



## **Civil Aviation Legislation Amendment (Part 132) Regulation 2016**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 27 October 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Darren Chester  
Minister for Infrastructure and Transport

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*OPC50050 - D*



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## 1 Name

This is the *Civil Aviation Legislation Amendment (Part 132) Regulation 2016*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after the end of the period of 3 months beginning on the day this instrument is registered.	28 January 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *Civil Aviation Act 1988*;
- (b) the *Transport Safety Investigation Act 2003*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Civil Aviation Regulations 1988*

#### **1 Subregulation 42CA(2)**

Omit “CASA,”, substitute “CASA or a limited category organisation,”.

#### **2 Subregulation 47(1A)**

Omit “if, under subregulation 21.007A(2) of CASR, CASA or an authorised person or approved design organisation advises”, substitute “if advice has been given under regulation 21.007A of CASR”.

#### **3 After subregulation 47(1A)**

Insert:

- (1B) For subregulation (1), damage to a limited category aircraft is taken not to be major damage if advice has been given under regulation 132.175 of CASR that the damage is not major damage.
- (1C) For subregulation (1), a defect in a limited category aircraft is taken not to be a major defect if advice has been given under regulation 132.175 of CASR that the defect is not a major defect.

#### **4 Subparagraph 206(1)(b)(i)**

Omit “or carriage for an operation mentioned in subregulation 262AM(7)”.

#### **5 Subregulation 206(1A)**

Repeal the subregulation, substitute:

- (1A) However, the commercial purposes prescribed by subregulation (1) do not include:
  - (a) for a limited category aircraft:
    - (i) the conduct of an adventure flight; or
    - (ii) practice in flying the aircraft conducted in support of a special purpose operation mentioned in the aircraft’s limited category certificate; or
    - (iii) training conducted in support of a special purpose operation mentioned in the certificate; or

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- (b) carrying out an activity under paragraph 262AP(2)(c) (experimental aircraft—operating limitations).

## **6 Regulation 262AK (paragraph (a) of the note)**

Omit “limited.”.

## **7 Regulations 262AM and 262AN**

Repeal the regulations, substitute:

### **262AN Limited category aircraft—approved organisations**

- (1) CASA may, in writing, approve an organisation (a *limited category organisation*) to perform functions in relation to limited category aircraft if CASA is satisfied that the organisation:
  - (a) is suitable, and has enough suitably qualified and competent personnel, to ensure that the administration of relevant aircraft operations, airworthiness assessments and continuing airworthiness procedures can be properly carried out; and
  - (b) has suitable practices, procedures, limitations and conditions to control the operation of limited category aircraft and ensure that the operational and airworthiness activities that it is to administer are conducted safely; and
  - (c) has a chief executive who has authority and responsibility for ensuring that all activities carried out by the organisation are done with a reasonable degree of care and diligence.
- (2) However, CASA may approve an organisation only if it has a manual that:
  - (a) is consistent with these Regulations; and
  - (b) documents the practices, procedures, limitations and conditions mentioned in paragraph (1)(b).
- (3) In particular, the manual must include procedures for the following:
  - (a) approving adventure flight procedures;
  - (b) authorising individuals for the purposes of regulation 132.185 (authorisations to give approvals, certificates and advice for limited category aircraft) of CASR;
  - (c) giving notice under regulation 132.230 (notice to CASA—certain proposed actions by limited category organisation) of CASR;

- (d) giving the following in relation to limited category aircraft:
  - (i) certificates of airworthiness;
  - (ii) an approval mentioned in regulation 132.030 (approval of modifications and repairs for limited category aircraft) of CASR;
  - (iii) a certificate mentioned in subregulation 132.105(3) (operation of an aircraft that has a major modification or repair for an adventure flight subject to limitations) of CASR;
  - (iv) a certificate stating an airframe life for the aircraft's airframe given by the administering authority for the aircraft;
  - (v) advice under regulation 132.175 (advice about modifications, repairs, damage etc.) of CASR;
  - (vi) an approval or certificate prescribed by the Part 132 Manual of Standards for the purposes of this paragraph.
- (4) An approval of a limited category organisation is subject to the condition that the organisation must keep the manual up-to-date.
- (5) CASA must not approve an organisation for the purposes of this regulation unless the organisation is an individual or a body corporate.

#### **8 Subregulation 263(1) (definition of *approval*)**

Repeal the definition, substitute:

*approval* means:

- (a) an approval under regulation 262AN; or
- (b) an approval issued under regulation 145.030 or 147.030 of CASR.

#### **9 Subregulation 297A(1) (table item 31)**

Omit "to administer the operation of limited category aircraft engaged in a special purpose operation mentioned in subregulation 21.189(3) of CASR", substitute "in relation to a limited category aircraft".

#### **10 Subregulation 324(1)**

Repeal the subregulation.



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**11 Subregulation 324(2)**

Omit “(2)”.

**12 At the end of Part 20**

Add:

**Division 6—Transitional—approved organisations for limited category aircraft (amendments made by the Civil Aviation Legislation Amendment (Part 132) Regulation 2016)****351 Approved organisations—approval held by Australian Warbirds Association Limited**

- (1) This regulation applies if, immediately before the commencement of this regulation, the Australian Warbirds Association Limited held an approval under regulation 262AN that was in force.
- (2) The approval has effect, on and after the commencement of this regulation, as if it were an approval under regulation 262AN as substituted by the *Civil Aviation Legislation Amendment (Part 132) Regulation 2016*.
- (3) This Division is repealed at the start of the day that is 6 months after the day this regulation commences.

***Civil Aviation Safety Regulations 1998*****13 After regulation 11.026**

Insert:

**11.027 Application of Part 11 to relevant approved organisations**

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

- (a) a reference in this Subpart to CASA includes, in relation to the application, a reference to the limited category organisation to which the application is made; and
- (b) a reference in Subpart 11.BA (granting authorisations etc), other than regulation 11.068 (conditions imposed on class of

authorisations), to CASA includes a reference to the limited category organisation; and

- (c) a reference in Subpart 11.D (variation, suspension and cancellation of authorisations at holder's request) to CASA includes a reference to the limited category organisation.

#### **14 At the end of subregulation 11.040(1)**

Add:

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

#### **15 Subregulation 11.056(2)**

Repeal the subregulation, substitute:

- (2) A condition imposed under this regulation must be set out in, or attached to, the authorisation.

#### **16 Regulation 21.173**

Repeal the regulation, substitute:

##### **21.173 Eligibility**

- (1) In this regulation:

*certificate of airworthiness* does not include:

- (a) an experimental certificate; or  
(b) a provisional certificate of airworthiness.
- (2) The registered operator of an aircraft, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply for a certificate of airworthiness for the aircraft.
- (3) The application must be made to:
- (a) for an application for a limited category certificate—CASA or a limited category organisation; or  
(b) for any other application—CASA or an authorised person.

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

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

**17 Subregulation 21.176(1)**

Omit “CASA or an authorised person”, substitute “CASA, a limited category organisation or an authorised person”.

**18 After subregulation 21.176(4)**

Insert:

*Limited category certificates—assignment of permit index numbers*

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

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

*Limited category certificates—information to be included*

- (5A) The following information must be included in a limited category certificate for an aircraft, or in an attachment to the certificate:
- (a) each special purpose operation for which the aircraft is to be operated;
  - (b) the aircraft's permit index number.

**19 Subparagraph 21.189(1)(a)(i)**

Omit “an authorised person”, substitute “the limited category organisation deciding the application”.

**20 Subparagraph 21.189(1)(a)(ii)**

Omit “an authorised person”, substitute “the limited category organisation deciding the application”.

**21 Paragraphs 21.189(1)(b) and (c)**

Omit “an authorised person”, substitute “the limited category organisation”.

**22 Subregulation 21.189(2)**

Omit “an authorised person”, substitute “the limited category organisation”.

**23 Paragraphs 21.189(2)(a) and (c)**

Omit “authorised person”, substitute “limited category organisation”.

**24 Paragraph 21.189(3)(a)**

Omit “in adventure style operations”.

**25 After paragraph 21.189(3)(a)**

Insert:

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- (aa) conducting adventure flights in historic or ex-military aircraft;
  - (ab) if the aircraft does not have a major modification—air racing;
  - (ac) glider towing;

**26 Paragraph 21.189(3)(g)**

Omit “jumping;”, substitute “descents;”.

**27 Subregulation 21.189(4)**

Omit “an authorised person”, substitute “the limited category organisation”.

**28 Paragraph 21.189(4)(b)**

Omit “authorised person”, substitute “limited category organisation”.

**29 Subregulation 61.495(3)**

Omit “aerodromes or”.

**30 After Part 129**

Insert:

**Part 132—Limited category aircraft****Table of contents****Subpart 132.A—Preliminary**

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- 132.010 Key definitions for Part 132
- 132.015 Definition of *adventure flight* for limited category aircraft
- 132.020 Definition of *major* for modifications and repairs for limited category aircraft
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- 132.035 Approvals by CASA or administering authority for Part 132
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- 132.045 Relationship of Part 132 to other requirements for operating limited category aircraft

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- 132.055 Authorised operations for limited category aircraft
- 132.060 Maximum number of persons to be carried
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- 132.095 Limited category certificate must include adventure flights as special purpose operation
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- 132.175 Advice about modifications, repairs, damage, defects and life-limited aeronautical products
  - 132.180 Requirements for giving approvals, certificates and advice—individuals
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- 132.190 Requirements for giving approvals, certificates and advice—limited category organisations

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- 132.195 Assignment of permit index numbers—general
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**Division 132.D.3—Certification and airworthiness—notice to CASA of certain matters**

- 132.225 Notice to CASA—permit index numbers assigned by limited category organisation for aircraft
- 132.230 Notice to CASA—certain proposed actions by limited category organisation
- 132.235 Notice to CASA—safety of aircraft

**Subpart 132.M—Limited category aircraft—airworthiness and maintenance**

## **Subpart 132.A—Preliminary**

### **132.005 What Part 132 is about**

- (1) This Part sets out matters that are additional to the requirements of CAR.
- (2) Subpart 132.A sets out preliminary matters, including the relationship of Part 132 to other requirements for operating limited category aircraft.
- (3) Subpart 132.B sets out the general requirements for flying limited category aircraft.
- (4) Subpart 132.C sets out the requirements for conducting adventure flights.

- (5) Subpart 132.D sets out the certification and airworthiness requirements for limited category aircraft.

### 132.010 Key definitions for Part 132

In these Regulations:

**administering authority**, for a limited category aircraft, means:

- (a) a limited category organisation in relation to the aircraft; or
- (b) if there is no limited category organisation in relation to the aircraft—CASA.

**adventure flight procedures**, for a limited category aircraft, means procedures for conducting an adventure flight using the aircraft for which the operator of the aircraft holds an approval granted by the administering authority for the aircraft under regulation 132.035.

**approved airframe life**, for a limited category aircraft, means the airframe life stated in the most recent of the following:

- (a) the aircraft's approved design;
- (b) a variation (if any) of the airframe life by the national aviation authority of the country of the aircraft's manufacture;
- (c) if the aircraft is an ex-armed forces aircraft—a variation (if any) of the airframe life by the armed force that operated the aircraft or for which the aircraft was manufactured;
- (d) a certificate (if any) stating an airframe life for the aircraft's airframe given by the administering authority for the aircraft.

Note: Airframe life may be expressed in a number of ways, including the amount of operating time, the number of operating cycles or a calendar period.

**ex-armed forces aircraft** means:

- (a) a version of an aircraft that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force of any country (whether or not it has been used by such a force); or
- (b) a particular aircraft:
  - (i) to which paragraph (a) does not apply; and
  - (ii) that has been operated by an armed force of any country.

**historic aircraft** means:



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- (a) an aircraft that was manufactured before 1 January 1960; or
  - (b) an Australian-manufactured aircraft of a type that is no longer being manufactured; or
  - (c) a replica of an aircraft mentioned in paragraph (a) or (b); or
  - (d) an aircraft prescribed by the Part 132 Manual of Standards for this paragraph.

**limited category aircraft** means an aircraft for which a special certificate of airworthiness mentioned in regulation 21.189 is in force.

**limited category certificate** means a special certificate of airworthiness to which an applicant is entitled under regulation 21.189.

**limited category organisation** means an organisation that is approved under regulation 262AN of CAR to perform functions in relation to limited category aircraft.

**permit index number**, for an aircraft for which a limited category certificate has been issued, means the permit index number most recently assigned to the aircraft under subregulation 21.176(5) or Division 132.D.2.

### **132.015 Definition of *adventure flight* for limited category aircraft**

A flight of a limited category aircraft is an ***adventure flight*** if it is a flight:

- (a) on which a passenger is carried; and
- (b) that is:
  - (i) conducted for hire or reward; or
  - (ii) publicly available.

### **132.020 Definition of *major* for modifications and repairs for limited category aircraft**

- (1) A modification or repair to a limited category aircraft is a ***major*** modification or repair if the modification or repair has a significant effect on a characteristic affecting the aircraft's airworthiness, including any of the following:
  - (a) its weight or balance;
  - (b) its structural strength;

- (c) its reliability;
  - (d) its performance;
  - (e) its operational characteristics.
- (2) However, a modification or repair to a limited category aircraft is taken not to be a **major** modification or repair if advice has been given under regulation 132.175 that the modification or repair is not a major modification or repair.
- (3) In this regulation:
- modification** includes a combination of modifications.
- repair** includes a combination of repairs.

### **132.025 Definition of *safety-critical aeronautical product* for limited category aircraft**

- (1) An aeronautical product for a limited category aircraft is a ***safety-critical aeronautical product*** for the aircraft if the aircraft cannot be operated safely if the product is inoperative or missing.
- (2) However, an aeronautical product for a limited category aircraft is taken not to be a ***safety-critical aeronautical product*** for the aircraft if advice has been given under regulation 132.175 that the aeronautical product is not a safety-critical aeronautical product for the aircraft.

### **132.030 Approval of modifications and repairs for limited category aircraft**

- (1) A modification or repair to a limited category aircraft is approved for the purposes of this regulation if the modification or repair has been approved (however described, and whether before, on or after the commencement of this regulation) by any of the following:
- (a) the aircraft's manufacturer;
  - (b) CASA;
  - (c) the national aviation authority of a foreign country under a law of the foreign country;
  - (d) if the aircraft is an ex-armed forces aircraft—an armed force that operated the aircraft or for which the aircraft was manufactured;
  - (e) the administering authority for the aircraft.

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- (2) A modification or repair to a limited category aircraft is approved for the purposes of this regulation if the modification or repair, or the design for the modification or repair, has been approved (however described, and whether before, on or after the commencement of this regulation) under Part 21 by:
    - (a) an authorised person; or
    - (b) an approved design organisation.
  - (3) A modification or repair to a limited category aircraft is approved for the purposes of this regulation if an approval (however described) for the modification or repair, or the design for the modification or repair, is in force in accordance with regulation 202.054 or 202.055.

### **132.035 Approvals by CASA or administering authority for Part 132**

- (1) If a provision of this Part refers to a person holding an approval granted by CASA under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) If a provision of this Part refers to a person holding an approval granted by the administering authority for a limited category aircraft under this regulation, a person may apply to the administering authority, in writing, for the approval.
- (3) Subject to regulation 11.055, CASA or the administering authority must grant the approval.
- (4) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for any of the following provisions:
  - (a) paragraph 132.055(1)(i) (authorised operations for limited category aircraft);
  - (b) subregulation 132.060(1) (maximum number of persons to be carried);
  - (c) paragraph 132.075(4)(a) or subregulation 132.075(6) (flights over populous areas).

### **132.040 Issue of Manual of Standards for Part 132**

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

- (a) required or permitted by these Regulations to be prescribed by the Part 132 Manual of Standards; or

- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

**132.045 Relationship of Part 132 to other requirements for operating limited category aircraft**

- (1) To avoid doubt:
  - (a) this Part is additional to the requirements of CAR; and
  - (b) a provision of CAR that applies to the operation of a limited category aircraft and is inconsistent with this Part has no effect, in relation to the operation of the limited category aircraft, to the extent of the inconsistency, but the provision is taken to be consistent with this Part to the extent that it is capable of operating concurrently with this Part; and
  - (c) if this Part, or a provision of a document mentioned in subregulation (2), imposes a more stringent requirement (however described) on the operation of a limited category aircraft than the comparable requirement mentioned in paragraph (a), the more stringent requirement prevails.

Example: For paragraph (c), more stringent requirements might include the following:

- (a) the aircraft must be operated only under the VFR by day;
  - (b) the aircraft must be flown only by a named pilot;
  - (c) the aircraft must not be flown faster than a stated speed, higher than a stated height or have a take-off weight of more than a stated weight.
- (2) For paragraph (1)(c), the documents are the following, as in force from time to time:
    - (a) the aircraft's limited category certificate;
    - (b) a document that states the aircraft's approved airframe life;
    - (c) a document that states the life limit of a safety-critical aeronautical product fitted to the limited category aircraft;
    - (d) the approval of a modification or repair to the aircraft;
    - (e) an approval under regulation 132.035 in relation to the aircraft;
    - (f) the aircraft's flight manual;
    - (g) for an adventure flight of the aircraft—the adventure flight procedures for the aircraft;
    - (h) an instrument issued under regulation 11.068 (conditions imposed on class of authorisations) that applies to the aircraft;

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- (i) a direction under Subpart 11.G that applies to the aircraft;
  - (j) if the administering authority for the aircraft is a limited category organisation—the organisation’s operations manual.

Note: The aircraft must be operated in accordance with the requirements in a document mentioned in subregulation (2): see regulation 132.050.

## **Subpart 132.B—Flying limited category aircraft— general requirements**

### **132.050 General operational requirements**

#### *Aircraft without a special flight permit*

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
  - (a) a special flight permit is not in force for the aircraft; and
  - (b) the aircraft is operated for a flight; and
  - (c) a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
  - (a) the flight must be an authorised operation for the aircraft under regulation 132.055;
  - (b) a maintenance release must be in force for the aircraft;
  - (c) the flight must be conducted in accordance with each requirement (however described) in a document mentioned in subregulation 132.045(2);
  - (d) the total number of persons on board the aircraft for the flight must be not more than the number of persons allowed under regulation 132.060;
  - (e) if the aircraft is capable of carrying a passenger—a placard that complies with the requirements prescribed by the Part 132 Manual of Standards must be displayed inside the aircraft so that it is conspicuous to, and can be easily read by, each passenger on board the aircraft, including a passenger sitting in a flight control seat;
  - (f) before beginning the flight, the pilot in command must make himself or herself aware of all relevant information about the aircraft, including the following:

- (i) each requirement (however described) in a document mentioned in subregulation 132.045(2);
- (ii) the matters mentioned in subregulation (3);
- (g) the pilot in command must be authorised under Part 61 (flight crew licensing) to conduct the flight.

Note: For example, for paragraph (e): an aircraft with dual controls that may be flown by a single pilot is capable of carrying a passenger.

- (3) For subparagraph (2)(f)(ii), the matters are the following:
  - (a) each authorisation (within the meaning of Part 11) that relates to the operation of the aircraft and is in force;
  - (b) each condition imposed under Subpart 11.BA on an authorisation mentioned in paragraph (a) that is in force;
  - (c) each exemption granted by CASA under Subpart 11.F that relates to the operation of the aircraft and is in force;
  - (d) each direction issued by CASA under these Regulations that relates to the operation of the aircraft and is in force.

*Aircraft with a special flight permit*

- (4) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
  - (a) a special flight permit is in force for the aircraft; and
  - (b) the aircraft is operated for a flight; and
  - (c) either:
    - (i) the operation of the aircraft for the flight is not in accordance with the special flight permit; or
    - (ii) a requirement mentioned in paragraph (2)(d) or (e), subparagraph (2)(f)(ii) or paragraph (2)(g) is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

**132.055 Authorised operations for limited category aircraft**

- (1) For paragraph 132.050(2)(a), each of the following is an authorised operation for a limited category aircraft:
  - (a) a personal use of the aircraft;
  - (b) a cost-sharing flight;

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- (c) flight training for:
    - (i) a flight crew endorsement for a type or class rating for the aircraft; or
    - (ii) the competency standards mentioned in regulation 61.385 (limitations on exercise of privileges of pilot licences—general competency requirement);
  - (d) a flight review or test for a flight crew licence, rating or endorsement that authorises the person to pilot, or act as the flight engineer for, the aircraft;
  - (e) a special purpose operation for which the aircraft's limited category certificate was issued;
  - (f) an activity necessary to conduct the special purpose operation, including training for the operation;
  - (g) if the administering authority for the aircraft is a limited category organisation—an activity that is stated, in the organisation's operations manual, to be an activity in support of the special purpose operation for the aircraft;
  - (h) an operation prescribed as an authorised operation by the Part 132 Manual of Standards;
  - (i) a flight conducted in accordance with an approval, held by the operator, granted by CASA under regulation 132.035 for this paragraph.
- (2) For paragraph (1)(a), a flight of an aircraft is a **personal use** of the aircraft if the flight:
- (a) is not publicly available; and
  - (b) is a flight for which no payment or reward is made or given to the aircraft's registered operator, operator or flight crew.

### **132.060 Maximum number of persons to be carried**

#### *Approval from administering authority*

- (1) For paragraph 132.050(2)(d), if the operator holds an approval granted by the administering authority for the aircraft under regulation 132.035 for the aircraft to be flown with a stated number of persons (that is greater than 6) on board, the number of persons allowed is the number stated in the approval.
- (2) However, for subregulation (1), the number of persons stated in the approval must not be more than the number of persons the aircraft was designed to carry.

*Approval of modification*

- (3) For paragraph 132.050(2)(d), if:
- (a) the aircraft has been modified for it to be flown with a number of persons (that is greater than the number of persons the aircraft was designed to carry) on board; and
  - (b) the modification to the aircraft is approved for the purposes of regulation 132.030; and
  - (c) the approval states the number of persons that the aircraft may carry;
- the number of persons allowed is the number stated in the approval.

*Other cases*

- (4) For paragraph 132.050(2)(d), in any other case the number of persons allowed is the lower of the following numbers:
- (a) the number of persons the aircraft was designed to carry;
  - (b) 6.

**132.065 Passenger briefing for flights other than adventure flights**

- (1) This regulation applies to a flight of a limited category aircraft if:
- (a) a passenger is to be carried on the flight; and
  - (b) the flight is not an adventure flight.

Note: For the passenger briefing requirement for adventure flights, see regulation 132.155.

- (2) The operator of the aircraft contravenes this subregulation if the requirement mentioned in subregulation (3) is not met for the passenger for the flight.
- (3) For subregulation (2), the requirement is that, on the day of the flight, before the passenger is taken to the aircraft, a briefing that complies with subregulation (4) must be given to:
- (a) the passenger; and
  - (b) if the passenger is under 18—the passenger’s parent or guardian; and
  - (c) if the person giving the briefing reasonably believes that the passenger will not be able to understand the briefing—a person who has care of the passenger.



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- (4) For subregulation (3), the briefing must:
    - (a) include the content mentioned in subregulation 132.070(1); and
    - (b) be in a language that the passenger (and, if applicable, the passenger's parent, guardian or carer) understands.
  - (5) Subregulation (2) does not apply to the operator if:
    - (a) the passenger was carried on an earlier flight of the aircraft on the same day; and
    - (b) the requirement mentioned in subregulation (3) was met for the passenger for the earlier flight.
  - (6) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5): see subsection 13.3(3) of the *Criminal Code*.

### **132.070 Content of safety briefing for flights other than adventure flights**

- (1) For paragraph 132.065(4)(a), the briefing must include the following:
  - (a) statements to the effect that:
    - (i) the design, manufacture and airworthiness of the aircraft are not required to meet any standard recognised by CASA; and
    - (ii) the aircraft is not required by CASA to be operated to the same safety standards as an aircraft used for regular public transport or charter operations; and
    - (iii) travel in the aircraft is done at the passenger's own risk;
  - (b) if subregulation (2) applies to the aircraft—a statement of how the subregulation applies to the aircraft.
- (2) For paragraph (1)(b), this subregulation applies to the aircraft if:
  - (a) the aircraft has reached its approved airframe life; or
  - (b) a safety-critical aeronautical product fitted to the aircraft has reached its life limit; or
  - (c) the aircraft has a major modification or repair that is not approved for the purposes of regulation 132.030.

### **132.075 Flights over populous areas**

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
  - (a) the aircraft is flown over a populous area; and
  - (b) the flight is not permitted by this regulation.
- (2) A limited category aircraft for which there is no permit index number is not permitted to be flown over a populous area.
- (3) A limited category aircraft with a permit index number of 0 may be flown over a populous area.
- (4) A limited category aircraft with a permit index number of 1 may be flown over a populous area only:
  - (a) in accordance with an approval, held by the operator of the aircraft, granted by the administering authority for the aircraft under regulation 132.035 for this paragraph; or
  - (b) for the purpose of taking off from, or landing at, a landing area other than a landing area prescribed as an unsuitable landing area for this paragraph by the Part 132 Manual of Standards.
- (5) In deciding whether to grant an approval mentioned in paragraph (4)(a), the administering authority must take into account:
  - (a) the aircraft's permit index number; and
  - (b) anything else relevant to the safety of other airspace users or persons on the ground or water.
- (6) A limited category aircraft with a permit index number of 2 may be flown over a populous area only in accordance with an approval, held by the operator of the aircraft, granted by CASA under regulation 132.035 for this subregulation.
- (7) In deciding whether to grant an approval mentioned in subregulation (6), CASA must take into account:
  - (a) the aircraft's permit index number; and
  - (b) anything else relevant to the safety of other airspace users or persons on the ground or water.
- (8) Despite subregulations (3), (4) and (6), an aircraft is not permitted to be flown over a populous area if:

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- (a) the aircraft:
    - (i) has reached its approved airframe life; or
    - (ii) would reach its approved airframe life during the flight;  
or
  - (b) an aeronautical product fitted to the aircraft that is a safety-critical aeronautical product:
    - (i) has reached its life limit; or
    - (ii) would reach its life limit during the flight; or
  - (c) a modification or repair to the aircraft:
    - (i) is a major modification or repair; and
    - (ii) is not approved for the purposes of regulation 132.030.
- (9) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **132.080 Parachute descents**

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
  - (a) the aircraft is operated to carry people for a parachute descent; and
  - (b) the parachute descent is a training descent or a tandem descent.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **132.085 Flights in foreign country's airspace**

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if:
  - (a) the aircraft is flown in a foreign country's airspace; and
  - (b) either:
    - (i) the country's national aviation authority has not granted an approval to the operator for the flight; or
    - (ii) the country's national aviation authority has granted an approval to the operator for the flight subject to a condition and the condition is contravened for the flight.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 10 penalty units.

## **Subpart 132.C—Flying limited category aircraft— adventure flights**

### **Division 132.C.1—Adventure flights—general requirements**

#### **132.090 Adventure flight procedures required**

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if, when the aircraft begins an adventure flight, there are no adventure flight procedures for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

#### **132.095 Limited category certificate must include adventure flights as special purpose operation**

- (1) The operator of a limited category aircraft contravenes this subregulation if, when the aircraft begins an adventure flight, a limited category certificate that includes conducting adventure flights in historic or ex-military aircraft as a special purpose operation for the aircraft is not in force for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

#### **132.100 When adventure flights prohibited—aircraft airframe life and life-limited safety-critical aeronautical products**

- (1) The operator of a limited category aircraft contravenes this subregulation if, when the aircraft begins an adventure flight:
- (a) the aircraft has reached its approved airframe life; or

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- (b) an aeronautical product fitted to the aircraft:
    - (i) is a safety-critical aeronautical product; and
    - (ii) has reached its life limit.

Note: An aeronautical product is not a safety-critical aeronautical product if advice has been given under regulation 132.175 that the aeronautical product is not a safety-critical aeronautical product: see subregulation 132.025(2).

- (2) The operator of a limited category aircraft contravenes this subregulation if, during an adventure flight of the aircraft:
  - (a) the aircraft reaches its approved airframe life; or
  - (b) an aeronautical product fitted to the aircraft:
    - (i) is a safety-critical aeronautical product; and
    - (ii) reaches its life limit.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

### **132.105 When adventure flights prohibited—major modifications or repairs**

- (1) This regulation applies to the operator of a limited category aircraft if:
  - (a) the aircraft has a modification or repair; and
  - (b) the modification is a major modification or repair.

#### *Approval of modifications and repairs*

- (2) The operator contravenes this subregulation if, when the aircraft begins an adventure flight, the modification or repair is not approved for the purposes of regulation 132.030.

#### *Certificate from administering authority*

- (3) The operator contravenes this subregulation if, when the aircraft begins an adventure flight, the operator does not hold a certificate, given by the administering authority for the aircraft, to the effect that the modified or repaired aircraft may be operated for an adventure flight subject to the limitations (however described) stated in the certificate.

- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

**132.110 When adventure flights prohibited—certain aircraft that are not ex-armed forces or historic aircraft**

- (1) This regulation applies to a limited category aircraft that is not an ex-armed forces aircraft or historic aircraft.
- (2) The operator of the aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and
  - (b) the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

**132.115 When adventure flights prohibited—aircraft with special flight permit**

- (1) The operator of a limited category aircraft contravenes this subregulation if, when the aircraft begins an adventure flight, a special flight permit is in force for the aircraft.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**132.120 Requirements for pilot in command of adventure flights**

- (1) The operator and the pilot in command of a limited category aircraft each contravene this subregulation if, when an adventure flight of the aircraft begins, the pilot in command does not meet a requirement (if any) mentioned in the adventure flight procedures for the aircraft for the pilot in command for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Note: The pilot in command must also be otherwise authorised under Part 61 to conduct the flight: see paragraph 132.050(2)(g).

### **132.125 Unbroken round trips only**

- (1) The operator of a limited category aircraft contravenes this subregulation if an adventure flight of the aircraft contravenes subregulation (2).
- (2) For subregulation (1), the flight must begin and end at the same landing area and must not involve a landing anywhere else.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **132.130 Sightseeing flights prohibited**

- (1) The operator of a limited category aircraft contravenes this subregulation if an adventure flight of the aircraft is marketed or represented as a sightseeing flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **132.135 Clothes and equipment supplied by operator**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
  - (a) the operator supplies clothing or equipment to a passenger for an adventure flight of the aircraft; and
  - (b) the clothing or equipment is supplied to the passenger before the briefing mentioned in subregulation 132.155(2) is given to the passenger.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**132.140 Passengers who cannot understand safety briefing to be accompanied on adventure flights**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
  - (a) the aircraft is used to conduct an adventure flight; and
  - (b) the person giving a passenger on the flight the briefing mentioned in subregulation 132.155(2) reasonably believes that the passenger is not able to understand the briefing; and
  - (c) the passenger is not accompanied on the flight by a parent, guardian or carer.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**Division 132.C.2—Adventure flights—passenger safety briefings**

**132.145 Requirement for passenger safety briefing when booking**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
  - (a) a booking for the carriage of a passenger for an adventure flight of the aircraft is taken by:
    - (i) the operator or an employee or agent of the operator; or
    - (ii) a booking vendor for the aircraft; and
  - (b) before the booking is finalised, the person making the booking is not given a briefing that:
    - (i) complies with regulation 132.150; and
    - (ii) is in a language the person understands.
- (2) Subregulation (1) does not apply to the operator in relation to a booking taken by an agent of the operator or a booking vendor for the aircraft if, before the agent or vendor took the booking:
  - (a) the operator, or the administering authority for the aircraft, had instructed the agent or vendor that the agent or vendor must ensure that a briefing that complies with paragraph (1)(b) is given to a person making a booking for the carriage of a passenger on an adventure flight of the aircraft before finalising the booking; and



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- (b) the operator or the administering authority (as applicable) had given the agent or vendor the information that is necessary for the agent or vendor to give a briefing that complies with regulation 132.150.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).
- Penalty: 50 penalty units.
- Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.
- (4) For the purposes of this regulation, a person is a **booking vendor** for a limited category aircraft if the person takes bookings for the carriage of passengers on adventure flights for the aircraft, but is not the operator of the aircraft or an employee or agent of the operator.

### **132.150 Content of passenger safety briefing when booking**

For subparagraph 132.145(1)(b)(i), the briefing must include the following:

- (a) statements to the effect that:
- (i) the design, manufacture and airworthiness of the aircraft are not required to meet any standard recognised by CASA; and
  - (ii) the aircraft is not required by CASA to be operated to the same safety standards as an aircraft used for regular public transport or charter operations; and
  - (iii) travel in the aircraft is done at the passenger's own risk; and
  - (iv) a more detailed briefing about the safety of the aircraft will be given to the passenger before the passenger boards the aircraft;
- (b) if the person making the booking is not the passenger—information on the effect of regulation 132.155 (requirement for passenger safety briefing before boarding aircraft);
- (c) information on the effect of regulation 132.140 (passengers who cannot understand safety briefing to be accompanied on adventure flights).

**132.155 Requirement for passenger safety briefing before boarding aircraft**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
  - (a) the aircraft is used to conduct an adventure flight; and
  - (b) the requirement mentioned in subregulation (2) is not met for a passenger for the flight.
- (2) For paragraph (1)(b), the requirement is that, on the day of the flight, before the passenger is taken to the aircraft, the passenger must be given a briefing that:
  - (a) complies with subregulation (4); and
  - (b) is in a language the passenger understands.
- (3) Subregulation (1) does not apply to the operator if:
  - (a) the passenger was carried on an earlier flight of the aircraft on the same day; and
  - (b) the requirement mentioned in subregulation (2) was met for the passenger for the earlier flight.
- (4) For paragraph (2)(a), the briefing must include the following:
  - (a) information comparing the safety of the aircraft with aircraft used for regular public transport or charter operations, including that CASA does not require the aircraft to be operated to the same degree of safety as an aircraft used for regular public transport or charter operations;
  - (b) information about the design, airworthiness and type certification of the aircraft, including that the design, manufacture and airworthiness of the aircraft are not required to meet any standard recognised by CASA;
  - (c) a statement of the risks associated with undertaking the flight;
  - (d) a statement to the effect that travel in the aircraft is done at the passenger's own risk;
  - (e) if the operator requires the passenger to wear safety equipment (other than a seat belt) during the flight—a statement that the safety equipment must be worn and information about its purpose.

Note: For other provisions about the safety of aircraft occupants, see Division 4 of Part 14 of CAR.

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- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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

### **132.160 Acknowledgement by passengers who are at least 18 and who can understand passenger safety briefing**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and
  - (b) a passenger for the flight is at least 18; and
  - (c) the person giving the passenger the briefing mentioned in subregulation 132.155(2) reasonably believes that the passenger is able to understand the briefing; and
  - (d) the requirement mentioned in subregulation (2) is not met for the passenger for the flight.
- (2) For paragraph (1)(d), the requirement is that, on the day of the flight, before the passenger is taken to the aircraft:
- (a) the passenger must be given a written copy of the briefing mentioned in subregulation 132.155(2) in a language the passenger understands; and
  - (b) the passenger must sign an acknowledgement, in a language that the passenger understands, that the passenger has received and understood:
    - (i) the briefing mentioned in subregulation 132.155(2); and
    - (ii) the written copy of the briefing.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **132.165 Acknowledgement for passengers under 18 or who cannot understand passenger safety briefing**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and

- (b) either or both of the following apply to a passenger for the flight:
    - (i) the passenger is under 18;
    - (ii) the person giving the passenger for the flight the briefing mentioned in subregulation 132.155(2) reasonably believes that the passenger will not be able to understand the briefing; and
  - (c) the requirement mentioned in subregulation (2) is not met for the passenger for the flight.
- (2) For paragraph (1)(c), the requirement is that, before the passenger is taken to the aircraft:
- (a) a parent, guardian or carer of the passenger must have been given a written copy of the briefing mentioned in subregulation 132.155(2) in a language the parent, guardian or carer understands; and
  - (b) the parent, guardian or carer of the passenger must have signed an acknowledgement, in a language that the parent, guardian or carer understands, that he or she has received and understood the written copy of the briefing.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **132.170 Retention of acknowledgements**

- (1) The operator of a limited category aircraft contravenes this subregulation if:
- (a) the aircraft is used to conduct an adventure flight; and
  - (b) a signed acknowledgement mentioned in paragraph 132.160(2)(b) or 132.165(2)(b) for a passenger for the flight is not retained by the operator for at least 3 months after the day the flight ends.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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## **Subpart 132.D—Limited category aircraft— certification and airworthiness requirements**

### **Division 132.D.1—Certification and airworthiness— general**

#### **132.175 Advice about modifications, repairs, damage, defects and life-limited aeronautical products**

*Giving advice on request from aircraft operator*

- (1) The operator of a limited category aircraft may, in writing, ask the administering authority for the aircraft for its advice about any of the following matters in relation to the aircraft:
  - (a) whether a modification or repair is a major modification or repair;
  - (b) whether damage is major damage;
  - (c) whether a defect is a major defect;
  - (d) whether a life-limited aeronautical product for the aircraft is a safety-critical aeronautical product for the aircraft.
- (2) If the administering authority for a limited category aircraft receives a request from the operator of the aircraft under subregulation (1) about a matter in relation to the aircraft, the authority must give the operator of the aircraft, in writing, its advice about the matter.

*Giving advice on administering authority's initiative*

- (3) The administering authority for a limited category aircraft may, on its own initiative, give the operator of the aircraft, in writing, the authority's advice about a matter mentioned in subregulation (1) in relation to the aircraft.

Note: Under regulation 47 of CAR:

- (a) damage to a limited category aircraft is taken not to be major damage if, under this regulation, advice has been given that the damage is not major damage; and
- (b) a defect in a limited category aircraft is taken not to be a major defect if, under this regulation, advice has been given that the defect is not a major defect.

**132.180 Requirements for giving approvals, certificates and advice—individuals**

*Individuals must be authorised to give approvals, certificates and advice*

- (1) An individual contravenes this subregulation if:
  - (a) the individual gives, on behalf of a limited category organisation, an approval, certificate or advice covered by subregulation (4) for a limited category aircraft; and
  - (b) the individual is not authorised under subregulation 132.185(1) by the organisation to give the advice, approval or certificate for the aircraft.

*Individuals must comply with relevant requirements when giving approvals, certificates and advice*

- (2) An individual contravenes this subregulation if:
  - (a) the individual gives, on behalf of a limited category organisation, an approval, certificate or advice covered by subregulation (4); and
  - (b) a procedure included in the organisation's manual for the purposes of paragraph 262AN(3)(d) of CAR applies to the individual and the approval, certificate or advice; and
  - (c) the individual does not comply with the procedure in relation to the giving of the approval, certificate or advice.
- (3) An individual contravenes this subregulation if:
  - (a) the individual gives, on behalf of a limited category organisation, an approval, certificate or advice covered by subregulation (4); and
  - (b) the approval, certificate or advice is covered by a requirement prescribed by the Part 132 Manual of Standards; and
  - (c) the individual does not comply with the requirement.

*Kinds of approvals, certificates and advice*

- (4) The approvals, certificates and advice covered by this subregulation are:
  - (a) certificates of airworthiness;

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- (b) an approval mentioned in regulation 132.030 (approval of modifications and repairs);
  - (c) a certificate mentioned in subregulation 132.105(3) (operation of an aircraft that has a major modification or repair for an adventure flight subject to limitations);
  - (d) a certificate stating an airframe life for the aircraft's airframe given by the administering authority for the aircraft;
  - (e) advice under regulation 132.175 (advice about modifications, repairs, damage etc.);
  - (f) an approval or certificate prescribed by the Part 132 Manual of Standards under subparagraph 262AN(3)(d)(vi) of CAR.

*Offence*

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

**132.185 Authorisations to give approvals, certificates and advice for limited category aircraft**

*How individuals become authorised to give approvals, certificates and advice*

- (1) An individual is authorised under this subregulation to give, on behalf of a limited category organisation, an approval, a certificate or advice of a kind covered by subregulation 132.180(4) for a limited category aircraft if the individual holds a written authorisation, issued by the limited category organisation, to give the approval, certificate or advice for the aircraft.

*Individuals must have relevant qualifications and experience*

- (2) A limited category organisation must not issue an authorisation to an individual for the purposes of subregulation (1) unless the organisation is satisfied that the individual has the qualifications and experience prescribed by the Part 132 Manual of Standards.

*Approvals, certificates and advice given on behalf of limited category organisations*

- (3) If an individual is authorised under subregulation (1) by a limited category organisation, approvals, certificates and advice given by the individual in accordance with the approval are taken, for the purposes of these Regulations (other than regulation 132.180), to have been given by the limited category organisation.

**132.190 Requirements for giving approvals, certificates and advice—limited category organisations**

- (1) A limited category organisation contravenes this subregulation if:
- (a) the organisation gives an approval, certificate or advice covered by subregulation 132.180(4); and
  - (b) a procedure included in the organisation's manual for the purposes of paragraph 262AN(3)(d) of CAR is not complied with in relation to the giving of the approval, certificate or advice.
- (2) A limited category organisation contravenes this subregulation if:
- (a) the organisation gives an approval, certificate or advice covered by subregulation 132.180(4); and
  - (b) the approval or certificate is covered by a requirement prescribed by the Part 132 Manual of Standards; and
  - (c) the organisation does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

**Division 132.D.2—Certification and airworthiness—permit index numbers**

**132.195 Assignment of permit index numbers—general**

- (1) A permit index number assigned to a limited category aircraft must:
- (a) meet the requirements prescribed by the Part 132 Manual of Standards for the assignment of the number; and



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(b) not be likely to have an adverse effect on the safety of other airspace users or persons on the ground or water.

(2) A permit index number must be a whole number from 0 to 3.

Note: For the assignment of a permit index number with the issue of a limited category certificate, see subregulation 21.176(5).

### **132.200 Assignment of new permit index numbers on initiative of administering authority**

The administering authority for a limited category aircraft must assign a new permit index number to the aircraft if satisfied that the aircraft's existing permit index number does not comply with regulation 132.195.

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

### **132.205 Assignment of new permit index numbers at CASA direction**

- (1) This regulation applies if:
- (a) there is a limited category organisation in relation to a limited category aircraft; and
  - (b) CASA is satisfied that the aircraft's existing permit index number does not comply with regulation 132.195.
- (2) CASA must direct the organisation to assign a new permit index number to the aircraft.
- (3) The organisation contravenes this subregulation if it does not comply with the direction.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

### **132.210 Assignment of new permit index numbers on application by registered operator**

- (1) The registered operator of a limited category aircraft may apply, in writing, to the administering authority for the aircraft for the assignment of a new permit index number for the aircraft.

- (2) Part 11 applies to an application mentioned in subregulation (1) as if a permit index number were an authorisation (within the meaning of Part 11).
- (3) Subject to regulation 11.055, the administering authority must assign a new permit index number to the aircraft.

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

### **132.215 When assignment of new permit index number takes effect**

An assignment of a new permit index number for a limited category aircraft takes effect when the aircraft's registered operator is given, under regulation 132.200, 132.205 or 132.210, a reissued limited category certificate for the aircraft, or a reissued attachment to the certificate, that includes the new number.

Note: The permit index number initially assigned to the aircraft must be included in the limited category certificate or an attachment to the certificate: see paragraph 21.176(5A)(b).

### **132.220 Notice to operator if new permit index number assigned**

If a new permit index number is assigned to a limited category aircraft, and the registered operator is not the aircraft's operator, the administering authority for the aircraft must give written notice of the assignment of the new permit index number to the aircraft's operator.

## **Division 132.D.3—Certification and airworthiness—notice to CASA of certain matters**

### **132.225 Notice to CASA—permit index numbers assigned by limited category organisation for aircraft**

- (1) This regulation applies if a permit index number is assigned to a limited category aircraft under subregulation 21.176(5) or Division 132.D.2 by a limited category organisation.
- (2) The limited category organisation contravenes this subregulation if the organisation does not give CASA written notice of the assignment of the number in accordance with subregulation (3).
- (3) The notice must:

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- (a) include the aircraft's registration mark and the permit index number assigned to the aircraft; and
  - (b) be given not later than 14 days after the day the number is assigned.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 10 penalty units.

**132.230 Notice to CASA—certain proposed actions by limited category organisation**

- (1) This regulation applies if a limited category organisation proposes to:
  - (a) refuse to issue a limited category certificate;
  - (b) refuse to vary a limited category certificate.
- (2) This regulation also applies if:
  - (a) a limited category organisation proposes to assign a new permit index number to a limited category aircraft under Division 132.D.2; and
  - (b) the aircraft's existing permit index number was assigned by CASA.
- (3) The limited category organisation contravenes this subregulation if it does not give CASA notice of the proposed action in accordance with the organisation's operations manual.
- (4) CASA may give the limited category organisation any advice or comments it considers appropriate in relation to the proposed action within the period mentioned in the manual.
- (5) The limited category organisation contravenes this subregulation if it does not have regard to any advice or comments given to it by CASA under subregulation (4) when deciding whether to take the action.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (3) or (5).

Penalty: 10 penalty units.

**132.235 Notice to CASA—safety of aircraft**

- (1) This regulation applies if a limited category organisation reasonably believes that:
  - (a) a matter exists in relation to a limited category aircraft; and
  - (b) CASA might want to exercise its powers under subregulation 21.181(6) to suspend or cancel the aircraft's limited category certificate because of the matter.
- (2) The organisation must give CASA notice of the matter in accordance with the organisation's operations manual.

**Subpart 132.M—Limited category aircraft—  
airworthiness and maintenance**

Note: This Subpart is reserved for future use.

**31 Subregulation 201.004(2) (after table item 4)**

Insert:

- 4A under subregulation 21.176(5) or Division 132.D.2:
  - (a) to assign a permit index number to the aircraft; or
  - (b) to refuse to assign a new permit index number requested by the aircraft's registered operator

**32 At the end of subregulation 201.004(4)**

Add:

- ; (e) a limited category organisation.

**33 At the end of subregulation 201.004(5)**

Add:

- ; (e) under subregulation 21.176(5) or Division 132.D.2, a decision by a limited category organisation:
  - (i) to assign a permit index number to a limited category aircraft; or
  - (ii) to refuse to assign a new permit index number requested by the registered operator of a limited category aircraft.

**34 At the end of Division 202.AJ.1**

Add:

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**Subdivision 202.AJ.1.D—Amendments made by the Civil Aviation Legislation Amendment (Part 132) Regulation 2016**

**202.052AA Definitions for Subdivision 202.AJ.1.D**

In this Subdivision:

*commencement time* means the commencement of the *Civil Aviation Legislation Amendment (Part 132) Regulation 2016*.

**202.052B Applications for certain limited category certificates made but not finally determined before commencement time**

- (1) This regulation applies if, before the commencement time, an application for a limited category certificate for an aircraft was made but had not been finally determined.
- (2) The application must be determined in accordance with regulations 21.176 and 21.189 as in force before the commencement time.

**202.052C Application of subregulations 21.176(5) and (5A)—limited category certificates issued on or after commencement time**

Subregulations 21.176(5) and (5A) apply to a limited category certificate for an aircraft issued on or after the commencement time.

**202.052D Certain special purpose operations for limited category aircraft**

- (1) This regulation applies if, immediately before the commencement time, a person held a special certificate of airworthiness for operating an historic or ex-military aircraft in adventure style operations.
- (2) The person is taken, on and after the commencement time, to hold a special certificate of airworthiness for conducting adventure flights in an historic or ex-military aircraft.

**202.052E Certain experimental certificates for certain ex-armed forces aircraft expire no later than 6 months after the commencement time**

- (1) This regulation applies to an experimental certificate for an ex-armed forces aircraft if:
  - (a) it was in force or under suspension immediately before the commencement time; and
  - (b) it was issued for a purpose mentioned in paragraph 21.191(d) (exhibition).

Note: A suspended certificate is taken not to be in force: see regulations 11.132, 21.002C and 21.195B.

- (2) The certificate expires at the earliest of the following times:
  - (a) if a period for which the certificate is in force is specified in the certificate—the end of the period;
  - (b) when a limited category certificate is issued for the aircraft;
  - (c) when the certificate is cancelled;
  - (d) when the aircraft ceases to be registered in Australia;
  - (e) the day after the end of the period of 6 months beginning at the commencement time.
- (3) This regulation applies despite subregulation 21.195B(2).

**35 After Subpart 202.FR**

Insert:

**Subpart 202.FS—Transitional provisions for Part 132 (Limited category aircraft)**

**Division 202.FS.1—Amendments made by the Civil Aviation Legislation Amendment (Part 132) Regulation 2016**

**202.609 Definitions for Division 202.FS.1**

In this Division:

***commencement time*** means the commencement of the *Civil Aviation Legislation Amendment (Part 132) Regulation 2016*.

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**202.610 Warning placards**

- (1) This regulation applies to an aircraft for which a limited category certificate was in force immediately before the commencement time.
- (2) A placard that:
  - (a) was fitted to the aircraft before the commencement time; and
  - (b) bears the warning set out in subregulation 262AM(6) of CAR (as in force immediately before the commencement time);is taken, on and after the commencement time, to comply with the Part 132 Manual of Standards.

**202.611 Permit indexes assigned by CASA or Australian Warbirds Association Limited**

- (1) This regulation applies if, immediately before the commencement time:
  - (a) a limited category certificate for an aircraft was in force or under suspension; and
  - (b) a permit index assigned to the aircraft under regulation 262AM of CAR by CASA or the Australian Warbirds Association Limited was in force.
- (2) The permit index is taken to be the permit index number for the aircraft.
- (3) The permit index number is taken to have been assigned to the aircraft under subregulation 21.176(5).

**202.612 Limited category aircraft without permit index***Aircraft with limited category certificates in force*

- (1) Subregulation (2) applies if, immediately before the commencement time:
  - (a) a limited category certificate for an aircraft was in force; and
  - (b) there was no permit index in force for the aircraft under regulation 262AM of CAR.
- (2) The administering authority for the aircraft must assign a permit index number to the aircraft in accordance with regulation 132.195.

*Aircraft with limited category certificates under suspension*

- (3) Subregulation (4) applies if, immediately before the commencement time:
  - (a) a limited category certificate for an aircraft was under suspension; and
  - (b) there was no permit index in force for the aircraft under regulation 262AM of CAR.
- (4) If the suspension is lifted, the administering authority for the aircraft must assign a permit index number to the aircraft in accordance with regulation 132.195.

Note: The administering authority must also reissue the limited category certificate for the aircraft, or an attachment to the certificate, so that the certificate or attachment includes the permit index number: see regulation 132.215.

**202.613 Approval of major modifications and repairs**

- (1) This regulation applies to an aircraft if, immediately before the commencement time:
  - (a) a limited category certificate was in force for the aircraft; and
  - (b) the certificate included operating historic or ex-military aircraft in adventure style operations as a special purpose operation for the aircraft; and
  - (c) the aircraft has a major modification or repair.
- (2) On and after the commencement time, the major modification or repair is taken to have been approved for the purposes of regulation 132.030.

**202.614 Approval to carry more than 6 passengers**

- (1) This regulation applies to an aircraft if, immediately before the commencement time, an approval under paragraph 262AM(4)(a) of CAR to carry a greater number of passengers than 6 was in force for the aircraft.
- (2) On and after the commencement time, the approval has effect as if it were an approval granted under regulation 132.035 for the purposes of paragraph 132.050(2)(d).



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**36 Part 1 of the Dictionary**

Insert:

*administering authority*, for a limited category aircraft: see regulation 132.010.

*adventure flight*, for a limited category aircraft: see regulation 132.015.

*adventure flight procedures*, for a limited category aircraft: see regulation 132.010.

*approved airframe life*, for a limited category aircraft: see regulation 132.010.

*ex-armed forces aircraft*: see regulation 132.010.

*historic aircraft*: see regulation 132.010.

*life limit*, for an aeronautical product that is fitted, or is to be fitted, to a limited category aircraft, has the meaning given by the Part 132 Manual of Standards.

**37 Part 1 of the Dictionary**

Insert:

*limited category aircraft*: see regulation 132.010.

*limited category certificate*: see regulation 132.010.

*limited category organisation*: see regulation 132.010.

*major*, for a modification or repair to a limited category aircraft: see regulation 132.020.

**38 Part 1 of the Dictionary (definition of *operations manual*)**

Repeal the definition, substitute:

*operations manual* means:

- (a) for an operator as defined in regulation 212 of CAR—the manual required to be provided by the operator under regulation 215 of CAR; or
- (b) for a limited category organisation—the manual mentioned in subregulation 262AN(2) of CAR for the organisation.

### 39 Part 1 of the Dictionary

Insert:

*Part 132 Manual of Standards* means the Manual of Standards issued by CASA under regulation 132.040.

*permit index number*, for an aircraft for which a limited category certificate has been issued: see regulation 132.010.

*populous area* includes a city and a town.

*safety-critical aeronautical product*, for a limited category aircraft: see regulation 132.025.

*special purpose operation*, for an aircraft in the limited category, means an operation mentioned in subregulation 21.189(3).

### 40 Clause 55 of Part 2 of the Dictionary

Repeal the clause (including the note).

## *Transport Safety Investigation Regulations 2003*

### 41 Regulation 2.2 (definition of *charter operation*)

Repeal the definition (including the note), substitute:

*charter operation* means an operation for the purpose of:

- (a) the carriage of passengers or cargo for hire or reward to or from any place, other than:
  - (i) carriage in accordance with fixed schedules to and from fixed terminals; or
  - (ii) carriage on limited category aircraft for adventure flights within the meaning of the *Civil Aviation Safety Regulations 1998*; or
- (b) the carriage, in accordance with fixed schedules to and from fixed terminals, of passengers or cargo or passengers and cargo in circumstances in which the accommodation in the aircraft is not available for use by persons generally.