification is suspended under that regulation, revoke the suspension.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.325 Cancellation at request of holder

(1) Despite anything else in this Division, CASA must cancel a certified UAV controller’s certification if asked to do so in writing by the controller.

(2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.
Division 101.F.4 Certification as UAV operator

101.330 Application for certification as UAV operator

(1) An application for certification as a UAV operator must include:
   (a) details of:
      (i) the applicant’s structure and organisation; and
      (ii) its staff and their qualifications and experience
           (including, in particular, the names, qualifications,
           experience, duties and functions of the persons who
           are to be the applicant’s chief UAV controller and
           maintenance controller); and
      (iii) its facilities and equipment; and
      (iv) its practices and procedures; and
   (b) a general description of the proposed operations, including
       the type or types of UAV to be used.

(2) The application must be accompanied by a copy of each of the
    applicant’s manuals relevant to the operation of UAVs.

(3) If CASA reasonably needs more information about the
    applicant, or a document, to allow it to decide whether to
    certify the applicant as a UAV operator, it may ask the
    applicant in writing to give to it that information or a copy of
    that document.

(4) CASA may refuse to consider, or cease considering, the
    application until the applicant gives the information or copy to
    it.

101.335 Eligibility for certification as UAV operator

(1) A person is eligible to be certificated as a UAV operator if:
   (a) the person has an organisation and structure that is
       appropriate for safe operation of UAVs; and
   (b) the person has enough qualified and experienced
       personnel to undertake the proposed operations safely; and
(c) the person has facilities and equipment appropriate to carry out the proposed operations using UAVs of the type to be used; and
(d) the person has suitable practices and procedures to do so; and
(e) if necessary, the flight crew are certified as UAV controllers and hold flight radiotelephone operators’ certificates of proficiency; and
(f) the person has nominated suitable persons to be its chief UAV controller and maintenance controller.

(2) A body that is not a legal person is not eligible to be certified as a UAV operator.

(3) Two or more persons cannot be certified jointly as a UAV operator.

101.340 Conditions on certification

(1) It is a condition of the certification of a person as a UAV operator that the person:

(a) maintains within its organisation a position of chief UAV controller having at least the functions and duties of a chief controller set out in Annex 3 of Advisory Circular 101.1, as issued by CASA from time to time; and

(b) employs as its chief UAV controller a person who is certified as a UAV controller and who is competent to carry out those duties and perform those functions; and

(c) either:

(i) maintains a position within its organisation of maintenance controller, with the functions and duties set out in that Annex; or

(ii) has an arrangement with another qualified and competent person to carry out those functions and duties; and

(d) if it maintains within its organisation a position of maintenance controller— employs as its maintenance controller a person who is competent to carry out the duties and perform the functions of a maintenance controller.
(2) If the UAV operator operates more than 1 UAV, the chief UAV controller must carry out the duties and functions of a chief UAV controller on a full-time basis.

(3) CASA may impose a condition on the certification of a person as a UAV operator in the interests of the safety of air navigation.

(4) For example (without limiting subregulation (3)), a condition may:
   (a) allow the person to operate UAVs of only specified kinds; or
   (b) allow the person to operate UAVs only for specified purposes; or
   (c) limit the areas where the person may operate UAVs; or
   (d) allow the person to operate UAVs only in VMC.

101.345 Certification

(1) If CASA certifies a person as an operator of UAVs, CASA may issue a certificate setting out the fact that the person is so certified.

(2) If CASA certifies a person as an operator of UAVs, and imposes a condition on the certification, CASA must issue a certificate setting out the fact that the person is so certified, and the condition.

   Note Section 27A of the Administrative Appeals Tribunal Act 1975 requires a person who makes a reviewable decision to give to a person whose interests are affected by the decision notice of the decision and of the person’s right to have the decision reviewed. Regulation 201.004 provides for review of decisions about approvals, authorisations, authorities, certificates and permits.

101.350 How long operator's certification remains in force

(1) An operator’s certification remains in force until it is cancelled.

(2) However, an operator’s certification is not in force during any period of suspension.
101.355 Certification not transferable

Certification as a UAV operator is not transferable.

101.360 Notice to certified UAV operator to show cause

(1) CASA may give a show cause notice to a certified UAV operator if there are reasonable grounds for believing that there are facts or circumstances that would justify the cancellation of the approval under regulation 101.365.

(2) A show cause notice must:
   (a) tell the holder of the facts and circumstances that, in CASA’s opinion, would justify the cancellation of the certification under regulation 101.320; and
   (b) invite the operator to show in writing, within a reasonable time stated in the notice, why the certification should not be cancelled.

(3) A show cause notice may state that the certification is suspended if CASA reasonably considers that there may be a serious risk to the safety of air navigation if the approval were not suspended.

(4) If a show cause notice states that the certification is suspended, the certification is suspended from when the notice is given to the holder.

(5) CASA may at any time revoke the suspension.

(6) If the approval is suspended and CASA has not dealt with it under regulation 101.320 within 90 days after the day it is suspended, the suspension lapses at the end of that period.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.365 Cancellation of UAV operator’s certification

(1) CASA may cancel a certified UAV operator’s certification by written notice to the operator, if:
   (a) CASA has given to the operator a show cause notice under regulation 101.315 in relation to it; and
(b) CASA has taken into account any representations made, within the period stated in the notice, by or on behalf of the operator; and

(c) there are reasonable grounds for believing that:
   (i) the operator has operated a UAV in contravention of these Regulations or of a condition of the certification; or
   (ii) an employee of the operator has operated a UAV negligently or carelessly; or
   (iii) an employee of the operator, in operating a UAV, has recklessly endangered human life or property.

(2) If CASA has given a show cause notice under regulation 101.315 to a certified UAV operator, and it decides not to cancel the approval, it:
   (a) must tell the operator in writing of the decision; and
   (b) must, if the operator’s certification is suspended under that regulation, revoke the suspension.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

101.370 Cancellation at request of holder

(1) Despite anything else in this Division, CASA must cancel a certified UAV operator’s certification if asked to do so in writing by the operator.

(2) The cancellation takes effect when the request is given to CASA, or if a later day is stated in the request, on the later day.

Subpart 101.G Model aircraft

101.375 Applicability of this Subpart

This Subpart applies to the operation of model aircraft weighing 100 grams or more (except operation mentioned in paragraph 101.005 (3) (a) or (b)).

Note 1 For model aircraft, see the Dictionary.
Note 2  This Subpart does not apply to:
(a) a control-line model aircraft (that is, a model aircraft that is constrained to fly in a circle, and is controlled in attitude and altitude, by means of inextensible wires attached to a handle held by the person operating the model); or
(b) a model aircraft flown indoors.
See subregulation 101.005 (3).

101.380 Definitions for Subpart

In this Subpart:

approved area means an area approved under regulation 101.030 as an area for the operation of model aircraft.

Note  CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

giant model aircraft means a model aircraft that has a take-off mass (excluding fuel) of more than 25 kilograms, but not more than 150 kilograms.

Note  For model aircraft, see the Dictionary.

101.385 Visibility for operation of model aircraft

(1) A person may operate a model aircraft only if the visibility at the time is good enough for the person operating the model to be able to see it continuously.

Penalty: 25 penalty units.

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

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

101.390 Operating model aircraft at night

(1) A person may operate a model aircraft at night only in accordance with the written procedures of an approved aviation administration organisation.

Penalty: 25 penalty units.
(2) An offence against subregulation (1) is an offence of strict liability.

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

101.395 Keeping model aircraft away from people

(1) A person must not operate a model aircraft over a populous area at a height less than the height from which, if any of its components fails, it would be able to clear the area.

Penalty:  50 penalty units.

Note  For populous area, see regulation 101.025.

(2) Subject to subregulations (3) and (4), somebody who is operating a powered model aircraft must ensure that, while the model aircraft is in flight, or is landing or taking off, it stays at least 30 metres away from anyone not directly associated with the operation of model aircraft.

Penalty:  50 penalty units.

(3) Subregulation (2) is not contravened if somebody stands behind the model aircraft while it is taking off.

(4) Subregulation (2) is also not contravened if, as part of a model flying competition, a model aircraft is flown within 30 metres of somebody who is judging the competition.

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

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

101.400 Operation of model aircraft outside approved areas

(1) A person may operate a model aircraft outside an approved area above 400 feet AGL only if he or she:

(a)  keeps it in sight; and

(b)  keeps it clear of populous areas.

Penalty:  10 penalty units.

Note 1  AGL = above ground level (see the Dictionary). For populous area, see regulation 101.025.
Note 2 CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

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

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

101.405 Giant model aircraft

(1) A person may operate a giant model aircraft only in accordance with:
   (a) the rules and procedures of an approved aviation administration organisation; or
   (b) an approval given by CASA.

Penalty: 50 penalty units.

Note For giant model aircraft, see regulation 101.380.

(2) CASA may impose a condition on the operation of a giant model aircraft if the condition is reasonably necessary in the circumstances in the interests of aviation safety.

(3) The operator of a giant model aircraft must comply with any condition imposed under subregulation (2).

Penalty: 50 penalty units.

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

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

101.410 Model flying displays

(1) A person may conduct a model aircraft flying display only in compliance with subregulation (2) or (3).

Penalty: 50 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
(2) A person complies with this subregulation if the display is conducted:
   (a) in an approved area; and
   (b) in accordance with the rules and procedures of an approved aviation administration organisation.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

(3) A person complies with this subregulation if the display is conducted in accordance with the following conditions and any other conditions imposed by CASA under subregulation (4):
   (a) at least 21 days before the display, somebody is nominated as the organiser of the display;
   (b) at least 21 days before the display, he or she gives to CASA the following information:
      (i) his or her name, address and telephone number;
      (ii) the proposed program of flying;
      (iii) where the display will be held, and how big the intended flying field is;
      (iv) how many spectators are expected, and where they will be;
   (c) he or she ensures that:
      (i) having regard to the events making up the display, proper precautions are taken for the safety of the participants and spectators; and
      (ii) the operators participating in the display are competent to carry out each proposed manoeuvre safely.

(4) CASA may impose a condition on the conduct of a model flying display if in the circumstances the condition is reasonably necessary in the interests of aviation safety.
Subpart 101.H  Rockets

101.415 Applicability of this Subpart

This Subpart applies to the operation of rockets of all kinds, except rockets mentioned in paragraph 101.005 (3) (f).

Note 1 That is, this Subpart does not apply to a firework rocket not capable of rising more than 400 feet above ground level. See paragraph 101.005 (3) (f).

Note 2 Rocket in this Subpart does not include a rocket-powered aircraft — see regulation 101.425.

101.420 Application of State and Territory laws about rockets

(1) If a law of a State or Territory deals with the operation or use of rockets, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.

(2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.425 Definitions for Subpart

In this Subpart:

*approved area* means an area approved under regulation 101.030 as an area for the operation of rockets.

Note CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

*high power rocket* means a rocket that is not a model rocket, and, to avoid doubt, includes:

(a) a sounding rocket; and
(b) a sub-orbital rocket; and
(c) a launch vehicle (within the meaning given by the Space Activities Act 1998).

*model rocket* means a rocket that:

(a) weighs no more than 1 500 grams; and
(b) carries no more than 125 grams of propellant; and
(c) produces no more than 320 newton-seconds of impulse; and
(d) is made of balsa, wood, paper or plastics or a combination of those materials, but contains no metal as structural parts.

*rocket* does not include a rocket-powered or rocket-assisted aircraft.

### 101.430 Launching rocket in or over prohibited or restricted area

(1) A person may launch a rocket (including a model rocket) in or over a prohibited area, or in or over a restricted area, only with the permission of, and in accordance with any conditions imposed by, the authority controlling the area.

Penalty: 25 penalty units.

*Note* For *prohibited area* and *restricted area*, see regulation 2.07 of the Air Services Regulations. Details of prohibited or restricted areas are published in AIP or NOTAM.

(2) In subregulation (1):

*authority controlling the area* means:

(a) in the case of a prohibited area — the Secretary to the Department of Defence; and
(b) in the case of a restricted area — the authority mentioned in AIP (as issued from time to time) as the controlling authority for the area.

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

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

### 101.435 Launching rockets into controlled airspace

(1) A person may launch a rocket (including a model rocket) to higher than 400 feet AGL in controlled airspace only:

(a) in an approved area; or
(b) in accordance with an air traffic control clearance.

Penalty: 50 penalty units.
Unmanned aircraft and rockets Part 101
Rockets Subpart 101.H

Regulation 101.440

Note 1  AGL = above ground level (see the Dictionary).

Note 2  CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

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

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

101.440  Launching rockets near aerodromes

(1) A person may launch a rocket that is not a small model rocket to higher than 400 feet AGL within 3 nautical miles of an aerodrome only if:

(a) doing so is permitted by another provision of this Part; or
(b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

Note 1  AGL = above ground level (see the Dictionary). For model rocket, see regulation 101.425.

Note 2  Some special provisions apply to model rockets — see regulation 101.470.

(2) In subregulation (1):

small model rocket means a model rocket that weighs less than 500 grams and either:

(a) uses no more than 25 grams of propellant; or
(b) produces no more than 20 newton-seconds of impulse.

(3) A person may launch a rocket (including both a small model rocket and any other model rocket) from or over an area mentioned in paragraph (4) (a) or (b) only if:

(a) doing so is permitted by another provision of this Part; or
(b) permission has been given for the operation under regulation 101.445.

Penalty: 25 penalty units.

(4) The areas for subregulation (3) are:

(a) a movement area or runway of an aerodrome; and
(b) the approach or departure path of a runway of an aerodrome.

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

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

### 101.445 Getting permission for launch of rocket near aerodrome

(1) The authority that must give permission for regulation 101.440 is:

(a) if the aerodrome concerned is a controlled aerodrome — the air traffic control service for the aerodrome; or

(b) in the case of any other aerodrome — CASA.

(2) A person applies for permission under this regulation by giving to the relevant authority mentioned in subregulation (1) the information required by table 101.445, so far as relevant to the proposed launch:

**Table 101.445 Details of launching of rocket to be given to CASA**

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The name, address and telephone number of the person who will launch the rocket (or, if several people will be involved, the name, address and telephone number of the person who will coordinate the launching)</td>
</tr>
<tr>
<td>2</td>
<td>The date and time the rocket is to be launched</td>
</tr>
<tr>
<td>3</td>
<td>Where it is to be carried out</td>
</tr>
<tr>
<td>4</td>
<td>The size and mass of the rocket</td>
</tr>
<tr>
<td>5</td>
<td>The estimated greatest altitude or flight level that the rocket will reach</td>
</tr>
<tr>
<td>6</td>
<td>If more than 1 rocket is to be launched at a time, how many rockets are to be launched at the time</td>
</tr>
</tbody>
</table>
(3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such launch.

(4) Regulation 101.035 does not authorise a person who or that applies for permission under this regulation to make the application to a body mentioned in paragraph 101.035 (1) (a) or (b).

(5) An authority mentioned in subregulation (1) may impose conditions on a permission in the interests of the safety of air navigation.

(6) A person must not contravene a condition imposed under subregulation (5).

   Penalty:  50 penalty units.

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

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

### 101.450 High power rockets

(1) A person may launch a high power rocket, or permit a high power rocket to be launched, only in an approved area.

   Penalty:  10 penalty units.

   Note  CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

   Note 2 For high power rocket, see regulation 101.425.

(2) A person may launch a high power rocket, or permit a high power rocket to be launched, only if the person gives the details listed in the table following subregulation 101.445 (2) to CASA at least 1 working day before the intended time of the launch.

   Penalty:  10 penalty units.

   Note  A person can comply with this requirement by telling:

   (a) if the person is an approved aviation administration organisation — the Australian NOTAM Office; or
(b) the appropriate approved aviation administration organisation.

See regulation 101.035.

(3) If more than 1 rocket is to be launched at a time, such a requirement is a requirement to give the information about each such rocket.

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

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

### 101.455 Maximum operating height of rockets

(1) A person may launch a rocket that is not a model rocket to higher than 400 feet AGL only:

(a) in an approved area; or

(b) as permitted by another provision of this Part.

Penalty: 10 penalty units.

*Note 1* AGL = above ground level (see the Dictionary).

*Note 2* CASA must publish details of the approval of an area (including any conditions) in NOTAM or on an aeronautical chart — see subregulation 101.030 (5).

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

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

### 101.460 Dropping or discharging of things from rockets

(1) A person must not cause anything to be dropped or discharged from a rocket in a way that creates a hazard to an aircraft.

Penalty: 25 penalty units.

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

*Note* For strict liability, see section 6.1 of the Criminal Code.
101.465 Weather and day limitations — rockets other than model rockets

(1) A person may launch a rocket that is not a model rocket:
   (a) in or into cloud; or
   (b) at night; or
   (c) in conditions other than VMC;
   only as permitted by another provision of this Part, or in accordance with an air traffic control clearance.

Penalty: 10 penalty units.

Note For model rocket, see regulation 101.425.

(2) However, subregulation (1) does not prevent rockets being operated as part of a firework display.

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

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

101.470 Model rockets

(1) A person must not launch a model rocket into cloud.

Penalty: 10 penalty units.

Note For model rocket, see regulation 101.425.

(2) A person must not launch a model rocket to higher than 400 feet AGL within 5 nautical miles of an aerodrome.

Penalty: 10 penalty units.

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

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

(3) Subject to subregulations (1) and (2) and Subpart 101.B, a person may launch a model rocket outside an approved area, or at night.
Subpart 101.I Firework displays

101.475 What this Subpart does
This Subpart regulates the conduct of certain firework displays, to the extent necessary to prevent them being a hazard to the safety of air navigation.

101.480 Application of State and Territory laws about fireworks
(1) If a law of a State or Territory deals with the use of fireworks, and is not inconsistent with this Subpart, nothing in this Subpart affects the operation of the law.

(2) For subregulation (1), a law of a State or Territory is not inconsistent with this Subpart if it is possible to comply with both this Subpart and the State or Territory law at once.

101.485 Meaning of operate a firework display
For this Subpart, a person operates a firework display if the person places the fireworks for the display, or fires them off.

101.490 Certain projectiles prohibited in firework displays
(1) A person may use, in a firework display, a projectile that is capable of reaching more than 400 feet above ground level only if CASA so approves.

Penalty: 10 penalty units.

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

Note For strict liability, see section 6.1 of the Criminal Code.
101.495 Firework displays not permitted near aerodromes

(1) A person may operate a firework display in or over an area mentioned in paragraph (2) (a) or (b) only if subregulation (3) or (4) applies to the display.

Penalty: 10 penalty units.

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

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

(2) The areas for subregulation (1) are:

(a) a movement area or runway of an aerodrome; and
(b) the approach or departure path of a runway of an aerodrome.

(3) This subregulation applies to a firework display if:

(a) permission for the display has been given by:
   (i) if the aerodrome is a controlled aerodrome — the air traffic control service for the aerodrome; and
   (ii) in the case of any other aerodrome — CASA; and
(b) the person who proposes to operate the display has, before doing so, given to CASA the details required by table 101.500.

(4) This subregulation applies to a firework display if the fireworks are set off on or near domestic premises by or for somebody who lives there.

101.500 Notice to CASA of certain firework displays

(1) A person may operate a firework display at a place within 3 nautical miles of an aerodrome only if the person has given at least 2 working days’ notice to CASA.

Penalty: 10 penalty units.

(2) However, subregulation (1) does not apply if:

(a) the fireworks are set off on or near domestic premises by or for somebody who lives there; and
Part 101 Unmanned aircraft and rockets  
Subpart 101.I Firework displays  

**Regulation 101.500**

(b) either:

(i) if a law of a State or Territory allows fireworks to be set off in that place only on a particular day or days — the fireworks are set off on such a day; or

(ii) if there is no such law in that place — the fireworks are set off on a day on which fireworks are customarily set off on domestic premises in that place.

(3) When the person tells CASA, the person must also give to CASA the information required by table 101.500.

**Table 101.500  Details of firework display to be given to CASA**

<table>
<thead>
<tr>
<th>Item</th>
<th>Information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The name, address and telephone number of the person who will operate the display (or, if several people will be involved in its operation, the name, address and telephone number of the person who will coordinate it)</td>
</tr>
<tr>
<td>2</td>
<td>The date the display is to begin, the starting time, and how long it is to last</td>
</tr>
<tr>
<td>3</td>
<td>Where it is to be given</td>
</tr>
<tr>
<td>4</td>
<td>How many projectiles capable of reaching more than 400 feet above ground level are to be used in the display</td>
</tr>
<tr>
<td>5</td>
<td>A general description of the pyrotechnic characteristics of each such projectile</td>
</tr>
<tr>
<td>6</td>
<td>The estimated highest altitude that any projectile can reach</td>
</tr>
<tr>
<td>7</td>
<td>The maximum burst radius of the pyrotechnics in a projectile</td>
</tr>
</tbody>
</table>

(4) CASA may impose a condition on the operation of a firework display if the condition is reasonably necessary in the circumstances in the interests of the safety of air navigation.

(5) A person operating a display must comply with any condition imposed under subregulation (4).
Penalty: 50 penalty units.

(6) An offence against subregulation (1) or (5) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*. 
Part 103  Sport and recreational aviation operations

Note  This Part heading is reserved for future use.

Part 105  Sport and recreational parachuting from aircraft

Note  This Part heading is reserved for future use.

Part 115  Commercial sport and recreational aviation operations

Note  This Part heading is reserved for future use.

Part 119  Air operator certification — commercial air transport

Note  This Part heading is reserved for future use.

Part 121  Commercial air transport operations (aeroplanes)

Note  This Part heading is reserved for future use.

Part 129  Commercial air transport operations (foreign operators)

Note  This Part heading is reserved for future use.

Part 133  Commercial air transport and aerial work operations (rotorcraft)

Note  This Part heading is reserved for future use.
Part 137 Aerial application operations — other than rotorcraft

Note This Part is made up as follows:

Subpart 137.A Applicability and definitions
  137.005 Applicability
  137.010 Definitions

Subpart 137.B General
  137.015 Approvals
  137.020 Effect of other provisions
  137.025 Aeroplane — type certificate
  137.030 Authority of the pilot

Subpart 137.C Operator certification and supervision
  137.035 Applicant to prepare manual
  137.040 Standard operations manual
  137.045 Application for an AOC or variation of an AOC
  137.050 Decision on AOC and manual
  137.055 Offences concerning operations manual
  137.060 Operator’s organisational structure
  137.065 Head of flight operations
  137.070 Head of aeroplane maintenance control
  137.075 Replacement of holder of key personnel position
  137.080 Amendments to operations manual by operator
  137.085 Amendments to schedule of differences
  137.090 Amendments to standard operations manual

Subpart 137.D Operational procedures
  137.095 Operation to be in VMC
  137.100 Use of weather forecasts or observations
  137.105 Landing areas
  137.110 Safety of persons other than crew at landing areas
  137.115 Refuelling
  137.120 Documents to be carried on a flight
  137.125 Manipulation of flight controls
  137.130 Use of seats, seatbelts and harnesses
  137.135 Carriage of passengers
Part 137  Aerial application operations — other than rotorcraft

137.140 Minimum height and lateral separation for operation
137.145 Application over populous areas
137.150 In-flight fuel management
137.155 Operations near RPT flight
137.160 Aerodrome circuit requirements
137.165 Close proximity operations
137.170 Night operations
137.175 Firefighting operations

Subpart 137.E All-weather operations

Subpart 137.H Aeroplane performance
137.180 General
137.185 Take-off over a populous area

Subpart 137.J Weight and balance
137.190 Weight limitations
137.195 Loading — supervision

Subpart 137.K Instruments and equipment
137.200 Installation of instruments and equipment
137.210 Position of instruments and equipment
137.215 Instruments and equipment required
137.220 Crew intercom system
137.225 Seatbelts and harnesses

Subpart 137.M Aeroplane maintenance
137.230 Fitting and removal of role equipment

Subpart 137.N Pilots
137.235 Qualifications for pilots conducting application operations
137.240 Annual proficiency checks

Subpart 137.P Manuals, logs and records
137.245 Flight manual
137.250 Checking records
137.255 Document retention periods
137.260 Maintenance record to be given to new operator

Subpart 137.Q Flight duty time limitations and rest requirements
137.265 Application of Subpart 137.Q
137.270 Subpart not to affect subsection 1 of CAO 48.1
137.275 Limit on flying hours
137.280 Off-duty period before and after tour of duty
137.285 Tour of duty — duration

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Regulation 137.005

137.290 Off-duty period each 14 days
137.295 Limit on time spent on tours of duty
137.300 Pilot to be fit for duty

Subpart 137.A Applicability and definitions

137.005 Applicability

(1) Subject to this regulation, this Part applies to aerial application operations using aeroplanes.

Operators

(2) This Part applies to a person who is applying for an AOC, on or after the commencing day, to authorise the person to undertake application operations.

(3) If:
   (a) a person has applied, on or after the application day but before the commencing day, for an AOC to authorise the holder to undertake agricultural operations or purposes substantially similar to agricultural operations; and
   (b) before the commencing day, the person has not been issued with the AOC;
   this Part applies to the person and the application as if:
   (c) the application had been made on the commencing day; and
   (d) the application was for an authorisation to undertake application operations.

(4) If, on the commencing day, a person holds an AOC that covers agricultural operations or purposes substantially similar to agricultural operations:
   (a) the person may, after the commencing day, prepare and submit to CASA an operations manual; and
   (b) this Part applies to the person and the manual as if the person was applying for an AOC on or after the commencing day to authorise the person to undertake application operations.
(5) This Part applies on and after the day that falls 12 months after
the commencing day to a person who has an AOC that
authorises the person to undertake agricultural operations or
purposes substantially similar to agricultural operations if:
(a) that AOC is in effect on that day; and
(b) this Part does not otherwise apply to the person.

Pilots

(6) If:
(a) a pilot is engaged in an application operation on or after
the commencing day; and
(b) the pilot is not employed by an operator for that operation;
this Part applies to the pilot for that operation.

(7) If:
(a) this Part applies to an operator on a particular day; and
(b) a pilot employed by the operator undertakes an application
operation for the operator on that day;
this Part applies to the pilot for that operation.

(8) In this regulation:
application day means the day that falls 30 days before the day
this Part commences.
commencing day means the day this Part commences.

137.010 Definitions

In this Part:
aerial application operation (or application operation) means:
(a) a flight that is carried out by an aeroplane to apply
application material; and
(b) a flight by an aeroplane that is for, or partly for, 1 or more
of the following:
   (i) inspection of a work area;
   (ii) pilot training or checking relating to a flight
mentioned in paragraph (a);
(iii) training of a crew member other than the pilot;
(iv) travel from a landing area to a work area and back;
(v) the carriage of a passenger specified in regulation 137.135 for a purpose set out in that regulation; and

c) preparation for any activities mentioned in paragraphs (a) and (b).

**Application material** means fertiliser, trace elements, seeds, baits, water, pesticides or other material.

**Apply**, in relation to application material, means to drop or spray the material onto the ground or water.

**Crew member** includes a person who is on board an aeroplane to give, or receive, training in an aspect of application operations.

**Employ**, in relation to a pilot, includes to engage as an independent contractor.

**GPS marking system** means a system that uses global positioning system equipment to show the flight path required for an aeroplane when applying application material.

**Head of aeroplane maintenance control**, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.070.

**Head of flight operations**, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.065.

**Key personnel position**, in relation to an operator, means the positions of head of aeroplane maintenance control and head of flight operations for the operator.

**Landing area** means a place, whether or not an aerodrome, where an aeroplane is able to take off and land.

**MEL, or minimum equipment list**, for an aeroplane, means an approved list that provides for the operation of the aeroplane with particular equipment inoperative, and sets out any special conditions for such operation.
operations manual, in relation to an operator or an application operation carried out by an operator, means:
(a) the manual, and the schedule of differences (if any), approved under regulation 137.050; and
(b) any amendments approved under regulation 137.080, 137.085 or 137.090, as appropriate.

Note An operations manual may comprise a standard operations manual and a schedule of differences: see subregulation 137.035 (2).

operator, in relation to an aeroplane, means a person who holds an AOC that authorises the use of the aeroplane in application operations.

populous area, in relation to a flight by an aeroplane, means an area where, if the aeroplane’s engine failed, the aeroplane would not be able to glide safely clear of any occupied building.

resting time, for a pilot, means any time during a tour of duty when the pilot:
(a) has no duties to perform; and
(b) has access to accommodation that is conducive to rest and includes a comfortable chair.

role equipment means equipment fitted to an aeroplane for an application operation, including booms, spreaders and mirrors.

schedule of differences, for an operator, means the schedule prepared by the operator under paragraph 137.045 (3) (c) and approved by CASA under regulation 137.050.

sleeping time, for a pilot, means any time during a tour of duty when the pilot:
(a) has no duties to perform; and
(b) has access to a comfortable room that:
   (i) is subject to minimal noise levels; and
   (ii) is well ventilated; and
   (iii) is equipped with a method of controlling the entry of light; and
   (iv) is equipped with a comfortable bed and chair.

standard operations manual means an operations manual approved under regulation 137.040.
work area, in relation to an application operation, means:

(a) the area of ground or water where application material is to be applied; and

(b) the area over which the aeroplane concerned flies as it approaches and departs from the area mentioned in paragraph (a).

Subpart 137.B  General

137.015 Approvals

If a provision of this Part provides that anything (including a document, body or activity) must be approved, CASA may approve the thing, in writing, for the provision.

137.020 Effect of other provisions

If a provision in these Regulations is inconsistent with a provision in this Part, the provision in this Part prevails to the extent of the inconsistency.

137.025 Aeroplane — type certificate

(1) If an aeroplane does not conform to a type certificate or type acceptance certificate in the normal, restricted or utility category:

(a) the operator of the aeroplane must not allow it to be used for an application operation; and

(b) a pilot must not use it to carry out an application operation.

Penalty: 50 penalty units.

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

Note CASA may grant an exemption from a provision of these Regulations: see Subpart 11.F.
137.030 Authority of the pilot

The operator of an aeroplane must take all reasonable measures to ensure that, if the pilot in command of the aeroplane, acting in accordance with a provision of these Regulations, directs anybody to do something, or not to do something, the person complies with the direction.

Subpart 137.C Operator certification and supervision

137.035 Applicant to prepare manual

(1) A person applying for an AOC to cover application operations must prepare a manual that:

(a) specifies procedures to be followed by crew members and other persons to ensure the safety of the operations that are to be covered by the AOC; and

(b) includes the names of the persons who are to be the CEO and holders of the key personnel positions.

(2) The person may comply with subregulation (1) by:

(a) nominating a standard operations manual to apply to the person’s operations; and

(b) preparing a schedule of differences to the standard operations manual.

(3) The manual may:

(a) consist of 1 or more volumes; and

(b) include material prepared by someone other than the person making the application; and

(c) incorporate another document or documents by reference.

Note CASA approves the manual under regulation 137.050 when approving the application for the AOC.

137.040 Standard operations manual

(1) CASA may approve, in writing, a manual prepared by a person other than an operator, as a standard operations manual.
(2) The manual must specify procedures to be followed by crew members of aeroplanes and other persons engaged in application operations to ensure the safety of the operations.

137.045 Application for an AOC or variation of an AOC

(1) An application by a person for an AOC to cover application operations must be submitted to CASA at least 90 days before the date of intended operation.

(2) The manual that, for subsection 27AB (2) of the Act, must be lodged with CASA by the person need not include landing area information.

(3) If the person nominates a standard operations manual the application must include:
   (a) a statement identifying the standard operations manual; and
   (b) an undertaking to comply with the standard operations manual as in force from time to time; and
   (c) a schedule to the standard operations manual, prepared by the applicant, showing:
      (i) the ways (if any) in which the person’s application operations are proposed to differ from those described in the standard operations manual adopted by the person under paragraph (b); and
      (ii) the names of the persons who are proposed to be the CEO and holders of the key personnel positions.

(4) The manual or schedule (if any) that relates to the application must be submitted to CASA at least 60 days before the date of intended operation.

(5) An application for a variation of an AOC must be submitted to CASA at least 30 days before the date of the proposed change to the operation.

Note 1 For matters about which CASA must be satisfied before issuing an AOC: see section 28 of the Act.

Note 2 For other provisions about applications and approvals: see Part 11.
(6) CASA may accept an application later than required under subregulation (1) or (5), or a late submission under subregulation (4).

137.050 Decision on AOC and manual

(1) CASA must, in writing, approve or refuse to approve:
   (a) an application for an AOC; and
   (b) an application for a variation of an AOC.

(2) If CASA approves an application for an AOC under subregulation (1), it is taken to have approved:
   (a) the applicant’s manual; and
   (b) if applicable — the schedule mentioned in paragraph 137.045 (3) (c).

(3) CASA is taken to have refused an application for an AOC if it has not approved or refused the application within a period of 30 days starting on the later of the following:
   (a) the day the application is made;
   (b) the day the applicant has complied with any notice given by CASA under section 27AC of the Act.

(3) CASA is taken to have refused an application for a variation of an AOC if it has not approved or refused the application within a period of 30 days starting when the application is taken to have been made for subregulation 11.030 (1).

137.055 Offences concerning operations manual

(1) An operator must conduct application operations in accordance with:
   (a) the operations manual; and
   (b) if the operator has an exemption given by CASA under Part 11 — the exemption.

Penalty: 25 penalty units.

(2) The operator must ensure that the manual, and information relating to any exemption, is available to crew members and
other persons engaged in application operations for the operator.

Penalty: 25 penalty units.

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

137.060 Operator’s organisational structure

(1) An operator must nominate an individual to be chief executive officer (CEO) of the operator’s organisation.

(2) The CEO must be responsible for ensuring that all application operations and aeroplane maintenance can be carried out to the standard required by these Regulations.

(3) An operator must nominate individuals to hold the key personnel positions in the organisation.

(4) If, having regard to the size of an operator’s organisation or the nature and scope of operations authorised by the operator’s AOC, it would not adversely affect the safety of the operations to do so, an operator may:

(a) appoint a person to a key personnel position on a part-time basis; or

(b) appoint a person to more than 1 key personnel position.

(5) An operator must ensure that, at all times, a person is occupying, or acting in, each key personnel position.

137.065 Head of flight operations

(1) Subject to subregulation (5), an operator must nominate an individual to be head of flight operations in the operator’s organisation.

(2) The duties of the head of flight operations must include being responsible for the following:

(a) monitoring the operator’s compliance with the Act, these Regulations and the conditions to which the operator’s AOC is subject, and reporting on compliance to the operator’s CEO;
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(b) monitoring the adequacy of the operator’s systems and procedures to ensure safe operations under the operator’s AOC, and reporting on the adequacy of the systems and procedures to the CEO;

(c) arranging rosters for the pilots employed to carry out application operations for the operator;

(d) maintaining an efficient system for recording flight and duty times for each pilot;

(e) maintaining up-to-date records of all licences, ratings, medical certificates and endorsements held by each pilot;

(f) maintaining a system that will ensure compliance with the relevant loading procedures for each type of aeroplane used in operations carried out under the operator’s AOC;

(g) ensuring that the operator keeps any documents required by the Act, these Regulations and the conditions of the operator’s AOC;

(h) setting and monitoring the standard of application operations, including activities on the ground, carried out under the operator’s AOC;

(i) ensuring that the checking required by Subpart 137.N is carried out and, if a pilot fails a check, that the appropriate retraining and re-checking are carried out;

(j) allocating an aeroplane for use in each operation carried out under the operator’s AOC.

(3) If an operator uses only 1 aeroplane for application operations, the person occupying the position of head of flight operations must have at least 300 hours total flight time as pilot in command in application operations.

(4) If an operator uses more than 1 aeroplane for application operations, the person occupying the position of head of flight operations must hold an agricultural pilot (aeroplane) grade 1 rating within the meaning given in Civil Aviation Order 40.6.

(5) A person who, under Civil Aviation Order 82.0, is approved as Chief Pilot of an operator, is taken to be the head of flight operations for the operator.
137.070 Head of aeroplane maintenance control

(1) An operator must nominate an individual to be head of aeroplane maintenance control in the operator’s organisation.

(2) The duties of the head of aeroplane maintenance control must include ensuring that the operator complies with Subpart 137.M.

137.075 Replacement of holder of key personnel position

If an operator proposes a replacement of the holder of a key personnel position, the operator must:

(a) notify CASA as soon as is practicable before the proposed replacement; and

(b) if the replacement does not take effect — notify CASA accordingly.

137.080 Amendments to operations manual by operator

(1) This regulation applies to an operator that:

(a) is using an operations manual prepared by the operator; and

(b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the manual.

(2) The operator must:

(a) prepare an amendment to the manual to reflect the proposed change; and

(b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.

(3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.085 Amendments to schedule of differences

(1) This regulation applies to an operator that:

(a) has adopted a standard operations manual; and
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Subpart 137.D  Operational procedures

Regulation 137.090

(b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the schedule of differences.

(2) The operator must:
   (a) prepare an amendment to the schedule to reflect the proposed change; and
   (b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.

(3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.090 Amendments to standard operations manual

(1) A person that has prepared a standard operations manual may prepare an amendment of the manual.

(2) The person must submit the amendment to CASA.

(3) CASA must, in writing, approve or refuse to approve the amendment.

Subpart 137.D  Operational procedures

137.095 Operation to be in VMC

(1) The pilot in command of an aeroplane may only conduct an application operation in VMC.

   Penalty: 25 penalty units.

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

137.100 Use of weather forecasts or observations

(1) This regulation applies to the operator of the aeroplane and its pilot in command if the operator is planning an application operation that is to take place more than 50 nautical miles from the take-off aerodrome.
(2) The operator and pilot must:
   (a) use a weather forecast or report prepared by the Bureau of
       Meteorology or another approved body; or
   (b) if the pilot is not reasonably able to obtain a weather
       forecast or report of a kind mentioned in paragraph (a) —
       satisfy subregulation (4).

Penalty: 5 penalty units.

(3) The operator must provide any equipment necessary to obtain
    the forecast or report.

Penalty: 10 penalty units.

(4) The operator and pilot satisfy this subregulation if the pilot:
   (a) uses his or her observations, or weather information from
       a source other than those mentioned in paragraph (2) (a); and
   (b) the pilot reasonably believed it was safe to use the
       observations or information.

(5) A contravention of subregulation (2) or (3) is an offence of
    strict liability.

137.105 Landing areas

Despite any other provision of these Regulations, the pilot in
command of an aeroplane engaged in an application operation
may use any landing area that can be used safely for take-offs
and landings.

137.110 Safety of persons other than crew at landing areas

(1) The operator of an aeroplane must, for the safety of persons
during application operations at a landing area:
   (a) use appropriate procedures, including those necessary for
       the safe loading and unloading of aeroplanes; and
   (b) provide appropriate equipment, including any necessary
       lighting.

Penalty: 25 penalty units.
The procedures must be set out in the operations manual.

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

137.115 Refuelling

(1) An operator must use appropriate safety procedures for the refuelling of each of the operator’s aeroplanes that is used in an application operation.

Penalty: 25 penalty units.

(2) The operations manual must set out the procedures.

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

137.120 Documents to be carried on a flight

(1) The pilot in command of an aeroplane being used for an application operation must have a copy of the aeroplane's flight manual, or an approved alternative document, on board the aeroplane on every flight.

Penalty: 10 penalty units.

(2) The pilot must also have the documents or copies mentioned in subregulations (4) and (5) on board the aeroplane on a flight if the aeroplane will be more than 1 hour’s flying time (at cruise speed in still air) from the operator’s principal operating base.

Penalty: 10 penalty units.

(3) However, if:

(a) the aeroplane is to be based for more than 7 days at a place that is not the operator’s principal operating base (a substitute base); and

(b) the aeroplane is less than 1 hour’s flying time (at cruise speed in still air) from the substitute base;

the documents or copies mentioned in subregulations (4) and (5) may be kept at the substitute base.
(4) For subregulations (2) and (3), the documents are:
   (a) the aeroplane’s flight and maintenance records; and
   (b) each of the following documents, or copies of the documents:
       (i) the aeroplane’s certificate of registration;
       (ii) the aeroplane’s certificate of airworthiness (or, if applicable, special flight permit);
       (iii) the current medical certificate for, and licence of, the pilot.

(5) However, if the operations manual states that only a specified part of a document mentioned in subregulation (1) or paragraph (4) (a) must be carried during a flight, only that part need be carried.

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

137.125 Manipulation of flight controls

(1) While an aeroplane is engaged in an application operation its flight controls may be manipulated by a person only if the person is:
   (a) the pilot in command of the aeroplane; or
   (b) a pilot who is being trained in application operations; or
   (c) a person authorised to do so by CASA.

Penalty: 25 penalty units.

(2) If an aeroplane engaged in an application operation is on the ground with the engine running, the pilot in command must be at the controls unless:
   (a) the pilot is refuelling the aeroplane in accordance with the operations manual; or
   (b) the following apply:
       (i) the pilot remains near the aeroplane;
       (ii) the wheel brakes are locked and, if practicable, the wheels are chocked;
       (iii) the aeroplane’s power controls are friction locked and, if possible, the propeller is feathered;
(iv) the engine is retarded to idle and, if possible, ground idle.
Penalty: 25 penalty units.

(3) Subregulation (4) applies if a person who is not, under these Regulations, entitled to manipulate the aeroplane’s flight controls:
(a) occupies a control seat fitted with fully or partially functioning controls; or
(b) is seated in a position where he or she could interfere with the controls.

(4) The pilot in command of the aeroplane must:
(a) instruct the person not to interfere with the controls; and
(b) be satisfied on reasonable grounds that the person has understood the instruction.
Penalty: 25 penalty units.

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

(6) Strict liability applies to the physical element mentioned in paragraph (4) (a).

137.130 Use of seats, seatbelts and harnesses

(1) A person in an aeroplane engaged in an application operation must occupy a seat and wear a seatbelt or harness whenever the aeroplane is moving under its own power.
Penalty: 10 penalty units.

(2) However, subregulation (1) does not apply to a person in the aeroplane if, during the operation:
(a) he or she is acting in accordance with an instruction by the pilot in command; or
(b) he or she is wearing an approved restraint device and either:
(i) has satisfactorily completed a course of training in the operation and is directly involved in the operation; or
(ii) is being trained in the operation.

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

137.135 Carriage of passengers

(1) If an aeroplane is engaged in an application operation, neither the operator nor the pilot in command may allow a passenger to be carried unless subregulation (2), (3) or (4) applies to the operation and the passenger.

Penalty: 50 penalty units.

(2) This subregulation applies if the passenger is an officer, or delegate of CASA, who is on board the aeroplane to carry out his or her duties.

(3) This subregulation applies if:
   (a) the passenger is on board the aeroplane to identify the area where the application material is to be applied; and
   (b) no application material is applied during the operation.

(4) This subregulation applies if:
   (a) the passenger is on board the aeroplane to carry out duties necessary for his or her employment; and
   (b) both the operator and the pilot agree to the carriage of the passenger.

Note  The operator and pilot must take precautions to ensure the safety of the passenger: see regulation 224 of CAR.

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

137.140 Minimum height and lateral separation for operation

(1) Subject to subregulations (2), (3) and (4) the pilot in command of an aeroplane engaged in an application operation may fly at any height while:
(a) over the work area; or
(b) travelling from the landing area used for loading the aeroplane to the work area.

(2) In a populous area, the aeroplane must not fly closer than 100 metres, measured horizontally, from an occupied building.

Penalty: 25 penalty units.

(3) In an area other than a populous area the aeroplane must not fly less than 350 feet AGL while closer than 100 metres, measured horizontally, from an occupied building.

Penalty: 25 penalty units.

(4) The aeroplane may fly closer to a building and to the ground than provided for in subregulation (2) or (3) if:
   (a) more than 48 hours before the proposed operation, the occupier of the building was notified in writing about the operation and did not object to the operator about it; or
   (b) if it was not reasonably practicable to give written notice — the occupier was notified verbally before the operation and did not object to the operator about it.

(5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.145 Application over populous areas

(1) A person may conduct an application operation over a populous area only if:
   (a) the person is an operator; and
   (b) the procedures for the operation are set out in the operations manual; and
   (c) the operation was requested by a person that, under a law of a State or Territory, may authorise the operation.

Penalty: 25 penalty units.

(2) An operator must, before conducting the operation, make a plan for the operation that:
(a) includes consultation with the person that requested the operation; and
(b) identifies any obstructions to flight and sets out how these will be avoided; and
(c) identifies the most suitable emergency landing area for the operation; and
(d) sets out any coordination with ATC that is necessary for the operation.

Penalty: 25 penalty units.

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

137.150 In-flight fuel management

(1) The pilot in command of an aeroplane engaged in an application operation must plan a flight for the operation so that, at all times, the aeroplane has enough fuel to complete the flight safely.

Penalty: 50 penalty units.

(2) If an operations manual applies to the pilot, it must set out:
(a) the procedures that the pilot must follow to ensure that the aeroplane carries enough fuel; and
(b) a procedure to ensure that in-flight fuel checks and fuel management are carried out.

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

137.155 Operations near RPT flight

(1) The pilot in command of an aeroplane must not engage in an application operation within 5 nautical miles of an aerodrome during:
(a) the period commencing 10 minutes before the estimated time of arrival at the aerodrome of an aeroplane with an MTOW of more than 5 700 kg that is conducting a regular public transport operation (an RPT aeroplane) and finishing when the RPT aeroplane lands; and
(b) the period commencing when an RPT aeroplane starts to taxi for take-off at the aerodrome and finishing when the RPT aeroplane is at an altitude that is 500 feet greater than the maximum operating altitude that is to be reached by the aeroplane during the operation.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply if the pilot is:
   (a) subject to instructions by ATC; or
   (b) in radio contact with the RPT aeroplane.

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

137.160 Aerodrome circuit requirements

(1) The pilot in command of an aeroplane engaged in an application operation that involves a take-off from, or landing at, an aerodrome need not conform with the circuit traffic protocol specified in the AIP for the aerodrome if:
   (a) the aeroplane is fitted with a radio; and
   (b) the pilot:
      (i) maintains a continuous listening watch on the aerodrome frequency; and
      (ii) broadcasts his or her intentions in accordance with the AIP; and
      (iii) gives priority to other traffic.

(2) However, subregulation (1) does not apply if the flight is subject to ATC instructions.

(3) In this regulation, AIP includes a document that is equivalent to the AIP.

137.165 Close proximity operations

(1) For this regulation, 2 or more aeroplanes are engaged in a close proximity operation if they are flying so close to each other during an application operation as to create a collision hazard if special measures are not taken.
(2) A person must not operate an aeroplane in a close proximity operation if the person is not an operator.

Penalty: 25 penalty units.

(3) The pilot in command of an aeroplane must not engage in a close proximity operation unless the operation is coordinated by:

(a) if the operation is to be conducted by 1 operator — the operator’s head of flight operations, or another person nominated by the operator; or

(b) otherwise — a suitably qualified pilot agreed to by all pilots involved in the operation.

Penalty: 25 penalty units.

(4) The coordinator must give, to all pilots involved in the operation, instructions about the following:

(a) transit between the landing area and the work area;

(b) radio communications, including loss-of-communication procedures;

(c) refuelling arrangements;

(d) the conduct of the operation.

Penalty: 25 penalty units.

(5) During the operation each pilot must:

(a) maintain safe lateral separation from the other aeroplanes by visual and radio contact; and

(b) comply with the instructions of the person coordinating the operation.

Penalty: 25 penalty units.

(6) A contravention of subregulation (2), (3), (4) or (5) is an offence of strict liability.

137.170 Night operations

(1) This regulation applies to an application operation conducted at night.
(2) The pilot in command of the aeroplane to be used in the operation must, by inspection during daylight, be familiar with:
   (a) the work area; and
   (b) the route between the work area and the landing area.

Penalty: 25 penalty units.

(3) The operator of the aeroplane must plan the operation so the distance from a work area to a landing area is less than 30 minutes flying time at normal cruise power in still air, unless:
   (a) the aeroplane is equipped, and certificated under Part 21, for night VFR flight; and
   (b) the pilot holds, in addition to any rating required for night application operations, the rating required for a VFR flight at night.

Penalty: 25 penalty units.

(4) The operator must not allow the operation to commence unless the aeroplane is equipped with a two-way radio that enables the pilot to communicate with each person on the ground who has a role in the operation.

Penalty: 25 penalty units.

(5) The pilot must not commence or continue the operation if horizontal visibility from the aeroplane is less than 5 km.

Penalty: 25 penalty units.

(6) The operator must ensure that lights are placed at the work area to help the pilot with orientation.

Penalty: 25 penalty units.

(7) A contravention of subregulation (2), (3), (4), (5) or (6) is an offence of strict liability.

137.175 Firefighting operations

(1) A person must not operate an aeroplane for an application operation that involves firefighting unless the emergency control authority responsible for the firefighting:
(a) has not, when the operation commences, taken control of
the fighting of the fire; or
(b) has taken control of the firefighting and asks the person to
carry out the operation.

Penalty: 50 penalty units.

(2) A pilot is authorised to conduct an application operation that:
(a) involves firefighting; and
(b) is requested by the relevant emergency control authority;
only if he or she has more than 500 hours experience as pilot in
command in application operations when the operation
commences.

Penalty: 50 penalty units.

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

Subpart 137.E All-weather operations

Note Reserved for future use.

Subpart 137.H Aeroplane performance

137.180 General

(1) The pilot in command of an aeroplane engaged in an
application operation must, before take-off, take reasonable
steps to satisfy himself or herself that the take-off can be safely
carried out by considering the aeroplane’s take-off weight and
each other relevant factor.

Penalty: 50 penalty units.

(2) Before landing, the pilot must satisfy himself or herself that the
landing can be safely carried out by considering the
aeroplane’s landing weight and each other relevant factor.

Penalty: 50 penalty units.
(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.185 Take-off over a populous area

(1) The pilot in command of an aeroplane engaged in an application operation may commence a take-off over a populous area only if the aeroplane’s performance will allow it to be 200 feet or more AGL when it crosses the aerodrome boundary and climbing at 200 feet or more per minute.

Penalty: 50 penalty units.

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

Subpart 137.J  Weight and balance

137.190 Weight limitations

(1) The pilot in command of an aeroplane engaged in an application operation must not commence a take-off if the aeroplane’s gross weight exceeds:

   (a) the maximum gross weight shown in the aeroplane’s flight manual; or

   (b) any maximum gross weight that:

      (i) has been established for that type of aeroplane by a flight test supervised by CASA; and

      (ii) is shown on a placard, approved by CASA and displayed in the aeroplane’s cockpit; or

   (c) the maximum gross weight shown on the type certificate, or type certificate data sheet, that is issued for the aeroplane by the NAA of the State of Design (within the meaning given in Annex 8 to the Chicago Convention) of the aeroplane.

Penalty: 50 penalty units.

(2) The pilot must calculate the take-off weight by a method that includes calculating the weight of:

   (a) the crew and any equipment carried; and
(b) the aeroplane’s fuel and load.
Penalty: 50 penalty units.

(3) The operator of the aeroplane must not specify a minimum load to be carried by the aeroplane that is greater than the load that the pilot reasonably considers to be safe.
Penalty: 50 penalty units.

(4) A contravention of subregulation (1), (2) or (3) is an offence of strict liability.

### 137.195 Loading — supervision

(1) The pilot in command of an aeroplane to be used in an application operation must:

(a) supervise the loading of the aeroplane; and

(b) not commence the operation unless the load is placed in a way that is consistent with the data used for the calculation of the aeroplane’s weight and balance.

Penalty: 25 penalty units.

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

### Subpart 137.K Instruments and equipment

#### 137.200 Installation of instruments and equipment

(1) Subject to subregulation (3), the operator of an aeroplane that is to be used in an application operation must ensure that instruments and items of equipment, other than role equipment, used in the aeroplane are:

(a) other than items mentioned in subregulation (3) — approved; and

(b) properly installed so they are fit for their purpose, and do not interfere with the operation of any other equipment; and
(c) except as provided in the applicable MEL — serviceable.

Penalty: 50 penalty units.

(2) For paragraph (1) (b), an instrument or equipment is properly installed if it is:

(a) installed by a person who has been trained to do so; and

(b) installed so as to meet the performance standards and the operational and airworthiness requirements that apply to the instrument or item of equipment under these Regulations.

Note Instruments and equipment may be approved under an ATSO or TSO, unless CASA approves different performance standards: see regulation 21.305 and Subpart 21.O.

(3) The following items are not required to be approved:

(a) electric torch;

(b) timepiece;

(c) a GPS marking system;

(d) chart holder;

(e) first-aid kit;

(f) survival and pyrotechnic signalling equipment.

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

137.210 Position of instruments and equipment

(1) The operator of an aeroplane must not allow the aeroplane to be used in an application operation unless:

(a) equipment on the aeroplane that is operated during flight by only 1 crew member is installed so that it can readily be operated from the member’s station; and

(b) an instrument that need only be read by 1 crew member is installed:

(i) so the crew member can easily read the instrument from his or her station; and
(ii) as close as practicable to the crew member’s line of vision in the direction of the flight path.

Penalty: 50 penalty units.

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

137.215 Instruments and equipment required

(1) The operator of an aeroplane must not allow the aeroplane to engage in an application operation unless it is fitted with the equipment mentioned in each item of Table 137.215-1.

Penalty: 50 penalty units.

Table 137.215-1 Equipment for all application operations

<table>
<thead>
<tr>
<th>Item</th>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A magnetic compass</td>
</tr>
<tr>
<td>2</td>
<td>A timepiece showing the time in hours, minutes and seconds (unless the pilot in command carries such a timepiece)</td>
</tr>
<tr>
<td>3</td>
<td>A sensitive pressure altimeter that:</td>
</tr>
<tr>
<td></td>
<td>(a) reads in feet; and</td>
</tr>
<tr>
<td></td>
<td>(b) has a sub-scale setting, calibrated in hectopascals, that can be set to any barometric pressure that may occur during flight</td>
</tr>
<tr>
<td>4</td>
<td>An airspeed indicator calibrated in knots</td>
</tr>
<tr>
<td>5</td>
<td>A slip indicator</td>
</tr>
<tr>
<td>6</td>
<td>An outside air temperature indicator calibrated in degrees Celsius</td>
</tr>
<tr>
<td>7</td>
<td>If the aeroplane is equipped with radio — a headset, whether or not built into a helmet, with a boom microphone or an equivalent microphone</td>
</tr>
<tr>
<td>8</td>
<td>Any other instruments and equipment required to be fitted for type certification</td>
</tr>
</tbody>
</table>
(2) The operator must not allow the aeroplane to engage in an application operation at night unless it is fitted with the equipment mentioned in each item of Table 137.215-2.

Penalty: 50 penalty units.

**Table 137.215-2 Equipment for night application operations**

<table>
<thead>
<tr>
<th>Item</th>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>At least 2 serviceable work lights that are suitable for the operation, installed so as to minimise glare in the cockpit</td>
</tr>
<tr>
<td>2</td>
<td>Navigation lights</td>
</tr>
<tr>
<td>3</td>
<td>An approved anti-collision lighting system</td>
</tr>
<tr>
<td>4</td>
<td>A system of cockpit lighting that is appropriate to the operation</td>
</tr>
</tbody>
</table>
| 5    | Either:  
|      | (a) a turn indicator; or  
|      | (b) an attitude indicator that provides pitch and roll information at all attitudes |

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

**137.220 Crew intercom system**

(1) The operator of an aeroplane that requires a crew of more than 1 person must not allow it to engage in an application operation unless it is equipped with an intercom system that:

- can be used by all members of the crew; and
- includes headsets, whether or not built into a helmet, and microphones that are not of a handheld type.

Penalty: 25 penalty units.

(2) Subregulation (1) does not apply to the operation if:

- the use of any item of intercom equipment may adversely affect the safety of the operation; and
- another appropriate method of communication between the crew is arranged before the operation commences.
(3) A contravention of subregulation (1) is an offence of strict liability.

137.225 Seatbelts and harnesses

(1) This regulation applies to an aeroplane, other than an aeroplane that has been certified in the normal category.

(2) The operator of the aeroplane must not allow it to engage in an application operation unless:
   (a) the pilot’s seat is equipped with a four-point restraint harness with a single point release; and
   (b) a harness or seatbelt for any other crew member is equipped with a single point release.

   Penalty: 50 penalty units.

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

Subpart 137.M Aeroplane maintenance

137.230 Fitting and removal of role equipment

(1) A person must not fit role equipment to, or remove role equipment from, an aeroplane that is used in an application operation.

   Penalty: 25 penalty units.

(2) Subregulation (1) does not apply to a person who:
   (a) has been trained by an operator, or an approved person, in the fitting and removal of a kind of role equipment; and
   (b) fits or removes equipment of that kind.

(3) A contravention of subregulation (1) is an offence of strict liability.
Subpart 137.N Pilots

137.235 Qualifications for pilots conducting application operations

(1) An operator must not allow an aeroplane to be used for an application operation unless the pilot in command is authorised to do so.

Penalty: 50 penalty units.

Note The pilot must hold:
(a) a commercial pilot (aeroplane) licence or an air transport pilot (aeroplane) licence issued under regulation 5.09 of CAR; and
(b) an agricultural pilot (aeroplane) rating of grade 1 or 2, issued under regulation 5.14 of CAR; and
(c) a single engine aeroplane class endorsement, and any special design feature endorsement required for the aeroplane, issued under regulation 5.23 of CAR.

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

137.240 Annual proficiency checks

(1) For this regulation, a pilot holds a valid annual proficiency check if:
(a) he or she has satisfactorily completed a check that satisfies the criteria in subregulations (3), (4), (5) and (9); and
(b) under subregulations (7) and (8), the check is valid.

(2) The operator of an aeroplane must not allow it to be used for an application operation, and the pilot in command of an aeroplane must not commence an application operation, unless, on the day of the operation, the pilot holds a valid annual proficiency check.

Penalty: 50 penalty units.

(3) An annual proficiency check for a pilot who is employed by an operator must be conducted by:
(a) the operator’s head of flight operations; or
(b) a flight examiner or instructor qualified, under these Regulations, to conduct application operations.

(4) An annual proficiency check for any other pilot (including an operator’s head of flight operations) must be conducted by:
   (a) an examiner or instructor mentioned in paragraph (3) (b); or
   (b) a person who is entitled to conduct an aeroplane flight review for regulation 5.108 of CAR.

(5) Despite subregulations (3) and (4), an annual proficiency check for a pilot who, in the 12 months immediately before the check, has completed less than 50 hours flight time in application operations must be conducted by an examiner or instructor mentioned in paragraph (3) (b).

(6) A synthetic flight trainer may be used for a check, or part of a check, if CASA approves its use for the purpose.

(7) A check is valid for 12 months from the day on which the check is completed.

(8) However, if the check is completed less than 3 months before the day on which the check would otherwise expire (the \textit{expiry day}), the check is valid for 12 months commencing at the end of the expiry day.

(9) To complete an annual proficiency check the pilot must demonstrate that he or she is familiar with the systems, the normal and emergency flight manoeuvres, performance, fuel consumption rates, and weight and balance requirements for an aeroplane that he or she flies.

\textit{Note} A check of a pilot of a single seat aeroplane may be conducted by observation from the ground and may include review of GPS data logs, job planning and post flight records.

(10) A pilot that satisfactorily completes an annual proficiency check under this regulation is taken to have satisfactorily completed an aeroplane flight review for regulation 5.108 of CAR.

(11) A contravention of subregulation (2) is an offence of strict liability.
Subpart 137.P  Manuals, logs and records

137.245 Flight manual

(1) An operator must maintain a current aircraft flight manual, or another approved document, for each aeroplane used by the operator for application operations.

Penalty: 25 penalty units.

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

137.250 Checking records

(1) An operator must:

(a) make a record of the checking that is:

   (i) required, under Subpart 137.N, for each pilot employed by the operator; and
   (ii) completed by each pilot; and

(b) allow each pilot to examine and copy the records that relate to him or her.

Penalty: 10 penalty units.

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

Note Records made for this regulation must be retained: see regulation 137.255.

137.255 Document retention periods

(1) The operator of an aeroplane that is used for application operations must keep an aircraft maintenance record relating to the aeroplane (including a record of the time in service of each component for which that information is kept):

(a) for at least 90 days after the aeroplane concerned is in a condition that prevents it being flown in the future; and
(b) in a form that is suitable for, and allows access to, the information.

Penalty: 50 penalty units.

(2) The operator of an aeroplane must keep each record mentioned in column 2 of an item in Table 137.255:

(a) for at least the period mentioned in column 3 of the item; and

(b) in a form that is suitable for, and allows access to, the information.

Penalty: 25 penalty units.

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

**Table 137.255**

<table>
<thead>
<tr>
<th>Item</th>
<th>Record</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A copy of the following that relates to each pilot employed by the operator: (a) medical certificate; (b) licence; (c) any rating, endorsement or approval that is relevant to the pilot’s employment by the operator</td>
<td>Until the pilot ceases to be employed as a pilot by the operator</td>
</tr>
<tr>
<td>2</td>
<td>The 2 most recent records of any training undertaken by a pilot employed by the operator if: (a) the training is required under the operations manual; and (b) the record is not retained for item 2</td>
<td>Until the pilot ceases to be employed as a pilot by the operator</td>
</tr>
<tr>
<td>3</td>
<td>A report about an event relating to the safety of an application operation made by a pilot employed by the operator</td>
<td>90 days from the day on which it is made</td>
</tr>
</tbody>
</table>
Part 137  Aerial application operations — other than rotorcraft
Subpart 137.Q  Flight duty time limitations and rest requirements

**Regulation 137.260**

<table>
<thead>
<tr>
<th>Item</th>
<th>Record</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Pilot flight, duty and rest times</td>
<td>15 months from the day of the most recent entry in the document</td>
</tr>
<tr>
<td>5</td>
<td>Pilot conversion training</td>
<td>36 months from the day of the most recent entry in the document</td>
</tr>
<tr>
<td>6</td>
<td>Pilot recurrent training and annual proficiency check for Subpart 137.N</td>
<td>36 months from the day of the most recent entry in the document</td>
</tr>
</tbody>
</table>

**137.260 Maintenance record to be given to new operator**

(1) A person that ceases to be the operator of an aeroplane that is used for application operations must, if another person becomes the operator, give the aeroplane’s aircraft maintenance record, or a copy of the record, to the other person.

Penalty: 25 penalty units.

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

**Subpart 137.Q  Flight duty time limitations and rest requirements**

**137.265 Application of Subpart 137.Q**

This Subpart sets out requirements about duty and rest times for a pilot who conducts application operations.

**137.270 Subpart not to affect subsection 1 of CAO 48.1**

This Subpart does not affect the operation of subsection 1 of Civil Aviation Order 48.1.

**137.275 Limit on flying hours**

(1) The pilot must not fly more than:
(a) 1 200 hours in 365 consecutive days; or
(b) 170 hours in 28 consecutive days.

Penalty: 25 penalty units.

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

137.280 Off-duty period before and after tour of duty

(1) Subject to subregulations (2) and (3), the pilot must not undertake duties relating to his or her employment by an operator, including being on call or planning less than:
(a) 8 hours before commencing a tour of duty; or
(b) 8 hours after completing a tour of duty of 10 hours or less; or
(c) 10 hours after completing a tour of duty of more than 10 hours.

Penalty: 25 penalty units.

(2) No less than 8 hours after completing a tour of duty of more than 10 hours, the pilot may choose to recommence duty up to 1 hour earlier than the time required under paragraph (1) (c) if the pilot believes he or she is mentally and physically able to do so.

(3) The pilot must not recommence duty under subregulation (2) if, in doing so, he or she would be in breach of regulation 137.275, 137.285, 137.290, 137.295 or 137.300.

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

137.285 Tour of duty — duration

(1) The pilot must not undertake, and a person must not require the pilot to undertake, a tour of duty that exceeds 14 hours.

Penalty: 25 penalty units.
(2) However, the pilot may extend a tour of duty in accordance with subregulation (3), (4) or (5) if:
   (a) the pilot reasonably believes he or she is mentally and physically able to do so; and
   (c) in doing so, the pilot would not be in breach of regulation 137.275, 137.280, 137.290, 137.295 or 137.300.

(3) After the pilot has completed 14 hours of a tour of duty, he or she may extend the tour of duty by no more than 1 hour.

(4) If, during a tour of duty, the pilot has had 3 or more consecutive hours of resting time, the pilot may extend the tour of duty by no more than the lesser of the following:
   (a) 50% of the duration of the resting time;
   (b) 2 hours.

(5) If, during a tour of duty, the pilot has had 2 or more consecutive hours of sleeping time, the pilot may extend the tour of duty by no more than the lesser of the following:
   (a) the duration of the sleeping time;
   (b) 3 hours.

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

137.290 Off-duty period each 14 days

(1) In any 14 consecutive days the pilot must have a continuous period of at least 36 hours during which he or she carries out no duties for an operator.

Penalty: 25 penalty units.

(2) A person must not require the pilot to contravene subregulation (1).

Penalty: 25 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.
137.295 Limit on time spent on tours of duty

(1) The pilot must not spend more than:
   (a) 44 hours on tours of duty in any 3 consecutive days; or
   (b) 98 hours on tours of duty in any 7 consecutive days.

   Penalty: 25 penalty units.

(2) However, if:
   (a) the pilot has 1 or more periods of resting time during any of the days mentioned in subregulation (1); and
   (b) each period is 6 or more continuous hours;

   the maximum amount of time for the subregulation is increased by 50% of the duration of the resting time (or the total of those resting times).

(3) Despite subregulation (2), the maximum time for subregulation (1) is not increased if, in doing so, the pilot would be in breach of regulation 137.275, 137.280, 137.285, 137.290 or 137.300.

(4) A person must not require the pilot to contravene subregulation (1).

   Penalty: 25 penalty units.

(5) A contravention of subregulation (1) or (4) is an offence of strict liability.

137.300 Pilot to be fit for duty

(1) The pilot must not commence an application operation if he or she is not fit for duty.

   Penalty: 25 penalty units.

(2) The operator of an aeroplane to be used in an application operation must not allow the pilot to commence the operation if the operator has reason to believe that the pilot is not fit for duty.

   Penalty: 25 penalty units.
(3) For subregulations (1) and (2), a pilot is *not fit for duty* if, for example:
   (a) he or she has not had adequate rest, food or drink; or
   (b) he or she is adversely affected by a medical condition or a psychoactive substance.

*Note* The expression *psychoactive substances* refers to alcohol, drugs and volatile solvents, but not coffee and tobacco: see clause 60 of Part 2 of the Dictionary.

(4) In paragraph (3) (b):

*medical* includes psychological and psychiatric.

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

**Part 138  Search and rescue operations**

*Note* This Part heading is reserved for future use.