

Explanatory Statement

Civil Aviation Act 1988

Civil Aviation Order 82.0 Amendment Instrument 2012 (No. 2)

Purpose

The purpose of *Civil Aviation Order 82.0 Amendment Instrument 2012 (No. 2)* (the **CAO amendment**) is to establish standards and rules for the use of electronic flight bags (**EFB**). It imposes these standards and rules as conditions on Australian Air Operators' Certificate (**AOC**) holders, and their pilots in command, for regular public transport (**RPT**), charter and aerial work operations.

An EFB is the portable electronic screen and hardware device of an EFB system that also includes software, and connected antennae and power. It is used on the flight deck of an aircraft by the flight crew in the operation of the aircraft by providing relevant data storage, search, computational and display capabilities, for example, of maps and charts. Under the CAO amendment, an EFB is not an installed fixture, though in use it may be mounted on a fixture or on a kneepad. Nor is an EFB an item of equipment or instrumentation whose fitment or carriage is mandatory, or a navigation computer, or broadcast or recording equipment.

The CAO amendment is made in association with *Civil Aviation Order 82.3 Amendment Instrument 2012 (No. 1)* and *Civil Aviation Order 82.5 Amendment Instrument 2012 (No. 2)* which impose conditions for EFB use in high capacity aircraft (CAO 82.5), and aircraft other than high capacity aircraft (CAO 82.3), when operated under foreign aircraft AOCs authorising RPT operations.

Legislative background

CAO 82.0

Under section 27 of the *Civil Aviation Act 1988* (the **Act**), CASA may issue AOCs with respect to aircraft for the purpose of safety regulation. Under section 28 of the Act, CASA must issue the AOC if satisfied that the applicant can comply with the requirements of Australian civil aviation safety legislation.

Under paragraph 28BA (1) (b) of the Act, an AOC has effect subject to any conditions specified in the regulations or the CAOs.

Additionally, under subsection 98 (4A) of the Act, CASA may issue CAOs, not inconsistent with the Act, in respect to any matter in relation to which regulations may be made for the purposes of, relevantly, section 28BA of the Act (conditions on AOCs).

Part 82 of the CAOs specifies conditions on AOCs for various kinds of operations. CAO 82.0 contains general conditions on all AOCs and also some related definitions. Thus, if new safety conditions are required for generic operations, these are usually placed in CAO 82.0.

CAR 233 (1) (h)

Paragraph 233 (1) (h) of the *Civil Aviation Regulations 1988* (**CAR 1988**) places a critical pre-flight safety responsibility on the pilot in command of an aircraft. It provides, in effect, that the pilot in command must not commence a flight without checking and ensuring that the "latest editions of the aeronautical maps, charts and other aeronautical information and instructions ... [for] the route to be flown and ... any

alternative route that may be flown” are carried in the aircraft and readily accessible to the flight crew. The maps etc. must be those published by the AIP or by another CASA-approved source.

Background

Previously (and in many instances, still) the latest AIP (or other approved) editions of the aeronautical maps, charts and other aeronautical information and instructions for the route to be flown and any alternative route that may be flown were carried on to an aircraft in a flight bag.

Increasingly, however, pilots and AOC holders are using commercial, off-the-shelf, electronic “tablets”, such as Apple’s iPad and other similar devices, as portable EFBs loaded with purpose-designed, aviation-related, software as substitutes for what would previously have been AIP hardcopy aeronautical maps etc. These cutting-edge electronic devices have rendered obsolete or inadequate various previous ICAO Standards and Practices (*SARPs*), and are likely to lead in time to the “paperless cockpit”.

However, the unregulated use of unapproved electronic substitute data used in critical phases of aircraft operations obviously gives rise to serious safety concerns. In response to this development, the Operations Panel of ICAO reconvened the EFB Subgroup (*EFBSG*) with CASA as a member, to consider developing new *SARPs* and related guidance material for appropriate national safety-regulator approval of EFB use.

Until now, CASA has had no legislation or guidance material for this rapidly developing EFB use, and finalisation of the new generation of ICAO *SARPs* is awaited. However, the availability of relevant ICAO information, and CASA participation in the *EFBSG*, has given CASA the capacity to proactively implement a set of minimum EFB safety standards in anticipation of the ICAO *SARPs*.

CASA considers that, in a changing technological environment, gaining experience from implementation of these standards and rules is a necessary proactive safety initiative for CASA, for pilots in command and for relevant AOC holders. With this in mind, the CAO amendment is being made and it will be reviewed when the ICAO *SARPs* are finalised.

The new standards and rules will also facilitate AOC holders’ safe and appropriate use of EFB which can result in the cost savings which arise from effective forms of computerisation and the move away from paper dependent environments.

The CAO amendment

The CAO amendment provides that if the pilot in command of an aircraft operated under an AOC uses an EFB as a means of complying, or partially complying, with paragraph 233 (1) (h) of CAR 1988, each certificate authorising operations under the AOC is subject to the condition that the AOC holder must comply with, and ensure flight crew compliance with, the applicable requirements in Appendix 9.

Appendix 9 is a new appendix containing the detailed standards and rules for use of EFB.

It establishes certain classes (1 and 2) and functionality levels (1 to 4) for permitted EFB. It sets rules for EFB software validation, and the safe mounting of a portable EFB

in the cockpit. The AOC holder must identify in the operations manual the particular EFB whose use is permitted by the AOC holder as suitable for the type of operations in which it will be used.

The AOC holder must appoint a trained EFB Administrator to manage and administer the obligations arising under the CAO amendment and contained in the operations manual for EFB use (including human factors impacts), the accuracy, currency and validation of data, flight crew EFB training, and backup EFB.

The operations manual must have procedures to safely manage the EFB hardware and accessories, including removal, repair, replacement, re-installation, maintenance and storage.

The AOC holder must also set out in the operations manual procedures for loading software, for data entry and verification, for tracking EFB database expiry dates, for flight crew error and defect reporting, and for testing.

The operations manual must have flight crew procedures for who may use the EFB, when and how, and for establishing the order of precedence if there is more than 1 permitted EFB.

The AOC holder must ensure that the hardware of a permitted EFB and an EFB system is maintained in accordance with an appropriate document (for example, a maintenance control manual), which sets out detailed operational procedures for the maintenance control of a permitted EFB and EFB system. The procedures must ensure that:

- only the original manufacturer of the permitted EFB, or a person approved in writing by the original manufacturer, may maintain the hardware of a permitted EFB
- only the original manufacturer of the permitted EFB, or a person approved in writing by the original manufacturer, may modify the operating system of the permitted EFB
- only the original producer of a software application loaded on to a permitted EFB, or a person approved in writing by the original producer, may modify that software application for use on the EFB.

The above references to the CAO amendment is an overview only. The instrument is detailed and technical and further details are contained in Attachment 1.

Legislative Instruments Act 2003 (LIA)

Paragraph 28BA (1) (b) of the Act provides that an AOC has effect subject to any conditions “specified in the regulations or Civil Aviation Orders”.

Subsection 98 (4A) of the Act provides that CASA may issue CAOs with respect to any matter in relation to which regulations may be made for the purposes of section 28BA.

Under subsection 98 (4B) of the Act, a CAO issued under subsection 98 (4A) is stated to be a legislative instrument and is, therefore, subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

By providing that an AOC has effect subject to any conditions specified in the regulations or CAOs, paragraph 28BA (1) (b) of the Act is a separate head of power for the making of relevant CAOs. For section 5 of the LIA, such CAOs would be legislative

instruments subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

The CAO amendment is made under both paragraph 28BA (1) (b) of the Act and subsection 98 (4A) of the Act and is a legislative instrument.

Consultation

Consultation under section 17 of the LIA has been carried out as follows.

In December 2011, a CASA Discussion Forum was established. Industry representatives from the major airlines, regional carriers and other interested parties were invited to join the forum. Two meetings were held in Canberra where proposals were discussed and relevant draft documents were presented. All industry responses were logged on the Discussion Forum website and were considered before the release of the final draft as part of a Notice of Proposed Rule Making (*NPRM*). The *NPRM* was open for comment for a somewhat more limited period than usual – 4 weeks – as it was considered that the parties most affected had had the opportunity to provide comment directly to CASA through the Forum and the Forum website.

Office of Best Practice Regulation (OBPR)

The instrument contains standards and rules for the use of EFB by AOC holders and pilots in command of aircraft operated under the AOC. Use of EFB is optional for a pilot or an operator but if an EFB is used in circumstances covered by the CAO amendment its use must comply with the amendment. A Regulation Impact Statement is not required for OBPR in this case because a preliminary assessment of business compliance costs in the context of the nature of the instrument indicates that it will have only a nil to low impact on business.

Statement of Compatibility with Human Rights

The Statement in Appendix 2 is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Commencement and making

The CAO amendment takes effect on the day after registration with the 2 related CAO amendments (for CAO 82.3 and CAO 82.5) taking effect immediately after its commencement. It has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

[*Civil Aviation Order 82.0 Amendment Instrument 2012 (No. 2)*]

Details of *Civil Aviation Order 82.0 Amendment Instrument 2012 (No. 2)*.

1 Name of instrument

Under this section, the instrument is the *Civil Aviation Order 82.0 Amendment Instrument 2012 (No. 2)*.

2 Commencement

Under this section, the instrument commences on the day after registration.

3 Amendment of Civil Aviation Order 82.0

Under this section, Schedule 1 amends Civil Aviation Order 82.0.

Schedule 1 Amendment

11 Use of electronic flight bags (*EFB*)

11.1 A new subsection 11 is inserted to provide that if the pilot in command of an aircraft operated under an AOC uses an EFB as a means of complying, or partially complying, with paragraph 233 (1) (h) of CAR 1988, each certificate authorising operations under the AOC is subject to the condition that the AOC holder must comply with, and ensure flight crew compliance with, the applicable requirements in Appendix 9.

11.2 For this subsection, *EFB* has the meaning given to it in Appendix 9.

Appendix 9

Requirements to be met for the use of an EFB

Appendix 9 sets out the detailed requirements to be met by AOC holders and pilots in command for use of EFB. Some (not all) features of Appendix 9 are set out below.

1 Definitions

1.1 This subclause sets out various key definitions. For example:

portable, for an EFB, means designed by its manufacturer to be carried by hand, and carried by hand onto the flight deck of an aircraft by a flight crew member or an authorised EFB custodian, for use:

- (a) without a mount; or
- (b) when mounted in the flight deck by a flight crew member on an approved mount.

approved mount means a mount, approved in writing by CASA, which:

- (a) does not require the use of tools for mounting the EFB or dismounting it; and
- (b) whether or not the mount is holding the EFB, and whether or not a screen-protector is used, does not:
 - (i) obstruct the flight crew when entering or leaving the flight deck; or

- (ii) affect the flight crew’s physical or visual access to the operational controls and displays on the flight deck; or
 - (iii) affect the flight crew’s external vision from the flight deck; or
 - (iv) if the EFB is connected to aircraft power or an external antenna — affect the operation of the aircraft or the safety of the flight crew; or
 - (v) present, including through cabling or other connectivity, a safety hazard to the flight crew at any time, including in an emergency.
- 1.2 This subclause defines **training** so that it is taken to include a reference to contemporaneous assessment of the person being trained.
- 1.3 This subclause defines **functionality level** for an EFB as follows:
- (a) **functionality level 1** means that the EFB:
 - (i) is used to view the aeronautical maps, charts, and other aeronautical information and instructions mentioned in paragraph 233 (1) (h) of CAR 1988, but without the functionality to change any of that data; and
 - (ii) may have a flight planning tool to facilitate the use of the data mentioned in subparagraph (i); and
 - (iii) may be 1 or more of the following:
 - (A) subject to subparagraph (iv) — held in the hand;
 - (B) mounted on an approved mount;
 - (C) attached to a stand-alone kneeboard secured to a flight crew member;
 - (D) connected to aircraft power for battery re-charging;
 - (E) connected to an installed antenna intended for use with the EFB for situational awareness but not navigation; and
 - (iv) unless secured in accordance with sub-subparagraph (iii) (B) or (C) — must be stowed:
 - (A) during take-off and landing; and
 - (B) during an instrument approach; and
 - (C) when the aircraft is flying at a height less than 1 000 feet above the terrain; and
 - (D) in turbulent conditions; and
 - (v) has no data connectivity with the avionics systems of the aircraft; and
 - (vi) may have wireless or other connectivity to receive or transmit information for EFB administrative control processes only; and
 - (b) **functionality level 2** means that the EFB:
 - (i) must have the functionality of functionality level 1; and
 - (ii) subject to subclause 1.4, has 1 or more software applications that use algorithms requiring manual input to satisfy operational requirements; and
 - (iii) has no data connectivity with the avionics systems of the aircraft; and
 - (iv) may have wireless or other connectivity to receive or transmit information for EFB administrative control processes only; and
- Note* Examples of “software applications that use algorithms requiring manual input to satisfy operational requirements” include weight and balance calculations, or performance calculations required by the aircraft’s approved flight manual.
- (c) **functionality level 3** means that the EFB has:
 - (i) the functionality of functionality levels 1 and 2; and

- (ii) 1 or more software applications that permit one-way only acceptance of data directly from the aircraft systems for use by the flight crew to satisfy operational requirements; and
- (iii) data connectivity with the avionics systems of the aircraft:
 - (A) on a one-way, read-only basis; or
 - (B) to receive or transmit information for aircraft administrative control processes only; and

Note For example, the link may be via Wi-Fi and as a data link must have system security.

- (d) **functionality level 4** means that the EFB has:
 - (i) the functionality of functionality levels 1, 2 and 3; and
 - (ii) 1 or more software applications that permit acceptance of data directly from the aircraft systems for direct input to the aircraft's flight management system to satisfy operational requirements; and
 - (iii) data connectivity with the avionics systems of the aircraft that:
 - (A) is secure; and
 - (B) does not have adverse effects on the avionic systems of the aircraft; and
 - (C) has High Intensity Radiated Fields and lightning protection; and
 - (D) is capable of being overridden by manual input in the event of an EFB malfunction or failure; and
 - (E) may receive or transmit information for aircraft administrative control processes.

Note This bi-directional link may be via wireless connectivity, for example, Wi-Fi, and system security must prevent external interference.

2 Software application validation

- 2.1 This clause applies for a software application (SA) of the kind mentioned in sub-subparagraph (b) (ii) of the definition of **functionality level 2** in subclause 1.3 (including when functionality level 2 is adopted for functionality level 3 or functionality level 4).
- 2.2 Before first use of the SA, or after any updating of the SA, the AOC holder must:
 - (a) validate the output from the SA for the aircraft to ensure that it complies with the performance limitations set out in the AFM; and
 - (b) retain written evidence of the completion of this validation for the duration of the validation; and
 - (c) make the written evidence mentioned in paragraph (b) available to CASA on request.
- 2.3 If the SA is for use in weight and balance calculations for an aircraft, the suitability of the SA must be validated in writing by a weight control officer (within the meaning of *Civil Aviation Order 100.7*).

3 Permitted EFB

- 3.1 Under this clause, the AOC holder's operations manual (the **operations manual**) must clearly identify the EFB which the holder permits a flight crew member to use (a **permitted EFB**).
- 3.2 The identification of a permitted EFB in the operations manual must indicate its class and functionality level.

- 3.3 An AOC holder may make an EFB a permitted EFB for an aircraft only if he or she has first demonstrated and documented that the EFB is suitable for:
- (a) use in the aircraft for operational purposes, taking into account, for example, radiation, electromagnetic interference, and other electronic devices, instruments and equipment carried on, or installed in, the aircraft; and
 - (b) the operating conditions in which the EFB is to be used, including, for example, the expected ranges of temperature, humidity, lighting, turbulence and altitude.
- 3.4 The AOC holder must ensure that a flight crew member of an aircraft must not use an EFB other than a permitted EFB.
- 3.5 The AOC holder must issue each operating flight crew member with a permitted EFB for his or her exclusive use on the flight deck of an aircraft.
- 3.6 The AOC holder must ensure that, at the point of aircraft despatch, there is available on the flight deck and accessible to the pilot in command:
- (a) a backup EFB capable of substituting, in all respects, for the EFB of the most senior flight crew member to whom an EFB was issued; or
 - (b) paper versions of the latest editions of the documents mentioned in paragraph 233 (1) (h) of CAR 1988 for which the EFB of the pilot in command was intended to be a substitute.
- 3.7 Any requirements of this Appendix that apply to, or in relation to, flight crew EFB, also apply to a backup EFB.

4 EFB Administrator

- 4.1 Under this clause, the AOC holder must designate a person to be his or her EFB Administrator.
- 4.2 The EFB Administrator must be a person who has undergone training in the use, management and administration of a permitted EFB, as specified in the operations manual.
- 4.3 The AOC holder must ensure that the EFB Administrator has the authority and responsibility to manage and administer, on behalf of the AOC holder and in accordance with any requirements set out in the operations manual, the obligations imposed on the AOC holder under this Appendix, including in relation to:
- (a) the continuing accuracy of the identification, class and functionality level of the permitted EFB; and
 - (b) the currency, reliability and security of the permitted EFB and EFB system; and
 - (c) the validations required under clause 2 for a software application of the kind mentioned in sub-subparagraph (b) (ii) of the definition of *functionality level 2* in subclause 1.3 (including when functionality level 2 is adopted for functionality level 3 or functionality level 4); and
 - (d) flight crew training for, and use of, a permitted EFB; and
 - (e) permitted EFB user obligations imposed on members of the flight crew by the operations manual; and
 - (f) human factors and flight deck resource management in relation to the use of a permitted EFB; and
 - (g) backup EFB; and

- (h) the validity of authorisations and certifications required for data link security for the permitted EFB system.
- 4.4 The EFB Administrator must be accountable to the AOC holder's HFO for:
 - (a) managing and administering flight crew use of a permitted EFB; and
 - (b) ensuring that the detailed operational procedures for the use of a permitted EFB are complied with.
- 4.5 To avoid doubt, the operations manual must set out relevant requirements for each of the matters mentioned in subclause 4.3.

5 EFB Administrator training

- 5.1 Under this clause, the AOC holder must establish, and set out in the operations manual:
 - (a) the nature, content and duration of the training that an EFB Administrator must have successfully completed before exercising responsibilities as the EFB Administrator; and
 - (b) the recurrent training that the EFB Administrator must complete while exercising those responsibilities.
- 5.2 The training and recurrent training must be:
 - (a) provided by a person approved in writing by CASA; and
 - (b) specific for the functionality level and class of the permitted EFB.
- 5.3 The training and recurrent training must provide competency in the use, management and administration of a permitted EFB, including in the requirements and operational procedures set out in the operations manual and this Appendix.
- 5.4 Before approving a person to provide EFB Administrator training in permitted EFB, the AOC holder must establish that the training and recurrent training to be offered by the person complies with the recommendations set out for training in CAAP 233-1 (0) and later versions as in force from time to time.

6 Flight crew training

- 6.1 Under this clause, the AOC holder must establish, and set out in the operations manual, the nature, content and duration of the training that each flight crew member of an aircraft must have successfully completed before using a permitted EFB.
- 6.2 The training must be completed before a person may use the permitted EFB, and must include training in:
 - (a) the instructions and recommendations of the manufacturer of the permitted EFB as hardware; and
 - (b) the instructions and recommendations of the developer and installer of the permitted EFB's software; and
 - (c) the procedures to be followed if the permitted EFB carried on an aircraft fails or malfunctions during the operation of the aircraft.
- 6.3 If the pilot in command of an aircraft uses a permitted EFB as a means of only partially complying with paragraph 233 (1) (h) of CAR 1988, the training in the use of the EFB must ensure continuing flight crew proficiency in the non-EFB documents used to complement EFB use.
- 6.4 The training must be provided by a person approved by the head of flying operations (*HFO*), and be specific for the functionality level and class of the permitted EFB.

- 6.5 In deciding to approve a person to provide flight crew training in permitted EFB, the HFO must be satisfied that the training to be offered by the person will meet the recommendations set out for training in CAAP 233-1 (0) and later versions as in force from time to time.

7 Certification of completion of EFB training

For clauses 5 and 6, the operations manual must require the AOC holder's HFO to certify in writing to the AOC holder that, for the following persons:

- (a) the EFB Administrator;
- (b) each flight crew member of an aircraft under the AOC who may use the permitted EFB;

the HFO is satisfied that the person:

- (c) has been trained and assessed in accordance with the operations manual; and
- (d) is competent:
 - (i) for the EFB Administrator — to manage and administer, in accordance with the requirements set out in the operations manual and this Appendix, flight crew use of the permitted EFB; and
 - (ii) for a flight crew member — to use a permitted EFB, in accordance with the requirements set out in the operations manual and this Appendix.

8 Hardware integrity for aircraft-installed EFB

Under this clause, the AOC holder must establish, and set out in the operations manual, procedures which make it clear that the EFB Administrator is not responsible for the management and administration of the hardware of, and that is associated with, an aircraft-installed EFB. The CAO amendment does not apply to an aircraft-installed EFB.

Aircraft-installed, for an EFB, means fitted to an aircraft:

- (a) by the aircraft manufacturer in accordance with the type certificate, or supplemental type certificate, for the aircraft issued by the NAA of a recognised foreign country; or
- (b) in accordance with a supplemental type certificate under Subpart 21E of CASR 1998; or
- (c) in accordance with Subpart 21M of CASR 1998.

9 Hardware integrity for EFBs

- 9.1 Under this clause, but without affecting clause 8, the AOC holder must establish, and set out in the operations manual, procedures to safely manage the hardware of, and accessories for, a permitted EFB, including:

- (a) its removal, repair, replacement, re-installation and maintenance; and
- (b) its storage when off the aircraft, and its stowage when on the aircraft and not mounted.

- 9.2 For subclause 9.1, *hardware* and *accessories* include the following:

- (a) the electronic device constituting the hardware of the permitted EFB;
- (b) any mount for the EFB;
- (c) cables and antennae for the EFB;
- (d) screen protectors for the EFB;
- (e) batteries and other portable power sources for the EFB.

10 Data integrity for permitted EFBs

Under this clause, the AOC holder must establish, and set out in the operations manual, procedures for the following for a permitted EFB:

- (a) the loading of software on to the EFB (including who may do this and how it is to be done);
- (b) the entry of data into, and the verification of data in, the EFB (including who may do this and how it is to be done);
- (c) ensuring that any data loaded on to the EFB is current and up-to-date for any time that it is used in an aircraft operation;
- (d) protection of the EFB system, including protection of data in the EFB, and data links, from unauthorised use, electronic interference, corruption or viruses;
- (e) ensuring the tracking of the EFB database expiry dates, and ensuring the accurate and reliable updating of data bases;
- (f) flight crew error and defect reporting for the EFB;
- (g) procedures to be followed if a permitted EFB wholly or partially fails or malfunctions during an aircraft operation;
- (h) testing of the EFB following:
 - (i) the loading or unloading of software; or
 - (ii) EFB hardware maintenance; or
 - (iii) the occurrence of a circumstance mentioned in paragraph (g).

11 Flight crew procedures

Under this clause, the AOC holder must establish for a permitted EFB, and set out in the operations manual, flight crew procedures for the following:

- (a) who may use the EFB;
- (b) when the EFB may be used and the purposes for which it may be used;
- (c) how the EFB is to be used;

Note As defined above, EFB means both the hardware and the software of the device.

- (d) if there are 2 or more sources on board the aircraft for the same operational data, one of which is the permitted EFB of the flight crew — establishing the order of precedence for the use of the sources;
- (e) the cross-checks to be carried out by each flight crew member to verify EFB data before it is relied upon, in particular safety-critical EFB data;
- (f) how the following are to be avoided or minimised in the use of the EFB:
 - (i) flight crew member error;
 - (ii) flight crew member overload;
- (g) the power sources to be used for the EFB;
- (h) the backup data, data sources and power sources to be carried on board an aircraft for the contingency of an EFB or EFB power-source failure.

12 Maintenance control for EFB

12.1 Under this clause, the AOC holder must ensure that the hardware of a permitted EFB and an EFB system is maintained in accordance with this clause.

12.2 The AOC holder must establish, and set out in an appropriate document (for example, a maintenance control manual), detailed operational procedures for the maintenance control of a permitted EFB and EFB system.

- 12.3 The procedures must ensure that only the original manufacturer of the permitted EFB, or a person approved in writing by the original manufacturer, may maintain the hardware of a permitted EFB.
- 12.4 The procedures must ensure that only the original manufacturer of the permitted EFB, or a person approved in writing by the original manufacturer, may modify the operating system of the permitted EFB.
- 12.5 The procedures must ensure that only the original producer of a software application loaded on to a permitted EFB, or a person approved in writing by the original producer, may modify that software application for use on the EFB.

13 Safety paramount

- 13.1 Under this clause, the procedures to be included in the operations manual, and the appropriate document mentioned in subclause 12.2, in relation to EFBs must be designed to achieve the highest practicable level of safety in the use of the permitted EFB.
- 13.2 The AOC holder must ensure that each member of the holder's personnel who has obligations under the operations manual in relation to the permitted EFB or EFB system complies with those obligations.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Civil Aviation Order 82.0 Amendment Instrument 2012 (No. 2)

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The purpose of the CAO amendment is to establish standards and rules for the use of EFB by AOC holders and pilots in command of aircraft operated under the AOC. The use of EFB by relevant operators is optional, but for safety reasons must be in accordance with the requirements of the CAO amendment.

Human rights implications

The safety standards and rules are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority