



# Civil Aviation Safety Regulations 1998

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made under the

*Civil Aviation Act 1988*

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Volume 1: rr. 1.001–42.1105

Volume 2: rr. 45.005–92.205

Volume 3: rr. 99.005–137.300

**Volume 4: rr. 139.005–202.900**  
**Dictionary and Endnotes**

Each volume has its own contents

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### The compiled instrument

This is a compilation of the *Civil Aviation Safety Regulations 1998* as amended and in force on 1 May 2014. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 1 May 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

### Uncommenced provisions and amendments

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

### Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

### Modifications

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

### Provisions ceasing to have effect

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.

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## Subpart 139.A—General

### 139.005 Applicability of this Part

This Part deals with the operation of aerodromes and includes rules about the following matters:

- (a) certification of aerodromes and the requirements that apply to operators of certified aerodromes;
- (b) registration of aerodromes and the requirements that apply to operators of registered aerodromes;
- (c) reporting officer and safety inspection requirements that apply to operators of certain other aerodromes used for regular public transport operations or charter operations;
- (d) obstacles and hazards at aerodromes;
- (e) obligations of aerodrome operators in relation to radio communication services and rescue and fire fighting services.

### 139.010 Definitions for this Part

In this Part (other than Subpart 139.H):

***Manual of Standards*** means the document called ‘Manual of Standards (MOS) – Part 139 Aerodromes’ published by CASA, as in force from time to time.

***MBZ*** means mandatory broadcast zone.

***time-limited works*** has the same meaning as in the Manual of Standards.

### 139.015 Standards for aerodromes

The standards for aerodromes are those set out in the Manual of Standards.

### 139.025 Access to aerodromes

- (1) The operator of a certified aerodrome or a registered aerodrome must allow CASA to conduct tests of aerodrome facilities,

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equipment or operating procedures at the aerodrome for the purpose of ensuring the safety of aircraft.

- (2) The operator must allow CASA access to any part of the aerodrome or any aerodrome facilities, equipment or records for the purposes of subregulation (1).
- (3) CASA:
  - (a) must give reasonable notice of any tests to be conducted to the operator; and
  - (b) must carry out the tests at a reasonable time.
- (4) Subregulations (1) and (2) do not limit the operation of regulation 305 of CAR.

**139.030 Restrictions on use of terminal instrument flight procedures**

- (1) The operator of an aerodrome commits an offence if:
  - (a) the aerodrome is not a certified aerodrome or registered aerodrome; and
  - (b) there is a terminal instrument flight procedure for the aerodrome; and
  - (c) the terminal instrument flight procedure is not only for use in a specialised helicopter operation.

Penalty: 10 penalty units.

- (2) The operator of an aerodrome commits an offence if:
  - (a) there is a terminal instrument flight procedure for the aerodrome; and
  - (b) the terminal instrument flight procedure is not only for use in a specialised helicopter operation; and
  - (c) the aerodrome:
    - (i) ceases to be a certified aerodrome and does not become a registered aerodrome; or
    - (ii) ceases to be a registered aerodrome and does not become a certified aerodrome; and
  - (d) the operator does not, in writing and as soon as possible after the cessation, tell each of the following of the cessation:

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- (i) the AIS;
- (ii) the certified designer of the procedure.

Penalty: 10 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) In this regulation:

*certified designer* has the meaning given by regulation 173.015.

**139.035 No effect on operation of *Airports (Building Control) Regulations 1996* etc**

Nothing in this Part affects the operation of the *Airports (Building Control) Regulations 1996*, the *Airports (Protection of Airspace) Regulations 1996* or the *Airports (Control of On-Airport Activities) Regulations 1997*.

## **Subpart 139.B—Certified aerodromes**

### **Division 139.B.1—Aerodrome certificate**

#### **139.040 When an aerodrome certificate is required**

- (1) A person must not operate an aerodrome to which subregulation (3) applies if the aerodrome is not a certified aerodrome.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) This subregulation applies to an aerodrome that:
  - (a) has a runway that is suitable for use by aircraft having:
    - (i) a maximum passenger seating capacity of more than 30 seats; or
    - (ii) a maximum carrying capacity of more than 3 400 kilograms; and
  - (b) is available for use in regular public transport operations or charter operations by such aircraft.

Note: See also regulation 139.030 for restrictions on the use of terminal instrument flight procedures.

#### **139.045 Application for aerodrome certificate**

A person (the *applicant*) may apply to CASA for an aerodrome certificate authorising the person to operate an aerodrome at the place specified in the application.

#### **139.050 Grant of aerodrome certificate**

Subject to regulation 11.055, CASA must grant an aerodrome certificate to an applicant if CASA is satisfied that:

- (a) the aerodrome's facilities and equipment are in accordance with the standards specified in the Manual of Standards for a certified aerodrome; and

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- (b) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft; and
- (c) an aerodrome manual, in accordance with regulation 139.095, has been prepared for the aerodrome; and
- (d) the applicant would, if the certificate is granted, be able properly to operate and maintain the aerodrome.

**139.070 Suspension or cancellation by CASA**

- (1) CASA may, by written notice given to the holder of an aerodrome certificate, suspend or cancel the certificate if there are reasonable grounds for believing that:
  - (a) a condition to which the certificate is subject has been breached; or
  - (b) the aerodrome facilities, operations or maintenance are not of the standard necessary in the interests of the safety of air navigation; or
  - (c) the holder has failed to comply with regulation 139.025.
- (2) Before suspending or cancelling an aerodrome certificate, CASA must:
  - (a) give to the holder a show cause notice that:
    - (i) sets out the facts and circumstances that, in the opinion of CASA, would justify the suspension or cancellation; and
    - (ii) invites the holder to show cause, in writing, within 30 days after the date of the notice, why the certificate should not be suspended or cancelled; and
  - (b) take into account any written submissions that the holder makes to CASA within the time allowed under subparagraph (a)(ii).

**139.085 Temporary aerodrome certificate**

- (1) Subject to regulation 11.055, CASA must grant a temporary aerodrome certificate to an applicant under regulation 139.045 if:
  - (a) the applicant's application is for a certificate to operate an aerodrome for which an existing aerodrome certificate is in force; and

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- (b) the holder of the existing aerodrome certificate has given CASA a request under regulation 11.130 for the certificate to be cancelled; and
  - (c) the cancellation of the existing aerodrome certificate will have effect before CASA can fully consider the applicant's application; and
  - (d) CASA is satisfied that the applicant will be able to properly operate and maintain the aerodrome for the duration of the temporary certificate.
- (2) A temporary aerodrome certificate must not be granted for a period of longer than 60 days.

## **Division 139.B.2—Aerodrome manual**

### **139.090 Preparation and location of aerodrome manual**

- (1) The operator of a certified aerodrome must have an aerodrome manual, in accordance with regulation 139.095, for the aerodrome.

Penalty: 10 penalty units.

- (2) The operator must give CASA a copy of the manual and must keep another copy at the operator's principal place of business or at the aerodrome.

Penalty: 10 penalty units.

- (3) The operator must make the copy of the manual kept at the operator's principal place of business or at the aerodrome available to authorised persons during normal business hours.

Penalty: 10 penalty units.

- (4) Strict liability applies to the physical element of an offence against subregulation (1) that the operator is required to have an aerodrome manual for the aerodrome.

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

### **139.095 Information to be included in aerodrome manual**

For subregulation 139.090 (1), the aerodrome manual must include:

- (a) the following information, to the extent that the information is applicable to the aerodrome:
- (i) the particulars of the aerodrome site mentioned in Appendix 1 to this subparagraph;
  - (ii) the particulars of the aerodrome administration and operating procedures mentioned in Appendix 1 to this subparagraph;

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- (iii) the particulars of the aerodrome to be notified in AIP-ERSA, mentioned in Appendix 1 to this subparagraph;
- (iv) particulars of any condition to which the operator's aerodrome certificate is subject;
- (v) particulars of any direction given to the operator by CASA under regulation 139.105; and
- (b) if particular information referred to in paragraph (a) is not included in the manual because it is not applicable to the aerodrome:
  - (i) a statement to the effect that the information is not applicable; and
  - (ii) the reasons why it is not applicable; and
- (c) if CASA grants the operator an exemption under regulation 11.160 in relation to the aerodrome:
  - (i) any identifying number given to the exemption by CASA; and
  - (ii) the date on which the exemption came into effect; and
  - (iii) any condition subject to which the exemption is granted.

**Appendix 1 to subparagraph 139.095 (a)(i) (Particulars of the aerodrome site)**

*Aerodrome site*

For subparagraph 139.095 (a)(i), the particulars are as follows:

- (a) a plan of the aerodrome showing the main aerodrome facilities, including the wind direction indicators, for the operation of the aerodrome;
- (b) a plan of the aerodrome showing the aerodrome boundaries;
- (c) a plan showing the distance of the aerodrome from the nearest city, town or other populous area, and the location of any aerodrome facilities and equipment outside the boundaries of the aerodrome;
- (d) either:
  - (i) particulars of title of the aerodrome site; or
  - (ii) if the boundaries of the aerodrome are not defined in the documents of title—the particulars of the title to,

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or interests in, the property on which the aerodrome is located and a plan showing the boundaries and position of the aerodrome.

***Appendix 1 to subparagraph 139.095 (a)(ii) (Particulars of the aerodrome administration and operating procedures)***

For subparagraph 139.095 (a)(ii), the particulars are as follows:

*Aerodrome administration*

- (a) particulars of the aerodrome administration including the following:
  - (i) the organisational structure;
  - (ii) the management positions responsible for the operation and maintenance of the aerodrome;
  - (iii) contact details of the person who is the aerodrome manual controller;
  - (iv) contact details for the main persons responsible for aerodrome operations and safety functions;

*Aerodrome emergency plan*

- (b) particulars of the aerodrome emergency plan, including details of the following:
  - (i) the composition of the aerodrome emergency committee and contact details for the emergency service organisations represented on the committee;
  - (ii) a description of the role of each emergency service organisation involved in the plan;
  - (iii) the activation, control and coordination of the emergency service organisations during an emergency;
  - (iv) the aerodrome's emergency facilities and arrangements for keeping them in readiness;
  - (v) the operational response to an emergency, including arrangements for aerodrome access and assembly areas;
  - (vi) the response to a local stand-by call out;
  - (vii) the response to a full emergency call out;

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- (viii) the arrangements to return the aerodrome to operational status after an emergency;
- (ix) the arrangements for periodic review and testing of the aerodrome emergency plan;

*Aerodrome lighting*

- (c) particulars of the procedures for the inspection and maintenance of the aerodrome lighting (including obstacle lighting) and the supply of stand-by power (if any), including details of the following:
  - (i) the arrangements for carrying out inspections and the checklist for inspections;
  - (ii) the arrangements for recording the results of inspections and for taking follow-up action to correct deficiencies;
  - (iii) the arrangements for switching lights on and off, including back-up arrangements for pilot-activated lighting;
  - (iv) the arrangements for carrying out routine maintenance and emergency maintenance;
  - (v) the arrangements for stand-by power, if any, and, if applicable, particulars of any other method of dealing with partial or total system failure;
  - (vi) the names and roles of the persons who are responsible for the inspection and maintenance of the lighting and the telephone numbers for contacting them during and after working hours;

*Aerodrome reporting*

- (d) particulars of the procedures for reporting any changes to the aerodrome information set out in AIP and procedures for requesting the issue of NOTAMS, including details of the following:
  - (i) the arrangements for reporting any changes that may affect aircraft operations to AIS and local air traffic services and recording the reporting of changes during and outside the normal hours of aerodrome operation;
  - (ii) the contact details for the persons and organisations to which changes are to be reported;

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- (iii) the name of the reporting officer responsible for reporting the changes and the telephone numbers for contacting him or her during and after working hours;
- (iv) the arrangements for reporting changes of aerodrome information published in AIP to AIS and CASA;
- (v) the arrangements for keeping records of reports made;

*Unauthorised entry to aerodrome*

- (e) particulars of the procedures for preventing the unauthorised entry of persons, vehicles, equipment, plant or animals, or other things that may endanger aircraft safety, into the movement area, including details of the following:
  - (i) the arrangements for controlling airside access;
  - (ii) the names and roles of the persons who are responsible for controlling access to the movement area and the telephone numbers for contacting them during and after working hours;

*Aerodrome serviceability inspections*

- (f) particulars of the procedures for carrying out aerodrome serviceability inspections, including details of the following:
  - (i) the arrangements for carrying out the inspections during and after working hours;
  - (ii) details of the intervals at which the inspections are carried out and the times of the inspections;
  - (iii) the arrangements for keeping an inspection logbook and the place where the logbook is kept;
  - (iv) details of the inspection checklist;
  - (v) the arrangements for communicating with air traffic control during the inspections;
  - (vi) the arrangements for reporting the results of the inspections and for taking prompt follow-up action to ensure correction of unsafe conditions;
  - (vii) the names and roles of the persons who are responsible for carrying out the inspections and the telephone numbers for contacting them during and after working hours;

*Aerodrome technical inspections*

- (g) particulars of the procedures for carrying out aerodrome technical inspections, including details of the following:
  - (i) the items that need to be technically inspected and when the inspections are to be carried out;
  - (ii) the arrangements for technically qualified people to carry out the technical inspections;
  - (iii) the arrangements for recording the results of the inspections and for taking prompt follow-up action to ensure correction of defects;

*Aerodrome works safety*

- (h) particulars of the procedures for planning and safely carrying out aerodrome works (including works that may have to be carried out at short notice), including details of the following:
  - (i) the preparation of a method-of-working plan identifying areas of the aerodrome affected during each stage of the work and steps taken to ensure safety standards are met;
  - (ii) the distribution list for the method-of-working plan;
  - (iii) the arrangements for telling aircraft operators and other aerodrome users of the method-of-working plan and the telephone numbers for contacting those operators and users during and after working hours;
  - (iv) the arrangements for communicating with air traffic control and aircraft during the carrying out of the works;
  - (v) the arrangements for carrying out time-limited works;
  - (vi) the names, telephone numbers and roles of the persons and organisations responsible for planning and carrying out the works, and the arrangements for contacting those persons and organisations at all times;

*Aircraft parking control*

- (i) particulars of the procedures for aircraft parking control, if established, including details of the following:
  - (i) the arrangements between air traffic control and apron management;
  - (ii) the arrangements for allocating aircraft parking positions;

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- (iii) the arrangements for initiating engine start and ensuring clearances for aircraft push-back;
- (iv) an inventory and description of the activation and deactivation of any visual docking guidance system used at the aerodrome;
- (v) the marshalling service;
- (vi) the leader (van) service or follow-me service;
- (vii) the names, telephone numbers and roles of the persons responsible for planning and implementing aircraft parking control;

*Airside vehicle control*

- (j) if procedures have been established at the aerodrome for the control of surface vehicles operating on or near the movement area, particulars of those procedures, including details of the following:
  - (i) the applicable traffic rules (including speed limits) and the means of enforcement of the rules;
  - (ii) the method of instructing and testing drivers in relation to the applicable traffic rules;
  - (iii) the names, telephone numbers and roles of the persons who are responsible for airside vehicle control;

*Bird and animal hazard management*

- (k) particulars of the procedures to deal with danger to aircraft operations caused by the presence of birds or animals on or near the aerodrome, including details of the following:
  - (i) the arrangements for assessing any bird or animal hazard;
  - (ii) the arrangements for the removal of any bird or animal hazard;
  - (iii) the names and roles of the persons responsible for dealing with bird or animal hazards, and the telephone numbers for contacting them during and after working hours;

*Obstacle control*

- (l) particulars of the following:

- (i) the procedures for monitoring the obstacle limitation surfaces and the Type A chart take-off surface for obstacles;
- (ii) the procedures for monitoring building developments (in relation to the height of buildings and other structures) within the horizontal limits of the obstacle limitation surfaces;
- (iii) if the aerodrome has instrument approach procedures—the procedures for monitoring for new objects or building developments in any other areas nominated by the instrument procedure designers;
- (iv) the arrangements between CASA, local planning authorities and other relevant organisations in relation to the approval of building developments that may infringe the obstacle limitation surfaces;
- (v) the names, telephone numbers and roles of the persons responsible for planning and implementing obstacle control;

*Disabled aircraft removal*

- (m) particulars of the procedures for removing an aircraft that is disabled on or near the movement area, including details of the following:
  - (i) the roles of the aerodrome operator and the holder of the aircraft's certificate of registration;
  - (ii) the arrangements for telling the holder of the certificate of registration;
  - (iii) the arrangements for liaising with air traffic control and the Australian Transport Safety Bureau;
  - (iv) the arrangements for obtaining equipment and persons to remove the aircraft;
  - (v) the names and roles of the persons who are responsible for arranging for the removal of an aircraft which is disabled, and the telephone numbers for contacting them during and after working hours;

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*Handling of hazardous materials*

- (n) particulars of the procedures for the safe handling of hazardous materials on the aerodrome, including details of the following:
  - (i) the names, telephone numbers and roles of the persons who are to receive and handle hazardous materials;
  - (ii) the arrangements for special areas on the aerodrome to be set up for the storage of flammable liquids (including aviation fuels) and any other hazardous materials;
  - (iii) the methods to be followed for the delivery, storage, dispensing and handling of these materials;

Note 1: Hazardous materials include explosives, flammable liquids and solids, corrosive liquids, compressed gases, and magnetised or radioactive materials.

Note 2: The arrangements to deal with an accidental spillage of hazardous materials are to be set out in the aerodrome emergency plan.

*Protection of radar and navigational aids*

- (o) particulars of the procedures for the protection of radar and navigational aids located on the aerodrome to ensure that their performance will not be degraded, including details of the following:
  - (i) the arrangements for the control of activities near radar and navigational aid installations;
  - (ii) the arrangements, made in consultation with the provider of the navigational aid installation, for the supply and installation of signs warning of hazardous microwave radiation;
  - (iii) the arrangements for ground maintenance near these installations;

*Low visibility operations*

- (p) particulars of the procedures for the management of ground activities at an aerodrome where low visibility operations are conducted, including details of the following:
  - (i) the arrangements for measuring visibility along a runway and passing the information to air traffic control, if required;

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- (ii) the arrangements for minimising vehicular traffic within the movement area during periods of low visibility operations;
- (iii) the arrangements for runway inspections during periods of low visibility operations;
- (iv) the names and roles of the persons who are responsible for managing low visibility operations, and the telephone numbers for contacting them during and after work hours.

***Appendix 1 to subparagraph 139.095 (a)(iii) (Particulars of the aerodrome to be notified in AIP-ERSA)***

For subparagraph 139.095 (a)(iii), the particulars are:

*General information*

- (a) the following general information about the aerodrome:
  - (i) the name of the aerodrome;
  - (ii) the State or Territory where the aerodrome is located;
  - (iii) the geographic coordinates of the aerodrome reference point;
  - (iv) the elevation of the aerodrome, based on the Australian Height Datum;
  - (v) details of the aerodrome beacon;
  - (vi) the name of the aerodrome operator and the address and telephone numbers at which the aerodrome operator may be contacted at all times; and

*Information for runways*

- (b) the following information for each runway at the aerodrome:
  - (i) the magnetic bearing of the runway and the runway number;
  - (ii) the runway reference code number for the approach and take-off areas that have been surveyed;
  - (iii) the length, width and slopes of the runway;
  - (iv) the length and width of the graded and overall runway strip;
  - (v) the pavement surface type and its strength rating;

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- (vi) the runway declared distances and take-off gradient;
- (vii) the supplementary take-off distances;
- (viii) the Aerodrome Obstacle Chart Type A, if applicable;
- and

*Information about visual aid systems*

- (c) the following information about visual aid systems at the aerodrome:
  - (i) the type of runway lighting and the stand-by power, if any, for that lighting;
  - (ii) the type of approach lighting;
  - (iii) the visual approach slope indicator system, if any;
  - (iv) a description of the visual docking guidance systems at any aprons used by aircraft conducting international operations, and the aircraft parking positions where the systems are installed; and

*Local information*

- (d) the following local information about the aerodrome:
  - (i) the hours of operation, if applicable;
  - (ii) the available ground services;
  - (iii) any special procedures;
  - (iv) any local precautions.

**139.100 Form of aerodrome manual**

- (1) The operator of a certified aerodrome must keep the copies of the aerodrome manual for the aerodrome in a printed form.

Penalty: 10 penalty units.

- (2) Other copies of the manual may be kept in an electronic form.
- (3) If CASA approves, the manual may consist of more than 1 document.
- (4) The operator must keep the manual in a way that tells a person reading the manual:

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- (a) when changes have been made to the information in the manual; and
- (b) whether the manual is up-to-date.

Penalty: 10 penalty units.

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

**139.105 Amendments of aerodrome manual**

- (1) The operator of a certified aerodrome must amend the aerodrome manual for the aerodrome, whenever it is necessary to do so, to maintain the accuracy of the manual.

Penalty: 10 penalty units.

- (2) To maintain the accuracy of the aerodrome manual, CASA may give written directions to the operator requiring the operator to amend the manual in accordance with the direction.
- (3) An operator must comply with a direction given to the operator under subregulation (2).

Penalty: 10 penalty units.

**139.110 Notice of amendments**

- (1) The operator of a certified aerodrome must tell CASA, in writing, of any amendment that the operator makes to the aerodrome manual for the aerodrome within 30 days after the amendment is made.

Penalty: 5 penalty units.

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

**139.115 Aerodrome manual controller**

- (1) The operator of a certified aerodrome must appoint a person to be the aerodrome manual controller for the aerodrome's aerodrome manual.

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Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The functions of the aerodrome manual controller are to ensure that:
  - (a) a record is kept of the persons who hold copies of the whole or a part of the aerodrome manual; and
  - (b) updates of information for the manual are distributed to those persons.

## **Division 139.B.3—Operation and maintenance of a certified aerodrome**

### **139.120 Care and diligence in operation and maintenance**

The operator of a certified aerodrome must ensure that the aerodrome is operated and maintained with a reasonable degree of care and diligence.

Penalty: 20 penalty units.

### **139.125 Reporting officer**

- (1) The operator of a certified aerodrome must appoint 1 or more reporting officers for the aerodrome.

Penalty: 10 penalty units.

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

- (3) The functions of a reporting officer are:

- (a) to monitor the serviceability of the aerodrome; and
- (b) to report to the NOTAM Office and air traffic control any changes in conditions, or any other occurrences, at the aerodrome that must be reported under subregulation 139.155 (1).

- (4) The operator must not appoint a person as a reporting officer if the person has not been trained, in accordance with the Manual of Standards, to perform the reporting officer's functions.

Penalty: 10 penalty units.

### **139.130 Works safety officer for aerodrome works other than time-limited works**

- (1) If aerodrome works (other than time-limited works) are being carried out at a certified aerodrome, the operator of the aerodrome must appoint 1 or more persons as works safety officers for the aerodrome works.

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Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The function of a works safety officer is to ensure aerodrome safety while the aerodrome works are being carried out.
- (4) The operator must not appoint a person as a works safety officer for the aerodrome works if the person has not been trained, in accordance with the Manual of Standards, to perform the works safety officer's function.

Penalty: 10 penalty units.

**139.135 Works safety officer for time-limited works**

If time-limited works are being carried out at a certified aerodrome, the operator of the aerodrome must ensure that a person who has been trained, in accordance with the Manual of Standards, to perform the function of a works safety officer performs that function for those works.

Penalty: 10 penalty units.

**139.140 Training of aerodrome personnel**

The operator of a certified aerodrome must ensure that all personnel of the operator are trained in accordance with the standards for training aerodrome personnel set out in the Manual of Standards.

Penalty: 20 penalty units.

**139.145 Aerodrome manual procedures**

- (1) Subject to any directions issued under subregulation (2), the operator of a certified aerodrome must operate and maintain the aerodrome in accordance with the procedures set out in the aerodrome manual for the aerodrome.

Penalty: 25 penalty units.

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- (2) CASA may direct the operator of a certified aerodrome to change the procedures set out in the aerodrome manual, if CASA considers it necessary in the interests of the safety of aircraft.
- (3) An operator must comply with a direction given to the operator under subregulation (2).

Penalty: 25 penalty units.

**139.150 Notice of deviation**

- (1) This regulation applies if a deviation from a procedure set out in the aerodrome manual for a certified aerodrome is made to ensure the safety of aircraft.
- (2) The operator of the aerodrome must tell CASA, in writing, of the deviation within 30 days after the deviation was made.

Penalty: 5 penalty units.

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

**139.155 Notice of changes in physical condition etc of aerodrome**

- (1) The operator of a certified aerodrome must, in accordance with the Manual of Standards, give notice to the NOTAM Office of:
  - (a) any temporary or permanent change in the physical condition of the aerodrome that may affect the safety of aircraft; and
  - (b) any other occurrence relating to the operation or maintenance of the aerodrome that may affect the safety of aircraft.

Penalty: 10 penalty units.

- (2) If the aerodrome is a controlled aerodrome, the notice must also be given to air traffic control.

Penalty: 10 penalty units.

**139.160 Notice of changes in information published in AIP-ERSA**

- (1) To maintain the accuracy of the information published in AIP-ERSA in relation to a certified aerodrome, the operator of the

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aerodrome must tell AIS, in writing, as soon as practicable of any change required to that information (other than a change that is published in NOTAMS).

Penalty: 5 penalty units.

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

**139.165 Physical characteristics of movement area**

The operator of a certified aerodrome must ensure that the physical characteristics of the movement area comply with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

**139.170 Aerodrome markings**

- (1) The operator of a certified aerodrome must mark the following areas of the aerodrome in accordance with the standards set out in the Manual of Standards:
- (a) the movement area;
  - (b) any unserviceable area;
  - (c) any works area on or near the movement area.

Penalty: 10 penalty units.

- (2) The operator must ensure that all aerodrome markings are maintained in accordance with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

- (3) In this regulation:

***unserviceable area*** means a part of the movement area that is unavailable for use by aircraft.

***works area*** means a part of the aerodrome in which maintenance or construction works are in progress that may endanger the safety of aircraft.

### **139.175 Signal area**

- (1) The operator of a certified aerodrome that does not have a continuous air traffic service provided by air traffic control during the day must provide a signal area in accordance with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

- (2) The operator must display an appropriate signal in the signal area in any circumstances set out in the Manual of Standards that require such a signal to be displayed.

Penalty: 10 penalty units.

- (3) The operator must ensure that the signal area and any signal displayed in it are clearly visible to any aircraft intending to use the aerodrome.

Penalty: 10 penalty units.

### **139.180 Wind direction indicators—general**

The operator of a certified aerodrome must, in accordance with the standards for wind direction indicators set out in the Manual of Standards, install and maintain at least 1 wind direction indicator at the aerodrome.

Penalty: 10 penalty units.

### **139.185 Wind direction indicators—requirement for certain runways**

- (1) If a runway at a certified aerodrome is used in non-precision approach operations, the operator of the aerodrome must ensure that there is a wind direction indicator near the end or ends of the runway at which instrument non-precision approach operations can be conducted.

Penalty: 10 penalty units.

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

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- (3) CASA may grant an exemption to the operator under regulation 11.160 from compliance with subregulation (1) only if CASA is satisfied that surface wind information is passed to the pilots of aircraft approaching the runway by:
  - (a) an automatic weather observing system that:
    - (i) is compatible with the Bureau of Meteorology's weather observing system; and
    - (ii) provides surface wind information through an aerodrome weather information broadcast; or
  - (b) an approved observer having a communication link with pilots through which timely information about surface wind can be clearly passed to pilots; or
  - (c) any other approved means of providing surface wind information.

**139.190 Visual approach slope indicator system**

- (1) The operator of a certified aerodrome must, in accordance with the standards for visual approach slope indicator systems set out in the Manual of Standards, provide an approved visual approach slope indicator system for the end of a runway at the aerodrome if that end is regularly used as the approach end for jet-propelled aircraft conducting regular public transport operations or charter operations.

Penalty: 10 penalty units.

Note: On 2 May 2003, the visual approach slope indicator systems approved by CASA are the systems known as T-VASIS, AT-VASIS and PAPI.

- (2) CASA may direct the operator to provide an approved visual approach slope indicator system for the approach end or ends of a runway to which subregulation (1) does not apply, if CASA considers it necessary in the interests of the safety of aircraft.
- (3) The operator must comply with a direction given to the operator under subregulation (2).

Penalty: 10 penalty units.

### **139.195 Lighting of movement area**

- (1) If a certified aerodrome is available for an aircraft to land or take-off at night, or in less than VMC during the day, the operator of the aerodrome must provide and maintain a lighting system for the movement area of the aerodrome that is in accordance with subregulations (2) and (3).

Penalty: 20 penalty units.

- (2) The lighting system must include:
- (a) lighting of runways, taxiways and aprons intended for use at night or in less than VMC during the day; and
  - (b) lighting of at least 1 wind direction indicator; and
  - (c) lighting of obstacles within the movement area; and
  - (d) if the aerodrome has a runway intended to serve Category I, II or III precision approach operations—approach, runway and taxiway lighting for the runway and taxiway.
- (3) The lighting system must:
- (a) if the lighting system is of a kind for which standards are specified in the Manual of Standards—meet those standards; or
  - (b) in any other case—be, or be of a kind, approved by CASA.

### **139.200 Checking of lighting systems**

- (1) The operator of a certified aerodrome must not put a new lighting system of a kind mentioned in subregulation (3) into service at the aerodrome if both of the following requirements are not met:
- (a) an approved pilot has conducted a flight check of the system;
  - (b) an electrical engineer or a licensed electrician has checked the system for compliance with any applicable electrical specifications and technical standards set out in the Manual of Standards.

Penalty: 10 penalty units.

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- (2) If checking compliance with a specification requires the use of survey instruments, the operator must ensure that the checking is done by:
  - (a) a person with a degree, diploma or certificate in surveying or civil engineering; or
  - (b) a person with experience and competence in surveying that is acceptable to CASA.

Penalty: 10 penalty units.

- (3) For subregulation (1), the kinds of lighting systems are as follows:
  - (a) an approach lighting system;
  - (b) a runway lighting system for instrument approach runways;
  - (c) a visual approach slope indicator system for jet-propelled aircraft (other than a system intended for use on a temporary basis for a period not longer than 30 days);
  - (d) a pilot-activated lighting system.

**139.205 Aerodrome emergency committee**

- (1) The operator of a certified aerodrome must establish an aerodrome emergency committee.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The committee must include a representative from any fire, police or other emergency service that, having regard to the location of the aerodrome, would be likely to be asked to assist if there were an emergency at the aerodrome.

**139.210 Aerodrome emergency plan**

- (1) The aerodrome emergency committee for a certified aerodrome must prepare an aerodrome emergency plan.
- (2) The plan must include:
  - (a) procedures for coordinating the responses of all emergency service organisations referred to in the plan; and

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- (b) any other matters that are required to be included in the emergency plan by the Manual of Standards.
- (3) The committee must review the emergency plan at least once a year and make any changes to the plan that are necessary to ensure that it operates properly.
- (4) The review must be carried out in consultation with the emergency service organisations referred to in the emergency plan.
- (5) As soon as practicable after an emergency exercise has been carried out at the aerodrome, or if an emergency has occurred at the aerodrome, as soon as practicable after the emergency, the operator of the aerodrome must arrange for the committee to:
  - (a) review the effectiveness of the responses to the exercise or the emergency; and
  - (b) assess the adequacy of the emergency plan to deal with emergencies at the aerodrome; and
  - (c) take such corrective action as is necessary to ensure that the plan operates properly.
- (6) The operator must ensure that:
  - (a) records of each review of the emergency plan carried out under this regulation are kept; and
  - (b) each record is retained for at least 3 years after the review to which the record relates was carried out.

Penalty: 10 penalty units.

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

### **139.215 Testing of aerodrome emergency plan**

- (1) Subject to this regulation, the operator of a certified aerodrome must conduct an emergency exercise at least once every 2 years to test:
  - (a) the coordination of the emergency service organisations referred to in the aerodrome's emergency plan; and
  - (b) the adequacy of the procedures and facilities provided for in the plan.

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Penalty: 10 penalty units.

- (2) If a real emergency occurs at the aerodrome within 6 months before an emergency exercise is due, the operator may ask CASA to extend the period within which the next emergency exercise must be conducted.
- (3) CASA must grant the request if it is satisfied that:
  - (a) all emergency service organisations referred to in the plan responded to the real emergency; and
  - (b) the real emergency adequately tested the plan.
- (4) In granting the request, CASA may extend the period until the end of 2 years after the real emergency occurred.

**139.220 Aerodrome serviceability inspections**

- (1) An *aerodrome serviceability inspection* is an inspection of the aerodrome to ensure that it is safe for aircraft operations.
- (2) The inspection must include the following:
  - (a) an inspection of the movement area to check its surface condition (including for the presence of foreign objects);
  - (b) an inspection of aerodrome markings, lighting, wind direction indicators and ground signals;
  - (c) an inspection for any obstacles infringing the take-off, approach and transitional surfaces;
  - (d) an inspection for any birds or animals on or near the movement area;
  - (e) an inspection of any measures to control the inadvertent entry of persons or animals into the movement area (including aerodrome fencing);
  - (f) an empirical assessment of the bearing strength of unrated runway pavements;
  - (g) an empirical assessment of the runway strip or each runway strip where the runway concerned is not marked and the whole runway strip may be used for aircraft operations;
  - (h) an inspection of the aerodrome's frequency confirmation system (if any);

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- (i) a check of whether any NOTAMS for the aerodrome are current and accurate.
- (3) The inspection must comply with all applicable standards for aerodrome serviceability inspections set out in the Manual of Standards.

**139.225 When aerodrome serviceability inspections must be conducted**

- (1) The operator of a certified aerodrome must conduct an aerodrome serviceability inspection:
  - (a) on each day on which an airline service operates at the aerodrome; or
  - (b) in any other case—at least twice a week.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The operator of a certified aerodrome must also conduct an aerodrome serviceability inspection:
  - (a) after a gale, storm or other severe weather; and
  - (b) at any time that air traffic control or CASA requires the inspection.

Penalty: 10 penalty units.

**139.230 Aerodrome technical inspections**

- (1) An ***aerodrome technical inspection*** is an inspection of aerodrome facilities for an aerodrome to ensure that any deterioration that could make a facility unsafe for aircraft operations is detected.
- (2) The inspection must include the following:
  - (a) an instrument survey of the approach, take-off and transitional surfaces;
  - (b) an inspection and testing of the aerodrome lighting and electrical reticulation systems, including the visual approach slope indicator;
  - (c) an electrical testing of any earthing points at the aerodrome;

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- (d) an inspection and assessment of the movement area pavements and drainage;
  - (e) an inspection of signs on the movement area;
  - (f) an inspection of facilities at the aerodrome used for any of the following:
    - (i) aerodrome emergencies;
    - (ii) the handling of hazardous materials;
    - (iii) bird and animal hazard management;
    - (iv) stand-by and emergency aerodrome lighting;
  - (g) an inspection of airside vehicle control arrangements (if any);
  - (h) a check of the currency and accuracy of:
    - (i) aerodrome information published in AIP; and
    - (ii) aerodrome operating procedures specified in the aerodrome manual for the aerodrome.
- (3) The inspection must comply with all applicable standards for aerodrome technical inspections set out in the Manual of Standards.

**139.235 When aerodrome technical inspections must be conducted etc**

- (1) The operator of a certified aerodrome must ensure that:
- (a) an aerodrome technical inspection is conducted at intervals of not more than 12 months; or
  - (b) if the operator has elected to have a part or parts of the inspection conducted at different times under subregulation (2), each facility for the aerodrome to be inspected is inspected at intervals of not more than 12 months.

Penalty: 10 penalty units.

- (2) The operator may elect to have a part or parts of an aerodrome technical inspection conducted at different times from the other parts.
- (3) If it appears from an aerodrome serviceability inspection that a particular facility at the aerodrome requires an aerodrome technical

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inspection, the operator must ensure that the necessary technical inspection of the facility is conducted as soon as practicable.

Penalty: 10 penalty units.

- (4) The operator:
- (a) must, if the operator has elected to have a part or parts of an aerodrome technical inspection conducted at different times under subregulation (2):
    - (i) keep records of each part of each inspection; and
    - (ii) retain each record for at least 3 years after the part of the inspection to which the record relates was conducted; or
  - (b) must, in any other case:
    - (i) keep records of each inspection; and
    - (ii) retain each record for at least 3 years after the inspection to which the record relates was conducted.

Penalty: 10 penalty units.

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

#### **139.240 Who may conduct aerodrome technical inspections**

- (1) The operator of a certified aerodrome must ensure that an aerodrome technical inspection is conducted by a person or persons with appropriate technical qualifications and experience.

Penalty: 10 penalty units.

- (2) In particular:
- (a) the movement area, other pavements and drainage must be inspected by a person who has a recognised degree, diploma or certificate in civil engineering or appropriate technical experience; and
  - (b) the lighting and electrical facilities must be inspected by an electrical engineer or a licensed electrician; and
  - (c) the obstacle limitation surfaces must be inspected by a person who:
    - (i) is technically qualified or experienced in surveying; and

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- (ii) has a sound knowledge and understanding of the standards and survey procedures for obstacle limitation surfaces.

**139.245 Planning and execution of aerodrome works**

- (1) The operator of a certified aerodrome must ensure that any aerodrome works at the aerodrome are carried out in a way that does not create a hazard to aircraft, or confusion to pilots.

Penalty: 10 penalty units.

- (2) The operator must comply with the standards set out in the Manual of Standards in relation to planning and notice requirements that must be satisfied before aerodrome works may be carried out.

Penalty: 10 penalty units.

**139.250 Safety management system**

- (1) This regulation applies:
  - (a) to an aerodrome used by aircraft engaged in international operations—on and after 1 November 2005; and
  - (b) to any other certified aerodrome—on and after 1 January 2007.
- (2) The operator of a certified aerodrome to which this regulation applies must ensure that the aerodrome has a safety management system that complies with the standards set out in the Manual of Standards.

Penalty: 10 penalty units.

Note: This regulation is based on an ICAO requirement that is to come into effect in November 2005.

## **Division 139.B.4—Aerodromes to which A-SMGCS applies**

### **139.251 Definition for Division 139.B.4**

In this Division:

**A-SMGCS** means Advanced Surface Movement Guidance and Control System, as defined in ICAO Document 9830 (Advanced Surface Movement Guidance and Control Systems (A-SMGCS) Manual) approved and published by decision of the Council of the International Civil Aviation Organization, as in force from time to time.

### **139.252 Designation of aerodromes to which A-SMGCS applies**

- (1) CASA may designate a certified aerodrome as an aerodrome to which A-SMGCS applies.
- (2) However, CASA may designate the aerodrome as an aerodrome to which A-SMGCS applies only if:
  - (a) an ATS provider for the aerodrome:
    - (i) asks CASA to designate the aerodrome as an aerodrome to which A-SMGCS applies; and
    - (ii) gives CASA a safety assessment demonstrating that the use of A-SMGCS is necessary to ensure the safe control of aircraft and vehicles operating on the aerodrome's manoeuvring area; and
  - (b) CASA is satisfied, on the basis of the safety assessment, that the use of A-SMGCS is necessary to ensure the safe control of aircraft and vehicles operating on the aerodrome's manoeuvring area.
- (3) The designation must:
  - (a) be in writing; and
  - (b) set out the date it takes effect, which must be not less than 6 months after the day it is made.
- (4) CASA must give a copy of the designation to:
  - (a) the operator of the aerodrome; and

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- (b) the ATS provider who made the request under paragraph (2)(a).
  - (5) If CASA:
    - (a) receives a request and safety assessment under paragraph (2)(a) for a certified aerodrome from an ATS provider for the aerodrome; and
    - (b) decides not to designate the aerodrome as an aerodrome to which A-SMGCS applies;
- CASA must tell the ATS provider, in writing, as soon as practicable, of the decision and the reasons for it.

**139.254 Vehicles at aerodromes to which A-SMGCS applies**

- (1) This regulation applies to an aerodrome that is designated as an aerodrome to which A-SMGCS applies.
- (2) The operator of the aerodrome commits an offence if the operator does not, before the designation takes effect:
  - (a) establish the procedures mentioned in subregulations (3) and (4); and
  - (b) publish the procedures in its aerodrome manual.

Penalty: 25 penalty units.

- (3) The procedures must require any vehicle that enters, or moves on, the aerodrome's manoeuvring area:
  - (a) to be fitted with:
    - (i) serviceable electronic surveillance equipment that meets the technical standards for the equipment published in the Manual of Standards; and
    - (ii) serviceable radiocommunications equipment capable of maintaining two-way radio communication with air traffic control; or
  - (b) to be accompanied by another vehicle that meets the requirements mentioned in paragraph (a).
- (4) The procedures must require the driver of a vehicle that is fitted with the equipment mentioned in paragraph (3)(a):

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- (a) to monitor the air traffic control radio frequency for surface traffic at all times that the vehicle is on the aerodrome's manoeuvring area; and
  - (b) to communicate with air traffic control as necessary to ensure the safety of persons, vehicles and aircraft on the manoeuvring area.
- (5) The operator commits an offence if, after the designation takes effect:
  - (a) the operator does not comply with the procedures mentioned in subregulations (3) and (4); or
  - (b) the operator does not ensure that a person who operates a vehicle on the aerodrome's manoeuvring area complies with the procedures; or
  - (c) the operator does not ensure that a driver of a vehicle on the aerodrome's manoeuvring area complies with the procedures.

Penalty: 25 penalty units.

- (6) An offence against subregulation (2) or (5) is an offence of strict liability.

## Subpart 139.C—Registered aerodromes

### 139.255 Definition for this Subpart

In this Subpart:

***aerodrome register*** means the register established and maintained under regulation 139.275.

### 139.260 Application for registration of aerodrome

- (1) The operator of an aerodrome (other than a aerodrome to which regulation 139.040 applies) may apply to CASA for registration of the aerodrome.

Note: See also regulation 139.030 for restrictions on the use of terminal instrument flight procedures.

- (2) An application must be in the approved form and must be accompanied by:
  - (a) the information about the aerodrome required by Appendix 1 to this paragraph, including a diagram of the aerodrome in accordance with that Appendix; and
  - (b) a written statement, signed by a person approved under regulation 139.320, to the effect that:
    - (i) the person has conducted a safety inspection of the aerodrome; and
    - (ii) the aerodrome meets the applicable standards referred to in regulation 139.295 for registered aerodromes and is safe for operation; and
  - (c) the name or names of the person or persons who are to be the reporting officers for the aerodrome.
- (3) Despite paragraph (2)(b), until the end of 1 May 2006, the statement mentioned in that paragraph may be given by a person who is not approved by CASA under regulation 139.320 but is a person CASA is satisfied meets the requirements of subregulation 139.320 (2).

***Appendix 1 to paragraph 139.260 (2)(a) (Diagram and information for application for registration of aerodrome)***

- (1) The diagram of the aerodrome must show the following:
  - (a) the layout of runways, their designations (runway numbers) and length in metres;
  - (b) the layout of taxiways and aprons;
  - (c) the location of the aerodrome reference point;
  - (d) the location of all wind direction indicators;
  - (e) the elevation of the aerodrome at the highest point of the landing surface;
  - (f) the magnetic bearing and distance to the nearest population centre, and what that centre is.
- (2) The information about the aerodrome must include:

*Aerodrome administration*

- (a) the following information about the aerodrome and its administration:
  - (i) the name of the aerodrome;
  - (ii) the name of the aerodrome operator and the address and telephone numbers at which the aerodrome operator may be contacted at all times;
  - (iii) the State or Territory in which the aerodrome is located and the latitude and longitude for the location;
  - (iv) whether the aerodrome is a public or private aerodrome;
  - (v) the charges for use of the aerodrome;
  - (vi) the name and contact details for the persons who are to be the reporting officers for the aerodrome; and

*Runways*

- (b) the following information for each runway at the aerodrome:
  - (i) the runway reference code number for the approach and take-off areas that have been surveyed;
  - (ii) runway width and slope;
  - (iii) runway strip width (grade and overall);
  - (iv) declared distances and supplementary take-off distances;

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- (v) pavement strength rating; and

*Aerodrome lighting*

- (c) for each runway at the aerodrome that may be used at night—the following information:
  - (i) whether the runway edge lights are low, medium or high intensity lights;
  - (ii) whether approach lighting is provided;
  - (iii) whether pilot-activated lighting is provided and, if pilot-activated lighting is provided, its frequency;
  - (iv) whether T-VASIS or PAPI lighting systems are provided;
  - (v) whether there is an aerodrome beacon;
  - (vi) whether there is stand-by power or portable lighting;
  - (vii) information about any other lighting provided; and

*Ground services*

- (d) the following information about ground services available to visiting pilots:
  - (i) the types of aviation fuel available and contact details for fuel suppliers;
  - (ii) contact details for local weather information;
  - (iii) details of the universal communication system; and

*Special procedures*

- (e) information about any special procedures that pilots need to observe or follow; and

*Notices*

- (f) the following local safety information:
  - (i) the presence of obstacles or other hazards (including animals or birds);
  - (ii) restrictions on the use of taxiways or aprons;
  - (iii) other activities at the aerodrome (for example, sport aviation activities).

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**139.265 Registration of aerodromes**

CASA must, if the operator of an aerodrome has applied for registration of the aerodrome in accordance with regulation 139.260:

- (a) register the aerodrome by entering the following information about the aerodrome in the aerodrome register:
  - (i) the name of the aerodrome;
  - (ii) the details of the location of the aerodrome;
  - (iii) the name and address of the operator; and
- (b) tell the operator, in writing, that the aerodrome is registered; and
- (c) direct AIS to publish in AIP-ERSA details of the registration and the information about the aerodrome required by Appendix 1 to paragraph 139.260 (2)(a).

**139.270 Notice of refusal to register aerodrome**

If CASA refuses to register an aerodrome, CASA must, no later than 14 days after it refuses to register the aerodrome, give the operator of the aerodrome written notice of the refusal and the reasons for it.

**139.275 Register**

- (1) CASA must establish and keep, in the approved form, a register of aerodromes registered under this Subpart.
- (2) CASA must make the aerodrome register available for inspection by members of the public at reasonable times and places, and subject to reasonable conditions.
- (3) CASA may comply with subregulation (2) by making the information recorded in the aerodrome register accessible on the Internet.
- (4) CASA must alter the information recorded in the aerodrome register if that information is not up to date.

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- (5) CASA must correct the information in the aerodrome register if there is an error in that information.

**139.280 Duration of registration**

- (1) The registration of an aerodrome remains in force unless it is cancelled.
- (2) However, the registration is not in force during any period in which it is suspended.

**139.285 Cancellation of registration on request**

- (1) If the operator of a registered aerodrome wishes the registration of the aerodrome to be cancelled, the operator must give CASA not less than 30 days' written notice of the date on which the operator wishes the registration to be cancelled.
- (2) CASA must cancel the registration on the date specified in the notice and arrange for:
  - (a) the cancellation to be notified in NOTAMS; and
  - (b) details of the registration and any other information about the aerodrome to be removed from AIP-ERSA.

**139.290 Suspension or cancellation of registration by CASA**

- (1) CASA may, by written notice given to the operator of a registered aerodrome, suspend or cancel the registration of the aerodrome if there are reasonable grounds for believing that:
  - (a) the aerodrome fails to meet any of the standards applicable to the aerodrome under regulation 139.295; or
  - (b) the operator of the aerodrome has failed to comply with regulation 139.025, 139.300, 139.305, 139.310 or 139.315.
- (2) Before suspending or cancelling the registration of an aerodrome, CASA must:
  - (a) give to the operator a show cause notice that:

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- (i) sets out the facts and circumstances that, in the opinion of CASA, would justify the suspension or cancellation; and
- (ii) invites the operator to show cause, in writing, within 30 days after the date of the notice, why the registration should not be suspended or cancelled; and
- (b) take into account any written submissions that the operator makes to CASA within the time allowed under subparagraph (a)(ii).

**139.295 Applicable standards for registered aerodromes**

The standards applicable to registered aerodromes are:

- (a) the standards applicable to certified aerodromes in relation to the following matters:
  - (i) physical characteristics of the movement area;
  - (ii) obstacle limitation surfaces;
  - (iii) aerodrome markings;
  - (iv) lighting;
  - (v) wind direction indicators;
  - (vi) signal circle and ground signals; and
- (b) any other standards set out in the Manual of Standards that are applicable to registered aerodromes.

**139.300 Reporting officer**

- (1) The operator of a registered aerodrome must appoint 1 or more reporting officers for the aerodrome.
- (2) The functions of a reporting officer are:
  - (a) to monitor the serviceability of the aerodrome in accordance with the Manual of Standards; and
  - (b) to report to the NOTAM Office and air traffic control any changes in conditions, or any other occurrences, at the aerodrome that must be reported under regulation 139.305.
- (3) The operator must not appoint a person as a reporting officer if the person has not been trained, in accordance with the Manual of Standards, to perform the reporting officer's functions.

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**139.305 Notice of changes in physical condition etc of aerodrome**

- (1) The operator of a registered aerodrome must, in accordance with the Manual of Standards, give notice to the NOTAM Office of:
  - (a) any temporary or permanent change in the physical condition of the aerodrome that may affect the safety of aircraft; or
  - (b) any other occurrence relating to the operation or maintenance of the aerodrome that may affect the safety of aircraft.
- (2) If the aerodrome is a controlled aerodrome, the notice must also be given to air traffic control.

**139.310 Notice of changes in information published in AIP-ERSA**

To maintain the accuracy of the information published in AIP-ERSA in relation to a registered aerodrome, the operator of the aerodrome must tell AIS, in writing, as soon as practicable of any change required to that information (other than a change that is published in NOTAMS).

**139.315 Safety inspections**

- (1) This regulation applies to a registered aerodrome that is used by an aircraft that:
  - (a) is engaged in regular public transport operations or charter operations; and
  - (b) has a maximum passenger seating capacity of more than 9 seats.
- (2) The operator of the aerodrome must arrange for a safety inspection of the aerodrome to be conducted at least once each year.
- (3) The safety inspection must be conducted by a person approved under regulation 139.320.
- (4) The approved person must give the operator a written report that:
  - (a) deals with the matters set out in Appendix 1 to this paragraph; and
  - (b) specifies any remedial work that is necessary for the aerodrome to comply with the applicable standards.

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- (5) Within 30 days after receiving the report, the operator must give to CASA:
  - (a) a copy of the report; and
  - (b) if the report specifies any remedial work as being necessary—a statement as to when and how the operator intends to do the remedial work.
- (6) Despite subregulation (3), until the end of 1 May 2006, the safety inspection may be conducted by a person who is not approved by CASA under regulation 139.320 but met the requirements of Part 1 of Schedule 11 of CAR as in force immediately before that commencement.

***Appendix 1 to paragraph 139.315 (4)(a) (Matters to be dealt with in safety inspections)***

*Details of aerodrome*

- (1) Check that the following details relating to the aerodrome, published in AIP-ERSA or given to air transport operators, are correct:
  - (a) details of the location of the aerodrome;
  - (b) the name and address of the aerodrome operator;
  - (c) details of the movement area;
  - (d) details of runway distances available;
  - (e) details of the aerodrome lighting;
  - (f) details of ground services;
  - (g) notice of special conditions and procedures, if any.

*Aerodrome operating procedures*

- (2) Check aerodrome operating procedures to ensure that the following matters are dealt with:
  - (a) recording of aerodrome inspections;
  - (b) recording of notices given to the NOTAM Office and AIS or to air transport operators;
  - (c) recording of aerodrome works.

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*Reporting officer*

- (3) Check that each person appointed as a reporting officer is competent to carry out the reporting officer's functions.

*Details relating to movement area etc*

- (4) Check the following:
- (a) dimensions and surface conditions of runways, taxiways and aprons;
  - (b) aerodrome lighting, including back-up lighting and obstacle lighting;
  - (c) wind direction indicators and their illumination;
  - (d) aerodrome markings and signs;
  - (e) obstacle limitation surfaces applicable to the aerodrome;
  - (f) two-way radios (whether hand-held or installed in vehicles) used by the aerodrome operator on the movement area;
  - (g) equipment used for dispersing birds;
  - (h) aerodrome fencing.

**139.320 Approval of persons to conduct aerodrome safety inspections**

- (1) A person may apply to CASA for approval to conduct aerodrome safety inspections for this Subpart.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

- (2) Subject to regulation 11.055, CASA must approve the person if CASA is satisfied that the person:
- (a) has:
    - (i) a recognised degree, diploma or certificate in civil engineering, surveying or a related field and a sound knowledge of the parts of these Regulations and the standards, practices and procedures that are applicable to the operation and maintenance of aerodromes; or

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- (ii) other qualifications, knowledge and experience that CASA considers suitable for conducting an aerodrome safety inspection; and
- (b) would, if the approval is given, be able to perform properly the aerodrome safety inspection function.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

### **139.325 Duration of approval**

- (1) Unless sooner cancelled, an approval under regulation 139.320 remains in force until the end of 5 years after it is given.
- (2) An approval is not in force during any period in which it is suspended, but the period of suspension counts as part of the 5 year approval period.

### **139.330 Suspension or cancellation of approval by CASA**

- (1) CASA may suspend or cancel an approval of a person under regulation 139.320, by written notice given to the person, if the person has not properly carried out, or is no longer properly carrying out, the aerodrome safety inspection function.
- (2) Before cancelling or suspending the approval, CASA must:
  - (a) give the person written notice:
    - (i) stating the reasons that, in the opinion of CASA, would justify the cancellation or suspension; and
    - (ii) advising the person that he or she may, within 30 days after the date of the notice, give CASA written reasons why the approval should not be suspended or cancelled; and
  - (b) take into account any written reasons given to it by the person within the time allowed under subparagraph (a)(ii).

## **Subpart 139.D—Reporting officer and safety inspection requirements for certain other aerodromes**

### **139.335 Aerodromes to which this Subpart applies**

- (1) This Subpart applies to an aerodrome that:
  - (a) is not a certified aerodrome or a registered aerodrome; and
  - (b) is used at least once a week by an aircraft that:
    - (i) is engaged in regular public transport operations or charter operations; and
    - (ii) has a maximum passenger seating capacity of more than 9 seats but not more than 30 seats.
- (2) To establish the applicability of this Subpart to an aerodrome, CASA may direct the operator of the aerodrome to give to CASA statistics about the number of movements at the aerodrome, in a specified period, of aircraft to which subparagraphs (1)(b)(i) and (ii) apply.
- (3) An aerodrome operator must comply with a direction given to the operator under subregulation (2).

Penalty: 10 penalty units.

### **139.340 Reporting officer**

- (1) The operator of an aerodrome to which this Subpart applies must appoint 1 or more reporting officers for the aerodrome.

Penalty: 10 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The functions of a reporting officer are:
  - (a) to monitor the serviceability of the aerodrome in accordance with the Manual of Standards; and

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- (b) to report to the operators that use the aerodrome any changes in conditions, or any other occurrences, at the aerodrome that may affect the safety of aircraft operations.
  - (4) The operator must not appoint a person as a reporting officer if the person has not been trained, in accordance with the Manual of Standards, to perform the reporting officer's functions.
- Penalty: 10 penalty units.

**139.345 Safety inspections**

- (1) The operator of an aerodrome to which this Subpart applies must arrange for a safety inspection of the aerodrome to be conducted at least once each year.
- Penalty: 10 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.
  - (3) The safety inspection must be conducted by a person approved, under regulation 139.320, to conduct safety inspections for Subpart 139.C.
- Penalty: 10 penalty units.
- (4) The approved person must give the operator a written report that:
    - (a) deals with the matters set out in Appendix 1 to this paragraph; and
    - (b) specifies any remedial work that is necessary for the aerodrome to comply with the applicable standards.
  - (5) Within 30 days after receiving the report, the operator must give to CASA:
    - (a) a copy of the report; and
    - (b) if the report specifies any remedial work as being necessary—a statement as to when and how the operator intends to do the remedial work.

Penalty: 10 penalty units.

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- (6) Despite subregulation (3), until the end of 1 May 2006, the safety inspection may be conducted by a person who is not approved by CASA under regulation 139.320 but is a person CASA is satisfied meets the requirements of subregulation 139.320 (2).

***Appendix 1 to paragraph 139.345 (4)(a) (Matters to be dealt with in safety inspections)***

*Details of aerodrome*

- (1) Check that the following details relating to the aerodrome, published in AIP-ERSA or given to air transport operators, are correct:
- (a) details of the location of the aerodrome;
  - (b) the name and address of the aerodrome operator;
  - (c) details of the movement area;
  - (d) details of runway distances available;
  - (e) details of the aerodrome lighting;
  - (f) details of ground services;
  - (g) notice of special conditions and procedures, if any.

*Aerodrome operating procedures*

- (2) Check aerodrome operating procedures to ensure that the following matters are dealt with:
- (a) recording of aerodrome inspections;
  - (b) recording of notices given to the NOTAM Office and AIS or to air transport operators;
  - (c) recording of aerodrome works.

*Reporting officer*

- (3) Check that each person appointed as a reporting officer is competent to carry out the reporting officer's functions.

*Details relating to movement area etc*

- (4) Check the following:

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- (a) dimensions and surface conditions of runways, taxiways and aprons;
- (b) aerodrome lighting, including back-up lighting and obstacle lighting;
- (c) wind direction indicators and their illumination;
- (d) aerodrome markings and signs;
- (e) obstacle limitation surfaces applicable to the aerodrome;
- (f) two-way radios whether hand-held or installed in vehicles used by the aerodrome operator on the movement area;
- (g) equipment used for dispersing birds;
- (h) aerodrome fencing.

## **Subpart 139.E—Obstacles and hazards**

### **139.350 Monitoring of airspace**

- (1) The operator of a certified aerodrome or a registered aerodrome must monitor the airspace around the aerodrome for infringement of the obstacle limitation surfaces by:
  - (a) any object, building or structure; or
  - (b) any gaseous efflux having a velocity exceeding 4.3 metres per second.
- (2) The monitoring must be in accordance with the standards set out in the Manual of Standards.

### **139.355 Establishment of obstacle limitation surfaces**

An aerodrome operator must ensure that obstacle limitation surfaces are established for the aerodrome in accordance with the standards set out in the Manual of Standards.

### **139.360 Notice of obstacles**

- (1) An aerodrome operator must take all reasonable measures to ensure that obstacles at, or within the vicinity of, the aerodrome are detected as quickly as possible.
- (2) If the operator becomes aware of the presence of an obstacle, the operator must:
  - (a) tell the NOTAM Office immediately; and
  - (b) give the NOTAM Office details of:
    - (i) the height and location of the obstacle; and
    - (ii) amended declared distances and gradients, if applicable.

Penalty: 10 penalty units.

- (3) If the operator becomes aware of any development or proposed construction near the aerodrome that is likely to create an obstacle, the operator must:

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- (a) tell CASA as soon as practicable; and
- (b) give to CASA details of the likely obstacle.

Penalty: 10 penalty units.

**139.365 Structures 110 metres or more above ground level**

A person who proposes to construct a building or structure the top of which will be 110 metres or more above ground level must inform CASA of that intention and the proposed height and location of the building or structure.

Penalty: 10 penalty units.

**139.370 Hazardous objects etc**

- (1) CASA may determine, in writing, that:
  - (a) an obstacle, or any proposed development or other proposed construction that is likely to create an obstacle; or
  - (b) a building or structure the top of which is 110 metres or more above ground level; or
  - (c) a proposed building or structure the top of which will be 110 metres or more above ground level;is, or will be, a hazardous object because of its location, height or lack of marking or lighting.
- (2) CASA may determine, in writing, that a gaseous efflux having a velocity exceeding 4.3 metres per second is, or will be, a hazard to aircraft operations because of the velocity or location of the efflux.
- (3) If CASA makes a determination under subregulation (1) or (2), it must:
  - (a) publish in AIP or NOTAMS particulars of the hazardous object or gaseous efflux to which the determination relates; and
  - (b) give written notice of the determination in accordance with subregulation (4).
- (4) CASA must give a copy of the notice:

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- (a) in the case of a hazardous object that is a proposed building or structure:
  - (i) to the person proposing to construct the building or structure; and
  - (ii) to the authority or, if applicable, one or more of the authorities whose approval is required for the construction; and
- (b) in any other case, if a person who owns or is in occupation or control of the hazardous object, or owns or is in control of the installation that produces the gaseous efflux, can reasonably be identified—to that person.

## **Subpart 139.F—Aerodrome radio communication services**

### **Division 139.F.1—General**

#### **139.375 Aerodrome operators to collect statistics if directed**

- (1) If CASA considers it necessary in the interests of the safety of air navigation, CASA may, in writing, give directions to an aerodrome operator about collecting:
  - (a) statistics about:
    - (i) the types of aircraft using the aerodrome; and
    - (ii) the times of aircraft movements at the aerodrome; and
  - (b) other information, specified by CASA in the direction, that is relevant to deciding what radio communication services or air traffic services should be provided at the aerodrome.
- (2) An aerodrome operator must comply with a direction given to the operator under subregulation (1).

Penalty: 10 penalty units.

## Division 139.F.2—Frequency confirmation system

### 139.380 Definitions for Division 139.F.2

In this Division:

*frequency confirmation system* means a ground radio system at an aerodrome that, if it receives a transmission from an aircraft on the radio frequency for the aerodrome, sends a signal or message to the aircraft confirming that the transmission has been received.

*non-controlled aerodrome* means an aerodrome at which an air traffic control service is not operating.

### 139.385 Aerodromes that must have a frequency confirmation system

- (1) The operator of a non-controlled aerodrome must ensure that there is a frequency confirmation system for the aerodrome in accordance with subregulation (2) if:
  - (a) the aerodrome is located in an MBZ; or
  - (b) the aerodrome is used at least 5 times a week by aircraft that:
    - (i) are engaged in regular public transport operations or charter operations; and
    - (ii) have a maximum passenger seating capacity of more than 9 seats.

Penalty: 10 penalty units.

- (2) The frequency confirmation system must comply with the standards for frequency confirmation systems set out in the Manual of Standards.

## **Division 139.F.3—Air/ground radio service**

### **139.390 Definitions for Division 139.F.3**

In this Division:

***AAIS*** (automatic aerodrome information service) means the service that provides current, routine information for aircraft arriving at or departing from an aerodrome by means of repetitive broadcasts on a discrete frequency.

***air/ground radio service*** means an aerodrome radio information service that provides aircraft operating in the MBZ of an aerodrome with the services and information specified in section 14.2 of the Manual of Standards.

***certified air/ground radio operator***, or ***CA/GRO***, means a person who is certified as a CA/GRO under regulation 139.430.

***certified air/ground radio service***, or ***CA/GRS***, in relation to an aerodrome, means an air/ground radio service for the aerodrome certified in accordance with regulation 139.410.

### **139.395 Air/ground radio service must be certified**

- (1) The operator of an aerodrome must not operate, or permit to be operated, at the aerodrome an air/ground radio service that is not a CA/GRS.

Penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) Subregulation (1) does not apply if the operator has CASA's written approval to operate the service for the purpose of conducting tests necessary to determine whether the service meets the standards for a CA/GRS set out in the Manual of Standards.

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**139.400 Direction by CASA to provide CA/GRS**

- (1) CASA may direct the operator of an aerodrome to provide a CA/GRS at the aerodrome.
- (2) CASA must not give a direction under subregulation (1) unless an aeronautical study for the aerodrome has found that a CA/GRS is required at the aerodrome for the safety of air navigation.
- (3) An operator must comply with a direction given to the operator under subregulation (1).

Penalty: 10 penalty units.

**139.405 Voluntary provision of CA/GRS**

An aerodrome operator who has not been given a direction under regulation 139.400 may provide a CA/GRS at the aerodrome.

**139.410 Certification of air/ground radio service**

- (1) The operator of an aerodrome may ask CASA to certify an air/ground radio service for the aerodrome as meeting the standards for a CA/GRS set out in the Manual of Standards.
- (2) A request must be made to CASA in accordance with the Manual of Standards.
- (3) If the operator asks CASA to certify an air/ground radio service under this regulation, or because of a direction under regulation 139.400, CASA must certify the service if it meets the standards for a CA/GRS set out in the Manual of Standards.

**139.415 General obligations of aerodrome operator**

The operator of an aerodrome that has a CA/GRS must ensure that:

- (a) the CA/GRS is provided with the facilities required for a CA/GRS by the Manual of Standards; and
- (b) only a CA/GRO operates the CA/GRS; and

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- (c) if the aerodrome is a certified aerodrome—the aerodrome manual for the aerodrome includes the operational procedures for the CA/GRS; and
- (d) the CA/GRS is operated in accordance with regulation 139.420.

Penalty: 10 penalty units.

**139.420 When CA/GRS must be operating**

- (1) The CA/GRS must be operating for the arrival and departure of an aircraft that:
  - (a) is engaged in regular public transport operations or charter operations; and
  - (b) has a maximum passenger seating capacity of more than 30 seats.
- (2) Subregulation (1) does not apply if:
  - (a) an air traffic control service is operating at the aerodrome; or
  - (b) an exemption from the requirement is in effect under regulation 11.160.
- (3) Also, subregulation (1) does not apply for the limited period mentioned in subregulation (4) if:
  - (a) the CA/GRO is absent from duty because of sickness or injury; or
  - (b) the CA/GRS is unserviceable.
- (4) The **limited period** is the lesser of:
  - (a) 7 days; and
  - (b) the period of the absence from duty or the unserviceability.

**139.425 Information about operating hours to be given to NOTAM Office**

- (1) The operator of an aerodrome that has a CA/GRS must give the NOTAM Office the following information, in writing:
  - (a) the hours of operation of the CA/GRS;
  - (b) the radio frequency and the call-sign of the CA/GRS;

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(c) the radio frequency of the AAIS for the aerodrome.

Penalty: 10 penalty units.

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

(3) If the CA/GRS becomes unavailable at the hours of operation notified under paragraph (1)(a), the operator must tell the NOTAM Office as soon as practicable.

Penalty: 10 penalty units.

**139.430 Certified air/ground radio operators**

(1) A person may apply to CASA for certification as a CA/GRO.

(2) The application must be made to CASA in accordance with the Manual of Standards.

(3) Subject to regulation 11.055, on receiving an application under this regulation, CASA must grant the application if the applicant meets the standards for a CA/GRO set out in the Manual of Standards.

**139.435 Offences**

(1) When a CA/GRO is providing a CA/GRS, he or she must not perform any other duties that are unrelated to the provision of the CA/GRS.

Penalty: 5 penalty units.

(2) The operator of an aerodrome must not allow a CA/GRO to provide a CA/GRS at the aerodrome if:

(a) the CA/GRO:

(i) has consumed any alcohol in the 8 hours before the service is to be provided; or

(ii) is suffering from an incapacity that is likely to impair his or her efficiency in providing the service; and

(b) the operator knows of that fact.

Penalty: 5 penalty units.

## **Subpart 139.H—Aerodrome rescue and firefighting services**

**Note:** As a signatory to the Chicago Convention, Australia is obliged to require, as part of its domestic law, that certain classes of airport provide rescue and firefighting services of an adequate standard. (See generally section 9.2 of chapter 9 of Annex 14 to the Chicago Convention.) To satisfy that obligation, this Subpart requires operators of aerodromes that have scheduled international traffic, or specified levels of domestic passenger traffic, to provide those services, and sets out the standards that apply to such services. Aerodromes that are not obliged to provide an ARFFS may choose to do so, and this Subpart will apply to a service so provided until the operator gives reasonable notice that it will no longer provide such a service.

### **Division 139.H.1—General**

#### **139.700 Applicability of this Subpart**

- (1) This Subpart applies to aerodrome rescue and firefighting services.
- (2) This Subpart sets out:
  - (a) how a person receives approval as a provider of an aerodrome rescue and firefighting service; and
  - (b) the operating and technical standards applicable to such a service.

**Note:** In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as a provider of an aerodrome rescue and firefighting service.

- (3) This Subpart does not apply to:
  - (a) a person who is providing an aerodrome rescue and firefighting service in the course of his or her duties for the Defence Force; or
  - (b) any aerodrome rescue and firefighting service provided by the Defence Force.

#### **139.705 Definitions for this Subpart**

- (1) In this Subpart:

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***airside*** of an aerodrome has the same meaning as ***airside*** of an airport in the *Airports Act 1996*.

***ARFFS*** means aerodrome rescue and fire-fighting service.

***ARFFS operation*** means an operation undertaken in carrying out a function mentioned in paragraph 139.710 (1)(a) or (b).

***ARFFS provider*** for an aerodrome means the person or organisation that provides ARFFS for the aerodrome.

***category*** of an aerodrome means its category worked out by the method set out in section 9.2 of chapter 9 of Annex 14 to the Chicago Convention.

***ERSA*** means the part of AIP known as En Route Supplement Australia.

***Manual of Standards*** means the document called ‘Manual of Standards (MOS) – Subpart 139.H’ issued by CASA under regulation 139.712, as in force from time to time.

- (2) A reference in this Subpart to an AFC certificate of a particular level is a reference to:
- (a) a certificate of that level issued under the Australian Fire Competencies Scheme (that is, the training scheme administered by the Australian Fire Authorities Council); or
  - (b) a certificate accepted by CASA as indicating that the certificate holder has successfully completed a training program of a standard equivalent to that required for the issue of an AFC certificate of that level.

### 139.710 Functions of ARFFS

- (1) The functions of an ARFFS for an aerodrome are:
- (a) to rescue persons and property from an aircraft that has crashed or caught fire during landing or take-off; and
  - (b) to control and extinguish, and to protect persons and property threatened by, a fire on the aerodrome, whether or not in an aircraft.

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- (2) Nothing in subregulation (1) prevents the ARFFS provider for an aerodrome from performing fire control services or rescue services elsewhere than on an aerodrome, but the provider must give priority to operations mentioned in subregulation (1).

**139.711 Person not to provide service without approval**

- (1) A person must not provide an ARFFS at an aerodrome unless the person is approved, under Division 139.H.5, to provide the ARFFS.

Penalty: 50 penalty units.

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

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

**139.712 Issue of Manual of Standards**

- (1) CASA may issue a Manual of Standards for this Subpart that provides for the following matters:
- (a) standards and criteria for the establishment and disestablishment of an ARFFS;
  - (b) standards relating to the procedures, systems and documents required for the provision of an ARFFS;
  - (c) standards for facilities and equipment used to provide an ARFFS;
  - (d) standards, including competency standards, minimum qualifications and training standards, for persons engaged in an ARFFS;
  - (e) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
  - (f) any matter necessary or convenient to be provided for the effective operation of this Subpart.

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

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

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

**139.715 Effect of Manual of Standards**

- (1) If CASA sets out, in the Manual of Standards, a way of complying with a requirement of this Subpart, an ARFFS provider who uses that way is taken to have complied with the requirement unless the contrary is shown.
- (2) CASA may take the extent to which an ARFFS provider complies with the Manual into account in deciding whether the service provided by the provider is adequate.

## **Division 139.H.3—Requirements to be complied with by ARFFS provider**

### **139.750 Requirements in this Division**

A requirement in this Division for there to be a system or procedure to do something is a requirement that the system or procedure:

- (a) must exist; and
- (b) must be in use.

### **139.755 Definition for Division—*applicable standards and requirements***

- (1) In this Division:

*applicable standards and requirements*, for an aerodrome of a particular category, means:

- (a) for an aerodrome to which subregulation (2) applies—the standards and requirements for an aerodrome of its category set out in:
  - (i) Chapter 9 of Annex 14 to the Chicago Convention; and
  - (ii) the Manual of Standards; or
- (b) for any other aerodrome—the standards and requirements for an aerodrome of its category set out in the Manual of Standards.

- (2) This subregulation applies to:

- (a) an aerodrome from or to which an international passenger air service operates; and
- (b) any other aerodrome through which more than 350 000 passengers passed on air transport flights during the previous financial year.

- (3) In paragraph (2)(a):

*international passenger air service* means:

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- (a) an international air service (within the meaning given by subsection 3 (1) of the *Air Navigation Act 1920*) that carries passengers, other than a non-scheduled service (within the meaning given by that subsection); or
  - (b) a non-scheduled passenger-carrying flight, or program of non-scheduled passenger-carrying flights, carried out under a permission granted under section 15D of the *Air Navigation Act 1920*; or
  - (c) a non-scheduled passenger-carrying flight, or program of non-scheduled passenger-carrying flights, in a category in respect of which the Secretary to the Department has determined, under subsection 15A(3) of that Act, that such a permission is not required.
- (4) For paragraph (2)(b), the number of passengers that pass through an aerodrome is to be determined according to statistics published by the Department.

Note: **Department** means the Department administered by the Minister who administers these Regulations (see the *Acts Interpretation Act 1901*, subsection 19A(3) and section 46). At present that Department is the Department of Transport and Regional Services.

**139.760 Inconsistency between Manual and chapter 9 of Annex 14**

If a requirement of the Manual of Standards, as it applies to a particular aerodrome, is inconsistent with a requirement of chapter 9 of Annex 14 to the Chicago Convention, as it applies to that aerodrome, the requirement of the Manual prevails to the extent of the inconsistency.

**139.765 Knowledge, equipment and expertise to deal with aviation hazards**

An ARFFS provider must have the knowledge, equipment and expertise to deal with any hazard likely to arise during an aviation accident or incident, including any hazard mentioned in the Manual of Standards.

### **139.770 General obligation to maintain service**

- (1) An ARFFS provider must ensure that the service is available during the period or periods published in ERSA as the period or periods of its availability.
- (2) Subregulation (1) does not prevent the level of protection provided during predictable periods of reduced activity at the aerodrome from being reduced, within the limit allowed by Chapter 9 of Annex 14 to the Chicago Convention.

### **139.771 Response time of ARFFS**

- (1) An ARFFS must be able to meet the criteria for response time set out in Chapter 9 of Annex 14 to the Chicago Convention.
- (2) Subregulation (1) applies to an ARFFS whether or not Annex 14 to the Chicago Convention applies to the ARFFS.

### **139.772 Buildings and emergency facilities**

- (1) An ARFFS provider for an aerodrome to which subregulation 139.755 (2) applies must ensure that the necessary buildings and facilities for the service, including the following, are at the aerodrome:
  - (a) a fire station;
  - (b) communications facilities;
  - (c) facilities for the maintenance of vehicles and equipment;
  - (d) training facilities;
  - (e) storage facilities;
  - (f) if there is a body of water within 1 000 metres of a runway threshold—a boat ramp and boat launching facilities.
- (2) The ARFFS provider must ensure that those buildings and facilities comply with any applicable requirements (including requirements as to location) in the Manual of Standards.
- (3) The ARFFS provider must ensure that there is a facility, in accordance with the requirements of the Manual of Standards, for replenishing the water supply of a fire fighting vehicle.

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- (4) The ARFFS provider must ensure that there are the appropriate emergency roads on the aerodrome in accordance with the requirements of the Manual of Standards.
- (5) An ARFFS provider must ensure that there are, at an aerodrome other than one to which subregulation 139.755 (2) applies, the following facilities:
  - (a) a standby point for an emergency vehicle that will allow the vehicle to achieve the response time required by the Manual of Standards;
  - (b) storage for a reserve stock of extinguishing agents.

**139.773 Officer in charge**

- (1) An ARFFS provider must appoint, as officer in charge of ARFFS operations for an aerodrome, a person who is based at the aerodrome and who holds:
  - (a) for an aerodrome categorised as Category 6 or above—an AFC Advanced Diploma that meets the standards in the Manual of Standards; or
  - (b) for an aerodrome categorised as Category 5 or below—an AFC Diploma that meets the standards in the Manual of Standards.
- (2) In paragraphs (1)(a) and (b):

*AFC* means Australian Fire Competencies.

**139.775 Notice about times service is available etc**

- (1) An ARFFS provider must ensure that notice is published in ERSA of the hours during which the service is available.
- (2) If for some reason (such as an emergency on the aerodrome) it becomes temporarily impossible to provide an ARFFS to the standard required by this Subpart, the provider must tell the Australian NOTAM Office:
  - (a) of the reduction in the service; and
  - (b) how long it is likely to be before the full service is restored.

- (3) The provider must tell CASA in writing of any proposed reduction in the standard of service that:
  - (a) will last longer than 24 hours; or
  - (b) reduces the standard of ARFFS provided at the airport concerned to a greater extent than is permissible under Chapter 9 of Annex 14 to the Chicago Convention.

#### **139.780 Agreements with other fire fighting bodies**

- (1) An ARFFS provider may make an arrangement:
  - (a) for an aerodrome that is a joint user airport (within the meaning of the *Airports Act 1996*)—with the Defence Force for the provision of the ARFFS provider's services to the Defence Force for the part of the aerodrome under the control of the Force; or
  - (b) with a State or Territory, or another person or body, for the services of the provider for firefighting or rescue in the State or Territory beyond the airside of the aerodrome concerned.
- (2) If a provider makes such an arrangement, the provider must ensure that it is recorded in writing.

#### **139.785 Stock of fire extinguishing agents**

- (1) There must be, on the aerodrome, a stock of fire-extinguishing agents of the kind or kinds, and meeting the performance standards, required by the applicable standards and requirements.
- (2) The fire-extinguishing agents must be held in at least the quantities required by those standards and requirements.

#### **139.795 Extinguishing equipment and vehicles**

- (1) There must be, on the aerodrome, vehicles and equipment for delivering extinguishing agent onto a fire.
- (2) There must be at least as many vehicles, and at least as much equipment, as required by the applicable standards and requirements.
- (3) Each vehicle or piece of equipment:

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- (a) must be capable of delivering extinguishing agent onto a fire at at least the rate required by the applicable standards and requirements; and
  - (b) must have at least the performance (in other respects) required by those standards and requirements.
- (4) The vehicles must carry ancillary equipment in accordance with the applicable standards and requirements.
- (5) Each vehicle and piece of equipment must be in good working order.
- (6) The vehicles must be of a colour permitted by the applicable standards and requirements.
- (7) The provider must keep maintenance instructions for each vehicle and each piece of the equipment, including all the information necessary to permit an appropriately qualified and technically competent person to carry out maintenance, performance monitoring, defect reporting, fault reporting and record-keeping on or for the vehicle or equipment.

**139.800 Other vehicles and equipment**

- (1) There must be, at the aerodrome, enough vehicles and equipment (other than vehicles and equipment for delivering extinguishing agent onto a fire) to provide the service, in accordance with the applicable standards and requirements.
- (2) The performance of the vehicles and equipment must be in accordance with the applicable standards and requirements.
- (3) The vehicles must carry ancillary equipment in accordance with the applicable standards and requirements.
- (4) The provider must keep maintenance instructions for each piece of the provider's equipment, including all the information necessary to permit a technically competent person to carry out maintenance, performance monitoring, defect reporting, fault reporting and record-keeping on or for the equipment.

### **139.805 Vehicles and equipment for firefighting and rescue in difficult environments**

- (1) If a significant proportion of aircraft movements at the aerodrome take place over water, swamp or another difficult environment, there must be appropriate vehicles, boats and equipment for firefighting and rescue in that environment within 1 000 metres of the threshold of each runway.
- (2) The vehicles, boats and equipment must be in at least the numbers and quantity required by the applicable standards and requirements.
- (3) The vehicles and boats must be of a colour required or permitted by the applicable standards and requirements.

### **139.810 Commissioning of certain equipment**

An ARFFS provider must not begin to use a piece of operational equipment for the purpose of an ARFFS unless the equipment has been approved by CASA as conforming to specifications and any applicable standards, in accordance with the operator's aerodrome manual, and any applicable standards or requirements in the Manual of Standards.

### **139.815 Protective clothing and equipment**

At the aerodrome there must be, for the firefighters and rescue personnel:

- (a) protective clothing that complies with:
  - (i) if there is a relevant Australian Standard (as in force immediately before this regulation commences)—that Standard; or
  - (ii) if there is no such Australian Standard—any relevant internationally recognised standard;in at least the quantity required by the applicable standards and requirements; and
- (b) other protective equipment in the quantity required by, and of a kind in accordance with, those standards and requirements.

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**139.820 Communications**

- (1) There must be, on the aerodrome, sufficient communications equipment available to provide communication during an ARFFS operation.
- (2) The vehicles used for the service must carry suitable communications equipment.
- (3) A person who is required to operate the equipment must hold a licence or certificate of a kind mentioned in paragraph 83 (1)(d) of CAR 1988 and appropriate to the equipment.
- (4) The equipment must not interfere, when in use, with communications equipment used by the air traffic service at the aerodrome.

**139.825 Test and maintenance equipment**

- (1) The provider must have the necessary equipment and tools, in accordance with the applicable standards and requirements, to test and maintain the equipment used to provide the service.
- (2) If the applicable standards and requirements require particular test or maintenance equipment, particular kinds of test or maintenance equipment, or particular numbers or quantities of a particular type of test or maintenance equipment, the provider must have that equipment or that number or quantity of that type of equipment.

**139.830 Commissioning of new vehicles and equipment**

The provider must not put a new vehicle, or a new item of equipment that affects the quality or rate of discharge of extinguishing agent, into service unless:

- (a) the vehicle or equipment has been approved by CASA, for conformity to specification and the applicable standards and requirements, in accordance with the provider's operations manual; and
- (b) CASA has acknowledged that the vehicle or equipment meets the applicable standards and requirements; and
- (c) any necessary personnel training has been completed.

### **139.835 Number of operating personnel**

- (1) During any period announced in ERSA as a period during which ARFFS is available at an aerodrome, there must be enough trained personnel available at the aerodrome to operate the equipment and vehicles required to provide the service at full capacity.
- (2) Those personnel must be stationed at places that allow the ARFFS to respond to an emergency at least as quickly as required by the applicable standards and requirements.

### **139.840 Medical standard of firefighters**

- (1) The people employed as firefighters must meet the medical standard for firefighters set out in the Manual of Standards.
- (2) There must be a system of continuing medical checks for the people employed as firefighters that ensures that the ARFFS provider knows whether or not those people continue to meet that standard.

### **139.845 Qualifications and training of firefighters**

- (1) The people employed as firefighters must already be trained to at least AFC Certificate 2 standard, or, if for a particular position the Manual of Standards specifies a higher standard, that higher standard.
- (2) Before being used in any operational capacity, those people must also receive, or have received, appropriate training in dealing with hazards specific to aviation accidents and incidents, to the extent that such training is not part of the training required for an AFC Certificate 2.
- (3) The people employed as firefighters must receive appropriate training to familiarise them with local conditions.
- (4) There must be ongoing training for the people employed as firefighters to ensure that they continue to meet that standard.
- (5) If a significant proportion of aircraft movements at the aerodrome take place over water, swamp or another difficult environment, the

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firefighters must be appropriately trained to carry out their functions in that environment.

**139.850 Operations manual**

- (1) There must be an operations manual for the service that complies with the standards set out in the Manual of Standards.
- (2) The operations manual must include a chart showing the organisations that provide services to the provider, setting out the roles and responsibilities of those organisations and how those roles and responsibilities affect the Aerodrome Emergency Procedures for the aerodrome concerned.
- (3) The operations manual must be kept up to date.
- (4) Each of the provider's employees must have ready access to an up-to-date copy of the operations manual.
- (5) The provider must give CASA a copy of the operations manual, and of any changes to it.
- (6) There must be an up-to-date copy of the operations manual at each operational station.
- (7) The provider must comply with the requirements of the operations manual.

**139.855 Amendment of operations manual**

- (1) An ARFFS provider may amend its operations manual, but an amendment is of no effect until approved in writing by CASA.
- (2) CASA may direct an ARFFS provider to amend its operations manual in a way specified in the direction.
- (3) The provider must comply with the direction.

**139.860 Voice data recording**

There must be a system to record electronically, in accordance with the standards or requirements set out in the Manual of Standards,

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any voice communication by radio or telephone in the course of an ARFFS operation.

**139.865 Record of accidents or incidents**

There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to record the details of any aircraft accident or incident, or building fire, in relation to which the service is required to take any action.

**139.870 Contingency plan**

- (1) There must be a plan, in accordance with the standards or requirements set out in the Manual of Standards, of the procedures to be used in the event of an emergency that results, or may result, in the service being interrupted.
- (2) The plan must include at least the following:
  - (a) actions to be taken by firefighters and rescue personnel;
  - (b) possible alternative arrangements for providing the service (including arrangements for procuring any necessary replacement vehicles or spare parts, or supplies of extinguishing materials);
  - (c) notification procedures;
  - (d) procedures for re-establishing normal services.

**139.875 Records management**

- (1) There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to collect, index, store and maintain the records relating to the service.
- (2) The records must include:
  - (a) voice records made under regulation 139.860; and
  - (b) records of accidents or incidents made under regulation 139.865.
- (3) A record must be kept for 5 years (or a shorter period specified for the particular kind of record in the Manual) after the date to which it relates.

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**139.880 Organisation**

The provider must, at all times, maintain an appropriate organisation with a sound and effective management structure, having regard to the nature of the service it provides.

**139.885 System for rectification of service failures**

There must be a system, in accordance with the standards or requirements in the Manual of Standards, to rectify any failure that results or may result in an interruption in the service or a reduction in the standard of the service.

**139.890 Quality control**

There must be a system, in accordance with the standards or requirements set out in the Manual of Standards, to ensure that the service complies with the requirements of this Subpart.

**139.895 Change management**

There must be a system, in accordance with the Manual of Standards, to manage changes in:

- (a) equipment and procedures; and
- (b) what the service does; and
- (c) the level or kinds of service provided; and
- (d) the way the service is provided.

**139.900 Safety management**

There must be a safety management system for the service, in accordance with the standards or requirements in the Manual of Standards, including the policies, procedures and practices necessary to provide the service safely.

**139.905 Applicant's organisation**

- (1) The provider must tell CASA in writing:
    - (a) who its managers are; and
    - (b) its organisational structure; and
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- (c) how many staff of each class it uses to provide the service.
- (2) The provider must tell CASA in writing about any change in a matter mentioned in paragraph (1)(a), (b) or (c) within 14 days after the change.

### **139.910 Telling users and CASA about changes**

- (1) There must be a procedure, in accordance with the standards and requirements in the Manual of Standards, for an ARFFS provider to give, to aerodrome users, safety-related information about changes, faults or interruptions to the service.
- (2) The procedure must comply with CASA's requirements for reporting information to the Aeronautical Information and Data Service and the Australian NOTAM Office.
- (3) If the provider fails, for a period of 24 hours or longer, to provide the service at the standard required by Division 139.H.3, the ARFFS provider for the aerodrome must tell CASA in writing as soon as practicable:
  - (a) why the service is not being provided at that standard; and
  - (b) how long it is likely to be before the service can be resumed; and
  - (c) what action the service provider has taken and will take to resume the service at that standard.

## **Division 139.H.4—Conduct of ARFFS operations**

### **139.915 Powers of officer in charge or firefighter**

- (1) In this regulation:

***firefighter***, in relation to an ARFFS operation for an aerodrome, means:

- (a) somebody employed as a firefighter by the ARFFS provider for the aerodrome; or
- (b) a member of a fire brigade, or of a rescue or fire fighting service, who is taking part in the operation in accordance with an arrangement made with such a brigade or service.

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***officer in charge***, in relation to an ARFFS operation for an aerodrome, means:

- (a) the person appointed under regulation 139.773 as officer in charge of ARFFS operations at the aerodrome; or
- (b) if, in accordance with an arrangement made with a fire brigade, or a rescue or fire fighting service, the person in control of the operation is a member of such a brigade or service—that person.

***volunteer***, in relation to an ARFFS operation, means somebody who has volunteered to help in the operation under the direction of the officer in charge.

- (2) For an ARFFS operation for an aerodrome under this Subpart, the officer in charge may:
  - (a) give directions that he or she thinks proper to firefighters and volunteers under his or her control; and
  - (b) take measures that he or she thinks proper.
- (3) Without limiting paragraph (2)(b), the officer in charge may do the following things for the purpose of the ARFFS operation:
  - (a) enter (by force, if necessary), take possession of and deal with in any appropriate way, premises, an aircraft or other property;
  - (b) close a road or other thoroughfare to traffic;
  - (c) use a convenient water supply (including shutting off water supply from a main or pipe to obtain greater pressure or supply);
  - (d) disconnect electricity supply to premises;
  - (e) remove flammable, explosive or other dangerous material from premises, an aircraft or other property;
  - (f) order a person to leave premises, an aircraft or other property;
  - (g) remove from the vicinity of the operation a person or thing the presence of whom or which is interfering, or is likely to interfere, significantly with the operation;
  - (h) take a fire engine or other fire appliance onto land or premises;

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- (i) shore up or destroy a wall or building that is insecure or may be dangerous to persons or property;
  - (j) direct or authorise a firefighter or a volunteer to do something that, under this regulation, the officer may do.
- (4) For an ARFFS operation, a firefighter may do something mentioned in paragraph (3)(a), (b), (c), (d), (e), (f) or (h) without authorisation under paragraph (3)(j) if there are reasonable grounds for believing that, for the operation:
  - (a) it is necessary or desirable to do the thing; and
  - (b) it is not practicable for him or her to get authorisation to do so.
- (5) A person is guilty of an offence punishable by a fine of 10 penalty units if he or she fails to comply with:
  - (a) a direction of the officer in charge under paragraph (3)(f); or
  - (b) a direction of the kind mentioned in that paragraph, given by a firefighter or volunteer, if:
    - (i) the firefighter or volunteer has been authorised under paragraph (3)(j) by the officer in charge to give it; or
    - (ii) the conditions in paragraphs (4)(a) and (b) are satisfied in relation to the direction.

## **Division 139.H.5—Administration**

### **139.920 Definition for Division**

In this Division:

*show cause notice* means a notice under regulation 139.1015.

### **139.925 How to apply for approval as ARFFS provider**

- (1A) An eligible person may apply to CASA for approval as an ARFFS provider.
- (1) A person is eligible to apply for approval as an ARFFS provider if:
  - (a) the person is mentioned in column 2 of an item in table 139.925; and

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- (b) the application relates to an aerodrome mentioned in column 3 of that item.
- (2) The application must be in writing.
- (3) The application:
  - (a) must set out the applicant's name and address; and
  - (b) if the applicant is a corporation (within the meaning given by the *Corporations Act 2001*)—must set out the applicant's registered address and ACN and the names and addresses of its officers.
- (4) In paragraph (3)(b):

**officer** has the meaning given by section 9 of the *Corporations Act 2001*.
- (5) The applicant must include with the application:
  - (a) a copy of the applicant's operations manual, prepared as if the applicant were an approved provider; and
  - (b) information that will enable CASA to decide whether or not the applicant is of sound financial standing; and
  - (c) a statement of the intended location and category of the service to be provided.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

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**Table 139.925**

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Item	Applicant	Aerodrome
1	the Commonwealth	any aerodrome
2	AA	any aerodrome
2A	Delta Fire Service Pty. Ltd.	Townsville Airport
3	Broome Airport Services Pty Ltd	Broome International Airport
4	Administration of Norfolk Island	Norfolk Island International Airport
5	a person who is to provide an ARFFS at a particular aerodrome:	the aerodrome mentioned in column 2

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**Table 139.925**

Item	Applicant	Aerodrome
	(a) in cooperation with AA, in accordance with paragraph 11 (3)(b) of the <i>Air Services Act 1995</i> ; or	
	(b) by arrangement with AA, in accordance with paragraph 11 (3)(c) of the <i>Air Services Act 1995</i>	
6	a person who is to provide an ARFFS in accordance with an arrangement mentioned in paragraph 216 (1)(e) of the <i>Airports Act 1996</i>	the aerodrome specified in the arrangement mentioned in column 2

### 139.965 When CASA must grant approval

- (1) Subject to regulation 11.055 and subregulation (3), if a person has applied for approval as an ARFFS provider under this Subpart, CASA must grant the approval.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (3) CASA may approve an application only if CASA approves the applicant's draft operations manual.
- (4) CASA must not approve the draft operations manual unless the draft manual complies with the relevant requirements in the Manual of Standards.
- (6) Without limiting regulations 11.056 and 11.067, if the application is made by a person mentioned in column 2 of item 1, 2, 5 or 6 of Table 139.925 in relation to an ARFFS at the corresponding aerodrome, CASA may impose any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.

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**139.970 When decision must be made**

- (1) If CASA does not make a decision about an application within 21 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035 or 11.040, the time between when CASA makes the request, and when the applicant's officer or officers participates or participate in the interview, or gives CASA the information or copy requested, does not count towards the period.
- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050 (3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050 (2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.

**139.995 Application for variation of approval**

- (1) An approved ARFFS provider may apply to vary its approval.
- (2) Regulations 139.965 and 139.970 apply to the application.

Note: Part 11 also contains provisions relating to an application for variation of approval.

**139.1005 Suspension or continued suspension of approval by show cause notice**

- (1) CASA may state, in a show cause notice, that the approval as an approved ARFFS provider of the ARFFS provider concerned is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

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- (2) If a show cause notice states that the approval is suspended:
  - (a) if the approval is already suspended when the show cause notice is given to the holder—the approval continues to be suspended until CASA revokes the suspension, or the suspension lapses under subregulation (4); or
  - (b) the approval is suspended from when the notice is given to the approved ARFFS provider concerned.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

### **139.1010 Grounds for cancellation of approval**

It is grounds for the cancellation of the approval of an approved ARFFS provider if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) has otherwise been guilty of conduct that renders the holder's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

### **139.1015 Notice to approved ARFFS provider to show cause**

- (1) CASA may give an approved ARFFS provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the approval.
- (2) A show cause notice must:
  - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
  - (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.

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- (3) For paragraph (2)(b), the period must not be less than 7 days.

**139.1020 Cancellation of approval after show cause notice**

- (1) CASA may cancel an approval only if:
- (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
  - (b) CASA has given the holder a show cause notice in relation to the grounds for the proposed cancellation; and
  - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the holder; and
  - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an approved ARFFS provider, and it decides not to cancel the approval, it:
- (a) must tell the provider in writing of the decision; and
  - (b) must, if the approval is suspended, revoke the suspension.

**139.1022 Cancellation if holder ceases to provide ARFFS**

- (1) CASA must cancel the approval of a person mentioned in column 2 of item 3 or 4 of Table 139.925 if the person ceases to be an ARFFS provider for the aerodrome mentioned in column 3 of the item.
- (2) CASA must cancel the approval of a person mentioned in column 2 of item 5 of Table 139.925 if the cooperation or arrangement mentioned in that item ceases.
- (3) CASA must cancel the approval of a person mentioned in column 2 of item 6 of Table 139.925 if the arrangement mentioned in that item ceases.

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## **Part 141—Flying training organisations**

Note: This Part heading is reserved for future use.

## **Part 142—Flight crew training and checking organisations**

Note: This Part heading is reserved for future use.

## **Part 143—Air Traffic Services Training Providers**

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## Subpart 143.A—General

### 143.005 Applicability of this Part

- (1) This Part:
  - (a) applies to a person that wants to become, or is, an ATS training provider; and
  - (b) sets out certain administrative rules applying to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
  - (a) a person who is providing ATS training in the course of his or her duties for the Defence Force; or
  - (b) any ATS training provided by the Defence Force.

### 143.010 Definitions for this Part

In this Part:

***Australian National Training Authority*** means the Australian National Training Authority established by the *Australian National Training Authority Act 1992*.

***Australian Qualifications Framework*** means the framework set out in a document called ‘Australian Qualifications Framework Implementation Handbook’ published by the Australian Qualifications Framework (AQF) Advisory Board in 1998.

***Australian Quality Training Framework*** means the quality arrangements for vocational education and training services set out in the document called ‘Australian Quality Training Framework – Standards for Registered Training Organisations’ published by the Australian National Training Authority in 2001.

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

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**Manual of Standards – Part 143** means the document called ‘Manual of Standards (MOS) – Part 143’ issued by CASA under regulation 143.017, as in force from time to time.

**Registered Training Organisation** has the same meaning as it has in the document called ‘Australian Quality Training Framework – Standards for Registered Training Organisations’, published by the Australian National Training Authority in 2001.

**training provider** means a person who, or entity that, provides vocational education and training.

**training recognition authority**, in relation to a State or Territory, means a body that has, under a law of the State or Territory, the responsibility for registering training providers in that State or Territory.

### **143.015 What is an ATS training provider**

An ATS training provider is a person approved, under Subpart 143.F, to provide the training relating to air traffic services that is covered by the approval.

### **143.016 Person not to provide service without approval**

- (1) A person must not provide training relating to air traffic services unless the person:
  - (a) is approved, under Division 143.F.2, to provide the training;  
or
  - (b) is an ATS provider within the meaning in Part 172.

Penalty: 50 penalty units.

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

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

### **143.017 Issue of Manual of Standards**

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

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- (a) standards, including procedures, plans, systems and documentation, for the provision of air traffic services training;
- (b) standards for facilities and equipment used to provide air traffic services training;
- (c) standards, including competency standards and minimum qualifications, for instructors engaged in air traffic services training;
- (d) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
- (e) any matter necessary or convenient to be provided for the effective operation of this Part.

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

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

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

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## **Subpart 143.B—Approval as an ATS training provider**

### **143.020 What an application must be accompanied by**

An application for approval as an ATS training provider must be accompanied by:

- (a) a written statement setting out details of the training relating to air traffic services that the applicant proposes to provide; and
- (b) a written statement setting out details of the relevant qualifications and experience of the applicant and applicant's personnel, including the number of suitably qualified personnel who will be involved in providing the training; and
- (c) enough information to show that the applicant is a Registered Training Organisation whose registration:
  - (i) is in force; and
  - (ii) is for training delivery covering the training; and
- (d) a written statement describing the arrangements the applicant has made to comply with the requirements of Subparts 143.C and 143.D.

### **143.025 When applicant is eligible for approval**

For Subpart 143.F, an applicant is eligible to become an ATS training provider for particular training relating to air traffic services if the applicant:

- (aa) is any of the following:
  - (i) the Commonwealth;
  - (ii) AA;
  - (iii) a person who is to provide air traffic services training services in cooperation with AA, in accordance with paragraph 11 (3)(b) of the *Air Services Act 1995*;
  - (iv) a person who is to provide air traffic services training services by arrangement with AA, in accordance with paragraph 11 (3)(c) of the *Air Services Act 1995*; and

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- (a) is a Registered Training Organisation whose registration:
  - (i) is in force; and
  - (ii) is for training delivery covering that training; and
- (b) is able to comply with the requirements of Subparts 143.C and 143.D or will be able to do so if the applicant is approved.

**143.027 CASA may impose conditions on approvals**

Without limiting regulations 11.056 and 11.067, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.

**143.050 Variation of approvals**

- (1) If an ATS training provider wants to vary its approval, it must apply to CASA, under Subpart 143.F, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.

## **Subpart 143.C—Requirements to be complied with by ATS training providers**

### **Division 143.C.1—Requirements for training**

#### **143.055 Standard for training**

An ATS training provider must ensure that the training relating to air traffic services that it provides:

- (a) is of at least the standard required by the Manual of Standards – Part 65; and
- (b) complies with the Australian Qualifications Framework.

#### **143.060 Training plan**

An ATS training provider must have, and put into effect, a training plan for the training relating to air traffic services covered by its approval that is in accordance with the standards and requirements set out in the Manual of Standards – Part 65.

## **Division 143.C.2—Personnel**

### **143.065 Personnel**

An ATS training provider must have, at all times, enough suitably qualified personnel to enable it to provide, in accordance with both the Australian Quality Training Framework and the standards and requirements set out in the Manual of Standards – Part 65, the training relating to air traffic services that is covered by its approval.

### **143.070 Qualifications for certain personnel**

An ATS training provider must not give to a person responsibility as an instructor or assessor for any training relating to air traffic services that it provides unless the person:

- (a) has suitable qualifications and experience in accordance with the Australian Quality Training Framework; and
- (b) satisfies the requirements of the Manual of Standards – Part 65 for persons having that responsibility.

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**Division 143.C.3—Reference materials, documents and records**

**143.075 Reference materials**

- (1) An ATS training provider must maintain a set of the reference materials mentioned in regulation 143.080 for use by members of its personnel who have responsibilities as instructors or assessors for any training relating to air traffic services that it provides.
- (2) The provider must maintain another set of the reference materials for use by anyone undertaking training relating to air traffic services that it provides.
- (3) The provider must keep the reference materials up to date and in a readily accessible form.
- (4) The instructors and assessors and anyone undertaking training must have ready access to the reference materials.

**143.080 Material to be included in reference materials**

For regulation 143.075, the reference materials to be maintained by the provider must include the following:

- (a) copies of the Act and these Regulations;
- (b) copies of Annexes 1, 6, 11 and 12 to the Chicago Convention;
- (c) a copy of the AIP;
- (d) copies of the Manual of Standards – Part 65 and the Manual of Standards – Part 143;
- (e) all manuals and documents specified in the Manual of Standards – Part 65 and Manual of Standards – Part 143.

**143.085 Documents and records**

- (1) The provider must keep documents and records of the kinds specified in the Manual of Standards – Part 143.

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- (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.
- (3) The provider must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

**143.090 Document and record control system**

- (1) The provider must establish, and put into effect, a system, in accordance with the standards set out in the Manual of Standards – Part 143, for controlling the documents and records required to be kept under regulation 143.085.
- (2) The system must include the policies and procedures for making, amending and preserving those documents and records.

## **Subpart 143.D—Telling CASA about changes**

### **143.095 Advice on organisational changes**

The provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any training relating to air traffic services that is covered by its approval within 7 days after the change occurs.

### **143.100 Discontinuing training**

- (1) The provider must not discontinue any training relating to air traffic services that is covered by its approval, unless it has given CASA at least 28 days written notice that the training is to be discontinued.
- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances:
  - (a) it was not reasonably practicable for the provider to give to CASA at least 28 days notice; and
  - (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued.

### **143.105 Status as a Registered Training Organisation**

If an ATS training provider, for any reason at any time after its approval as an ATS training provider, loses its status as a Registered Training Organisation, it must, within 7 days, tell CASA in writing accordingly.

## **Subpart 143.E—Miscellaneous**

### **143.110 Unapproved training**

An ATS training provider must not provide any training relating to air traffic services unless:

- (a) its approval:
  - (i) is in force; and
  - (ii) covers that training; and
- (b) it is a Registered Training Organisation whose registration:
  - (i) is in force; and
  - (ii) is for training delivery covering that training.

## **Subpart 143.F—Administration**

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as an ATS training provider.

### **Division 143.F.1—Preliminary**

#### **143.115 Applicability of this Subpart**

This Subpart:

- (a) sets out certain administrative rules applying to CASA in its administration of this Part; and
- (b) includes certain generic provisions applying to anyone who wants to become, or is, an ATS training provider.

## **Division 143.F.2—Approvals**

### **143.118 Applying for approval**

Subject to regulation 143.120, a person may apply to CASA, in writing, for approval as an ATS training provider.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

### **143.120 Joint applications not permitted**

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

### **143.130 Applications by corporations etc—what must be included**

- (1) An application from a person other than an individual must set out:
  - (a) the applicant's registered address and ACN; and
  - (b) the names and addresses of its officers.
- (2) In paragraph (1)(b):

***officer*** has the meaning given by section 9 of the *Corporations Act 2001*.

### **143.145 CASA may require demonstrations of procedures or equipment**

Regulation 11.045 applies in relation to an approval as an ATS training provider.

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**143.175 Grant of approval**

Subject to regulation 11.055, if an applicant has applied for approval as an ATS training provider under this Part, CASA must grant the approval.

- Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:
- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
  - (b) a decision imposing a condition on an approval.

**143.180 When decision must be made**

- (1) If CASA does not make a decision about an application within the period mentioned in subregulation (2) after receiving it, CASA is taken to have refused the application.
- (2) The period is 6 months.
- (3) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (4) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050 (3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (5) Also, if CASA invites an applicant to make a written submission under subregulation 11.050 (2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.
- (6) In this regulation:

***application*** includes an application to vary an approval under this Division.

## **Division 143.F.4—Suspension and cancellation of approvals**

### **143.215 Definition for this Division**

In this Division:

*show cause notice* means a notice under regulation 143.230.

### **143.220 Suspension of approval by show cause notice**

- (1) CASA may state, in a show cause notice, that an ATS training provider's approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.4 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended, the approval is suspended from when the notice is given to the provider.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval under regulation 143.235, within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

### **143.225 Grounds for cancellation of approval**

It is grounds for the cancellation of an ATS training provider's approval if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) does not meet, or continue to meet, a requirement of this Part for getting the approval; or
- (d) has otherwise been guilty of conduct that renders the provider's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

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Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

**143.230 Notice to show cause**

- (1) CASA may give an ATS training provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the provider's approval.
- (2) A show cause notice must:
  - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
  - (b) invite the provider to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

**143.235 Cancellation of approval after show cause notice**

- (1) Subject to regulation 143.245, CASA may cancel an ATS training provider's approval only if:
  - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
  - (b) CASA has given the provider a show cause notice in relation to the grounds for the proposed cancellation; and
  - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the provider; and
  - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an ATS training provider, and it decides not to cancel the provider's approval, it:
  - (a) must tell the provider, in writing, of the decision; and
  - (b) must, if the approval is suspended, revoke the suspension.

**143.245 Cancellation if cooperation or arrangement ceases**

- (1) CASA must cancel the approval of a person mentioned in subparagraph 143.025 (aa)(iii) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 143.025 (aa)(iv) if the arrangement mentioned in that subparagraph ceases.

## **Part 144—Distribution organisations**

Note: This Part heading is reserved for future use.

## **Part 145—Continuing airworthiness—Part 145 approved maintenance organisations**

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## **Subpart 145.A—General**

### **145.005 Purpose of Part**

This Part:

- (a) sets out matters relating to Part 145 organisations, including:
  - (i) requirements for approval as a Part 145 organisation; and
  - (ii) requirements that apply to Part 145 organisations; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

Note: See Division 202.GE.2.1 for transitional provisions under which Part 145 organisations can be approved to undertake CAR maintenance activities.

### **145.010 Definitions for Part**

- (1) In this Part:

***accountable manager***, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for:

- (a) ensuring that the organisation complies with its exposition, each approval rating that it holds, and these Regulations; and
- (b) ensuring that the organisation is able to finance the provision of the maintenance services set out in its exposition; and
- (c) ensuring that the organisation has adequate resources available to enable it to provide maintenance services in accordance with its exposition; and
- (d) establishing and promoting policies for safety management and quality systems in accordance with the requirements of this Part and Part 42.

***approval certificate*** means a certificate issued under regulation 145.035.

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**approval rating** means a rating for a kind of aircraft, aeronautical product or specialist maintenance specified in the Part 145 Manual of Standards.

**exposition**, for a Part 145 organisation, means the document that is approved by CASA under regulation 145.030 in relation to the organisation, including:

- (a) if a change to the document is approved by CASA under regulation 145.055—that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under regulation 145.060—the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 145.065—that change.

**quality manager**, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for the quality management system described in the Part 145 Manual of Standards for the organisation.

**responsible manager**, for a Part 145 organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

**safety manager**, for a Part 145 organisation, means the individual, appointed by the organisation, who is responsible for the safety management system described in the Part 145 Manual of Standards for the organisation.

**significant change**, in relation to a Part 145 organisation, has the meaning given by subregulation (2).

Note: See the Dictionary for definitions of other terms used in this Part.

- (2) A **significant change**, in relation to a Part 145 organisation, means any of the following changes:
- (a) a change to the organisation's name;
  - (b) a change to the location of the organisation's maintenance facility, including the addition of a new maintenance facility;

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- (c) a change in the personnel holding:
  - (i) the position of accountable manager in the organisation; or
  - (ii) the position of quality manager in the organisation; or
  - (iii) any of the positions of responsible manager in the organisation; or
  - (iv) the position of safety manager in the organisation;
- (d) a change to the maintenance services provided by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
- (e) a change to the permitted training that it is approved to provide;
- (f) a change to the organisation's facilities, equipment, tools, materials, procedures or certifying employees that could adversely affect the organisation's ability to provide maintenance services that it is approved to provide.

**145.015 Part 145 Manual of Standards**

- (1) For subsection 98 (5A) of the Act, CASA may issue a Manual of Standards for this Part that specifies matters affecting the maintenance or airworthiness of aircraft.
- (2) In particular, a Manual of Standards may specify the following matters:
  - (a) maintenance that is specialist maintenance for a Part 145 organisation;
  - (b) ratings for kinds of aircraft, aeronautical products and specialist maintenance;
  - (c) requirements for a Part 145 organisation's exposition;
  - (d) the privileges that apply to an approval rating;
  - (e) requirements for a Part 145 organisation, including requirements in relation to the following:
    - (i) facilities;
    - (ii) managers;
    - (iii) certifying employees;
    - (iv) employee qualifications;

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- (v) the grant of certification authorisations;
- (vi) training;
- (vii) equipment, tools and materials;
- (viii) aeronautical products;
- (ix) maintenance data;
- (x) writing procedures for carrying out maintenance;
- (xi) production planning;
- (xii) the issue of certificates of release to service;
- (xiii) in-house maintenance and in-house release documents;
- (xiv) the fabrication of parts in the course of carrying out maintenance;
- (xv) records;
- (xvi) defect reporting;
- (xvii) a quality management system, including auditing;
- (xviii) a safety management system;
- (xix) a procedure for making changes to the organisation that are not significant changes;
- (f) requirements for providing permitted training;
- (g) requirements for a Part 145 organisation in relation to arranging for the manufacturer of an aircraft or aircraft engine that forms part of a permitted aircraft type to provide training and assessment for the permitted aircraft type to the organisation's employees.

**145.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters**

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a Part 145 organisation that is approved by CASA under regulation 145.055; or
- (b) a change to a Part 145 organisation of which CASA is notified under regulation 145.060; or
- (c) a change to a Part 145 organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 145.065.

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## **Subpart 145.B—Approval of Part 145 organisations**

### **145.025 Applying for approval**

- (1) A person (the *applicant*) may apply to CASA for approval as a Part 145 organisation.
- (2) The application must:
  - (a) be in writing; and
  - (b) be signed by a person who is, or proposes to be, the applicant's accountable manager.
- (3) The application must include the following:
  - (a) a copy of the applicant's proposed exposition;
  - (b) the approval rating sought by the applicant for:
    - (i) each kind of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
    - (ii) each kind of specialist maintenance that the applicant proposes to provide;
  - (c) if the applicant intends to provide permitted training for its employees—each aircraft type, aircraft system or subset of an aircraft system for which the applicant intends to provide training.

Note 1: An application must be in the approved form, include all the information required by these Regulations, and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

### **145.030 Issuing approval**

- (1) Subject to regulation 11.055, CASA must approve an applicant as a Part 145 organisation if CASA is satisfied that:
  - (a) the applicant has an exposition that complies with the requirements specified in the Part 145 Manual of Standards; and

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- (b) the applicant has facilities, equipment, materials, maintenance data and tools that are suitable for:
  - (i) providing maintenance services for the kinds of aircraft or aeronautical product for which the applicant proposes to provide maintenance services; and
  - (ii) providing the specialist maintenance that the applicant proposes to provide; and
  - (iii) providing the permitted training that the applicant proposes to provide for its employees; and
- (c) the facilities, equipment, materials, maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 145 Manual of Standards; and
- (d) the applicant has nominated an individual for each of the following positions in the organisation:
  - (i) accountable manager;
  - (ii) quality manager;
  - (iii) safety manager; and
- (e) the applicant has nominated an individual for each position of responsible manager in the organisation; and
- (f) each individual nominated for a position mentioned in paragraph (d) or (e) is appropriately qualified to hold the position; and
- (g) the audit requirements of the applicant's quality management system will be carried out by a person who is not:
  - (i) the accountable manager; or
  - (ii) a responsible manager.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) If CASA decides to approve an applicant as a Part 145 organisation, CASA must determine:
  - (a) the approval rating for each kind of aircraft or aeronautical product for which the applicant is approved to provide maintenance services; and

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- (b) the approval rating for each kind of specialist maintenance that the applicant is approved to provide; and
  - (c) any limitations applying to an approval rating mentioned in paragraph (a) or (b); and
  - (d) the permitted training that the applicant is approved to provide for its employees.
- (3) In approving the applicant, CASA also approves the applicant's proposed exposition.

### **145.035 Approval certificate**

- (1) If CASA approves an applicant as a Part 145 organisation, CASA must issue a certificate setting out the matters mentioned in paragraphs 145.030 (2)(a) to (c).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a Part 145 organisation under regulation 145.055, CASA may issue a new approval certificate to the organisation.

### **145.040 Privileges for Part 145 organisations**

- (1) A Part 145 organisation may provide:
  - (a) maintenance services that it is approved to provide; and
  - (b) permitted training that it is approved to provide for its employees.
- (2) A Part 145 organisation may arrange for training and assessment for a permitted aircraft type to be provided by the manufacturer of the aircraft or the aircraft engine.

### **145.045 Approval subject to conditions**

It is a condition of approval of a Part 145 organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
  - (i) its exposition; and

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- (ii) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
  - (iii) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
  - (iv) any limitations applying to an approval rating mentioned in subparagraph (ii) or (iii); and
  - (v) the Part 145 Manual of Standards; and
  - (vi) Part 42 and this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1: The approval is also subject to the conditions set out in Part 11.

Note 2: Subpart 11.G empowers CASA to issue directions.

## **Subpart 145.C—Changes to Part 145 organisations**

### **145.050 Application for approval of significant changes to organisations**

- (1) If a Part 145 organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
  - (a) be in writing; and
  - (b) set out the proposed change; and
  - (c) include a copy of the part of the exposition consequentially affected by the change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
  - (a) the change is of the kind mentioned in paragraph 145.010 (2)(c); and
  - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

Note 3: Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval—see regulation 145.045.

### **145.055 Approval of significant changes**

- (1) Subject to regulation 11.055, CASA must approve a significant change to a Part 145 organisation if CASA is satisfied that, after

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making the change, the requirements mentioned in subregulation 145.030 (1) will continue to be met.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
  - (b) a decision imposing a condition on an approval.
- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

**145.060 Changes to Part 145 organisations that are not significant changes**

- (1) A change that is not a significant change to a Part 145 organisation must be made in accordance with the procedure set out in the organisation's exposition for making changes to the organisation that are not significant changes.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
  - (a) update its exposition; and
  - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

**145.065 CASA may direct Part 145 organisations to change exposition**

- (1) CASA may direct a Part 145 organisation to change its exposition:
  - (a) to remove particular information from the exposition; or
  - (b) to include particular information in the exposition; or
  - (c) to revise or vary the information in the exposition.
- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 145 Manual of Standards.
- (3) A direction under this regulation must:
  - (a) be in writing; and

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- (b) specify the time within which the direction must be complied with.

Note: The Part 145 organisation must comply with the direction—see regulation 145.085.

## **Subpart 145.D—Requirements and offences for Part 145 organisations**

### **145.070 Provision of maintenance services**

- (1) If a Part 145 organisation provides maintenance services, it must provide the services only in accordance with:
  - (a) its exposition; and
  - (b) the approval rating for each kind of aircraft or aeronautical product for which the organisation is approved to provide maintenance services; and
  - (c) the approval rating for each kind of specialist maintenance that the organisation is approved to provide; and
  - (d) any limitations applying to an approval rating mentioned in paragraph (b) or (c); and
  - (e) the privileges that apply to the approval rating under the Part 145 Manual of Standards.

Penalty: 50 penalty units.

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

### **145.075 Provision of permitted training**

- (1) If a Part 145 organisation provides permitted training for its employees, it must:
  - (a) provide only the permitted training that it is approved to provide; and
  - (b) provide the permitted training only in accordance with its exposition.

Penalty: 50 penalty units.

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

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**145.080 Providing employees with exposition**

- (1) If a Part 145 organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

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

**145.085 Complying with directions**

- (1) If CASA gives a direction to a Part 145 organisation under regulation 145.065, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

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

## **Part 147—Continuing airworthiness—maintenance training organisations**

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## **Subpart 147.A—General**

### **147.005 Purpose of Part**

This Part:

- (a) sets out matters relating to maintenance training organisations, including:
  - (i) requirements for approval as a maintenance training organisation; and
  - (ii) requirements that apply to maintenance training organisations; and
- (b) empowers CASA to issue a Manual of Standards for this Part.

### **147.010 Definitions for Part**

- (1) In this Part:

***accountable manager***, for a maintenance training organisation, means the individual, appointed by the organisation, who is responsible for ensuring that the organisation:

- (a) complies with its exposition and these Regulations; and
- (b) is able to finance the provision of the kinds of maintenance training set out in its exposition; and
- (c) has adequate resources available to enable it to provide maintenance training in accordance with its exposition.

***aircraft type*** has the meaning given by regulation 66.010.

***approval certificate*** means a certificate issued under regulation 147.035.

***assessment*** means an assessment of units of competency for category training, or elements for aircraft type training, by any or all of the following means:

- (a) examination of theory by means of written questions or oral questions or both;
- (b) practical testing of the skills acquired in practical training;

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(c) consideration of evidence for recognition of prior learning.

Examples: Evidence that may be assessed for recognition of prior learning

- 1 Responses to interview questions.
- 2 Formal qualifications and other documents evidencing an area of competence.
- 3 Third party verification.
- 4 Workplace observation.
- 5 Sample examination results or sample practical test results.

**course plan**, for a maintenance training organisation and a maintenance training course, means the plan for the maintenance training course set out in the organisation's exposition.

**exposition**, for a maintenance training organisation, means the document that is approved by CASA under regulation 147.030 in relation to the organisation, including:

- (a) if a change to the document is approved under regulation 147.055—that change; and
- (b) if the document is updated and the organisation gives CASA a copy of the updated part of the document under subregulation 147.060—the updated part of the document; and
- (c) if the organisation makes a change to the document in accordance with a direction given by CASA under regulation 147.065—that change.

**feedback system**, for a quality management system, has the meaning given by the Part 147 Manual of Standards.

**practical training** means training that allows a student who has undertaken training in theory to practise applying the theory.

**quality management system**, for a maintenance training organisation, means the quality management system described in the Part 147 Manual of Standards.

**recognition of prior learning** means full or partial credit given in a unit of competency for category training, or in an element for aircraft type training, for prior work experience, training or qualifications attained in Australia or a foreign country.

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**registered training organisation** means an organisation that is registered in accordance with the Australian Quality Training Framework to provide vocational training and assessment services and award qualifications.

**responsible manager**, for a maintenance training organisation, means an individual appointed by the organisation to be responsible to the accountable manager for ensuring that the organisation complies with its exposition and these Regulations in relation to a particular matter.

**significant change**, in relation to a maintenance training organisation, has the meaning given by subregulation (2).

**theory** means a theoretical element of aircraft type training or category training.

Note: See the Dictionary for definitions of other terms used in this Part.

- (2) A **significant change**, in relation to a maintenance training organisation, means any of the following changes:
- (a) a change to the organisation's name;
  - (b) a change to the location of the organisation's maintenance training facility, including the addition of a new maintenance training facility;
  - (c) a change in the personnel holding:
    - (i) the position of accountable manager in the organisation; or
    - (ii) any of the positions of responsible manager in the organisation;
  - (d) a change to a course or a course plan provided by the organisation, other than a change resulting from a change to Appendix I, II, III or IV to the Part 66 Manual of Standards;
  - (e) a change to the organisation's quality management system, other than a change involving the taking of any necessary corrective action under the feedback system;
  - (f) a change to the organisation's facilities, personnel, record management system, instructional equipment, maintenance training material or procedures that could adversely affect the

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organisation's ability to provide the maintenance training that it is approved to provide.

**147.015 Part 147 Manual of Standards**

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part that specifies matters affecting the maintenance or airworthiness of aircraft.
- (2) In particular, a Manual of Standards may specify the following matters:
  - (a) the category training a maintenance training organisation may be approved to provide;
  - (b) the aircraft type training a maintenance training organisation may be approved to provide;
  - (c) the kinds of assessment a maintenance training organisation may be approved to carry out;
  - (d) requirements for a maintenance training organisation's exposition;
  - (e) requirements for a maintenance training organisation, including requirements in relation to the following:
    - (i) facilities;
    - (ii) employees, including employee qualifications;
    - (iii) records of instructors and assessors;
    - (iv) course plans;
    - (v) conduct of assessments;
    - (vi) instructional equipment;
    - (vii) maintenance training material;
    - (viii) records;
    - (ix) training procedures and the quality management system, including auditing;
    - (x) assessments;
    - (xi) a procedure for making changes to the organisation that are not significant changes.

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**147.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters**

Regulations 11.070 to 11.075 do not apply to:

- (a) a significant change to a maintenance training organisation that is approved by CASA under regulation 147.055; or
- (b) a change to a maintenance training organisation of which CASA is notified under regulation 147.060; or
- (c) a change to a maintenance training organisation that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 147.065.

## **Subpart 147.B—Approval of maintenance training organisations**

### **147.025 Applying for approval**

- (1) A person (the *applicant*) may apply to CASA for approval as a maintenance training organisation.
- (2) Only a person who is a registered training organisation may apply for approval as a maintenance training organisation to provide category training or carry out assessment of units of competency.
- (3) The application must:
  - (a) be in writing; and
  - (b) be signed by a person who is, or proposes to be, the applicant's accountable manager.
- (4) The application must include the following:
  - (a) a copy of the applicant's proposed exposition;
  - (b) if the applicant is seeking approval to provide category training—the categories of aircraft engineer licence for which the applicant proposes to provide training;
  - (c) if the applicant is seeking approval to provide aircraft type training—the ratings for which the applicant proposes to provide training;
  - (d) the kinds of assessment that the applicant proposes to carry out;
  - (e) whether the applicant is seeking approval to recognise prior learning for assessment purposes.

Note 1: An application must be in the approved form, include all the information required by these Regulations, and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

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**147.030 Issuing approval**

- (1) Subject to regulation 11.055, CASA must approve an applicant as a maintenance training organisation if CASA is satisfied that:
- (a) the applicant has an exposition that complies with the requirements specified in the Part 147 Manual of Standards; and
  - (b) the applicant has facilities, personnel, a record management system, instructional equipment, maintenance training material and a quality management system that comply with the Part 147 Manual of Standards; and
  - (c) the applicant has nominated an individual for the position of accountable manager in the organisation; and
  - (d) the applicant has nominated an individual for each position of responsible manager in the organisation; and
  - (e) each individual nominated for a position mentioned in paragraph (c) or (d) is appropriately qualified to hold the position.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) If CASA decides to approve an applicant as a maintenance training organisation, CASA must determine:
- (a) whether the organisation is approved to provide:
    - (i) category training; or
    - (ii) aircraft type training; or
    - (iii) both category training and aircraft type training; and
  - (b) if the organisation is approved to provide category training—the categories of aircraft engineer licence for which the applicant is approved to provide training; and
  - (c) if the organisation is approved to provide aircraft type training—the ratings for which the applicant is approved to provide training; and
  - (d) the kinds of assessment that the organisation is approved to carry out; and

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- (e) whether the organisation may recognise prior learning for assessment purposes.
- (3) Subject to regulation 11.055, CASA must approve an applicant to provide category training if:
  - (a) CASA has approved the applicant as a maintenance training organisation; and
  - (b) CASA is satisfied that the applicant meets the criteria set out in Appendices I, II and IV to the Part 66 Manual of Standards.
- (4) Subject to regulation 11.055, CASA must approve an applicant to provide aircraft type training if:
  - (a) CASA has approved the applicant as a maintenance training organisation; and
  - (b) CASA is satisfied that the applicant meets the criteria set out in Appendix III to the Part 66 Manual of Standards.
- (5) In approving the applicant, CASA also approves the applicant's proposed exposition.

**147.035 Approval certificate**

- (1) If CASA approves an applicant as a maintenance training organisation, CASA must issue a certificate setting out the matters mentioned in subregulation 147.030 (2).
- (2) The certificate issued by CASA must include an approval certificate reference number determined by CASA.
- (3) If CASA approves a significant change to a maintenance training organisation under regulation 147.055, CASA may issue a new approval certificate to the organisation.

**147.040 Privileges for maintenance training organisations**

A maintenance training organisation may:

- (a) provide maintenance training that it is approved to provide; and
- (b) carry out assessments that it is approved to carry out; and

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- (c) if the organisation is approved to recognise prior learning for assessment purposes—carry out assessments based on recognition of prior learning; and
- (d) issue certificates, in the approved form, to students who have successfully completed that training and assessment.

**147.045 Approval subject to conditions**

It is a condition of approval of a maintenance training organisation that:

- (a) the organisation must, at all times, comply with the requirements of:
  - (i) its approval as a maintenance training organisation; and
  - (ii) its exposition; and
  - (iii) the Part 147 Manual of Standards; and
  - (iv) this Part; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a).

Note 1: The approval is also subject to the conditions set out in Part 11.

Note 2: Subpart 11.G empowers CASA to issue directions.

## **Subpart 147.C—Changes to maintenance training organisations**

### **147.050 Application for approval of significant changes to organisations**

- (1) If a maintenance training organisation proposes to make a significant change, the organisation must apply to CASA for approval of the change.
- (2) The application must:
  - (a) be in writing; and
  - (b) set out the proposed change; and
  - (c) include a copy of the part of the exposition consequentially affected by the proposed change, showing the proposed change.
- (3) Subject to subregulation (4), the application must be made before the change is made.
- (4) If:
  - (a) the change is:
    - (i) a change of the kind mentioned in paragraph 147.010(2)(c); or
    - (ii) a change of the kind mentioned in paragraph 147.010(2)(f) in relation to the personnel of the organisation; and
  - (b) the organisation does not apply, in accordance with subregulation (2), before making the change;the organisation must apply in accordance with subregulation (2) within 7 days after making the change.

Note 1: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

Note 2: Part 11 deals with applications and decision making.

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Note 3: Making a significant change without applying for approval in accordance with this regulation will be a breach of condition of an approval—see regulation 147.045.

### **147.055 Decision on application for approval of significant changes**

- (1) Subject to regulation 11.055, CASA must approve a significant change to a maintenance training organisation if CASA is satisfied that, after making the change, the requirements mentioned in subregulation 147.030(1) will continue to be met.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

- (2) In approving the significant change, CASA also approves the consequential changes to the applicant's exposition.

### **147.060 Changes to maintenance training organisations that are not significant changes**

- (1) A change that is not a significant change to a maintenance training organisation must be made in accordance with the amendment procedure set out in the organisation's exposition.
- (2) If such a change is made, the organisation must, within 28 days after making the change:
  - (a) update its exposition; and
  - (b) give CASA written notice of the change and a copy of the updated part of the exposition.

### **147.065 CASA may direct maintenance training organisations to change exposition**

- (1) CASA may direct a maintenance training organisation to change its exposition:
  - (a) to remove particular information from the exposition; or
  - (b) to include particular information in the exposition; or
  - (c) to revise or vary the information in the exposition.

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- (2) CASA may give a direction under this regulation only if CASA is satisfied that it is necessary to do so to ensure that the exposition complies with the requirements specified in the Part 147 Manual of Standards.
- (3) A direction under this regulation must:
  - (a) be in writing; and
  - (b) specify the time within which the direction must be complied with.

Note: The maintenance training organisation must comply with the direction—see regulation 147.085.

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## **Subpart 147.D—Requirements and offences for maintenance training organisations**

### **147.070 Provision of maintenance training and assessment**

- (1) If a maintenance training organisation provides maintenance training, carries out assessments or issues certificates, it must do so only in accordance with:
  - (a) its approval as a maintenance training organisation; and
  - (b) its exposition; and
  - (c) the Part 147 Manual of Standards.

Penalty: 50 penalty units.

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

### **147.075 Assessment of foreign licences**

- (1) In assessing a person, a maintenance training organisation must not give credit to the person for holding a licence (however described) that was issued to the person by an excluded State.

Penalty: 50 penalty units.

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

Note 1: Subregulation 66.060 prevents the recognition of a licence issued by an excluded State.

Note 2: For recognition of a foreign licence issued by a recognised State, see regulations 66.030 and 66.035.

Note 3: For recognition of a foreign licence not issued by a recognised State, see regulations 66.040, 66.045, 66.050 and 66.055.

### **147.080 Providing employees with exposition**

- (1) If a maintenance training organisation's exposition relates to the duties of an employee of the organisation, the organisation must make the part of the organisation's exposition that relates to those

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duties available to the employee before the employee begins carrying out the duties.

Penalty: 50 penalty units.

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

**147.085 Complying with directions**

- (1) If CASA gives a maintenance training organisation a direction under regulation 147.065, the organisation must comply with the direction within the time mentioned in the direction.

Penalty: 50 penalty units.

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

## **Part 149—Recreational aviation administration organisations**

Note: This Part heading is reserved for future use.

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## **Part 171—Aeronautical telecommunication service and radionavigation service providers**

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## **Subpart 171.A—General**

### **171.005 Applicability of this Part**

- (1) This Part sets out:
  - (a) the requirements for a person to be approved as a provider of a ground-based aeronautical telecommunication or radionavigation service; and
  - (b) the requirements for the operation and maintenance of those services; and
  - (c) certain administrative rules relating to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
  - (a) a person who is providing an aeronautical telecommunication or radionavigation service in the course of his or her duties for the Defence Force; or
  - (b) any aeronautical telecommunication or radionavigation service provided by the Defence Force.

### **171.010 Interpretation**

- (1) In this Part:

***accuracy***, in relation to a radionavigation service or facility, means the degree to which the value measured or displayed by the service or facility conforms to the true value.

***approval*** means an approval, given by CASA, to provide a telecommunication or radionavigation service.

***availability***, for a telecommunication service, radionavigation service or support service, means the percentage of its operating hours that the service is not interrupted.

***certified air/ground radio service***, or ***CA/GRS***, in relation to an aerodrome, means an air/ground radio service for the aerodrome certified in accordance with regulation 139.410.

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**configuration**, in relation to:

- (a) a telecommunication or radionavigation service—means the configuration of each facility and any interconnection between facilities that make up the service; and
- (b) a facility—means the configuration of equipment, hardware, software and data, and the interconnections between equipment.

**coverage**, in relation to a telecommunication or radionavigation service, means the volume of airspace in which, or the locations between which, the service is nominally provided.

Example 1: The volume of airspace in which an aeronautical broadcasting service can be received and used.

Example 2: The places served by an aeronautical fixed line telecommunication service.

**Frequency confirmation system** means a ground radio system at an aerodrome that, if it receives a transmission from an aircraft on the radio frequency for the aerodrome, sends a signal or message to the aircraft confirming that the transmission has been received.

**Functional specification**, for a telecommunication service, a radionavigation service or a support service, is a general description of the service, its operating principles and its functions.

Example: The functional specification of an aeronautical radionavigation service may describe the kind of service, each standard to which it operates, the accuracy of its signal and the aircraft for which the service is provided.

**hazard** means a source of potential harm to aviation safety.

**integrity**, of a telecommunication service, a radionavigation service or a support service:

- (a) means the likelihood that the information supplied by the service at a particular moment is correct; and
- (b) includes the ability of the service to warn users promptly when the service should not be used.

**key personnel**, in relation to a service provider, means the person or persons who manage 1 or more of the following:

- (a) operations;

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- (b) maintenance;
- (c) safety.

**Manual of Standards** means the document called ‘Manual of Standards (MOS) – Part 171’ issued by CASA under regulation 171.017, as in force from time to time.

**operating hours**, for a telecommunication or radionavigation service, means the times during which the service provider must, under its approval, operate the service.

**operations manual** means a manual of the kind described in Subpart 171.D, prepared by a service provider or a person applying for approval.

**radionavigation service** means an aeronautical radio navigation service within the meaning given in Volume II of Annex 10 to the Chicago Convention.

**recovery time** means the period during which a service is interrupted.

**reliability**, of a telecommunication service, a radionavigation service or a support service, means the probability that the service will perform its function or functions without failure for a specified period.

**risk** means risk to aviation safety.

**safety** means aviation safety.

**service provider** means a person approved to operate and maintain a telecommunication or radionavigation service, and whose approval is not suspended or revoked.

**technical specification**, for a telecommunication service or facility, or a radionavigation service or facility, is a detailed description, that may use technical terms and concepts, of:

- (a) the way in which the service or facility operates and performs its functions; and
- (b) the technical standards to which the service or facility has been designed and manufactured.

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Example: The technical specification of a particular kind of radionavigation service may include its frequency band, channel spacing, frequency tolerance, effective radiated transmitter power, antenna type and gain, effective radiated power and radial phase modulation.

**technician** means a person who is engaged by a service provider to do 1 or more of the following:

- (a) operate a facility;
  - (b) maintain a facility;
  - (c) conduct measurements of the performance of, and calibration of, a facility during a flight inspection.
- (2) For this Part:
- (a) a telecommunication or radionavigation service is provided using 1 or more **facilities** at 1 or more locations, each facility consisting of:
    - (i) 1 item of equipment; or
    - (ii) items of interconnected equipment; at a particular location; and
  - (b) a service is **interrupted** if, during its operating hours:
    - (i) it is not operating because it has failed or has been suspended; or
    - (ii) it is operating outside its technical specification.

### 171.012 Meaning of *telecommunication service*

- (1) In this Part, **telecommunication service** means any of the following:
- (a) 1 or both of the following, within the meaning given for each in Volume II of Annex 10 to the Chicago Convention:
    - (i) an aeronautical broadcasting service;
    - (ii) an aeronautical fixed service;
  - (b) an aeronautical mobile service, within the meaning given in Volume II of Annex 10 to the Chicago Convention, that is used to support an air traffic service of a kind mentioned in Annex 11 to the Chicago Convention;
  - (c) any system that processes or displays air traffic control data.
- (2) However, none of the following is a **telecommunication service**:

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- (a) an aerodrome weather information broadcast service (within the meaning in AIP);
- (b) a certified air/ground radio service at an aerodrome;
- (c) a frequency confirmation system at an aerodrome;
- (d) pilot activated lighting (within the meaning in AIP) at an aerodrome;
- (e) a UNICOM service (within the meaning in AIP).

**171.015 Person not to provide service without approval**

- (1) A person that is not a service provider must not provide a telecommunication or radionavigation service.

Penalty: 50 penalty units.

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

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

**171.017 Issue of Manual of Standards**

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
  - (a) standards relating to the procedures, systems and documents required for the provision of a radionavigation service or a telecommunication service;
  - (b) standards for facilities and equipment used to provide a radionavigation service or a telecommunication service;
  - (c) standards, including competency standards and minimum qualifications, for a technician or, if a service provider is an individual, a service provider;
  - (d) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
  - (e) any matter necessary or convenient to be provided for the effective operation of this Part.

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

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

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

**Subpart 171.B—Approval of service providers**

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as a telecommunication or radionavigation service provider.

**171.020 Application**

- (1A) Subject to regulation 171.022, an eligible person may apply to CASA for approval as a provider of a telecommunication service or a radionavigation service, or both.
- (1) For subregulation (1A), a person is an eligible person if the person is any of the following:
- (a) the Commonwealth;
  - (b) AA;
  - (c) a person who is to provide a telecommunication service, a radionavigation service, or both:
    - (i) in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*; or
    - (ii) by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*.
- (2) An application must be in writing, and must include:
- (a) the applicant's name and address; and
  - (b) a copy of the applicant's operations manual, prepared as if the applicant were a service provider; and
  - (c) a statement, prepared by referring to the list of services in the Manual of Standards, showing each kind of telecommunication or radionavigation service for which the application is being made; and
  - (d) a statement of the intended location and coverage of each service.
- (3) If an application is made to provide a telecommunication or radionavigation service that would not comply with 1 or more of the standards set out in:
- (a) Annexes 10, 11 and 14 to the Chicago Convention; and

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(b) the Manual of Standards;  
the application must also describe the reasons for, and consequences of, the non-compliance.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

### **171.022 Joint applications not permitted**

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

### **171.025 If applicant is a corporation**

- (1) For regulation 171.020, if the applicant is a corporation, the application must include:
  - (a) the applicant's registered address and ACN; and
  - (b) the names and addresses of its officers.
- (2) In paragraph (1)(b):

*officer* has the meaning given by section 9 of the *Corporations Act 2001*.

Note: See Subpart 171.E for provisions about administration of applications.

### **171.026 CASA may ask for demonstration of service**

Regulation 11.045 applies in relation to an approval as a provider of a telecommunication service or a radionavigation service.

### **171.027 Grant of approval**

- (1) Subject to regulation 11.055 and subregulation (2), if a person (the *applicant*) has applied for approval as a provider of a telecommunication service or a radionavigation service under this Part, CASA must grant the approval.

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- (2) CASA may approve the applicant only if CASA approves the applicant's draft operations manual.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

**171.028 When decision must be made**

- (1) If CASA does not make a decision about an application within 90 days after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (3) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050(3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (4) Also, if CASA invites an applicant to make a written submission under subregulation 11.050(2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.
- (5) In this regulation:  
  
***application*** includes an application to vary an approval under this Division.

**171.029 Conditions**

- (1) Without limiting regulations 11.056 and 11.067, CASA may impose, on an approval, a condition that restricts:
  - (a) the kind of telecommunication or radionavigation service to be provided; or

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- (b) the way in which a service is provided; or
  - (c) the coverage of a service; or
  - (d) the time during which a service is provided.
- (2) In particular, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11(3) of the *Air Services Act 1995*.

## **Subpart 171.C—Obligations and privileges of service provider**

### **171.030 Service by provider**

- (1) A telecommunication or radionavigation service must be provided in accordance with:
  - (a) the approval; and
  - (b) the service provider's operations manual.
- (2) Subregulation (1) does not apply to:
  - (a) a test transmission made in accordance with regulation 171.055; or
  - (b) a telecommunication or radionavigation service provided in an emergency.

### **171.035 Changes by service provider to service**

- (1) This regulation applies if a service provider wants to make a change to its telecommunication or radionavigation service (including by providing an additional service):
  - (a) the effect of which would be that the provider's telecommunication or radionavigation service would no longer be in accordance with the certificate issued to the provider under regulation 171.250 (as in force before 27 June 2011) or regulation 11.060; or
  - (b) that requires prior notification to CASA because of a requirement to do so in the safety management system prepared in accordance with regulation 171.086.
- (2) Before making the change the service provider must:
  - (a) prepare a draft amendment of the operations manual that reflects the proposed change; and
  - (b) send a copy of the draft amendment to CASA.

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- (2A) A service provider that complies with subregulation (2) in relation to making a change is taken to have applied for the approval of the proposed change under Subpart 171.E.
- (3) If CASA approves the draft amendment of the manual, the provider may:
  - (a) incorporate the amendment into the manual; and
  - (b) after approval of the change comes into effect in accordance with regulation 11.065, make the change.

#### **171.040 Changes by service provider to operations manual**

A provider may change its operations manual without changing its service if it sends CASA a copy of the amendment to the manual.

#### **171.050 Technicians**

- (1) A service provider must ensure that each technician is competent and holds the qualifications specified in the Manual of Standards for a technician of that kind.
- (2) In particular, the provider must ensure that each technician has been:
  - (a) appropriately trained; and
  - (b) assessed as competent by a person who is qualified in accordance with the standard set out in the Manual of Standards.
- (3) A service provider must give each technician a certificate that:
  - (a) names the technician; and
  - (b) describes the operation and maintenance functions that the technician may perform; and
  - (c) describes the kinds of facility or facilities for which the technician is authorised to perform those functions; and
  - (d) states the period during which the certificate is effective.

#### **171.055 Test transmissions**

A service provider may make a test transmission if:

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- (a) the transmission is necessary to test a service, facility or equipment; and
  - (b) the provider takes any one or more of the following precautions:
    - (i) a reasonable time before commencing the transmission, the provider tells AIS about the transmission;
    - (ii) at the commencement of the transmission, the service provider identifies the transmission as a test transmission;
    - (iii) the transmission contains information identifying it as a test transmission.

**171.065 Interruption to service**

- (1) This regulation applies if a telecommunication or radionavigation service is interrupted or if the service provider knows that the service is to be interrupted.
- (2) If the service is published in an AIP the service provider must tell AIS about the interruption.
- (3) If it is practicable to do so the service provider must tell users of the service about the interruption.

**171.070 Test equipment**

A service provider's facility or facilities must be tested and maintained using test equipment that is maintained and calibrated in accordance with the standards in the Manual of Standards.

**171.075 Documents to be maintained**

- (1) The following documents must be maintained by a service provider:
  - (a) the operations manual;
  - (b) any technical manual used by the service provider at the facility;
  - (c) any documents of a kind listed in the Manual of Standards that relate to the provider's service.

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- (2) For subregulation (1), a document is ***maintained***, if it:
  - (a) includes all amendments (other than draft amendments prepared for regulation 171.035); and
  - (b) bears the date of:
    - (i) the creation of the document; or
    - (ii) for a revised document—the most recent revision of the document; and
  - (c) is available to the personnel who must refer to the document; and
  - (d) identifies the person who authorised the creation and any revision of the document.
- (3) For paragraph (1)(b), a ***technical manual*** means a document, other than the operations manual, that contains technical information about the operation and maintenance of a facility.

*Example*

An equipment manufacturer's instruction book.

- (4) A service provider must ensure that:
  - (a) a master copy of each document mentioned in this regulation is kept safely; and
  - (b) copies of documents are kept in a form that enables amendments to be made; and
  - (c) any document that has been replaced can not be used by mistake.

## 171.080 Records

- (1) A service provider must retain each document that:
  - (a) is given to or is created by or for the service provider; and
  - (b) could relate to aviation safety; and
  - (c) helps provide a history of events that relate to the design, installation, testing, operation, maintenance, modification or repair of, or changes to, each facility.
- (2) A document for subregulation (1) includes any record of a kind mentioned in the Manual of Standards that is given to, or created by or for, the provider.

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*Examples*

Records of the operational performance of a service, changes to the configuration of a facility, records showing software upgrades, or records of commissioning procedures.

- (3) A document retained for this regulation must be:
- (a) stored so it can be retrieved if needed for an aviation safety investigation; and
  - (b) retained for at least 5 years.

**171.085 Security program**

- (1) A service provider must have, and put into effect, the security program set out in the operations manual.
- (2) The security program must be in accordance with the standards set out in the Manual of Standards.

**171.086 Safety management system**

- (1) A service provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to safely provide the telecommunication and radionavigation services permitted under its approval.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The service provider must keep its safety management system under review and must take such corrective action as is necessary to ensure that it operates properly.

## **Subpart 171.D—Contents of operations manual**

### **171.090 Operations manual to contain or refer to information**

- (1) An operations manual must contain the information mentioned in this Subpart that applies to each telecommunication or radionavigation service and kind of facility of the service provider.
- (2) A requirement under this Subpart to include particular information in an operations manual may be satisfied by referring, in the manual, to that information in another document held by the service provider.

*Example*

An equipment manufacturer's technical manual.

### **171.095 Organisation and management of service provider**

An operations manual must include an organisation chart of the service provider that shows:

- (a) the names, relevant qualifications, relevant experience and positions of the key personnel; and
- (b) the number of technicians who will provide each service; and
- (c) whether the people mentioned in paragraphs (a) and (b) are employees.

### **171.100 Way in which standards are met**

- (1) An operations manual must:
  - (a) contain each standard that relates to the design, installation, testing, operation or maintenance of the service provider's services and facilities; and
  - (b) explain how each standard is met.

- (2) For subregulation (1):

***standards*** means any of the following standards that apply to the service or facility:

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- (a) an ICAO standard;
- (b) a standard set out in Annex 10 to the Chicago Convention;
- (c) a standard in the Manual of Standards;
- (d) any other standard included in the operations manual.

**171.105 Functional specification and performance values of services**

- (1) An operations manual must include:
  - (a) the functional specification of each of the service provider's telecommunication or radionavigation services; and
  - (b) the values or characteristics for each of the following that apply to the service:
    - (i) availability;
    - (ii) reliability;
    - (iii) accuracy;
    - (iv) integrity.
- (2) The values mentioned in paragraph (1)(b) must be derived or measured from either or both of:
  - (a) the configuration of each service; and
  - (b) the known performance of each service.
- (3) An operations manual must also describe the method used to calculate each of the values.
- (4) For a radionavigation service, the integrity values or characteristics must be given for each kind of navigation aid facility that forms part of the service.

**171.110 Technical description**

An operations manual must describe, for each telecommunication or radionavigation service provided:

- (a) the kind and location of each facility; and
- (b) the technical specification of each kind of facility; and
- (c) how each facility interconnects with any other facility or service; and

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- (d) the way in which the service provider monitors each facility to ensure that it is operating in accordance with its technical specification.

**171.115 Safe operation**

- (1) An operations manual must describe the following:
  - (a) the procedure that records the way in which each telecommunication or radionavigation service and each related facility is configured at any time;
  - (b) the procedure used to design each facility and each item of equipment so that it provides a safe service;
  - (c) the procedure that ensures that the design of, or changes to, a service or facility are authorised by a person who is qualified and competent to do so;
  - (d) the method to be used to specify any changes to a service or facility, and to design, test and implement those changes;
  - (e) the procedure to be used to commission a new service or facility;
  - (f) the system to be used to maintain a record of the operational performance of a service;
  - (g) the procedure to be used to monitor the performance of each service and facility, and to compare the results with the appropriate technical specification;
  - (h) the procedure to be used if a service fails or a facility fault occurs, including the way in which the failure or fault is to be reported and rectified;
  - (i) the procedure to be used to report and rectify any defects found during operation and maintenance of the facility;
  - (j) the procedure to be used to:
    - (i) detect and correct any latent defects in equipment; and
    - (ii) change software to adapt to any changes to the configuration of hardware; and
    - (iii) change the design of equipment or facilities to adapt to any change to the functional or technical specification.
- (2) For subparagraph (1)(j)(ii), **software** includes any form of data or instructions for an electronic device.

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**171.120 Facility operation and maintenance plan**

- (1) For this regulation:

*flight inspection* means a test of the accuracy, coverage or any other aspect of the performance of a service or facility conducted by using test equipment on board an aircraft in flight.

- (2) An operations manual must contain, for each kind of facility, an operation and maintenance plan that includes the following:
- (a) the procedures used for maintenance, including the procedures used for repair;
  - (b) a description of the system used to schedule maintenance;
  - (c) the interval between performance inspections and the method used to determine the interval;
  - (d) a copy of the operating and maintenance instructions for the facility;
  - (e) an analysis of the workload of technicians and key personnel that takes into account the numbers of these people and their qualifications;
  - (f) if 1 or more flight inspections are necessary:
    - (i) the standards and procedures used for flight inspections; and
    - (ii) the interval between flight inspections; and
    - (iii) the identity of the person or persons who will conduct flight inspections.

**171.125 Safety management system**

An operations manual must include information about the safety management system set out in regulation 171.086.

**171.140 Test equipment**

An operations manual must describe the procedures to maintain and calibrate test equipment.

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**171.145 Interruption to service**

- (1) An operations manual must:
  - (a) describe the procedure to be used if a telecommunication or radionavigation service is interrupted; and
  - (b) specify an acceptable recovery time for each service; and
  - (c) describe the procedure to be used if the acceptable recovery time of a service is exceeded; and
  - (d) if there is a method to provide an alternative service if a service is interrupted—describe the method.
- (2) Paragraph (1)(d) does not apply if, under an ATS agreement, an ATS provider is to arrange the alternative service.

**171.150 Document control**

An operations manual must describe the system by which documents mentioned in regulation 171.080 are stored and retrieved.

**171.155 Security program**

An operations manual must describe the security program mentioned in regulation 171.085.

**171.160 Changes to procedures**

An operations manual must describe the method by which changes are made to the operation and maintenance procedures.

## **Subpart 171.E—Suspension and cancellation of approvals, and directions to vary manuals**

### **171.220 Suspension and cancellation of approvals**

- (1) CASA may state, in a show cause notice, that an approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended:
  - (a) if the approval is already suspended when the show cause notice is given to the holder—the approval continues to be suspended until CASA revokes the suspension, or the suspension lapses under subregulation (4); or
  - (b) the approval is suspended from when the notice is given to the holder.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval within 3 months after the day the show cause notice is given to the service provider, the suspension lapses at the end of that period.

### **171.225 Notice to approval holder to show cause**

- (1) CASA may give an approval holder a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the approval.
- (2) A show cause notice must:
  - (a) tell the approval holder of the facts and circumstances that justify the cancellation of the approval; and

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- (b) invite the holder to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

#### **171.230 Grounds for cancellation of approval**

It is grounds for the cancellation of an approval if the holder:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) has otherwise been guilty of conduct that renders the holder's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

#### **171.235 Cancellation of approval after show cause notice**

- (1) CASA may cancel an approval only if:
  - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
  - (b) CASA has given the holder a show cause notice in relation to the grounds for the proposed cancellation; and
  - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the holder; and
  - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) Subregulation (1) does not apply in relation to an approval in circumstances in which CASA must cancel the approval.
- (3) If CASA has given a show cause notice to an approval holder, and it decides not to cancel the approval, it:
  - (a) must tell the holder in writing of the decision; and
  - (b) must, if the approval is suspended, revoke the suspension.

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**171.237 Cancellation if cooperation or arrangement ceases**

- (1) CASA must cancel the approval of a person mentioned in subparagraph 171.020(1)(c)(i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 171.020(1)(c)(ii) if the arrangement mentioned in that subparagraph ceases.

**171.245 CASA's power to direct variation of manual**

- (1) If necessary in the interests of the safety of air navigation, CASA may direct a service provider in writing to vary its operations manual, within a reasonable period specified in the direction, in a way specified in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period mentioned in subregulation (1).
- (3) If the service provider does not comply with the direction within the period (including any extension of it), the manual is taken to cease to be approved at the end of the period.
- (4) After complying with the direction, the holder must give CASA a copy of the manual as so varied.

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## **Subpart 172.A—General**

### **172.005 Applicability of this Part**

- (1) This Part:
  - (a) applies to a person that wants to become, or is, an ATS provider; and
  - (b) sets out certain administrative rules applying to CASA in its administration of this Part.
- (2) However, this Part does not apply to:
  - (a) a person who is providing an air traffic service in the course of his or her duties for the Defence Force; or
  - (b) any air traffic service provided by the Defence Force.

### **172.010 Definitions for this Part**

In this Part:

***airspace authority*** means:

- (a) the body having the responsibility for making determinations under regulation 5, declarations under regulation 6 and designations under regulation 8 of the *Airspace Regulations 2007*; or
- (b) if another body is given that responsibility under other regulations having the same or similar effect—that body.

***air traffic service*** means an air traffic service of a kind mentioned in Annex 11, other than a certified air/ground radio service at an aerodrome.

***Annex 10*** means Annex 10 to the Chicago Convention.

***Annex 11*** means Annex 11 to the Chicago Convention.

***certified air/ground radio service***, or ***CA/GRS***, in relation to an aerodrome, means an air/ground radio service for the aerodrome certified in accordance with regulation 139.410.

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**ICAO Doc. 4444** means Doc. 4444-RAC/501 (Procedures for Air Navigation Services – Rules of the Air and Air Traffic Services) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

**ICAO Doc. 7030** means Doc. 7030 (Regional Supplementary Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

**Manual of Standards** means the document called ‘Manual of Standards (MOS) – Part 172’ issued by CASA under regulation 172.022, as in force from time to time.

**provider’s operations manual**, in relation to an ATS provider, means the manual maintained by the provider under regulation 172.060.

### **172.015 What is an ATS provider**

An ATS provider is a person approved, under Subpart 172.F, to provide the air traffic services that are covered by the approval.

### **172.020 Providing air traffic service without approval**

- (1) A person that is not an ATS provider must not provide an air traffic service.

Penalty: 50 penalty units.

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

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

### **172.022 Issue of Manual of Standards**

- (1) CASA may issue a Manual of Standards for this Part that provides for the following matters:
  - (a) standards, including procedures, systems and documents used to provide an air traffic service;

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- (b) standards for facilities and equipment used to provide an air traffic service;
- (c) standards for the training and checking of an ATS provider's personnel;
- (d) any matter required or permitted by these Regulations to be provided for by the Manual of Standards;
- (e) any matter necessary or convenient to be provided for the effective operation of this Part.

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

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

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

## **Subpart 172.B—Approval as an ATS provider**

### **172.024 Applicant for approval as ATS provider**

A person is eligible to apply for approval as an ATS provider if the person is any of the following:

- (a) the Commonwealth;
- (b) AA;
- (c) a person who is to provide an air traffic service:
  - (i) in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*; or
  - (ii) by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*.

### **172.030 When applicant is eligible for approval**

For Subpart 172.F, an applicant is eligible to become an ATS provider if the applicant is able to comply with the requirements of Subparts 172.C and 172.D or will be able to do so if the applicant is approved.

### **172.055 Variation of approvals**

- (1) If an ATS provider wants to vary its approval, it must apply to CASA, under Subpart 172.F, for that purpose.
- (2) The application must contain, or have with it, a copy of the proposed variation.

## **Subpart 172.C—Requirements to be complied with by ATS providers**

### **Division 172.C.1—Operations manual**

#### **172.060 Operations manual**

- (1) An ATS provider must, at all times, maintain an operations manual that complies with the standards set out in the Manual of Standards.
- (2) The provider:
  - (a) must keep the manual in a readily accessible form; and
  - (b) must ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides has ready access to the manual.
- (3) The provider must amend the manual whenever it is necessary to do so to keep it in an up to date form.
- (4) If the provider is given a direction, under regulation 172.300, to amend the manual, the provider must comply with the direction.
- (5) The provider must ensure:
  - (a) that all the amendments are incorporated in all copies of the manual kept by the operator; and
  - (b) that copies of the amendments are given to CASA.

## **Division 172.C.2—Air traffic service**

### **172.065 Standards for air traffic service**

- (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:
  - (a) the standards set out in the Manual of Standards; and
  - (b) the standards set out or referred to in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP.
- (2) However, the provider may deviate from the standards if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.
- (3) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.

### **172.070 Aeronautical telecommunications procedures**

An ATS provider must ensure that any air traffic service that it provides is provided in accordance with:

- (a) the radiotelephony procedures set out in Parts 1 and 2 of the AIP; and
- (b) the procedures for aeronautical telecommunications set out in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP.

### **172.075 ICAO Doc. 4444 and ICAO Doc. 7030**

- (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with the procedures and rules set out in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP.
- (2) If a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides, the provider must also ensure that the service is provided in accordance with that procedure.

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- (3) However, the provider may deviate from a procedure or rule mentioned subregulation (1), or a regional supplementary procedure mentioned in subregulation (2), if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.
- (4) As soon as practicable, the provider must tell CASA of the deviation and how long it is likely to last.

### **172.080 Compliance with provider's operations manual**

An ATS provider must ensure that any air traffic service that it provides is provided in accordance with its provider's operations manual.

### **172.085 Priority of standards**

If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with a standard in the Manual of Standards and a standard in Annex 11, as varied by Gen 1.7 of Part 1 of the AIP, and it is not possible to comply with both standards, the provider is only required to ensure that the service is provided in accordance with the standard in the Manual.

### **172.090 Priority of inconsistent procedures**

- (1) In this regulation:  
*procedure* includes rules.
- (2) If, apart from this regulation, an ATS provider would be required by this Division to ensure that any air traffic service that it provides is provided in accordance with 2 or more procedures that are inconsistent, the provider is only required to ensure that the service is provided in accordance with whichever of the procedures has the highest priority.
- (3) For this regulation, 2 or more procedures are inconsistent if:
  - (a) it is not possible to comply with both or all of the procedures;  
or

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- (b) they require the same, or substantially similar, action to be taken at different times or in a different way.
- (4) The order of priority of a procedure is as follows (starting with those of highest priority):
  - (a) procedures in Parts 1 and 2 of the AIP;
  - (b) procedures for aeronautical telecommunications in Volume II of Annex 10, as varied by Gen 1.7 of Part 1 of the AIP;
  - (c) procedures in ICAO Doc. 7030;
  - (d) procedures in ICAO Doc. 4444, as varied by Gen 1.7 of Part 1 of the AIP;
  - (e) any procedures in the provider's operations manual.

## **Division 172.C.3—Standards for facilities and equipment**

### **172.095 Facilities and equipment**

- (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in the Manual of Standards, the air traffic services covered by its approval.
- (2) The equipment must include equipment of the kinds specified in the Manual of Standards.
- (3) Any equipment and facilities mentioned in chapter 6 of Annex 11 that the provider uses in providing an air traffic service must comply with the standards of that chapter.
- (4) If the provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in the Manual of Standards.

## **Division 172.C.4—Organisation and personnel**

### **172.100 Definition for this Division**

In this Division:

*trained*, in relation to a member of an ATS provider's personnel, means trained in accordance with any relevant requirements set out in the provider's training and checking program mentioned in regulation 172.140.

### **172.105 Organisation**

An ATS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.

### **172.110 Personnel**

An ATS provider must have, at all times, enough suitably qualified and trained personnel to enable it to provide, in accordance with the standards set out in the Manual of Standards and the standards set out or referred to in Annex 11, the air traffic services covered by its approval.

### **172.115 Supervisory personnel**

An ATS provider must have, at all times, enough suitably qualified and trained personnel who are able to supervise the provision of any air traffic service that it provides.

### **172.120 Qualifications for certain personnel**

- (1) An ATS provider must not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides unless:

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- (a) CASA has authorised the person to perform the function under regulation 65.035; or
  - (b) the person holds an ATC licence with a rating for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function; or
  - (c) the person performs the function under the supervision of another person who holds an ATC licence with a rating for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function.
- (2) The provider must not give to a person responsibility for a flight service function to be performed in connection with any air traffic service that it provides unless:
  - (a) CASA has authorised the person to perform the function under regulation 65.050; or
  - (b) the person holds a flight service licence with a rating for the function and an endorsement for the aerodrome for which, or the airspace in relation to which, the person performs the function; or
  - (c) the person performs the function under the supervision of another person who holds a flight service licence with a rating for the function and an endorsement for the aerodrome for which, or the airspace in relation to which, the person performs the function.
- (3) The provider must not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides if the person is subject to a direction under regulation 65.255.
- (4) The provider must not give to a person responsibility for a flight service function to be performed in connection with any air traffic service that it provides if the person is subject to a direction under regulation 65.255.

## **Division 172.C.5—Arrangements to maintain service**

### **172.125 Agreements with service providers**

- (1) In this regulation:

*service provider* means a person:

- (a) that is approved, under Part 171, to provide a telecommunication service, radionavigation service, or both; and
  - (b) whose approval is in force.
- (2) An ATS provider (other than an ATS provider that is also a service provider) must have an agreement with a service provider for any telecommunication service or radionavigation service that the service provider provides to the ATS provider.
- (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.

### **172.130 Agreements with aerodrome operators**

- (1) In this regulation:

*vehicle* includes boat.

- (2) If an ATS provider (other than an ATS provider that is also an aerodrome operator) provides an air traffic service for a controlled aerodrome, the provider must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.
- (3) An agreement, under subregulation (2), must be in accordance with the standards set out in the Manual of Standards.

### **172.135 Arrangements for transfer of information**

- (1) An ATS provider must have, at all times, adequate arrangements to ensure that it gets, and will continue to get, the services and

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information necessary to provide the air traffic services covered by its approval.

- (2) The provider must have, at all times, adequate arrangements to ensure that it is able, and will continue to be able, to provide information in connection with any of those air traffic services to another person whose duties or functions reasonably require that information.

## **Division 172.C.6—Management**

### **172.140 Training and checking program**

An ATS provider must, at all times, provide a training and checking program, in accordance with the Manual of Standards, to ensure that each member of its personnel who performs functions in connection with any air traffic service that it provides is competent to perform those functions.

### **172.145 Safety management system**

- (1) An ATS provider must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary to provide the air traffic services covered by its approval safely.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The provider must keep under review its safety management system and take such corrective action as is necessary to ensure that it operates properly.

### **172.150 Contingency plan**

- (1) An ATS provider must have a contingency plan, in accordance with the standards set out in the Manual of Standards, of the procedures to be followed if, for any reason, an air traffic service being provided by it is interrupted.
- (2) The plan must include:
  - (a) the actions to be taken by the members of the provider's personnel responsible for providing the service; and
  - (b) possible alternative arrangements for providing the service; and
  - (c) the arrangements for resuming normal operations for the service.

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**172.155 Security program**

- (1) An ATS provider must have, and put into effect, a security program that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its air traffic services.
- (2) The security program must be in accordance with the standards set out in the Manual of Standards.

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**Division 172.C.7—Reference materials, documents, records and log books**

**172.160 Reference materials**

- (1) An ATS provider must maintain the following reference materials:
  - (a) copies of the Act and these Regulations;
  - (b) copies of Annex 11 and Volume II of Annex 10;
  - (c) a copy of ICAO Doc. 4444;
  - (d) if a regional supplementary procedure set out in ICAO Doc. 7030 relates to an air traffic service that the provider provides—a copy of ICAO Doc. 7030;
  - (e) a copy of the parts of the AIP that are relevant to any air traffic services that it provides;
  - (f) the Manual of Standards;
  - (g) all manuals and documents specified in the Manual of Standards;
  - (h) a copy of any instruction issued by it to its personnel in relation to the provision of its air traffic services.
- (2) The provider must keep the reference materials up to date and in a readily accessible form.
- (3) The provider's personnel who perform functions in connection with any air traffic service that the provider provides must have ready access to the reference materials.

**172.165 Documents and records**

- (1) An ATS provider must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual specifies for the particular kind of document or record.
- (3) The provider must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

### **172.170 Document and record control system**

- (1) An ATS provider must establish, and put into effect, a system for controlling documents and records relating to the air traffic services that it provides, including the policies and procedures for making, amending, preserving and disposing those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under regulation 172.165.

### **172.175 Logbooks**

- (1) An ATS provider must keep, for each air traffic service that it provides from a particular location, a logbook in accordance with the standards set out in the Manual of Standards.
- (2) The provider must ensure that information of the kinds mentioned in the Manual is recorded in each logbook.
- (3) The provider must, at CASA's request, make each logbook, or a copy of it or an extract from it, available for inspection by CASA.

**Part 172** Air Traffic Service Providers

**Subpart 172.C** Requirements to be complied with by ATS providers

**Division 172.C.8** Notice of air traffic service

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**Division 172.C.8—Notice of air traffic service**

**172.180 Availability of air traffic service**

- (1) An ATS provider must give to the AIS details of each air traffic service that it provides in particular airspace, or for a particular aerodrome, including the hours during which the service is available.
- (2) An ATS provider must tell the AIS about changes, interruptions or the unavailability of any of its air traffic services, if it is practicable to do so.

## **Subpart 172.D—Telling CASA about changes**

### **172.185 Advice on organisational changes**

An ATS provider must tell CASA, in writing, of a change of circumstances that materially affects its capacity to provide any of its air traffic services within 7 days after the change occurs.

### **172.190 Discontinuing air traffic service**

- (1) An ATS provider must not discontinue an air traffic service that it provides, unless it has given CASA at least 7 days written notice that the service is to be discontinued.
- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances:
  - (a) it was not reasonably practicable for the provider to give to CASA at least 7 days notice; and
  - (b) the provider gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued.

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## **Subpart 172.E—Miscellaneous**

### **172.195 ATS provider must not provide unauthorised air traffic service**

An ATS provider must not provide an air traffic service unless its approval:

- (a) is in force; and
- (b) covers that service.

## **Subpart 172.F—Administration**

Note: In addition to the provisions of this Subpart, Part 11 contains provisions relating to an application for approval as an ATS provider.

### **Division 172.F.1—Preliminary**

#### **172.200 Applicability of this Subpart**

This Subpart:

- (a) sets out certain administrative rules applying to CASA in its administration of this Part; and
- (b) includes certain generic provisions applying to anyone who wants to become, or is, an ATS provider.

## **Division 172.F.2—Approvals**

### **172.202 Applying for approval**

Subject to regulation 172.205, a person may apply to CASA, in writing, for approval as an ATS provider.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

### **172.205 Joint applications not permitted**

- (1) An application purportedly made by 2 or more persons jointly is not a valid application for any purpose.
- (2) An application purportedly made by a partnership is not a valid application for any purpose.

### **172.215 Applications by corporations etc—what must be included**

- (1) An application from a person other than an individual must set out:
  - (a) the applicant's registered address and ACN; and
  - (b) the names and addresses of its officers.
- (2) In paragraph (1)(b):

*officer* has the meaning given by section 9 of the *Corporations Act 2001*.

### **172.230 CASA may require demonstrations of procedures or equipment**

Regulation 11.045 applies in relation to an approval as an ATS provider.

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**172.260 When CASA must approve an applicant**

- (1) Subject to regulation 11.055 and subregulation (2), if an applicant has applied for approval as an ATS provider under this Part, CASA must grant the approval.
- (2) CASA must refuse an application for an approval for an air traffic service to be provided in particular airspace, or for a particular aerodrome, if anyone else who is an ATS provider already provides that service in that airspace or for that aerodrome.

Note: Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue, or cancelling, suspending or varying, an approval; or
- (b) a decision imposing a condition on an approval.

**172.265 When decision must be made**

- (1) If CASA does not make a decision about an application within the period mentioned in subregulation (2) after receiving it, CASA is taken to have refused the application.
- (2) The period is 6 months.
- (3) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, comes in for interview, or gives CASA the information or copy requested, does not count towards the period.
- (4) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050 (3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (5) Also, if CASA invites an applicant to make a written submission under subregulation 11.050 (2), the time between when CASA gives the invitation and when the applicant makes the written submission does not count towards the period.
- (6) In this regulation:

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*application* includes an application to vary an approval under this Division.

**172.270 Conditions**

Without limiting regulations 11.056 and 11.067, CASA may impose, on an approval, any condition necessary to give effect to an arrangement mentioned in subsection 11 (3) of the *Air Services Act 1995*.

**Division 172.F.4—Directions to amend provider's  
operations manual**

**172.300 CASA may direct amendments to provider's operations  
manual**

- (1) If necessary in the interests of the safety of air navigation, CASA may direct an ATS provider, in writing, within a reasonable period specified in the direction, to amend its provider's operations manual in a way specified in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1).

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## **Division 172.F.5—Suspension and cancellation of approvals**

### **172.305 Definition for this Division**

In this Division:

*show cause notice* means a notice under regulation 172.320.

### **172.310 Suspension of approval by show cause notice**

- (1) CASA may state, in a show cause notice, that an ATS provider's approval is suspended if CASA reasonably considers that not suspending the approval would be likely to have an adverse effect on the safety of air navigation.

Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

- (2) If a show cause notice states that the approval is suspended, the approval is suspended from when the notice is given to the provider.
- (3) CASA may revoke the suspension at any time.
- (4) If CASA has not cancelled the approval under regulation 172.325, within 90 days after the day the show cause notice is given to the provider, the suspension lapses at the end of that period.

### **172.315 Grounds for cancellation of approval**

It is grounds for the cancellation of an ATS provider's approval if the provider:

- (a) has breached a condition of the approval; or
- (b) has contravened the Act or these Regulations; or
- (c) does not meet, or continue to meet, a requirement of this Part for getting the approval; or
- (d) has otherwise been guilty of conduct that renders the provider's continued holding of the approval likely to have an adverse effect on the safety of air navigation.

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Note: Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

**172.320 Notice to show cause**

- (1) CASA may give an ATS provider a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that amount to grounds for the cancellation of the provider's approval.
- (2) A show cause notice must:
  - (a) tell the provider of the facts and circumstances that justify the cancellation of the approval; and
  - (b) invite the provider to show in writing, within a reasonable period stated in the notice, why the approval should not be cancelled.
- (3) For paragraph (2)(b), the period must not be less than 7 days.

**172.325 Cancellation of approval after show cause notice**

- (1) CASA may cancel an ATS provider's approval only if:
  - (a) there exist facts or circumstances that amount to grounds for the cancellation of the approval; and
  - (b) CASA has given the provider a show cause notice in relation to the grounds for the proposed cancellation; and
  - (c) CASA has taken into account any written representations made, within the period stated in the notice, by or on behalf of the provider; and
  - (d) not cancelling the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) If CASA has given a show cause notice to an ATS provider, and it decides not to cancel the provider's approval, it:
  - (a) must tell the provider, in writing, of the decision; and
  - (b) must, if the approval is suspended, revoke the suspension.

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**172.327 Cancellation if cooperation or arrangement ceases**

- (1) CASA must cancel the approval of a person mentioned in subparagraph 172.024(c)(i) if the cooperation mentioned in that subparagraph ceases.
- (2) CASA must cancel the approval of a person mentioned in subparagraph 172.024(c)(ii) if the arrangement mentioned in that subparagraph ceases.

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## Subpart 173.A—General

### 173.005 Applicability

- (1) This Part:
  - (a) provides for the standards that apply to the design of instrument flight procedures; and
  - (b) applies to the following persons:
    - (i) persons who want to become, or are, certified designers or authorised designers of terminal instrument flight procedures and certain employees of those persons;
    - (ii) persons who design instrument flight procedures other than terminal instrument flight procedures.
- (2) This Part also sets out certain rules that apply to CASA in administering procedure design certificates and procedure design authorisations.
- (3) Nothing in this Part applies:
  - (a) in relation to the design of terminal instrument flight procedures for use by an aircraft in circumstances where one or more engines of the aircraft become inoperative while it is on an IFR flight; or
  - (b) to a person who carries on design work on such procedures.

### 173.010 Definitions for this Part

In this Part, unless the contrary intention appears:

***authorised designer*** has the meaning given by regulation 173.025.

***certified designer*** has the meaning given by regulation 173.015.

***chief designer***, for a certified designer, means a person appointed as chief designer for the certified designer under Division 173.B.3.

***continental shelf*** means the continental shelf of Australia, within the meaning of the Seas and Submerged Lands Act 1973.

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**design work**, in relation to a terminal instrument flight procedure, means any of the following work:

- (a) designing the procedure or a part of the procedure;
- (b) verifying, maintaining, reviewing or amending the procedure;
- (c) supervising a person carrying on any work mentioned in paragraph (a) or (b).

**employee**, of a certified designer or an authorised designer, includes a person who carries on design work on a terminal instrument flight procedure for the designer in the course of performing services for the designer.

**ICAO Doc. 8168 (PANS-OPS)** means Doc.8168-OPS/611 Volume II (Procedures for Air Navigation Services – Construction of Visual and Instrument Flight Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

**Manual of Standards** means the document called ‘*Manual of Standards (MOS) Part 173 – Standards Applicable to the Provision of Instrument Flight Procedure Design*’, published by CASA, as in force from time to time.

Note: The Manual of Standards is available from CASA’s website at:  
[www.casa.gov.au](http://www.casa.gov.au).

**operations manual**:

- (a) in relation to a certified designer, means the manual maintained by the designer under regulation 173.075; and
- (b) in relation to an authorised designer, means the manual maintained by the designer under regulation 173.250.

**procedure design authorisation** has the meaning given by regulation 173.030.

**procedure design certificate** has the meaning given by regulation 173.020.

**type of terminal instrument flight procedure** means a type of terminal instrument flight procedure mentioned in the Manual of Standards.

## Regulation 173.015

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***validate*** has the same meaning as in the Manual of Standards.

***verify*** has the same meaning as in regulation 173.090.

Note: The following terms are defined in the Dictionary:

- AIS
- instrument approach procedure
- instrument departure procedure
- instrument flight procedures
- lowest safe altitude
- off-shore installation
- specialised helicopter operation
- terminal instrument flight procedure.

### **173.015 What is a *certified designer***

A ***certified designer*** is a person who is the holder of a procedure design certificate that is in force.

### **173.020 What is a *procedure design certificate***

A ***procedure design certificate*** is a certificate that:

- (a) is granted by CASA to a person under this Part; and
- (b) certifies that the person is authorised to carry on design work on a terminal instrument flight procedure of a type covered by the certificate subject to any conditions set out in the certificate.

### **173.025 What is an *authorised designer***

An ***authorised designer*** is a person who is the holder of a procedure design authorisation that is in force.

### **173.030 What is a *procedure design authorisation***

A ***procedure design authorisation*** is an authorisation that:

- (a) is granted by CASA to a person under this Part; and
- (b) authorises the person to carry on either of the following activities:
  - (i) review or amend a terminal instrument flight procedure that is of a type covered by the authorisation and is for

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- use by Australian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country;
- (ii) carry on design work on a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than 30 nm from the nearest land.

**173.035 Design, review or amendment of terminal instrument flight procedures—requirement for procedure design certificate etc**

- (1) A person commits an offence if:
- (a) the person carries on design work (other than work mentioned in subregulation (2) or (3)) on a terminal instrument flight procedure for use by Australian aircraft operating under the IFR, or by foreign aircraft operating under the IFR in Australian territory; and
  - (b) the person is not permitted to do so under subregulation (2).
- Penalty: 50 penalty units.
- (2) For paragraph (1)(b), the following persons may carry on the work:
- (a) CASA;
  - (b) a certified designer whose procedure design certificate authorises the designer to carry on design work on the procedure;
  - (c) an employee of a certified designer mentioned in paragraph (b) who carries on the design work in the course of the employee's duties.
- (3) A person commits an offence if:
- (a) the person reviews or amends a terminal instrument flight procedure for use by Australian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country; and
  - (b) the person is not permitted to do so under subregulation (4).

Penalty: 50 penalty units.

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- (4) For paragraph (3)(b), the following persons may review or amend the procedure:
- (a) CASA;
  - (b) a certified designer whose procedure design certificate authorises the designer to carry on design work on the procedure;
  - (c) an employee of a certified designer mentioned in paragraph (b) who reviews or amends the procedure in the course of the employee's duties;
  - (d) an authorised designer whose procedure design authorisation authorises the designer to review or amend the procedure;
  - (e) an employee of an authorised designer mentioned in paragraph (d) who reviews or amends the procedure in the course of the employee's duties.
- (5) A person commits an offence if:
- (a) the person carries on design work on a terminal instrument flight procedure for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation; and
  - (b) the person is not permitted to do so under subregulation (6).

Penalty: 50 penalty units.

- (6) For paragraph (5)(b), the following persons may carry on the work:
- (a) CASA;
  - (b) a certified designer whose procedure design certificate authorises the designer to carry on design work on the procedure;
  - (c) an employee of a certified designer mentioned in paragraph (b) who carries on the design work in the course of the employee's duties;
  - (d) an authorised designer whose procedure design authorisation authorises the designer to carry on design work on the procedure;
  - (e) an employee of an authorised designer mentioned in paragraph (d) who carries on the design work in the course of the employee's duties.

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

**173.040 Designing instrument flight procedures other than terminal instrument flight procedures**

- (1) A person who designs an instrument flight procedure that is not a terminal instrument flight procedure must, in designing the procedure, meet any standards for the design of such a procedure set out in the Manual of Standards.

Penalty: 10 penalty units.

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

## **Subpart 173.B—Certified designers**

### **Division 173.B.1—Certification as certified designer**

**Note:** In addition to the provisions of this Division, Part 11 contains provisions relating to an application for certification as a certified designer.

#### **173.045 Applications for procedure design certificates**

- (1) A person may apply to CASA, in writing, for a procedure design certificate.

**Note:** An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (2) The application:

(b) must state:

- (i) the applicant's name and address; or
- (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and

(c) must contain or be accompanied by:

- (i) a written statement specifying the type or each type of terminal instrument flight procedure proposed to be covered by the procedure design certificate; and
- (ii) a written statement setting out the name, qualifications and relevant experience of the individual who is proposed to be the chief designer for the applicant's organisation; and
- (iii) a written statement setting out the qualifications and relevant experience of any other member of the applicant's personnel whose duties would, if the certificate were granted to the applicant, include carrying on design work under the certificate; and

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- (d) must be accompanied by a copy of the operations manual under which the applicant proposes to design, or engage in design work on, terminal instrument flight procedures of the type or types concerned.

Note: Part 11 also contains provisions relating to an application for a procedure design certificate.

**173.050 Criteria for grant of procedure design certificates**

For regulation 173.335, a person who has applied for the grant of a procedure design certificate must, if the certificate is granted, be able to comply with the requirements of Division 173.B.2.

**173.055 Procedure design certificate**

- (1) If CASA grants a procedure design certificate to a person under Subpart 173.E, CASA must state on the certificate:
  - (a) the person's name and principal place of business; and
  - (b) the type or each type of terminal instrument flight procedure covered by the certificate; and
  - (c) any conditions applicable to it; and
  - (d) the date when it comes into force; and
  - (e) any other information that CASA thinks should be included.

**173.065 How long procedure design certificates remain in force**

A procedure design certificate remains in force unless it is cancelled.

**173.070 Applications to vary procedure design certificates**

An application to vary a procedure design certificate must contain, or have with it, a copy of the proposed variation.

## **Division 173.B.2—Requirements to be complied with by certified designers**

### **173.075 Certified designer to maintain operations manual**

- (1) A certified designer must, at all times, maintain an operations manual that meets the standards for operations manuals set out in the Manual of Standards.
- (2) A certified designer:
  - (a) must keep the manual in a readily accessible form; and
  - (b) must ensure that each employee of the designer whose duties include carrying on design work under the designer's procedure design certificate has ready access to the manual; and
  - (c) must amend the manual whenever it is necessary to do so to keep it in an up-to-date form.
- (3) A certified designer must ensure:
  - (a) that all amendments of the manual are incorporated in all copies of the manual kept by the certified designer; and
  - (b) that copies of the amendments are given to CASA.

### **173.080 Compliance with operations manual**

A certified designer must, in carrying on design work authorised under the designer's procedure design certificate, comply with the designer's operations manual.

### **173.085 Standards for design of terminal instrument flight procedures etc**

- (1) A certified designer designing a terminal instrument flight procedure under the certified designer's procedure design certificate must ensure that the procedure is designed in accordance with:
  - (a) any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS); and

- (b) any applicable standards set out in the Manual of Standards.
- (2) If, apart from this subregulation, a certified designer would be required to ensure that a terminal instrument flight procedure is designed in accordance with a standard set out or referred to in the ICAO Doc. 8168 (PANS-OPS) and a standard set out in the Manual of Standards, and it is not possible to comply with both standards, the designer is only required to ensure that the procedure is designed in accordance with the Manual of Standards.

### **173.090 Verification of terminal instrument flight procedures**

- (1) A certified designer must establish procedures for verifying terminal instrument procedures that it is authorised to design under the designer's procedure design certificate or on which the designer is authorised to carry on design work.
- (2) The verification procedures:
  - (a) must provide for 2 qualified designers to check independently the design of each terminal instrument flight procedure designed, or on which design work is carried on, under the certified designer's procedure design certificate; and
  - (b) must provide for one of those checks to be made by a qualified designer who did not carry on the design work concerned.
- (3) In this regulation, a reference to verifying a terminal instrument flight procedure is a reference to the process of checking the procedure (including all data, computations and drawings for the procedure) in accordance with any applicable standards set out in the Manual of Standards.
- (4) In this regulation:  
***qualified designer***, in relation to a terminal instrument flight procedure, means an individual who:
  - (a) is the holder, or an employee of the holder, of a procedure design certificate that authorises the holder to design terminal instrument flight procedures of the same type as the terminal instrument flight procedure concerned; and

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- (b) has successfully completed:
  - (i) an approved course of training in the methods and practices contained in ICAO Doc. 8168 (PANS-OPS); and
  - (ii) any training for persons carrying on design work on terminal instrument flight procedures that is specified in the operations manual under which the qualified designer performs the designer's duties; and
- (c) meets the experience requirements for performing the functions of a qualified designer set out in the Manual of Standards.

**173.095 Validation of terminal instrument flight procedures**

- (1) A certified designer must ensure that each terminal instrument flight procedure designed under the designer's procedure design certificate is validated by a *CASA pilot* in accordance with any applicable standards set out in the Manual of Standards.
- (2) In this regulation:

***CASA pilot*** means a pilot:

- (a) who is an officer of CASA; and
- (b) who meets the standards set out in the Manual of Standards for carrying out a validation flight check of a terminal instrument flight procedure.

***validation flight check*** has the same meaning as in the Manual of Standards.

**173.100 Publication of terminal instrument flight procedures**

- (1) A certified designer must ensure that each terminal instrument flight procedure designed under the designer's procedure design certificate is given to the AIS for publication in the AIP together with a certificate by the certified designer's chief designer to the effect that the procedure is designed and validated in accordance with any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS) and the Manual of Standards.

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- (2) However, the designer need not give a terminal instrument flight procedure to the AIS if the procedure is for use only by an aircraft in a specialised helicopter operation.
- (3) A certified designer must ensure that all procedures designed under its procedure design certificate that are not given to the AIS for publication in the AIP are given to CASA.

**173.105 Radio navigation aids**

A certified designer must ensure that a terminal instrument flight procedure designed under the designer's procedure design certificate does not require the use of a ground-based radio-navigation aid other than one that is operated and maintained by a person certificated to do so under Part 171.

**173.110 Maintenance of terminal instrument flight procedures**

- (1) Subject to subregulation (2), a certified designer is responsible for maintaining, in accordance with the standards for the maintenance of terminal instrument flight procedures set out in the Manual of Standards, a terminal instrument flight procedure designed under the designer's procedure design certificate or for which that responsibility is transferred to the certified designer under regulation 173.215.
- (2) The certified designer ceases to be responsible for the maintenance of the procedure:
  - (a) if the certified designer has notified CASA and, if the procedure is published in the AIP, the AIS, under regulation 173.210, that the designer has ceased to have that responsibility:
    - (i) on the day when the notice is given; or
    - (ii) if a later day is specified in the notice—on the later day; or
  - (b) if the certified designer's responsibility for the maintenance of the procedure is transferred to another certified designer in accordance with regulation 173.215—on the day when the responsibility is transferred; or

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- (c) if the certified designer has notified CASA and, if the procedure is published in the AIP, the AIS, under regulation 173.200, that the designer has ceased to design the type of terminal instrument flight procedure concerned:
  - (i) on the day when the notice is given; or
  - (ii) if a later day is specified in the notice—on the later day; or
- (d) if the certified designer's procedure design certificate is varied under Subpart 173.E to exclude that type of procedure—on the day when the variation takes effect; or
- (e) if the certified designer ceases to be a certified designer—on the day when the designer ceases to be a certified designer.

**173.115 Certified designer to provide facilities etc**

- (1) A certified designer must provide and maintain adequate facilities for carrying on design work on terminal instrument flight procedures under the designer's procedure design certificate, including:
  - (a) providing premises and equipment appropriate for the certified designer's employees to carry on the design work; and
  - (b) ensuring that those employees have access to all necessary data for designing the procedures including:
    - (i) accurate and current databases or charts detailing terrain and obstacle information; and
    - (ii) accurate and current navigation aid coordinate data; and
    - (iii) accurate and current aerodrome reference point and threshold data.
- (2) A certified designer must, if an aeronautical database and aeronautical data is required for designing a terminal instrument flight procedure under the designer's procedure design certificate, have, and put into effect, procedures to ensure the integrity of the database and the data.

**173.120 Certified designer to have appropriate organisation**

A certified designer must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable the designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate in accordance with these Regulations.

**173.125 Certified designer to have sufficient personnel**

A certified designer:

- (a) must employ a sufficient number of personnel to enable the designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate in accordance with these Regulations; and
- (b) must ensure that those personnel:
  - (i) are suitably qualified and competent to perform their duties; and
  - (ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

**173.130 Supervisory personnel**

A certified designer must ensure that each employee who is occupying or acting in a supervisory position in the designer's organisation in relation to design work on terminal instrument flight procedures carried on under the designer's procedure design certificate meets the standards for supervisory positions set out in the Manual of Standards.

**173.135 Certified designer to appoint chief designer**

A certified designer must not carry on design work on a terminal instrument flight procedure under the designer's procedure design certificate unless:

- (a) the certified designer has appointed a person to be the chief designer for the designer's organisation; and
- (b) the appointment is approved by CASA and is in force; and

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- (c) the functions of the chief designer are being carried out by the person or, if the chief designer is temporarily absent from duty, another person:
  - (i) who is appointed by the certified designer to act as chief designer; and
  - (ii) whose appointment is approved by CASA and is in force.

**173.140 Certified designer to provide training and checking program**

A certified designer must provide a training and checking program that is of an adequate standard to ensure that the employees of the designer maintain their competence and are provided with ongoing training appropriate to their duties.

**173.145 Certified designer to have safety management system**

- (1) A certified designer must have, and put into effect, a safety management system that includes the policies, procedures, and practices necessary for managing design work on terminal instrument flight procedures carried on under the designer's procedure design certificate.
- (2) The safety management system must be in accordance with the standards set out in the Manual of Standards.
- (3) The designer must keep its safety management system under review and take any necessary corrective action to ensure that it operates properly.

**173.150 Certified designer to maintain reference materials**

- (1) A certified designer must maintain reference materials of the kinds specified in the Manual of Standards.
- (2) A certified designer must keep the reference materials up-to-date and in a readily accessible form.
- (3) Each employee of the certified designer who carries on design work on a terminal instrument flight procedure under the certified

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designer's procedure design certificate must have ready access to the reference materials.

**173.155 Certified designer to keep documents and records**

- (1) A certified designer must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual of Standards specifies for the particular kind of document or record.
- (3) The designer must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

**173.160 Certified designer to have document and record control system**

- (1) A certified designer must establish, and put into effect, a system for controlling documents and records relating to the terminal instrument flight procedures on which the designer carries on design work under the certified designer's procedure design certificate, including the policies and procedures for making, amending, preserving and disposing of those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under this Division.

## **Division 173.B.3—Chief designer**

### **173.165 Approval for appointment of chief designer**

- (1) A certified designer must not appoint a person as chief designer unless the appointment is approved by CASA.
- (2) To be appointed as chief designer, a person must, at the time of appointment, meet the standards for the chief designer for a certified designer's organisation set out in the Manual of Standards.

### **173.170 Approval for appointment to act as chief designer**

- (1) A certified designer must not appoint a person to act as chief designer for the certified designer unless the appointment is approved by CASA.
- (2) To be appointed to act as chief designer, a person must, at the time of appointment, have sufficient qualifications and experience to enable the individual to carry out the functions of the appointment properly, having regard to the nature and scope of the design work carried on by the chief designer.

### **173.175 Appointment likely to have adverse effect on air safety**

- (1) Without limiting the matters that CASA may take into account in deciding whether to approve an appointment of a person as chief designer or an appointment of a person to act as chief designer, CASA is not required to approve the appointment if the approval would be likely to have an adverse effect on the safety of air navigation.
- (2) In deciding whether approval of the appointment of a person would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the following:
  - (a) the person's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety;

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- (b) the experience of the person in aviation;
- (c) the person's knowledge of the regulatory requirements applicable to civil aviation in Australia;
- (d) any evidence held by CASA that the person has contravened:
  - (i) the Act or these Regulations; or
  - (ii) a law of another country relating to aviation safety; or
  - (iii) another law (of Australia or of another country) relating to transport safety.

Note: Section 30A of the Act allows the Court to make an order excluding a person from a particular aviation activity. Such an order may have the effect of precluding the approval or acceptance of an appointment while the order is in force.

### **173.180 Chief designer's functions and duties**

The chief designer for a certified designer's organisation is responsible to the certified designer for the following:

- (a) ensuring that any design work on the terminal instrument flight procedures that is carried on under the designer's procedure design certificate is carried on in accordance with these Regulations;
- (b) appointing persons as employees of the certified designer to carry on design work on terminal instrument flight procedures under the designer's procedure design certificate;
- (c) effectively managing work done in relation to those terminal instrument flight procedures by those persons;
- (d) issuing certificates as required by regulation 173.100.

### **173.185 Duration of approval**

- (1) An approval under regulation 173.165 or 173.170 stops being in force if:
  - (a) the appointment to which it relates ends; or
  - (b) it is withdrawn.
- (2) An approval is not in force during any period in which it is suspended.

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**173.190 Withdrawal or suspension of approval of appointment**

- (1) CASA may, by notice in writing to a person appointed as the chief designer, or to act as the chief designer, for a certified designer's organisation, withdraw or suspend approval of the person's appointment if continuing approval of the appointment would be likely to have an adverse effect on the safety of air navigation.
- (2) In deciding whether continuing approval of a person's appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account the matters mentioned in subregulation 173.175 (2).
- (3) The notice:
  - (a) must set out the reasons for the withdrawal or suspension; and
  - (b) in the case of a suspension, must specify the period of suspension or state when, or in what circumstances, it will end.
- (4) CASA must give a copy of the notice to the certified designer.
- (5) If CASA suspends approval of a person's appointment, the person must not carry out the functions of the appointment during the period of the suspension.
- (6) If CASA withdraws approval of a person's appointment:
  - (a) for the purposes of these Regulations, the appointment is taken to end; and
  - (b) the person must not continue to carry out the functions of the position to which the appointment relates.

## **Division 173.B.4—Miscellaneous**

### **173.195 Advice on organisational changes**

A certified designer must tell CASA, in writing, of a change of circumstances that materially affects its capacity to design a terminal instrument flight procedure under the designer's procedure design certificate, or engage in any design work on that procedure, within 7 days after the change occurs.

### **173.200 Discontinuing design work on terminal instrument flight procedures of a particular type**

- (1) If a certified designer ceases to carry on design work on terminal instrument flight procedures of a particular type, the certified designer must give written notice to that effect to CASA, and, if any of the procedures are published in the AIP, the AIS, within 7 days after ceasing to carry on the design work concerned.
- (2) Subregulation (1) does not apply if, having regard to the certified designer's circumstances, it is not reasonably practicable for the designer to give CASA or, if applicable, the AIS, at least 7 days notice and the notice is given as soon as is reasonably practicable.

### **173.205 Notifying the AIS of a variation to a procedure design certificate**

If a certified designer's procedure design certificate is varied under Subpart 173.E to exclude a particular type of terminal instrument flight procedure and the designer has given any procedures of that type to the AIS for publication in the AIP, the designer must give written notice to the AIS of the variation within 7 days after the day when the variation takes effect.

### **173.210 Discontinuing maintenance of particular terminal instrument flight procedures**

- (1) If a certified designer ceases to be responsible for the maintenance of a terminal instrument flight procedure, the certified designer

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must give written notice to that effect to CASA and, if the procedure is published in the AIP, to the AIS, within 7 days after ceasing to have that responsibility.

- (2) Subregulation (1) does not apply if, having regard to the certified designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

**173.215 Transfer of maintenance responsibility**

- (1) A certified designer may transfer the designer's responsibility for maintaining a terminal instrument flight procedure under regulation 173.110 to another certified designer whose procedure design certificate authorises that designer to design terminal instrument flight procedures of the same type as the procedure concerned.
- (2) If a certified designer accepts responsibility for the maintenance of a terminal instrument flight procedure under this regulation, the designer:
- (a) must give written notice to the transferor to that effect; and
  - (b) must give written notice of the transfer to CASA and, if the procedure is published in the AIP, to the AIS, within 14 days after the transfer.
- (3) A transfer takes effect on the day when the certified designer accepting responsibility for maintaining the procedure gives notice to the transferor under paragraph (2)(a) or, if a later day is specified in the notice, on the later day.
- (4) If a certified designer transfers the designer's responsibility for maintaining a terminal instrument flight procedure, the designer must give written notice of the transfer to CASA and, if the procedure is published in the AIP, to the AIS, within 14 days after the transfer.

## **Subpart 173.C—Authorised designers**

### **Division 173.C.1—Authorisation as authorised designer**

Note: In addition to the provisions of this Division, Part 11 contains provisions relating to an application for the grant of a procedure design authorisation.

#### **173.220 Applications for procedure design authorisations**

- (1) A person may apply to CASA, in writing, for a procedure design authorisation.

Note: An application must be in the approved form, include all the information required by these Regulations and be accompanied by every document required by these Regulations—see regulation 11.030.

- (2) The application:

(b) must state:

- (i) the applicant's name and address; or
- (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and

(c) must contain or be accompanied by:

- (i) a written statement specifying the activity mentioned in subparagraph 173.030 (b)(i) or (ii) that is proposed to be authorised under the authorisation, including specifying the type or each type of terminal instrument flight procedure proposed to be covered by the authorisation; and
- (ii) a written statement setting out the qualifications and relevant experience of each member of the applicant's personnel whose duties would, if the authorisation were granted to the applicant, include carrying on the design work concerned; and

(d) must be accompanied by a copy of the operations manual under which the applicant proposes to carry on that activity.

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Note: Part 11 also contains provisions relating to an application for a procedure design authorisation.

**173.225 Criteria for grant of procedure design authorisations**

For regulation 173.335, a person who has applied for the grant of a procedure design authorisation must, if the authorisation is granted, be able to comply with the requirements of Division 173.C.2.

**173.240 How long procedure design authorisations remain in force**

A procedure design authorisation remains in force unless it is cancelled.

**173.245 Applications to vary procedure design authorisations**

An application to vary a procedure design authorisation must contain, or have with it, a copy of the proposed variation.

## **Division 173.C.2—Requirements to be complied with by authorised designers**

### **173.250 Operations manual**

- (1) An authorised designer must, at all times, maintain an operations manual that meets the standards set out in the Manual of Standards.
- (2) An authorised designer:
  - (a) must keep the manual in a readily accessible form; and
  - (b) must ensure that each employee of the designer whose duties include carrying on design work authorised by the designer's procedure design authorisation has ready access to the manual; and
  - (c) must amend the manual whenever it is necessary to do so to keep it in an up-to-date form.
- (3) An authorised designer must ensure:
  - (a) that all amendments of the manual are incorporated in all copies of the manual kept by the designer; and
  - (b) that copies of the amendments are given to CASA.

### **173.255 Compliance with operations manual**

An authorised designer must, in carrying on the activity authorised by the designer's procedure design authorisation, comply with the designer's operations manual.

### **173.260 Standards for design of terminal instrument flight procedures etc**

- (1) An authorised designer designing a terminal instrument flight procedure under the authorised designer's procedure design authorisation must ensure that the procedure is designed in accordance with:
  - (a) any applicable standards set out or referred to in ICAO Doc. 8168 (PANS-OPS); and
  - (b) any applicable standards set out in the Manual of Standards.

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- (2) If, apart from this subregulation, an authorised designer would be required to ensure that a terminal instrument flight procedure is designed in accordance with a standard set out or referred to in the ICAO Doc. 8168 (PANS-OPS) and a standard set out in the Manual of Standards, and it is not possible to comply with both standards, the designer is only required to ensure that the procedure is designed in accordance with the Manual of Standards.

**173.265 Off-shore installations**

- (1) This regulation applies to an authorised designer who is authorised to carry on design work on a terminal instrument flight procedure that:
  - (a) is of a type covered by the authorisation; and
  - (b) is for use by Australian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than 30 nm from the nearest land.
- (2) The authorised designer must ensure that a copy of each terminal instrument flight procedure designed under the designer's procedure design authorisation is given to CASA.
- (3) The authorised designer must ensure that a terminal instrument flight procedure designed under the designer's procedure design authorisation does not require the use of a ground-based radio-navigation aid other than one that is operated and maintained by a person certificated to do so under Part 171.

**173.270 Maintenance of terminal instrument flight procedures**

- (1) Subject to subregulation (2), an authorised designer is responsible for maintaining, in accordance with the standards for the maintenance of terminal instrument flight procedures set out in the Manual of Standards, a terminal instrument flight procedure designed under the designer's procedure design authorisation or a terminal instrument flight procedure for which that responsibility is transferred to the authorised designer under regulation 173.305.
- (2) The authorised designer ceases to be responsible for the maintenance of the procedure:

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- (a) if the authorised designer has notified CASA, under regulation 173.300, that the designer has ceased to have that responsibility:
  - (i) on the day when the notice is given; or
  - (ii) if a later day is specified in the notice—on the later day; or
- (b) if the authorised designer's responsibility for the maintenance of the procedure is transferred to a certified designer or another authorised designer under regulation 173.305—on the day when the responsibility is transferred; or
- (c) if the authorised designer has notified CASA, under regulation 173.295, that the designer has ceased to design the type of terminal instrument flight procedure concerned:
  - (i) on the day when the notice is given; or
  - (ii) if a later day is specified in the notice—on the later day; or
- (d) if the authorised designer's procedure design authorisation is varied under Subpart 173.E to exclude that type of procedure—on the day when the authorisation is varied; or
- (e) if the authorised designer ceases to be an authorised designer—on the day when the designer ceases to be an authorised designer.

**173.275 Authorised designer to have sufficient personnel**

An authorised designer:

- (a) must employ a sufficient number of personnel to enable the designer to carry on the activity authorised by the designer's procedure design authorisation in accordance with these Regulations; and
- (b) must ensure that those personnel:
  - (i) are suitably qualified and competent to perform their duties; and
  - (ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

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**173.280 Authorised designer to maintain reference materials**

- (1) An authorised designer must maintain reference materials of the kinds specified in the Manual of Standards.
- (2) An authorised designer must keep the reference materials up-to-date and in a readily accessible form.
- (3) Each employee of the authorised designer whose duties include carrying on design work that is authorised under the designer's procedure design authorisation must have ready access to the reference materials.

**173.285 Authorised designer to keep documents and records**

- (1) An authorised designer must keep documents and records of the kinds specified in the Manual of Standards.
- (2) A document or record must be retained for as long as the Manual of Standards specifies for the particular kind of document or record.
- (3) The designer must, at CASA's request, make the documents and records, or copies of them or extracts from them, available for inspection by CASA.

**173.290 Authorised designer to have document and record control system**

- (1) An authorised designer must establish, and put into effect, a system for controlling documents and records relating to the activity authorised under the authorised designer's procedure design authorisation, including the policies and procedures for making, amending, preserving and disposing of those documents and records.
- (2) The system must be in accordance with the standards set out in the Manual of Standards.
- (3) The documents and records must include the documents and records required to be kept under this Division.

## **Division 173.C.3—Miscellaneous**

### **173.295 Discontinuing design work on terminal instrument flight of a particular type**

- (1) If an authorised designer ceases to carry on design work on terminal instrument flight procedures of a particular type, the authorised designer must give written notice to CASA to that effect within 7 days after ceasing to carry on the design work concerned.
- (2) Subregulation (1) does not apply if, having regard to the authorised designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

### **173.300 Discontinuing maintenance of terminal instrument flight procedures**

- (1) If an authorised designer ceases to be responsible for the maintenance of a terminal instrument flight procedure, the authorised designer must give written notice to CASA to that effect within 7 days after ceasing to have that responsibility.
- (2) Subregulation (1) does not apply if, having regard to the authorised designer's circumstances, it is not reasonably practicable for the designer to give CASA at least 7 days notice and the notice is given as soon as is reasonably practicable.

### **173.305 Transfer of maintenance responsibility**

- (1) An authorised designer may transfer the designer's responsibility for maintaining a terminal instrument flight procedure under regulation 173.270:
  - (a) to a certified designer whose procedure design certificate authorises that designer to design terminal instrument flight procedures of the same type as the procedure concerned; or
  - (b) to another authorised designer whose procedure design authorisation authorises that designer to design such a terminal instrument flight procedure.

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- (2) If a certified designer or an authorised designer accepts responsibility for the maintenance of a terminal instrument flight procedure under this regulation, the designer:
  - (a) must give written notice to the transferor to that effect; and
  - (b) must give written notice of the transfer to CASA within 14 days after the transfer.
- (3) A transfer takes effect on the day when the certified designer or authorised designer accepting responsibility for maintaining the procedure gives notice to the transferor under subregulation (2) or, if a later day is specified in the notice, on the later day.
- (4) If an authorised designer transfers the designer's responsibility for maintaining a terminal instrument flight procedure, the designer must give written notice of the transfer to CASA within 14 days after the transfer.

## **Subpart 173.D—Performance of design work**

### **173.310 Certified designer not to exceed the limitations of the designer's procedure design certificate**

A certified designer must not carry on design work on a terminal instrument flight procedure that is not of a type covered by the designer's procedure design certificate.

### **173.315 Authorised designer not to exceed the limitations of authorisation**

A authorised designer must not carry on an activity mentioned in paragraph 173.030 (b)(i) or (ii) unless that activity is authorised by the designer's procedure design authorisation.

## **Subpart 173.E—Administration**

### **Division 173.E.1—Grant of procedure design certificates and procedure design authorisations**

**Note:** In addition to the provisions of this Division, Part 11 contains provisions relating to the grant of a procedure design certificate or procedure design authorisation.

#### **173.330 CASA may require demonstrations of equipment etc**

Regulation 11.045 applies in relation to a procedure design certificate or procedure design authorisation.

#### **173.335 Grant of procedure design certificate or procedure design authorisation**

Subject to regulation 11.055, if an applicant has applied for the grant of a procedure design certificate or procedure design authorisation under this Part, CASA must grant the certificate or authorisation.

**Note:** Under regulation 201.004, an application may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision refusing to issue or grant, or cancelling, suspending or varying, a certificate or authorisation; or
- (b) a decision imposing a condition on a certificate or authorisation.

See also section 31 of the Act.

#### **173.345 CASA may grant certificate or authorisation subject to conditions**

- (2) Without limiting regulation 11.056, CASA may grant a procedure design certificate or procedure design authorisation subject to a condition requiring its holder to permit an authorised inspector (within the meaning given by Division 173.E.5) to exercise the powers of an authorised inspector under that Division in relation to the certificate or authorisation.

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- (3) However, such a condition is not taken to require the holder to permit the exercise of those powers:
  - (a) unless the inspector first shows his or her identity card to the holder, or another person on behalf of the holder, if asked to do so by the holder or other person; or
  - (b) at a time other than during normal business hours.
- (4) Such a condition is not taken to authorise the inspector to use force to any extent in exercising those powers.

**173.350 When decision must be made**

- (1) If CASA does not make a decision about an application under this Part within 6 months after receiving it, CASA is taken to have refused the application.
- (2) However, if CASA makes a request under regulation 11.035, 11.040 or 11.045, the time between when CASA makes the request, and when the applicant conducts the demonstration, attends the interview, or gives CASA the information or copy requested, does not count towards the period.
- (2A) Also, if CASA asks an applicant to make a statutory declaration under regulation 11.047 or subregulation 11.050 (3A), the time between when CASA asks the applicant to do so and when the applicant gives CASA the statutory declaration does not count towards the period.
- (3) Also, if CASA invites an applicant to make a written submission under subregulation 11.050 (2), the time between when CASA gives the invitation and when the applicant makes the submission does not count towards the period.
- (4) In this regulation:  
  
***application*** includes an application to vary a procedure design certificate or procedure design authorisation.

**Division 173.E.3—Directions to amend certified designer's or authorised designer's operations manual**

**173.375 CASA may direct amendments to designer's operations manual**

- (1) If necessary in the interests of the safety of air navigation, CASA may, in writing, direct a certified designer or an authorised designer, within a reasonable period specified in the direction, to amend the designer's operations manual by:
  - (a) including in the manual the information or other things set out or described in the direction; or
  - (b) altering the information or other things in the manual in the manner set out in the direction.
- (2) CASA may extend the period by written notice, before or after the end of the period referred to in subregulation (1).

**Division 173.E.4—Suspension and cancellation of  
procedure design certificates and procedure  
design authorisations**

**173.380 Suspension or cancellation of procedure design certificate or  
procedure design authorisation by CASA**

- (1) CASA may, by written notice given to a certified designer or authorised designer, suspend or cancel the designer's procedure design certificate or procedure design authorisation if there are reasonable grounds for believing that the designer:
  - (a) has breached a condition of the certificate or authorisation; or
  - (b) has contravened a provision of this Part; or
  - (c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate or authorisation; or
  - (d) has otherwise been guilty of conduct that renders the designer's continued holding of the certificate or authorisation likely to have an adverse effect on the safety of air navigation.
- (2) Before suspending or cancelling a certified designer's procedure design certificate or an authorised designer's procedure design authorisation, CASA:
  - (a) must give written notice to the designer of the facts or circumstances that, in the opinion of CASA, amount to grounds for the suspension or cancellation of the certificate; and
  - (b) must invite the designer to show cause in writing, within 30 days after the date of the notice, why the certificate or authorisation should not be suspended or cancelled; and
  - (c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the designer explaining why the certificate should not be cancelled.

Note: Most decisions in relation to certificates and authorisations are reviewable by the Administrative Appeals Tribunal. See section 31 of the Act and regulation 201.4.

## **Division 173.E.5—Authorised inspectors**

### **173.390 CASA may appoint authorised inspectors**

- (1) The Director may, in writing, appoint an officer of CASA as an authorised inspector.
- (2) The instrument of appointment may:
  - (a) describe the premises and activities in relation to which the inspector may use his or her powers under regulation 173.400; and
  - (b) specify the duration of the appointment; and
  - (c) specify that the appointment is subject to 1 or more conditions.

### **173.395 Identity card**

- (1) CASA must issue each authorised inspector with an identity card that includes a recent photograph of the inspector.
- (2) No more than 7 days after ceasing to be an authorised inspector, a person must return his or her identity card to CASA.

Penalty: 1 penalty unit.

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

### **173.400 Powers of authorised inspector**

- (1) The powers that an authorised inspector may exercise are the powers to do any or all of the following:
  - (a) enter and inspect premises connected with, or used for the purposes of, design work that is carried on by, or for, a certified designer or authorised designer or where any documents or records relating to that work are kept;
  - (b) observe the practices and procedures of the certified designer or authorised designer (including the designer's employees) in carrying on design work under the designer's procedure design certificate or procedure design authorisation;

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- (c) inspect the designer's facilities used for, or in relation to, that work;
  - (d) inspect and test any systems and equipment used for, or in relation to, that work;
  - (e) inspect any documents or records maintained, or required to be kept under this Part, by the designer in relation to that work;
  - (f) make a copy of any document or record that the authorised inspector inspects.
- (2) However, an authorised inspector may exercise his or her powers only:
- (a) at premises connected with, or used for the purposes of, design work that is carried on by, or for, a certified designer or authorised designer or where any documents or records relating to that work are kept; and
  - (b) with the permission of the certified designer or authorised designer; and
  - (c) if the designer, or a person on behalf of the designer, so requests—after the designer or person has been shown the inspector's identity card; and
  - (d) during normal business hours; and
  - (e) to ensure that design work is being carried on in accordance with these Regulations.
- (3) The cost of any copying carried out for the purposes of paragraph (1)(f) must be met by CASA.

## **Part 200—Aircraft to which CASR do not apply**

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- 200.001 Hang gliders
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- 200.005 Parasails and gyrogliders
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- 200.013 Weight-shift-controlled aeroplanes and powered parachutes
- 200.014 Certain ultralight aeroplanes

#### **Subpart 200.C—Authorisation to fly**

- 200.020 Authorised flight without certificate of airworthiness

## **Subpart 200.B—Exemption from Regulations**

### **200.001 Hang gliders**

- (1) A hang glider used:
- (a) solely in private operations and only for recreational purposes; or
  - (b) for flying training for the issue of a pilot certificate;
- is exempt from CASR if the conditions in subsection 95.8 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

- (2) In this regulation:

***empty weight***, for a hang glider, means the weight of the hang glider in its airborne configuration, including all fittings and equipment but excluding recovery or personnel parachutes.

***hang glider*** means a glider, or a powered paraglider, with an empty weight not over 70 kilograms.

***powered paraglider*** means an aircraft without rigid wings that:

- (a) is launched by its pilot's feet; and
- (b) is powered by a power unit worn on its pilot's back.

### **200.002 Privately built single-place ultralight aeroplanes**

- (1) This regulation applies to a privately built single-place aeroplane if it:
- (a) is registered with the RAA; and
  - (b) has a take-off weight not over 300 kilograms; and
  - (c) for an aeroplane that first became registered with the RAA on or after 1 March 1990:
    - (i) has a wing loading not over 30 kilograms per square metre at maximum all-up weight; and

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- (ii) if it is owned by a person who is not its builder—has been certificated by the RAA as meeting the requirements set out in the RAA Technical Manual.
- (2) The aeroplane is exempt from CASR if the conditions in section 95.10 of the Civil Aviation Orders, as in force from time to time, are complied with.
- (3) In this regulation:

**RAA** means Recreational Aviation Australia Inc.

**RAA Technical Manual** means the manual prepared by RAA and approved by CASA, as in force from time to time, that contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices, test procedures and processes.

**take-off weight**, for an aeroplane, means the aeroplane's total weight when it starts to taxi before taking-off, including the weight of the pilot and of fuel, oil, recovery and personnel parachutes, flotation equipment, items of optional equipment, tools and baggage.

**200.003 Gyroplanes having an empty weight not in excess of 250 kilograms**

An aircraft to which Civil Aviation Order 95.12, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

**200.004 Two-place gyroplanes and single-place gyroplanes certificated as light sport aircraft**

An aircraft to which Civil Aviation Order 95.12.1, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

### **200.005 Parasails and gyrogliders**

- (1) A parasail or gyroglider is exempt from CASR if the conditions in subsection 95.14 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.
- (2) In this regulation:

***gyroglider*** means a non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors that rotate freely on substantially vertical axes.

***parasail*** means a parachute tethered to a point or vehicle on the ground or to a watercraft and deriving lift chiefly from aerodynamic reactions on flexible surfaces remaining fixed under given conditions of flight.

### **200.008 Defence Force aircraft operated by civilian flight crew**

- (1) This regulation applies to a Defence Force aircraft that is being flown and operated by persons, other than members of the Defence Force, who hold commercial or higher category licences, and that is engaged in:
  - (a) flight testing; or
  - (b) search and rescue; or
  - (c) support of aircraft development and flight test programs; or
  - (d) any other activity authorised by the Defence Force.
- (2) The aircraft is exempt from CASR if the conditions in subsection 95.20 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.
- (3) In this regulation:

***flight testing***, of an aircraft, means flying performed on behalf of the contractor or Defence Force to establish that the aircraft meets all the requirements of the contractor or Defence Force after manufacture or major servicing and inspection.

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**200.010 Military aircraft undergoing production or acceptance flight testing**

- (1) A military aircraft that is undergoing production flight testing or acceptance flight testing is exempt from CAR, and from CASR (other than this regulation), if the conditions (if any) set out in the relevant section of Part 95 of the Civil Aviation Orders (as in force from time to time) are complied with.

- (2) In this regulation:

***acceptance flight testing*** of a military aircraft means flight testing on behalf of the Defence Force to find out whether the aircraft meets the Force's requirements.

***production flight testing*** of a military aircraft means flight testing on behalf of a contractor to find out whether the aircraft meets the contractor's requirements.

***relevant section of Part 95 of the Civil Aviation Orders***, in relation to a military aircraft of a particular type, means the section of that Part that applies to aircraft of that type.

**200.013 Weight-shift-controlled aeroplanes and powered parachutes**

An aeroplane to which Civil Aviation Order 95.32, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

**200.014 Certain ultralight aeroplanes**

An aeroplane to which Civil Aviation Order 95.55, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

## **Subpart 200.C—Authorisation to fly**

### **200.020 Authorised flight without certificate of airworthiness**

For paragraph 20AA(3)(b) of the Act, an Australian aircraft that is exempt from CASR is authorised to fly without a certificate of airworthiness.

## Part 201—Miscellaneous

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201.001	Appointment of authorised persons
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201.004	Review of decisions
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201.020	Service of documents

### 201.001 Appointment of authorised persons

- (1) CASA may appoint a person, or the persons included in a class of persons, to be an authorised person for CASR or a particular provision of CASR.
- (2) CASA may appoint a person only if CASA is satisfied that the person has the qualifications and experience to be an authorised person.
- (3) CASA may appoint a class of persons only if CASA is satisfied that each person included in the class has the qualifications and experience to be an authorised person.
- (4) An appointment may be made subject to conditions stated in the instrument of appointment.

### 201.003 Commonwealth and CASA not liable in certain cases

Neither the Commonwealth nor CASA is liable in negligence or otherwise for any loss or damage incurred by anyone because of, or arising out of, the design, construction, restoration, repair, maintenance or operation of a limited category aircraft or an experimental aircraft, or any act or omission of CASA done or made in good faith in relation to any of those things.

### 201.004 Review of decisions

- (1) In this regulation:

## Regulation 201.004

**authorisation:** see regulation 11.015.

*Decisions made by CASA*

- (2) An application may be made to the Administrative Appeals Tribunal for the review of a decision of CASA mentioned in table 201.004.

<b>Table 201.004 Reviewable decisions</b>	
<b>Item</b>	<b>A decision...</b>
1	under a provision of these Regulations refusing to grant or issue, or cancelling, suspending or varying, an authorisation
2	under a provision of these Regulations imposing a condition on, or varying a condition of, an authorisation
3	under Division 11.F.1 or 11.F.2 refusing to grant an exemption
4	under regulation 21.043 refusing to consider an application for a type certificate
5	under regulation 21.855 refusing approval to remove or alter information on a critical part
6	under regulation 21.870 agreeing that it is impractical to mark information on a part
7	under subregulation 39.004(2) or (3) refusing to issue an instrument of approval or exclusion
8	under regulation 39.007 refusing to revoke or amend an Australian airworthiness directive
9	under regulation 45.090 refusing approval to place a design, mark or symbol on an aircraft
10	under regulation 45.105 directing where to place an aircraft's markings
11	under regulation 45.150: (a) directing where to place an aircraft's aircraft registration identification plate; or (b) refusing to give such a direction
12	under regulation 45.155 refusing approval to: (a) remove an aircraft's aircraft registration identification plate; or (b) remove or alter a marking on such a plate
13	under regulation 47.132 cancelling the registration of an aircraft

## Regulation 201.004

<b>Table 201.004 Reviewable decisions</b>	
<b>Item</b>	<b>A decision...</b>
14	under regulation 47.175 assigning fewer dealer's marks to an aircraft dealer than were applied for by the dealer
15	under Subpart 67.B refusing to appoint a person as a DAME or DAO
16	under regulation 67.095 cancelling the appointment of a person as a DAME or DAO
17	under regulation 90.010 refusing to exclude an aircraft or aeronautical product from the operation of a provision of Part 90
18	under regulation 137.040 refusing to approve a standard operations manual
19	under subregulation 137.045(6) refusing to accept: <ul style="list-style-type: none"> <li>(a) an application for an AOC submitted later than required under subregulation 137.045(1); or</li> <li>(b) a manual or schedule of differences that is submitted later than required under subregulation 137.045(4); or</li> <li>(c) an application for the variation of an AOC submitted later than required under subregulation 137.045(5)</li> </ul>
20	under regulation 137.080 refusing to approve a proposed amendment to an operations manual
21	under regulation 137.085 refusing to approve a proposed amendment to a schedule of differences
22	under regulation 137.090 refusing to approve a proposed amendment to a standard operations manual
23	under regulation 139.145 giving a direction
24	under regulation 139.252 designating, or refusing to designate, an aerodrome as an aerodrome to which A-SMGCS applies
25	under Subpart 139.C: <ul style="list-style-type: none"> <li>(a) refusing to register an aerodrome; or</li> <li>(b) suspending or cancelling the registration of an aerodrome</li> </ul>
26	under regulation 202.343 or 202.344 determining that CASA would not have issued an aircraft maintenance engineer licence (within the meaning given by regulation 202.340) to a person
27	under regulation 202.345 determining that CASA would not have issued a CAO 100.66 maintenance authority (within the meaning given by regulation 202.340) to a person

*Decisions made by authorised persons*

- (3) An application may be made to the Administrative Appeals Tribunal for the review of a decision that is:
- (a) mentioned in item 1 or 2 of table 201.004; and
  - (b) made by a person who is an authorised person for the provision under which the decision is made.

Note 1: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person, whose interests are affected by the decision, notice of:

- (a) the making of the decision; and
- (b) the person's right to have the decision reviewed.

Note 2: A decision mentioned in this regulation that is made by a delegate of CASA is reviewable under this regulation: see subsection 25(3A) of the *Administrative Appeals Tribunal Act 1975*.

**201.016 Disclosure of personal information**

- (1) CASA may, in the circumstances set out in this regulation, disclose personal information (within the meaning given by the *Privacy Act 1988*) that is in CASA's possession or under its control.
- (2) The information is the following about an individual who holds a civil aviation authorisation:
  - (a) the person's name;
  - (b) the person's ARN (if any);
  - (c) the person's address;
  - (d) the person's telephone number;
  - (e) details of each civil aviation authorisation and any medical certificate that the person holds.
- (3) If it is necessary for the safety of air navigation, CASA may disclose the information mentioned in any paragraph of subregulation (2) to:
  - (a) a person providing an air traffic service (within the meaning given in Part 172) in Australian territory; or
  - (b) a person carrying out search and rescue operations in Australian territory.

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**201.020 Service of documents**

Despite section 28A of the *Acts Interpretation Act 1901*, service may be effected on CASA only at its principal office at:

16 Furzer Street  
Phillip ACT 2606

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**Subpart 202.FL—Transitional provisions for Part 119 (Air operator certification—air transport)**

**Subpart 202.FN—Transitional provisions for Part 121A (Air transport operations—large aeroplanes)**

**Subpart 202.FO—Transitional provisions for Part 121B (Air transport operations—small aeroplanes)**

**Subpart 202.FR—Transitional provisions for Part 129 (Air operator certification—foreign operators)**

**Subpart 202.FT—Transitional provisions for Part 133 (Air transport and aerial work operations—rotorcraft)**

**Subpart 202.FV—Transitional provisions for Part 136 (Aerial work operations—other than those covered by Parts 133, 137, 138, 141 and 142)**

**Subpart 202.FW—Transitional provisions for Part 137 (Aerial agriculture operations—other than rotorcraft)**

**Subpart 202.FX—Transitional provisions for Part 138 (Search and rescue operations)**

**Subpart 202.FY—Transitional provisions for Part 139 (Aerodromes)**

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- 202.700 Definitions for this Subpart
  - 202.701 Aerodrome licences issued under CAR
  - 202.702 Conditions of transitional aerodrome licences
  - 202.703 Duration of transitional aerodrome licences
  - 202.704 Previous aerodrome manuals and standards for aerodromes
  - 202.705 Exemptions

**Subpart 202.FYH—Transitional provisions for Subpart 139.H  
(Aerodrome rescue and fire fighting services)**

- 202.710 Manual of Standards for Subpart 139.H

**Subpart 202.GA—Transitional provisions for Part 141 (Flight training  
organisations)**

**Subpart 202.GB—Transitional provisions for Part 142 (Training and  
checking organisations)**

**Subpart 202.GC—Transitional provisions for Part 143 (Air traffic  
services training providers)**

- 202.760 Manual of Standards for Part 143

**Subpart 202.GD—Transitional provisions for Part 144 (Product  
distribution organisations)**

**Subpart 202.GE—Transitional provisions for Part 145 (Continuing  
airworthiness—Part 145 approved maintenance organisations)**

**Division 202.GE.1—Amendments made by the Civil Aviation and Civil  
Aviation Safety Amendment Regulations 2010 (No. 1)**

- 202.800 CASA may direct making of applications under regulation 145.025

**Division 202.GE.2—Amendments made by the Civil Aviation Legislation  
Amendment (Maintenance and Other Matters) Regulation 2013**

**Subdivision 202.GE.2.1—Part 145 organisations undertaking CAR  
maintenance activities—general**

- 202.801 Interpretation for Division 202.GE.2—Part 145 references to maintenance  
services taken to include references to CAR maintenance activities
  - 202.802 Interpretation for Division 202.GE.2—Part 145 definition of *approval  
rating*
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202.803 Interpretation for Division 202.GE.2—Part 145 definition of *significant change*

202.804 Part 145 Manual of Standards—additional matters for CAR maintenance activities

**Subdivision 202.GE.2.2—Part 145 organisations undertaking CAR maintenance activities—approval of organisations**

202.805 Applying for approval

202.806 Issuing approval

202.807 Approval certificate

202.808 Privileges for Part 145 organisations

202.809 Approval subject to conditions

**Subdivision 202.GE.2.3—Part 145 organisations undertaking CAR maintenance activities—offence**

202.810 Undertaking CAR maintenance activities

**Subpart 202.GG—Transitional provisions for Part 147 (Continuing airworthiness—maintenance training organisations)**

202.840 Recognised organisations taken to be maintenance training organisations

202.841 Applications for approval as a recognised organisation made but not finally determined before 27 June 2011

202.842 CASA may direct the making of applications under regulation 147.025

**Subpart 202.GI—Transitional provisions for Part 149 (Recreational aviation administration organisations)**

**Subpart 202.HA—Transitional provisions for Part 171 (Aeronautical telecommunication service and radionavigation service providers)**

202.880 Manual of Standards for Part 171

**Subpart 202.HB—Transitional provisions for Part 172 (Air traffic service providers)**

202.900 Manual of Standards for Part 172

**Subpart 202.HC—Transitional provisions for Part 173 (Instrument flight procedure design)**

**Subpart 202.HD—Transitional provisions for Part 174 (Aviation meteorological services)**

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**Subpart 202.HL—Transitional provisions for Part 200 (Exemptions)**

**Subpart 202.HM—Transitional provisions for Part 201 (Miscellaneous)**

## **Subpart 202.AB—Transitional provisions for Part 1 (Preliminary)**

Note: This Subpart heading is reserved for future use.

## **Subpart 202.AD—Transitional provisions for Part 11 (Regulatory administrative procedures)**

### **202.010 Continuation of certain existing delegations**

- (1) Despite any amendment of regulation 7 of CAR that has the effect of preventing any delegation under it of a power or function under CASR, a delegation, under that regulation, of such a power or function continues to have effect according to its terms (including any condition imposed on such a delegation).
- (1A) Despite the repeal of regulation 7 of CAR, a delegation under that regulation of a power or function under CAR, being a delegation that was in force immediately before 27 June 2011, continues to have effect on and after 27 June 2011 according to its terms (including any condition imposed on such a delegation).
- (2) Despite any repeal of regulation 201.002, a delegation made under that regulation continues to have effect according to its terms (including any condition imposed on such a delegation).
- (3) A delegation referred to in subregulation (1), (1A) or (2) continues to be subject to any direction given by the Director under subregulation 7 (3) of CAR, or subregulation 201.002 (3), as the case may be.
- (4) CASA may revoke a delegation mentioned in this regulation.
- (5) CASA may impose, vary or remove a condition on a delegation mentioned in this regulation.

### **202.011 Continuation of exemptions under regulation 308 of CAR**

- (1) Despite anything in Subpart 11.F, an exemption from compliance with a provision of CASR issued under regulation 308 of CAR continues to have effect according to its terms.

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- (2) Despite the repeal of regulation 308 of CAR, an exemption from compliance with a provision of CAR, being an exemption that was in force under that regulation immediately before 27 June 2011, continues in force, on and after 27 June 2011, according to its terms.
- (3) If:
  - (a) before 27 June 2011, a person asked CASA for an exemption under regulation 308 of CAR; and
  - (b) CASA did not, before 27 June 2011, decide whether or not to grant the exemption;the request is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.
- (4) A person commits an offence if the person contravenes a condition specified in an instrument of exemption continued in force under this regulation.  
  
Penalty: 50 penalty units.
- (5) An offence against this regulation is an offence of strict liability.

**202.011A Continuation of exemptions under subregulation 82(3) of CAR**

- (1) Despite the repeal of subregulation 82(3) of CAR, an exemption that was in force under that subregulation immediately before 27 June 2011 continues to have effect, on and after 27 June 2011, according to its terms.
- (2) If:
  - (a) before 27 June 2011, a person asked CASA for an exemption under subregulation 82(3) of CAR; and
  - (b) CASA did not, before 27 June 2011, decide whether or not to grant the exemption;the request is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.

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**202.011B Continuation of exemptions under subregulation 235(11) of CAR**

- (1) Despite the repeal of subregulation 235(11) of CAR, an exemption that was in force under that subregulation immediately before 27 June 2011 continues to have effect, on and after 27 June 2011, according to its terms.
- (2) If:
  - (a) before 27 June 2011, a person asked CASA for an exemption under subregulation 235(11) of CAR; and
  - (b) CASA did not, before 27 June 2011, decide whether or not to grant the exemption;the request is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.

**202.011C Continuation of exemptions under regulation 92.080**

- (1) Despite the repeal of regulation 92.080, an exclusion that was in force under that regulation immediately before 27 June 2011 continues to have effect, on and after 27 June 2011, according to its terms.
- (2) If:
  - (a) before 27 June 2011, a person applied for an exclusion under regulation 92.080; and
  - (b) CASA did not, before 27 June 2011, decide whether or not to grant the exclusion;the application is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.

**202.011D Continuation of exemptions under regulation 92.155**

- (1) Despite the repeal of regulation 92.155, an exclusion that was in force under that regulation immediately before 27 June 2011 has effect, on and after 27 June 2011, according to its terms.
- (2) If:

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- (a) before 27 June 2011, a person applied for an exclusion under regulation 92.155; and
  - (b) CASA did not, before 27 June 2011, decide whether or not to grant the exclusion;
- the application is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.

**202.011E Continuation of exemptions under regulation 101.040**

- (1) Despite the repeal of regulation 101.040, an exemption that was in force under that regulation immediately before 27 June 2011 has effect, on and after 27 June 2011, according to its terms.
- (2) If:
  - (a) before 27 June 2011, a person asked CASA for an exemption under regulation 101.040; and
  - (b) CASA did not, before 27 June 2011, decide whether or not to grant the exemption;the request is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.
- (3) A person commits an offence if the person contravenes a condition specified in an instrument of exemption continued in force under this regulation.

Penalty: 50 penalty units.
- (4) An offence against this regulation is an offence of strict liability.

**202.011F Continuation of exemptions under regulation 139.020**

- (1) Despite the repeal of regulation 139.020, an exemption that was in force under that regulation immediately before 27 June 2011, including an exemption that was in force as a result of the application of regulation 202.705, has effect, on and after 27 June 2011, according to its terms.
- (2) If:
  - (a) before 27 June 2011, a person asked CASA for an exemption under regulation 139.020; and

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- (b) CASA did not, before 27 June 2011, decide whether or not to grant the exemption;  
the request is taken, on and after 27 June 2011, to be an application under regulation 11.165 for an exemption under Division 11.F.1.
- (3) A person commits an offence if the person contravenes a condition specified in an instrument of exemption continued in force under this regulation.
- Penalty: 10 penalty units.

**202.011G Renewal, variation and revocation of exemptions**

- (1) An exemption or exclusion mentioned in any of regulations 202.011 to 202.011F may be varied or revoked under Subpart 11.F as if it were an exemption granted under Division 11.F.1.
- (2) For regulation 11.175, an exemption or exclusion that has effect under any of regulations 202.011 to 202.011F is taken to be an exemption previously granted under Division 11.F.1.

**202.012 Consultation on certain Manuals of Standards**

- (1) In this regulation:
- MOS*** has the same meaning as in Subpart 11.J.
- (2) If before this regulation commenced CASA had undertaken consultation on a MOS, being consultation that would have satisfied the requirements of Subpart 11.J if that Subpart had been in force, that Subpart does not require CASA to repeat that consultation.

**202.013 Delegations to persons other than officers**

Despite the amendment of regulation 11.260 that commenced on 27 June 2011 limiting the Director's power to delegate a power of CASA under these Regulations to a person other than an officer:

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**Subpart 202.AD** Transitional provisions for Part 11 (Regulatory administrative procedures)

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- (a) a delegation to a person other than an officer that was in force immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
- (b) CASA may revoke such a delegation, in whole or in part, as if regulation 11.260 had not been amended.

## **Subpart 202.AF—Transitional provisions for Part 13 (Enforcement)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.030 to 202.049 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.AJ** Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

**Division 202.AJ.1** Transitional provisions relating to certification of aircraft and aircraft components

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**Subpart 202.AJ—Transitional provisions for  
Part 21 (Certification and airworthiness  
requirements for aircraft and parts)**

**Division 202.AJ.1—Transitional provisions relating to  
certification of aircraft and aircraft components**

**Subdivision 202.AJ.1.A—Amendments made by Civil Aviation  
and Civil Aviation Safety Amendment  
Regulations 2011 (No. 1)**

**202.049A Certain design standards taken to be applicable  
airworthiness standards for regulation 21.017**

- (1) A design standard for an aircraft:
  - (a) that was issued under regulation 21 of CAR; and
  - (b) that was in force immediately before 27 June 2011;is taken, on and after 27 June 2011, to be an applicable airworthiness standard for the aircraft for regulation 21.017.
- (2) A design standard for an aircraft component:
  - (a) that was issued under regulation 21A of CAR; and
  - (b) that was in force immediately before 27 June 2011;is taken, on and after 27 June 2011, to be an applicable airworthiness standard for the aircraft component for regulation 21.017.

**Subdivision 202.AJ.1.B—Amendments made by Civil Aviation  
Amendment Regulations 1999 (No. 5)**

**202.050 Certificates of type approval**

- (1) A certificate of type approval for an aircraft, or an aircraft engine or a propeller, that was, immediately before 1 October 1998, in force under regulation 22 of CAR 1988 as then in force continues

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in force on and after that date as if it were a type certificate issued under regulation 21.013A or 21.029.

- (2) A certificate of type approval for an aircraft that was, immediately before 1 October 1998, in force under regulation 22A of CAR 1988 as then in force continues in force on and after that date as if it were a type acceptance certificate issued under regulation 21.029A.
- (3) A certificate of type approval continued in force under this regulation remains subject to any condition to which it was subject immediately before 1 October 1998.

**202.051 Certificates of airworthiness**

- (1) A certificate of airworthiness that was, immediately before 1 October 1998, in force under regulation 24 of CAR 1988 as then in force continues in force on and after that date as if it were a certificate of airworthiness issued under regulation 21.176.
- (2) A certificate of airworthiness continued in force under subregulation (1) remains subject to any condition to which it was subject immediately before 1 October 1998.
- (3) Subject to Division 7 of Part 4A of CAR 1988, a direction that was, immediately before 1 October 1998, in force under paragraph 25 (1)(b) of CAR 1988 as then in force continues in force on and after that date according to its terms.

**202.052 Export certificate of airworthiness**

An export certificate of airworthiness that was, immediately before 1 October 1998, in force under regulation 28 of CAR 1988 as then in force continues in force on and after that date as if it were an export airworthiness approval issued under regulation 21.324.

**Part 202** Transitional

**Subpart 202.AJ** Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

**Division 202.AJ.1** Transitional provisions relating to certification of aircraft and aircraft components

Regulation 202.052A

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**Subdivision 202.AJ.1.C—Amendments made by Civil Aviation  
Legislation Amendment (Subpart 21.J)  
Regulation 2013**

**202.052A Transitional—certificates of approval for design activities**

- (1) Despite the amendment of regulation 30 of CAR on 1 March 2014, a certificate of approval that covers the design of an aircraft, aircraft component or aircraft material and was in force under that regulation immediately before that date:
  - (a) continues in force on and after that date according to its terms; and
  - (b) may be varied, suspended or revoked under regulation 269 of CAR as if regulation 30 of CAR had not been amended.
- (2) However, the certificate of approval ceases to have effect, to the extent that it covers the design of an aircraft, aircraft component or aircraft material, at the earliest of the following times:
  - (a) if the certificate of approval specifies a day on which it expires, or a period for which it is to remain in force—the end of that day or period;
  - (b) the end of 28 February 2017;
  - (c) if it is revoked under regulation 269 of CAR—when it is revoked.
- (3) If:
  - (a) before 1 March 2014, an application was made, under regulation 30 of CAR, for a certificate of approval that covers the design of an aircraft, aircraft component or aircraft material; and
  - (b) the application was in accordance with that regulation as in force at the time the application was made; and
  - (c) the application was not finally determined by CASA before that date;Regulation 30 of CAR has effect, on and after that date, in relation to the application as if regulation 30 of CAR had not been amended.

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- (4) If a certificate of approval is granted under regulation 30 of CAR, as in effect under subregulation (3), subregulations (1) and (2) apply to the certificate of approval as if the certificate had been issued under regulation 30 of CAR immediately before 1 March 2014.
- (5) This regulation expires at the end of 1 March 2017 as if it had been repealed by another regulation.

**Part 202** Transitional

**Subpart 202.AJ** Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

**Division 202.AJ.2** Transitional provisions relating to approvals of designs of modifications and repairs

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**Division 202.AJ.2—Transitional provisions relating to approvals of designs of modifications and repairs**

**Subdivision 202.AJ.2.A—Amendments made by the Civil Aviation and Civil Aviation Safety Amendment Regulations 2011 (No. 1)**

**202.053 Approvals of systems of certification under regulation 34 of CAR**

Despite the repeal of regulation 34 of CAR:

- (a) an approval of a system of certification under that regulation, being an approval that was in force immediately before 27 June 2011, continues in force on and after 27 June 2011 according to its terms; and
- (b) CASA may vary, suspend or revoke the approval as if that regulation had not been repealed.

**202.054 Approvals of designs of modifications and repairs under regulation 35 of CAR**

- (1) Despite the repeal of regulation 35 and subregulations 47 (4) and (7) of CAR:
  - (a) an approval of a design of a modification or repair that was in force under subregulation 35 (2) or (6) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
  - (b) an authorisation that was in force under subregulation 35 (3) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
  - (c) subregulations 47 (4) and (7) of CAR, as in force immediately before 27 June 2011, continue to apply to such an authorisation as if neither regulation 35 of CAR, nor those subregulations, had been repealed; and

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- (d) CASA may vary, suspend or revoke such an approval or authorisation as if regulation 35 of CAR had not been repealed.
- (2) If:
  - (a) before 27 June 2011, an application was made to CASA or an authorised person under regulation 35 of CAR for the approval of the design of a modification or repair; and
  - (b) the application was not finally determined by CASA or the authorised person immediately before 27 June 2011;the application is taken, on and after 27 June 2011, to be an application for a modification/repair design approval made to CASA or the authorised person under regulation 21.405.

**202.055 Approvals of aircraft components for use as replacements under regulation 36 of CAR**

- (1) Despite the repeal of regulation 36 and subregulations 47 (4) and (7) of CAR:
  - (a) an approval of an aircraft component, or aircraft components included in a type of aircraft component, for use as a replacement that was in force under subregulation 36 (2) or (6) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
  - (b) an authorisation that was in force under subregulation 36 (3) of CAR immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
  - (c) subregulations 47 (4) and (7) of CAR, as in force immediately before 27 June 2011, continue to apply to such an authorisation as if neither regulation 36 of CAR, nor those subregulations, had been repealed; and
  - (d) CASA may vary, suspend or revoke such an approval or authorisation as if regulation 36 of CAR had not been repealed.
- (2) If:

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**Subpart 202.AJ** Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

**Division 202.AJ.2** Transitional provisions relating to approvals of designs of modifications and repairs

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- (a) before 27 June 2011, an application was made to CASA or an authorised person for an approval under regulation 36 of CAR; and
  - (b) the application was not finally determined by CASA or the authorised person immediately before 27 June 2011;
- the application is taken, on and after 27 June 2011, to be an application for a modification/repair design approval made to CASA or the authorised person under regulation 21.405.

**202.056 Use of aircraft material for particular purposes under regulation 36A of CAR**

- (1) Despite the repeal of regulation 36A of CAR:
  - (a) a direction under subregulation 36A(2) of CAR that was in force immediately before 27 June 2011 continues in force on and after 27 June 2011 according to its terms; and
  - (b) subregulation 36A(3) of CAR, as in force immediately before 27 June 2011, continues to apply to such a direction as if regulation 36A of CAR had not been repealed; and
  - (c) CASA may vary, suspend or revoke such a direction as if regulation 36A of CAR had not been repealed.
- (2) Despite the repeal of regulation 36A of CAR:
  - (a) an approval of an aircraft material, being an approval that was in force under subregulation 36A(3A) of CAR immediately before 27 June 2011, continues in force on and after 27 June 2011 according to its terms; and
  - (b) CASA may vary, suspend or revoke such an approval as if regulation 36A of CAR had not been repealed.
- (3) If:
  - (a) before 27 June 2011, a person asked CASA or an authorised person to approve the use of aircraft material for a particular purpose under regulation 36A of CAR; and
  - (b) CASA or the authorised person has not, before 27 June 2011, decided whether or not to approve the use of the material;

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the request is taken, on and after 27 June 2011, to be an application for a modification/repair design approval made to CASA or the authorised person under regulation 21.405.

**202.058 Approval of changes to flight manuals under regulations 55 and 55A of CAR**

- (1) Despite the repeal of regulation 55 of CAR, an approval of a change to an aircraft's flight manual that was in force under that regulation immediately before 27 June 2011 continues in force on and after 27 June 2011 as if it were an approval given under regulation 21.006A.
- (2) If:
  - (a) before 27 June 2011, a person asked CASA or an authorised person to approve a change to an aircraft's flight manual under regulation 55 of CAR; and
  - (b) CASA or the authorised person has not, before 27 June 2011, decided whether or not to give the approval;the request is taken, on and after 27 June 2011, to be an application for approval of the change made to CASA or the authorised person under regulation 21.006A.
- (3) Despite the repeal of regulation 55A of CAR, an approval of a change to an aircraft's flight manual that was in force under that regulation immediately before 27 June 2011 continues in force on and after 27 June 2011 as if it were an approval given by CASA under regulation 21.006A.
- (4) If:
  - (a) before 27 June 2011, an application was made under regulation 55A of CAR for the approval of a change to an aircraft's flight manual; and
  - (b) the application was not finally determined by CASA immediately before 27 June 2011;the application is taken, on and after 27 June 2011, to be an application for approval of the change under regulation 21.006A.

**Part 202** Transitional

**Subpart 202.AJ** Transitional provisions for Part 21 (Certification and airworthiness requirements for aircraft and parts)

**Division 202.AJ.2** Transitional provisions relating to approvals of designs of modifications and repairs

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**Subdivision 202.AJ.2.B—Amendments made by the Civil  
Aviation Legislation Amendment (Part 21)  
Regulation 2014**

**202.058A Approval of damage as permissible unserviceability under  
regulation 21.007**

Despite the amendment of regulation 21.007 by the *Civil Aviation Legislation Amendment (Part 21) Regulation 2014*, an approval of damage as a permissible unserviceability that was in force immediately before 1 May 2014 continues in force in accordance with its terms.

**Division 202.AJ.3—Transitional provisions relating to  
authorised persons**

**Subdivision 202.AJ.3.A—Amendments made by the Civil  
Aviation and Civil Aviation Safety Amendment  
Regulations 2011 (No. 1)**

**202.059 Authorised persons for regulations 35, 36 and 36A of CAR**

- (1) This regulation applies to a person who was, immediately before 27 June 2011, an authorised person appointed under regulation 6 of CAR for the purposes of regulation 35, 36 or 36A of CAR (as in force before 27 June 2011).
- (2) CASA is taken to have appointed the person on 27 June 2011 under regulation 201.001 to be an authorised person for regulations 21.006A and 21.009 and the provisions of Subpart 21.M.
- (3) The appointment is subject to the conditions to which the person's appointment as an authorised person under regulation 6 of CAR was subject to immediately before 27 June 2011.
- (4) However, the appointment expires:
  - (a) when the person's appointment as an authorised person for regulation 35, 36 or 36A of CAR would have expired; or
  - (b) at the end of 26 June 2013; or
  - (c) when it is revoked;whichever happens first.

Regulation 202.060

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**Subpart 202.AK—Transitional provisions for  
Part 22 (Airworthiness standards for  
sailplanes and powered sailplanes)**

**202.060 Approvals under airworthiness instruments in force before  
1 July 2009**

- (1) Despite the amendments of Part 22 taking effect on 1 July 2009:
  - (a) an approval that:
    - (i) was given by CASA under a repealed provision; and
    - (ii) was in effect immediately before 1 July 2009;  
has effect on and after 1 July 2009 as if those amendments had not been made; and
  - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:

***repealed provision*** means regulation 22.006, 22.007, 22.008 or 22.009 as in force immediately before 1 July 2009.

**Subpart 202.AL—Transitional provisions for  
Part 23 (Airworthiness standards for  
aeroplanes in the normal, utility, acrobatic  
or commuter category)**

**202.070 Approvals under airworthiness instruments in force before  
1 July 2009**

- (1) Despite the amendments of Part 23 taking effect on 1 July 2009:
  - (a) an approval that:
    - (i) was given by CASA under a repealed provision; and
    - (ii) was in effect immediately before 1 July 2009;has effect on and after 1 July 2009 as if those amendments had not been made; and
  - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.
- (2) In this regulation:

***repealed provision*** means regulation 23.007 or 23.008 as in force immediately before 1 July 2009.

**Subpart 202.AN—Transitional provisions for  
Part 25 (Airworthiness standards for  
aeroplanes in the transport category)**

**202.090 Approvals under airworthiness instruments in force before  
1 July 2009**

(1) Despite the amendments of Part 25 taking effect on 1 July 2009:

(a) an approval that:

(i) was given by CASA under the former  
regulation 25.006; and

(ii) was in effect immediately before 1 July 2009;  
has effect on and after 1 July 2009 as if those amendments  
had not been made; and

(b) CASA may suspend or cancel an approval mentioned in  
paragraph (a) if it is necessary in the interests of aviation  
safety.

(2) In this regulation:

*the former regulation 25.006* means regulation 25.006 as in force  
immediately before 1 July 2009.

**Subpart 202.AO—Transitional provisions for  
Part 26 (Airworthiness standards for  
aircraft in the primary category or  
intermediate category)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.100 to 202.109 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.AP** Transitional provisions for Part 27 (Airworthiness standards for rotorcraft in the normal category)

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**Subpart 202.AP—Transitional provisions for  
Part 27 (Airworthiness standards for  
rotorcraft in the normal category)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.110 to 202.119 are reserved for use in this Subpart.

**Subpart 202.AR—Transitional provisions for  
Part 29 (Airworthiness standards for  
rotorcraft in the transport category)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.120 to 202.129 are reserved for use in this  
Subpart.

**Part 202** Transitional

**Subpart 202.AT** Transitional provisions for Part 31 (Airworthiness standards for manned free balloons)

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**Subpart 202.AT—Transitional provisions for  
Part 31 (Airworthiness standards for  
manned free balloons)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.130 to 202.139 are reserved for use in this Subpart.

## **Subpart 202.AU—Transitional provisions for Part 32 (Airworthiness standards for engines for very light aeroplanes)**

### **202.140 Approvals under airworthiness instruments in force before 1 July 2009**

- (1) Despite the amendments of Part 32 taking effect on 1 July 2009:
  - (a) an approval that:
    - (i) was given by CASA under the former regulation 32.004; and
    - (ii) was in effect immediately before 1 July 2009; has effect on and after 1 July 2009 as if those amendments had not been made; and
  - (b) CASA may suspend or cancel an approval mentioned in paragraph (a) if it is necessary in the interests of aviation safety.

- (2) In this regulation:

*the former regulation 32.004* means regulation 32.004 as in force immediately before 1 July 2009.

**Part 202** Transitional

**Subpart 202.AV** Transitional provisions for Part 33 (Airworthiness standards for aircraft engines)

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**Subpart 202.AV—Transitional provisions for  
Part 33 (Airworthiness standards for  
aircraft engines)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.150 to 202.159 are reserved for use in this Subpart.

**Subpart 202.AX—Transitional provisions for  
Part 35 (Airworthiness standards for  
aircraft propellers)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.160 to 202.169 are reserved for use in this Subpart.

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**Subpart 202.AZ—Transitional provisions for  
Part 39 (Airworthiness directives)**

**202.170 Airworthiness directives**

If an airworthiness directive issued under regulation 37A of CAR, or such an airworthiness directive as subsequently varied, had effect immediately before 1 January 2000, then, subject to these Regulations, the airworthiness directive, or the airworthiness directive as varied, continues to have effect on and after that day as if it were an airworthiness directive issued by CASA under regulation 39.001.

**202.171 Application for exemption from, or variation of,  
requirement of airworthiness directive**

If an application under regulation 42ZR of CAR for an exemption from, or a variation of, a requirement of an airworthiness directive, in so far as it relates to a particular aircraft, was still pending immediately before 1 January 2000, the application has effect as if it were a written request made by the applicant, on that day, for CASA to exclude, under regulation 39.004, the aircraft from the operation of the airworthiness directive.

**202.172 Exemption from requirement of airworthiness directive**

If an exemption from a requirement of an airworthiness directive granted, under regulation 42ZS of CAR, in relation to an aircraft was still in force immediately before 1 January 2000, then, subject to these Regulations, the exemption has effect as if it were an instrument issued under regulation 39.004, on that day, excluding the aircraft from the operation of the airworthiness directive.

## **Subpart 202.BA—Transitional provisions for Part 42 (Continuing airworthiness requirements for aircraft and aeronautical products)**

### **202.180 Application of Part 42**

- (1) Part 42 applies to:
  - (a) a registered aircraft that is authorised to operate under an AOC issued for a purpose mentioned in paragraph 206(1)(c) of CAR; and
  - (b) a registered aircraft for which an election under regulation 202.181 is in force; and
  - (c) an aeronautical product for an aircraft mentioned in paragraph (a) or (b).
- (2) Part 42 applies to a Part 145 organisation that is providing maintenance services for:
  - (a) an aircraft mentioned in paragraph (1)(a) or (b); or
  - (b) an aeronautical product for an aircraft mentioned in paragraph (1)(a) or (b).
- (3) Part 42 applies to an independent maintainer mentioned in item 4 or 5 of table 42.300 who is carrying out maintenance on an aircraft mentioned in paragraph (1)(a) or (b).

### **202.181 Election that Part 42 is to apply to an aircraft**

- (1) This regulation applies to:
  - (a) a registered aircraft that is authorised to operate under an AOC issued for a purpose mentioned in paragraph 206(1)(a) or (b) of CAR; or
  - (b) a registered large aircraft that is not authorised to operate under an AOC.

**Part 202** Transitional

**Subpart 202.BA** Transitional provisions for Part 42 (Continuing airworthiness requirements for aircraft and aeronautical products)

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- (2) The registered operator of the aircraft may, by written notice given to CASA, elect that Part 42 is to apply to the aircraft.
- (3) An election under this regulation must be in the approved form.
- (4) An election under this regulation is not revocable.
- (5) However, an election under this regulation for an aircraft ceases to be in force if there is a change of registered operator for the aircraft.

**202.183 Application of subparagraph 42.030 (2)(c)(ii) (airworthiness review certificates) to existing and new aircraft**

*Existing aircraft*

- (1) Subparagraph 42.030 (2)(c)(ii) applies to the registered operator of an existing aircraft of a particular type and model on and after the day that is 3 years after the approval day for the operator for that type and model of aircraft.
- (2) An aircraft of a particular type and model is an **existing aircraft** for a registered operator if the aircraft is mentioned in the registered operator's AOC on the approval day for the operator for that type and model of aircraft.

*New aircraft*

- (3) Subparagraph 42.030 (2)(c)(ii) applies to the registered operator of a new aircraft of a particular type and model on and after the day after the approval day for the operator for that type and model of aircraft.
- (4) An aircraft of a particular type and model is a **new aircraft** for a registered operator if the aircraft was added to the registered operator's AOC after the approval day for the operator for that type and model of aircraft.

*Approval day*

- (5) In this regulation:

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***approval day***, for the registered operator of a particular type and model of aircraft, means the day when the operator is approved as a continuing airworthiness management organisation for that type and model of aircraft.

**202.185 Approved maintenance programs taken to include approved systems of maintenance**

For Part 42, a reference to an approved maintenance program for an aircraft is taken to include an approved system of maintenance for the aircraft.

**202.186 Approved reliability programs taken to include reliability programs included in approved systems of maintenance**

For Part 42, a reference to an approved reliability program for an aircraft is taken to include a reliability program included in an approved system of maintenance for the aircraft.

**202.187 Defects recorded in maintenance releases  
(regulation 42.355)**

- (2) For regulation 42.355, if a maintenance release that is in force for an aircraft immediately before Part 42 begins to apply to the aircraft is endorsed with information about a defect in the aircraft, the defect is taken to be recorded in the continuing airworthiness records system for the aircraft.

- (3) In this regulation:

***maintenance release***, for the registered operator of an aircraft, includes another document approved by CASA for use by the operator as an alternative for the purposes of regulation 49 or 50 of CAR.

**202.188 References to authorised release certificates  
(subparagraphs 42.420(5)(a)(i) and (b)(i))**

For subparagraphs 42.420(5)(a)(i) and (b)(i), a reference to an authorised release certificate is taken to include an authorised

**Part 202** Transitional

**Subpart 202.BA** Transitional provisions for Part 42 (Continuing airworthiness requirements for aircraft and aeronautical products)

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release certificate, within the meaning given by subclause 18(1) of Part 2 of the Dictionary, that is issued before 27 June 2013.

**202.191 Maintenance certification taken to include certification of completion of maintenance (paragraph 42.745(c))**

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation:
  - (a) was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components; and
  - (b) carried out maintenance on an aircraft.
- (2) For paragraph 42.745(c), a reference to maintenance certification having been performed for maintenance carried out on an aircraft is taken to include, in relation to maintenance mentioned in paragraph (1)(b), certification of the completion of the maintenance in accordance with regulation 42ZE or 42ZN of CAR.

**202.193 Reference to maintenance carried out in accordance with Part 42 (subparagraph 42.795(c)(i))**

- (1) This regulation applies to an approved maintenance organisation that, before becoming an approved maintenance organisation:
  - (a) was the holder of a certificate of approval that covered maintenance of aircraft or aircraft components; and
  - (b) carried out maintenance:
    - (i) on an aeronautical product that is an aircraft component; and
    - (ii) in accordance with the approved maintenance data for the component.

Note: For the definition of *approved maintenance data*, see subsection 2(1) of CAR.
- (2) For subparagraph 42.795(c)(i), a reference to maintenance having been carried out on the product in accordance with Part 42 is taken to include maintenance mentioned in paragraph (1)(b).

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**202.194 CASA may direct making of applications under  
regulation 42.585**

- (1) CASA may direct the registered operator of an aircraft of a particular type and model to make an application under regulation 42.585 for approval as a continuing airworthiness management organisation for that type and model of aircraft.
- (2) A direction under this regulation must:
  - (a) be in writing; and
  - (b) specify the time within which the direction must be complied with.
- (3) A person to whom a direction is given must comply with the direction within the time specified in the direction.

Note: CASA intends to give directions under this regulation to assist it in managing the implementation of Part 42.

**Part 202** Transitional

**Subpart 202.BD** Transitional provisions for Part 45 (Display of nationality and registration marks)

Regulation 202.200

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**Subpart 202.BD—Transitional provisions for  
Part 45 (Display of nationality and  
registration marks)**

**202.200 Australian aircraft marked in accordance with CAR**

Despite Part 45, an Australian aircraft registered before 1 October 2000 need not bear markings that comply with that Part until it is repainted if, until then, the aircraft bears nationality marks and registration marks in accordance with Division 7 of Part 3 of CAR (as in force immediately before 1 October 2000).

## **Subpart 202.BF—Transitional provisions for Part 47 (Registration of aircraft and related matters)**

### **202.220 Definitions for Subpart 202.BF**

In this Subpart:

*certificate of registration* means a certificate of registration issued under the old Regulations.

*eligible person* has the meaning given by regulation 47.010.

*old Regulations* means CAR as in force immediately before 15 November 2004.

*Property interest* has the meaning given by the old Regulations.

*registered operator* has the meaning given by regulation 47.100.

### **202.221 Continuation of Aircraft Register**

- (1) For Subpart 47.B, the Aircraft Register mentioned in regulation 8 of the old Regulations (the *Aircraft Register*) continues in existence under the name *Australian Civil Aircraft Register*.
- (2) Entries made in the Aircraft Register under Part 3 of the old Regulations are incorporated in, and form part of, the Australian Civil Aircraft Register.

### **202.222 Reference to holder of a certificate of registration**

- (1) A reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft.
- (2) A duty imposed on the holder of a certificate of registration of an aircraft is taken to be imposed on the registered operator of the aircraft.

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**202.223 Registration under CAR to continue**

- (1) The registration of an aircraft in the Aircraft Register continues as if the old Regulations were still in force until:
  - (a) the day when CASA registers, or refuses to register, the aircraft under Part 47; or
  - (b) CASA cancels the registration.

Note: After 15 November 2005, CASA may cancel or suspend the registration of an aircraft if the owner of the aircraft does not reply to a request made under subregulation 202.225 (5).

- (2) However, CASA must not accept an application for a change of any details about an aircraft that are kept in the Aircraft Register, other than an application for:
  - (a) a change of name or address of the holder of the certificate of registration, or a property interest holder, of the aircraft; or
  - (b) the cancellation of the registration of the aircraft.
- (3) If the registration of an aircraft is suspended under the old Regulations, the suspension continues as if the old Regulations were still in force.

**202.224 Pending applications or notices**

- (1) This regulation applies if:
  - (a) before 15 November 2004, a person applied to CASA or sent CASA a notice under Part 3 of the old Regulations; and
  - (b) on or after 15 November 2004, CASA had not decided about the application or acted on the notice.
- (2) CASA must decide about the application or act on the notice as if the old Regulations were still in force.

**202.225 Application to register aircraft under Part 47**

- (1) The owner of an aircraft that is registered in the Aircraft Register may apply to CASA to register the aircraft under Part 47.
- (2) The application must be made in an approved form and include:

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- (a) the aircraft's registration mark, manufacturer, model and serial number; and
  - (b) the name, address and signature of the owner of the aircraft; and
  - (c) the registered operator's name and postal address, and:
    - (i) if the registered operator is an individual—his or her home address; or
    - (ii) if the registered operator is a corporation—the address of the corporation's registered office; and
  - (d) the name, address and signature of the person who holds the certificate of registration; and
  - (e) the name, address and signature of each person who holds a property interest in the aircraft.
- (3) If CASA receives an application in accordance with subregulation (2), CASA must register the aircraft.
- (4) However, CASA may approve an application without 1 or more of the signatures required by paragraph (2)(e), if there is other evidence available to demonstrate that the application is genuine.
- (5) If, after 15 November 2005, CASA asks an applicant, or the owner of an aircraft, to provide information, or take an action, to complete an application in the approved form, the applicant, or owner, must provide the information, or take the action, within 90 days of CASA making the request.
- Note: Regulation 47.045 of CASR sets out relevant directions about communicating with CASA.
- (6) CASA may cancel or suspend the registration of the aircraft if the applicant, or owner of the aircraft, fails to comply with subregulation (5).
- Note: An explanation of the procedures that apply in relation to a suspension are set out in the advisory circular AC 47-1 which can be viewed at, or downloaded from, CASA's website: [www.casa.gov.au](http://www.casa.gov.au).

## Subpart 202.CA—Transitional provisions for Part 60 (Synthetic training devices)

### 202.240 Definitions for this Subpart

In this Subpart:

**accreditation**, of a flight simulator, means accreditation of the flight simulator under Part 45 of the Civil Aviation Orders for the purpose of granting an approval of the flight simulator under the old regulations, and includes an accreditation certificate issued for that purpose.

**flight simulator qualification** has the meaning given by regulation 60.015.

**old regulations** means CAR as in force immediately before 18 September 2003.

**transitional accreditation**, of a flight simulator, means accreditation of the flight simulator that is continued in force on and after 18 September 2003 by regulation 202.241 as if it were a flight simulator qualification.

### 202.241 Transitional accreditation—flight simulators

- (1) The accreditation of a flight simulator that was in force immediately before 18 September 2003 at a level (the **old level**) specified in column 2 of an item in table 202.241 continues to be in force on and after that day, subject to subregulations (2), (3) and (4), as if it were a flight simulator qualification for the flight simulator at the level (the **new level**) specified in column 3 of that item.
- (2) A transitional accreditation remains subject to any conditions to which it was subject immediately before 18 September 2003.
- (3) A transitional accreditation continues in force until the sooner of the following:

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- (a) the date of expiry of the accreditation;
  - (b) 18 September 2004.
- (4) However, a transition accreditation ceases if:
- (a) it is cancelled; or
  - (b) there is a change of operator of the simulator or device; or
  - (c) the simulator or device is deactivated or relocated.

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**Table 202.241    Accreditation and qualification levels**

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Item	Old level	New level
1	3	B
2	4	C
3	5	D

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**Subpart 202.CB—Transitional provisions for  
Part 61 (Pilot licensing)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.260 to 202.279 are reserved for use in this Subpart.

**Subpart 202.CD—Transitional provisions for  
Part 63 (Flight crew licensing other than  
pilots)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.280 to 202.299 are reserved for use in this Subpart.

**Subpart 202.CE—Transitional provisions for  
Part 64 (Ground authorisations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.300 to 202.319 are reserved for use in this Subpart.

## **Subpart 202.CF—Transitional provisions for Part 65 (Air traffic services licensing)**

### **202.320 Manual of Standards for Part 65**

- (1) A document called ‘Manual of Standards (MOS) – Part 65’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 65.033.
- (2) The procedures in regulations 65.033A, 65.033B and 65.033C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

### **202.321 Persons holding certain licences**

- (1) In this regulation:  
  
***old licence*** means an air traffic controller licence or a flight service officer licence issued under CAR and in force (or suspended) immediately before 1 May 2003.
- (2) A person who, immediately before 1 May 2003, held an old licence (including a licence that is suspended) is taken to hold a corresponding licence issued under Part 65.
- (3) A rating, endorsement or qualification endorsed on an old licence is taken to continue in force for the period during which it would have been in force but for that Part.
- (4) A licence that a person is taken to hold under subregulation (2), or a rating, endorsement or qualification mentioned in subregulation (3), may be suspended or cancelled as if it had been granted under that Part.
- (5) An old licence that, immediately before 1 May 2003, was suspended is taken, on and after that day, to continue to be suspended.

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- (6) For the purposes of action against the holder of an old licence mentioned in subregulation (5), the amendments of CAR by regulation 4 of, and Schedule 2 to, the *Civil Aviation Amendment Regulations 2002 (No. 2)* are to be disregarded.

## **Subpart 202.CG—Transitional provisions for Part 66 (Continuing airworthiness— aircraft engineer licences and ratings)**

### **202.340 Definitions for Subpart**

In this Subpart:

*aircraft maintenance engineer licence* means an aircraft maintenance engineer licence granted under regulation 31 of CAR, as in force before 27 June 2011.

*CAO 100.66 maintenance authority* means an airworthiness authority:

- (a) of the kind mentioned in paragraph 33B(1)(a) of CAR; and
- (b) issued by CASA in accordance with Schedule 1 to the *Civil Aviation Order 100.66 Instrument 2007*, as in force before 27 June 2011.

*qualified person* has the meaning given by subregulation 31 (4) of CAR, as in force immediately before 27 June 2011.

### **202.341 Aircraft maintenance engineer licences and CAO 100.66 maintenance authorities held on 26 June 2011**

- (1) This regulation applies to a person who, on 26 June 2011, holds:
  - (a) an aircraft maintenance engineer licence; or
  - (b) a CAO 100.66 maintenance authority.
- (2) On 27 June 2011, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
  - (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that was covered by the aircraft maintenance engineer licence or the CAO 100.66 maintenance authority; and

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- (b) a rating for each type rated aircraft type that was covered by the aircraft maintenance engineer licence or the CAO 100.66 maintenance authority.

**202.342 Aircraft maintenance engineer licences that were suspended on 26 June 2011**

- (1) This regulation applies to a person if:
  - (a) before 27 June 2011, the person held an aircraft maintenance engineer licence; and
  - (b) on or before 26 June 2011, CASA suspended the licence; and
  - (c) on 26 June 2011, the suspension was in force.
- (2) Despite the repeal of regulation 31 of CAR:
  - (a) the period of currency of the licence continues to run; and
  - (b) CASA may revoke the suspension of the licence.
- (3) If CASA revokes the suspension of the licence, the person is taken, on the day that the revocation takes effect, to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
  - (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that was covered by the aircraft maintenance engineer licence; and
  - (b) a rating for each type rated aircraft type that was covered by the aircraft maintenance engineer licence.

**202.343 Applications for aircraft maintenance engineer licences made but not finally determined before 27 June 2011**

- (1) This regulation applies if:
  - (a) before 27 June 2011, an application was made under regulation 31 of CAR for an aircraft maintenance engineer licence by:
    - (i) a qualified person; or
    - (ii) a person who satisfies CASA of the matters mentioned in subregulation 31 (6) of CAR, as in force immediately before 27 June 2011; and

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- (b) the application was not finally determined by CASA before 27 June 2011.
- (2) CASA must determine whether CASA would have issued an aircraft maintenance engineer licence to the person under regulation 31 of CAR, as in force immediately before 27 June 2011.
- (3) If CASA determines that CASA would have issued an aircraft maintenance engineer licence to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:
  - (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that would have been covered by the aircraft maintenance engineer licence; and
  - (b) a rating for each type rated aircraft type that would have been covered by the aircraft maintenance engineer licence.
- (4) If CASA determines that CASA would not have issued an aircraft maintenance engineer licence to the person, CASA must give the person notice in writing of:
  - (a) the determination; and
  - (b) the reasons for the determination.

**202.344 Applications for aircraft maintenance engineer licences made on or after 27 June 2011**

- (1) Despite the repeal of regulation 31 of CAR, an application may be made under that regulation for an aircraft maintenance engineer licence by:
  - (a) a qualified person; or
  - (b) a person who satisfies CASA of the matters mentioned in subregulation 31(6) of CAR, as in force immediately before 27 June 2011.
- (2) CASA must determine:
  - (a) whether, under regulation 31 of CAR as in force immediately before 27 June 2011, CASA would have:

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aircraft engineer licences and ratings)

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- (i) issued an aircraft maintenance engineer licence to the person; and
    - (ii) entered an endorsement on the licence specifying limits of the work to which the licence related; and
  - (b) whether, under regulation 31C of CAR as in force immediately before 27 June 2011, CASA would have endorsed the licence with a rating.
- (2A) For a determination under subregulation (2), the Civil Aviation Orders in force under subregulation (2B) when the application is made (if any) apply in relation to paragraphs 31(4)(c) and (e), and regulations 31A, 31B and 31C, of CAR, as in force immediately before 27 June 2011.
- (2B) CASA may make Civil Aviation Orders dealing with the matters mentioned in paragraphs 31(4)(b), (c) and (e), and regulations 31A, 31B and 31C, of CAR, as in force immediately before 27 June 2011.
- (3) Subregulations (3A), (3B) and (3C) apply if CASA determines that CASA would have issued an aircraft maintenance engineer licence to the person.
- (3A) The person is taken to have applied for an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that would have been covered by the aircraft maintenance engineer licence and to meet:
- (a) the requirements mentioned in regulation 66.025; or
  - (b) if the licence would have had an endorsement specifying limits of the work to which the licence related—the requirements in regulation 66.026 in relation to any aircraft system or subset of an aircraft system that would have been covered by the licence.
- (3B) The person is taken to have applied for a rating for each type rated aircraft type that would have been covered by the aircraft maintenance engineer licence and to meet the requirements mentioned in regulation 66.080.
- (3C) However, if the licence mentioned in subregulation (3B) would have had an endorsement specifying, for a particular type rated
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aircraft type, limits of the work to which the licence related, the person is taken:

- (a) to have applied for a rating for the aircraft type; and
  - (b) to meet the requirements in regulation 66.095 in relation to any aircraft system or subset of an aircraft system that would have been covered by the licence in relation to the aircraft type.
- (4) If CASA determines that CASA would not have issued an aircraft maintenance engineer licence to the person, CASA must give the person notice in writing of:
- (a) the determination; and
  - (b) the reasons for the determination.
- (5) This regulation, and the entry for this regulation in the Part 202 table of contents, cease to have effect at the end of 26 June 2015.
- (6) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 26 June 2015 as if they had been repealed by another regulation.

**202.345 Applications for CAO 100.66 maintenance authorities made but not finally determined before 27 June 2011**

- (1) This regulation applies if:
- (a) before 27 June 2011, a person made an application for a CAO 100.66 maintenance authority; and
  - (b) the application was not finally determined by CASA before 27 June 2011.
- (2) CASA must determine whether CASA would have issued a CAO 100.66 maintenance authority to the person under regulation 33B of CAR, as in force immediately before 27 June 2011.
- (3) If CASA determines that CASA would have issued a CAO 100.66 maintenance authority to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 66.025 and 66.080 for the grant of:

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- (a) an aircraft engineer licence of each category or subcategory that relates to a kind of aircraft, and a kind of maintenance, that would have been covered by the authority; and
  - (b) a rating for each type rated aircraft type that would have been covered by the authority.
- (4) If CASA determines that CASA would not have issued a CAO 100.66 maintenance authority to the person, CASA must give the person notice in writing of:
  - (a) the determination; and
  - (b) the reasons for the determination.

**202.345A Removal of exclusion from licence granted on basis of transitional provisions**

- (1) This regulation applies to the holder of an aircraft engineer licence if:
  - (a) the licence was granted on the basis of subregulation 202.341(2), 202.342(3), 202.343(3), 202.344(3) or 202.345(3); and
  - (b) the licence was granted subject to the exclusion of an aircraft system or a subset of an aircraft system; and
  - (c) the holder applies under subregulation 66.072(1) for the exclusion to be removed.
- (2) The holder is taken to have evidence of the successful completion of training and assessment necessary for the removal of the exclusion, as mentioned in subregulation 66.072(3), if the holder meets the requirements of the CAR provisions in relation to the aircraft system or subset.
- (3) The Civil Aviation Orders in force under subregulation 202.344(2B) when the application is made (if any) apply in relation to the CAR provisions.
- (4) In this regulation:

**CAR provisions** means paragraphs 31(4)(b), (c) and (e) of CAR, as in force immediately before 27 June 2011.

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- (5) This regulation, and the entry for this regulation in the Part 202 table of contents, cease to have effect at the end of 26 June 2015.
- (6) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 26 June 2015 as if they had been repealed by another regulation.

**202.345B Removal of exclusion from rating on licence granted on basis of transitional provisions**

- (1) This regulation applies to the holder of a rating on an aircraft engineer licence if:
  - (a) the rating was granted on the basis of subregulation 202.341(2), 202.342(3), 202.343(3), 202.344(3) or 202.345(3); and
  - (b) the rating was granted subject to the exclusion of an aircraft system or a subset of an aircraft system; and
  - (c) the holder applies under subregulation 66.110(1) for the exclusion to be removed.
- (2) The holder is taken to have evidence of the successful completion of aircraft type training and practical experience necessary for the removal of the exclusion as mentioned in paragraph 66.110(2)(a), if the holder meets the requirements of the CAR provisions in relation to the rating and the aircraft system or subset.
- (3) The Civil Aviation Orders in force under subregulation 202.344(2B) when the application is made (if any) apply in relation to the CAR provisions.
- (4) In this regulation:  
**CAR provisions** means paragraphs 31(4)(b), (c) and (e) of CAR, as in force immediately before 27 June 2011.
- (5) This regulation, and the entry for this regulation in the Part 202 table of contents, cease to have effect at the end of 26 June 2015.
- (6) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 26 June 2015 as if they had been repealed by another regulation.

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**202.345C Application for rating on licence granted on basis of  
transitional provisions**

- (1) This regulation applies to the holder of an aircraft engineer licence if:
  - (a) the licence was granted on the basis of subregulation 202.341(2), 202.342(3), 202.343(3), 202.344(3) or 202.345(3); and
  - (b) the holder applies for a rating for an aircraft type under regulation 66.075.
- (2) The holder is taken to meet:
  - (a) if the holder meets the requirements of the CAR provisions for the aircraft type—the requirements mentioned in regulation 66.080; or
  - (b) if the holder meets the requirements of the CAR provisions for the aircraft type other than in relation to one or more aircraft systems or subsets of an aircraft system—the requirements mentioned in regulation 66.095 to the extent covered by the CAR provisions.
- (3) The Civil Aviation Orders in force under subregulation 202.344(2B) when the application is made (if any) apply in relation to the CAR provisions.
- (4) In this regulation:

**CAR provisions** means paragraphs 31(4)(b), (c) and (e) of CAR, as in force immediately before 27 June 2011.
- (5) This regulation, and the entry for this regulation in the Part 202 table of contents, cease to have effect at the end of 26 June 2015.
- (6) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 26 June 2015 as if they had been repealed by another regulation.

**202.346 Having regard to other airworthiness authorities in  
granting aircraft engineer licences and ratings**

If:

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- (a) a person mentioned in regulations 202.341 to 202.345 holds, or has held, an airworthiness authority of the kind mentioned in paragraph 33B(1)(a) of CAR, other than a CAO 100.66 maintenance authority; and
  - (b) CASA grants an aircraft engineer licence, or a rating on an aircraft engineer licence, to the person;
- CASA must have regard to the authority in granting the licence or rating.

**202.347 Medically significant conditions**

- (1) This regulation applies to a person if:
  - (a) before 27 June 2011, the person held an aircraft maintenance engineer licence or a CAO 100.66 maintenance authority; and
  - (b) when applying for the licence or authority, the person notified CASA that he or she had a medically significant condition (within the meaning given by subregulation 67.010(1)); and
  - (c) under this Subpart, the person is taken to have applied for an aircraft engineer licence or a rating.
- (2) The person is taken to have specified the condition in the application.

Note: See paragraph 66.125(1)(c) and subparagraph 66.150(1)(b)(iii).

**202.348 Aircraft licences granted subject to exclusions before commencement of regulation 66.026**

An aircraft engineer licence granted subject to the exclusion of an aircraft system or a subset of an aircraft system under regulation 66.025 before the commencement of regulation 66.026 is taken to have been granted under regulation 66.026.

## **Subpart 202.CH—Transitional provisions for Part 67 (Medical)**

### **202.360 Medical certificates issued under *Civil Aviation Regulations 1988***

- (1) A medical certificate or special medical certificate issued before 3 September 2003, under Part 6 of CAR, as in force at any time before that day, continues to have, on and after that day, the same force and effect as it would have had if that Part had continued in force.
- (2) Such a certificate may be suspended or cancelled under Part 67.
- (3) Subject to subregulation (4), such a certificate expires at the time it would have expired if Part 6 of CAR had continued in force.
- (4) The period during which such a certificate is in force may be extended under Part 67, but not beyond the end of 1 year after the day when the certificate would expire if the period had not been extended.

### **202.361 Designated aviation medical examiners appointed under *Civil Aviation Regulations 1988***

- (1) The appointment of a person, before 3 September 2003, as a designated aviation medical examiner continues to have effect according to its terms.
- (2) Such an appointment may be cancelled in accordance with Part 67.

### **202.362 Actions by Director of Aviation Medicine**

- (1) In this regulation:

***Principal Medical Officer*** means the officer of CASA occupying, or performing the duties of, the position in CASA of that title, and includes a person who occupied, or performed the duties of, the

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former position in CASA known as ‘Director of Aviation Medicine’.

- (2) An approval given by the Principal Medical Officer, before 3 September 2003, for the purposes of a provision of Schedule 1 to CAR, as in force at any time before that day, continues to have effect according to its terms, on and after that day, as if CASA had given the approval for the purposes of the corresponding provision of table 67.150, table 67.155 or table 67.160.

**202.363 Applications for issue of medical certificates pending on 3 September 2003**

- (1) This regulation applies if:
  - (a) an application under Part 6 of the old regulations for the issue of a medical certificate was pending immediately before 3 September 2003; and
  - (b) the application was in accordance with that Part as then in force.
- (2) The application is taken, for these Regulations, to be an application for the issue of the medical certificate, made, on 3 September 2003, in accordance with Subpart 67.C.
- (3) If an examination required for the issue of the medical certificate under Part 6 of the old regulations had commenced but was not completed before 3 September 2003, the examination is taken to have commenced under Subpart 67.C.
- (4) In this regulation:

***old regulations*** means CAR as in force at any time before 3 September 2003.

## **Subpart 202.DA—Transitional provisions for Part 71 (Airspace)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.380 to 202.399 are reserved for use in this Subpart.

## **Subpart 202.EA—Transitional provisions for Part 90 (Additional airworthiness requirements)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.400 to 202.419 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.EB** Transitional provisions for Part 91 (General operating and flight rules)

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**Subpart 202.EB—Transitional provisions for  
Part 91 (General operating and flight  
rules)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.420 to 202.439 are reserved for use in this Subpart.

## **Subpart 202.EC—Transitional provisions for Part 92 (Consignment and carriage of dangerous goods by air)**

### **202.440 Approval of certain training courses and instructors**

- (1) Subregulations (2) and (3) have effect if the Governor-General has made regulations that will amend CASR to require the approval of:
  - (a) courses of training in relation to dangerous goods; and
  - (b) instructors to give such courses;and those regulations have been registered but have not come into force.
- (2) CASA may approve such a course of training, or such an instructor, for the purposes of CASR as so to be amended.
- (3) Such an approval may be expressed to be for the purposes of a provision of CASR as so to be amended.
- (4) Such an approval given before the amending regulations come into force is not, after those regulations come into force, ineffective only because it was given before those regulations came into force.

## **Subpart 202.FA—Transitional provisions for Part 101 (Unmanned aircraft and rockets)**

### **202.460 Authorisations, permissions and approvals in force immediately before 1 July 2002**

- (1) Despite the amendment of CAR by Schedule 2 to the *Civil Aviation Amendment Regulations 2001 (No. 4)*, and despite any repeal of regulation 4 of those Regulations, an authorisation given under regulation 137 of CAR, or a permission given under regulation 259, 260 or 295 of CAR, before 1 July 2002 continues to have effect according to its terms.
- (2) Such an authorisation or permission may be amended or revoked as if it were an approval given under Part 101.
- (3) Despite any repeal of regulation 4 of the *Civil Aviation Amendment Regulations 2001 (No. 4)*, an approval given by CASA, before 1 July 2002, of an area as an area for the operation or launching of unmanned aircraft or rockets continues to have effect according to its terms.
- (4) An approval referred to in subregulation (3) may be revoked or amended as if it had been given under Part 101.

**Subpart 202.FC—Transitional provisions for  
Part 103 (Sport and recreational aviation  
operations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.480 to 202.499 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.FE** Transitional provisions for Part 105 (Sport and recreational parachuting from aircraft)

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**Subpart 202.FE—Transitional provisions for  
Part 105 (Sport and recreational  
parachuting from aircraft)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.500 to 202.519 are reserved for use in this Subpart.

**Subpart 202.FJ—Transitional provisions for  
Part 115 (Operations using sport aviation  
aircraft for non-recreational activities)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.520 to 202.539 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.FL** Transitional provisions for Part 119 (Air operator certification—air transport)

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**Subpart 202.FL—Transitional provisions for  
Part 119 (Air operator certification—air  
transport)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.540 to 202.559 are reserved for use in this Subpart.

**Subpart 202.FN—Transitional provisions for  
Part 121A (Air transport operations—large  
aeroplanes)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.560 to 202.579 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.FO** Transitional provisions for Part 121B (Air transport operations—small aeroplanes)

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**Subpart 202.FO—Transitional provisions for  
Part 121B (Air transport operations—  
small aeroplanes)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.580 to 202.599 are reserved for use in this Subpart.

**Subpart 202.FR—Transitional provisions for  
Part 129 (Air operator certification—  
foreign operators)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.600 to 202.619 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.FT** Transitional provisions for Part 133 (Air transport and aerial work operations—rotorcraft)

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**Subpart 202.FT—Transitional provisions for  
Part 133 (Air transport and aerial work  
operations—rotorcraft)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.620 to 202.639 are reserved for use in this Subpart.

**Subpart 202.FV—Transitional provisions for  
Part 136 (Aerial work operations—other  
than those covered by Parts 133, 137, 138,  
141 and 142)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.640 to 202.659 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.FW** Transitional provisions for Part 137 (Aerial agriculture operations—other than rotorcraft)

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**Subpart 202.FW—Transitional provisions for  
Part 137 (Aerial agriculture operations—  
other than rotorcraft)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.660 to 202.679 are reserved for use in this Subpart.

## **Subpart 202.FX—Transitional provisions for Part 138 (Search and rescue operations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.680 to 202.699 are reserved for use in this Subpart.

## **Subpart 202.FY—Transitional provisions for Part 139 (Aerodromes)**

### **202.700 Definitions for this Subpart**

In this Subpart:

*old regulations* means CAR as in force immediately before 2 May 2003.

*Rules and Practices for Aerodromes* means the document called ‘Rules and Practices for Aerodromes’, published by CASA, as in force immediately before 2 May 2003.

*transitional aerodrome licence* means an aerodrome licence that is continued in force after 2 May 2003 by regulation 202.701 as if it were an aerodrome certificate granted under regulation 139.050.

### **202.701 Aerodrome licences issued under CAR**

An aerodrome licence in force under Part 9 of the old regulations immediately before 2 May 2003 continues in force on and after that day as if it were an aerodrome certificate granted under regulation 139.050.

### **202.702 Conditions of transitional aerodrome licences**

A transitional aerodrome licence remains subject to any conditions to which it was subject immediately before 2 May 2003 (including any condition to which the licence was subject under regulation 303 of CAR).

### **202.703 Duration of transitional aerodrome licences**

Despite regulation 139.065, a transitional aerodrome licence continues in force, unless sooner cancelled, until the earlier of the following:

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- (a) CASA grants an aerodrome certificate in respect of the aerodrome under regulation 139.050;
- (b) 1 May 2006.

**202.704 Previous aerodrome manuals and standards for aerodromes**

- (1) This regulation applies to the operator of an aerodrome if the operator holds a transitional aerodrome licence for the aerodrome.
- (2) The operator is taken to satisfy the requirements of Division 139.B.2 of CASR if the operator has an aerodrome manual for the aerodrome that, immediately before 2 May 2003, satisfied the requirements of Part 9, Division 3 of the old regulations.
- (3) The operator is taken to comply with regulation 139.165 if the operator complies with any requirements or standards for the physical characteristics of the movement area of an aerodrome that:
  - (a) are set out or referred to in the Rules and Practices for Aerodromes; and
  - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.
- (4) The operator is taken to comply with regulations 139.170, 139.190 and 139.195 if the operator complies with any requirements or standards for the marking and lighting of the movement area of an aerodrome that:
  - (a) are set out or referred to in the Rules and Practices for Aerodromes; and
  - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.
- (5) The operator is taken to comply with regulations 139.175 and 139.180 if the operator complies with any requirements or standards for the signal area and wind direction indicators for an aerodrome that:
  - (a) are set out or referred to in the Civil Aviation Orders; and
  - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.

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- (6) The operator is taken to comply with regulation 139.355 if the operator complies with any requirements and standards for the establishment of obstacle limitation surfaces for an aerodrome that:
  - (a) are set out or referred to in the Rules and Practices for Aerodromes; and
  - (b) applied to the operator in respect of the aerodrome immediately before 2 May 2003.

**202.705 Exemptions**

- (1) An exemption from a provision of Part 9 of the old regulations (the *old provision*) that:
  - (a) was granted to the operator of an aerodrome under regulation 89ZD of the old regulations; and
  - (b) was in effect immediately before 2 May 2003;continues in force on and after that day as if it were an exemption granted to the operator under regulation 139.020 from the provision of these Regulations, or the Manual of Standards, that corresponds to the old provision.
- (2) Any such exemption continues in force subject to any conditions to which it was subject immediately before that day.
- (3) In this regulation:  
*Manual of Standards* has the meaning given by regulation 139.010.

**Subpart 202.FYH—Transitional provisions for  
Subpart 139.H (Aerodrome rescue and fire  
fighting services)**

**202.710 Manual of Standards for Subpart 139.H**

- (1) A document called ‘Manual of Standards (MOS) – Subpart 139.H’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 139.712.
- (2) The procedures in regulations 139.712A, 139.712B and 139.712C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

**Subpart 202.GA—Transitional provisions for  
Part 141 (Flight training organisations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.720 to 202.739 are reserved for use in this Subpart.

## **Subpart 202.GB—Transitional provisions for Part 142 (Training and checking organisations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.740 to 202.759 are reserved for use in this Subpart.

**Subpart 202.GC—Transitional provisions for  
Part 143 (Air traffic services training  
providers)**

**202.760 Manual of Standards for Part 143**

- (1) A document called ‘Manual of Standards (MOS) – Part 143’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 143.017.
- (2) The procedures in regulations 143.017A, 143.017B and 143.017C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

## **Subpart 202.GD—Transitional provisions for Part 144 (Product distribution organisations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.780 to 202.799 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.GE** Transitional provisions for Part 145 (Continuing airworthiness—Part 145 approved maintenance organisations)

**Division 202.GE.1** Amendments made by the Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)

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**Subpart 202.GE—Transitional provisions for  
Part 145 (Continuing airworthiness—  
Part 145 approved maintenance  
organisations)**

**Division 202.GE.1—Amendments made by the Civil  
Aviation and Civil Aviation Safety Amendment  
Regulations 2010 (No. 1)**

**202.800 CASA may direct making of applications under  
regulation 145.025**

- (1) CASA may direct the holder of a certificate of approval that covers maintenance of an aircraft or aeronautical product to which Part 42 applies to make an application under regulation 145.025 for approval as a Part 145 organisation.
- (2) A direction under this regulation must:
  - (a) be in writing; and
  - (b) specify the time within which the direction must be complied with.
- (3) The holder of the certificate must comply with the direction within the time specified in the direction.

Note: CASA intends to give directions under this regulation to assist it in managing the implementation of Part 145.

**Division 202.GE.2—Amendments made by the Civil  
Aviation Legislation Amendment (Maintenance  
and Other Matters) Regulation 2013**

**Subdivision 202.GE.2.1—Part 145 organisations undertaking  
CAR maintenance activities—general**

**202.801 Interpretation for Division 202.GE.2—Part 145 references  
to maintenance services taken to include references to  
CAR maintenance activities**

For this Division:

- (a) the references in paragraphs (b) and (c) of the definition of *accountable manager* in subregulation 145.010(1) to providing maintenance services are taken to include references to undertaking CAR maintenance activities; and
- (b) the reference in paragraph 145.010(2)(d) to the maintenance services provided by an organisation is taken to include a reference to the CAR maintenance activities undertaken by the organisation; and
- (c) the reference in paragraph 145.010(2)(f) to the maintenance services that an organisation is approved to provide is taken to include a reference to the CAR maintenance activities that the organisation is approved to undertake.

**202.802 Interpretation for Division 202.GE.2—Part 145 definition of  
*approval rating***

For this Division, the definition of *approval rating* in subregulation 145.010(1) is taken to include a rating for a kind of aircraft, aircraft component or aircraft material specified in the Part 145 Manual of Standards in relation to CAR maintenance activities.

**Part 202** Transitional

**Subpart 202.GE** Transitional provisions for Part 145 (Continuing airworthiness—Part 145 approved maintenance organisations)

**Division 202.GE.2** Amendments made by the Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013

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**202.803 Interpretation for Division 202.GE.2—Part 145 definition of *significant change***

For this Division, the definition of *significant change* in subregulation 145.010(2) is taken to include the following:

- (a) a change to the CAR maintenance activities undertaken by the organisation, if the change would require a change to the approval ratings mentioned in the organisation's approval certificate;
- (b) a change to the organisation's facilities, equipment, tools, materials, procedures or employees that could adversely affect the organisation's ability to undertake the CAR maintenance activities that it is approved to undertake;
- (c) a change to the organisation's system of certification of completion of maintenance.

**202.804 Part 145 Manual of Standards—additional matters for CAR maintenance activities**

A Manual of Standards issued under regulation 145.015 may specify the following matters in relation to CAR maintenance activities:

- (a) ratings for kinds of aircraft, aircraft components and aircraft materials;
- (b) requirements for a Part 145 organisation's exposition;
- (c) the privileges that apply to an approval rating;
- (d) requirements for undertaking CAR maintenance activities, including requirements in relation to the following:
  - (i) a system of certification of completion of maintenance;
  - (ii) aircraft, aircraft components and aircraft materials;
  - (iii) defects;
  - (iv) writing procedures for meeting the requirements of Parts 4, 4A and 4B of CAR.

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**Subdivision 202.GE.2.2—Part 145 organisations undertaking  
CAR maintenance activities—approval of  
organisations**

**202.805 Applying for approval**

- (1) An application under regulation 145.025 may cover the undertaking of CAR maintenance activities.
- (2) If the application covers the undertaking of CAR maintenance activities, the application must include the approval rating sought by the applicant for each kind of aircraft, aircraft component or aircraft material for which the applicant proposes to undertake CAR maintenance activities.

**202.806 Issuing approval**

- (1) If the application covers the undertaking of CAR maintenance activities, CASA must approve the applicant as a Part 145 organisation only if CASA is satisfied that:
  - (a) the applicant has an exposition that complies with the requirements specified in the Part 145 Manual of Standards relating to CAR maintenance activities; and
  - (b) the applicant has facilities, equipment, materials, approved maintenance data and tools that are suitable for undertaking CAR maintenance activities for the kinds of aircraft, aircraft components and aircraft materials for which the applicant proposes to undertake CAR maintenance activities; and
  - (c) the facilities, equipment, materials, approved maintenance data and tools mentioned in paragraph (b) comply with the requirements specified in the Part 145 Manual of Standards.
- (2) If CASA decides to approve the applicant as a Part 145 organisation, CASA must determine:
  - (a) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the applicant is approved to undertake CAR maintenance activities; and

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**Subpart 202.GE** Transitional provisions for Part 145 (Continuing airworthiness—Part 145 approved maintenance organisations)

**Division 202.GE.2** Amendments made by the Civil Aviation Legislation Amendment (Maintenance and Other Matters) Regulation 2013

Regulation 202.807

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- (b) any limitations applying to an approval rating mentioned in paragraph (a).

**202.807 Approval certificate**

If CASA approves the applicant as a Part 145 organisation, the certificate issued under regulation 145.035 must include the approval rating for each kind of aircraft, aircraft component or aircraft material for which the applicant is approved to undertake CAR maintenance activities.

**202.808 Privileges for Part 145 organisations**

A Part 145 organisation may undertake the CAR maintenance activities that it is approved to undertake.

**202.809 Approval subject to conditions**

It is a condition of approval of a Part 145 organisation that is approved to undertake CAR maintenance activities that:

- (a) the organisation must, at all times, comply with the requirements of the following in relation to CAR maintenance activities it undertakes:
  - (i) its exposition;
  - (ii) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the organisation is approved to undertake CAR maintenance activities;
  - (iii) any limitations applying to an approval rating mentioned in subparagraph (ii);
  - (iv) Parts 4, 4A and 4B of CAR; and
- (b) the organisation must ensure that, at all times, its employees comply with the requirements mentioned in paragraph (a) in relation to CAR maintenance activities the organisation undertakes.

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**Subdivision 202.GE.2.3—Part 145 organisations undertaking  
CAR maintenance activities—offence**

**202.810 Undertaking CAR maintenance activities**

- (1) A Part 145 organisation commits an offence if it undertakes CAR maintenance activities in contravention of any of the following:
- (a) its exposition;
  - (b) the approval rating for each kind of aircraft, aircraft component or aircraft material for which the organisation is approved to undertake CAR maintenance activities;
  - (c) any limitations applying to an approval rating mentioned in paragraph (b);
  - (d) the privileges that apply to the approval rating under the Part 145 Manual of Standards.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**Subpart 202.GG—Transitional provisions for  
Part 147 (Continuing airworthiness—  
maintenance training organisations)**

**202.840 Recognised organisations taken to be maintenance training organisations**

- (1) This regulation applies to an organisation that, immediately before 27 June 2011, is a recognised organisation within the meaning given by Schedule 1 to the *Civil Aviation Order 100.66 Instrument 2007*.
- (2) On 27 June 2011, the organisation is taken to have applied for, and to meet the requirements mentioned in regulation 147.030 for the grant of, approval as a maintenance training organisation.

**202.841 Applications for approval as a recognised organisation made but not finally determined before 27 June 2011**

- (1) This regulation applies to a person if:
  - (a) before 27 June 2011, the person made an application for approval as a recognised organisation; and
  - (b) the application was not finally determined by CASA before 27 June 2011.
- (2) On 27 June 2011, the person is taken to have made an application under regulation 147.025 for approval as a maintenance training organisation.

**202.842 CASA may direct the making of applications under regulation 147.025**

- (1) CASA may direct the holder of a certificate of approval that covers:
  - (a) the training of candidates for examinations mentioned in paragraph 31 (4)(e) of CAR, as in force before 27 June 2011; or

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- (b) the conducting of examinations mentioned in paragraph 31 (4)(e) of CAR, as in force before 27 June 2011;  
to make an application under regulation 147.025 for approval as a maintenance training organisation.
- (2) A direction under this regulation must:
  - (a) be in writing; and
  - (b) specify the time within which the direction must be complied with.
- (3) The holder of the certificate must comply with the direction within the time mentioned in the direction.

Note: CASA intends to give directions under this regulation to assist it in managing the implementation of Part 147.

**Part 202** Transitional

**Subpart 202.GI** Transitional provisions for Part 149 (Recreational aviation administration organisations)

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**Subpart 202.GI—Transitional provisions for  
Part 149 (Recreational aviation  
administration organisations)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.860 to 202.879 are reserved for use in this Subpart.

**Subpart 202.HA—Transitional provisions for  
Part 171 (Aeronautical telecommunication  
service and radionavigation service  
providers)**

**202.880 Manual of Standards for Part 171**

- (1) A document called ‘Manual of Standards (MOS) – Part 171’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 171.017.
- (2) The procedures in regulations 171.017A, 171.017B and 171.017C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

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**Subpart 202.HB—Transitional provisions for  
Part 172 (Air traffic service providers)**

**202.900 Manual of Standards for Part 172**

- (1) A document called ‘Manual of Standards (MOS) – Part 172’ published by CASA before 1 May 2003 is taken to be a Manual of Standards issued under regulation 172.022.
- (2) The procedures in regulations 172.022A, 172.022B and 172.022C (as in force on 1 May 2003) are taken to have been complied with in relation to the issue of the Manual of Standards.

## **Subpart 202.HC—Transitional provisions for Part 173 (Instrument flight procedure design)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.920 to 202.939 are reserved for use in this Subpart.

**Part 202** Transitional

**Subpart 202.HD** Transitional provisions for Part 174 (Aviation meteorological services)

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**Subpart 202.HD—Transitional provisions for  
Part 174 (Aviation meteorological services)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.940 to 202.959 are reserved for use in this Subpart.

## **Subpart 202.HL—Transitional provisions for Part 200 (Exemptions)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.980 to 202.989 are reserved for use in this Subpart.

**Subpart 202.HM—Transitional provisions for  
Part 201 (Miscellaneous)**

Note 1: This Subpart heading is reserved for future use.

Note 2: Regulation numbers 202.990 to 202.999 are reserved for use in this Subpart.

# Dictionary

(regulation 1.4)

## Part 1—Definitions

*Act* means the *Civil Aviation Act 1988*.

**aerodrome certificate** means a certificate granted under regulation 139.050.

**aerodrome facilities and equipment** means facilities and equipment, inside or outside the boundaries of an aerodrome, that are installed or maintained for use by aircraft operating at the aerodrome.

**aerodrome manual**, for a certified aerodrome, means the aerodrome manual for the aerodrome required by regulation 139.090.

**aerodrome marking** includes a permanent or temporary marker, a movement area guidance sign and a road sign.

**aerodrome operator**:

- (a) for a certified aerodrome—means the person who holds the aerodrome certificate for the aerodrome; and
- (b) for a registered aerodrome—means the operator of the aerodrome; and
- (c) for an aerodrome to which Subpart 139.D applies—means the person who is responsible for the operation and maintenance of the aerodrome.

**aerodrome serviceability inspection**, of an aerodrome, means an inspection of the aerodrome mentioned in regulation 139.220.

**aerodrome technical inspection**, of aerodrome facilities for an aerodrome, means an inspection of the aerodrome facilities mentioned in regulation 139.230.

**aerodrome works** means any construction or maintenance work on or near the movement area of an aerodrome that may create an obstacle, or restrict the normal take-off and landing of aircraft, at the aerodrome.

**AGL** means above ground level.

**AIP** means the publication mentioned in paragraph 4.12 (1)(a) of the Air Services Regulations, as that publication is in effect or exists from time to time.

**AIP-ERSA** means the Aeronautical Information Publication Enroute Supplement Australia published jointly by the Australian Air Force and AA, as in force from time to time.

**aircraft engineer licence** means any of the following licences granted under regulation 66.025 or 66.026:

- (a) subcategory A1;
- (b) subcategory A2;
- (c) subcategory A3;
- (d) subcategory A4;
- (e) subcategory B1.1;
- (f) subcategory B1.2;
- (g) subcategory B1.3;
- (h) subcategory B1.4;
- (i) category B2;
- (j) category C.

**aircraft registration identification plate** see regulation 45.140.

**air security officer** means:

- (a) a protective service officer or special protective service officer of the Australian Federal Police who is directed by the Commissioner to carry out the duties of a position of air security officer; or
- (b) a person who is:
  - (i) employed and trained by a foreign government to travel on aircraft to provide security for aircraft and their passengers and crew (other than a person who is employed to provide exclusive personal protection for 1 or more individuals travelling on an aircraft); and
  - (ii) operating in accordance with an arrangement between the foreign government and the Australian Government.

**airship** means a powered, lighter-than-air aircraft.

***air traffic control function*** means a function described in a paragraph of subregulation 65.075 (2).

***air transport operations*** means operations for a commercial purpose mentioned in paragraph 206 (1)(b) or (c) of CAR.

***airworthiness directive***—see regulation 39.001A.

***AIS*** has the meaning given in Annex 15 to the Chicago Convention.

***amateur-built aircraft*** means an aircraft described in paragraph 21.191 (g).

***Amateur Built Aircraft Acceptance***, or ***ABAA***, means a document given by CASA or an authorised person as a type approval for an amateur-built aircraft.

***amphibian*** means an aeroplane that is designed to take off from, and land on, either land or water.

***AOC***—see subsection 3 (1) of the Act.

***APMA*** means Australian Parts Manufacturer Approval.

***appliance*** means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communication equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller.

*Source* FARs section 1.1.

***apron***, of an aerodrome, has the meaning given by the Air Services Regulations.

***approved*** means approved by CASA.

***approved design organisation*** means a person who holds an approval under regulation 21.243 that is in force.

***approved form*** means:

- (a) for an application—the form approved by CASA under subregulation 11.030 (3) for the application (if any); and
- (b) for a document other than an application—the form approved by CASA under regulation 11.018 for the document (if any).

***approved maintenance data***—see regulation 2A of CAR.

***ARFFS provider*** has the meaning given by subregulation 139.705 (1).

ARN or Aviation Reference Number means the unique identifier assigned to a person by CASA for the purposes of CASA's records.

***article manufacturer***—see paragraph 21.601 (2)(e).

***ATC licence*** means an air traffic controller licence granted under Part 65.

***ATS provider*** has the meaning given by regulation 172.015.

***ATS training provider*** has the meaning given by regulation 143.015.

***ATSO*** means an Australian Technical Standard Order mentioned in paragraph 21.601 (2)(a).

***ATSO authorisation***—see paragraph 21.601 (2)(b).

***Australian Civil Aircraft Register*** means the register established and maintained under regulation 47.025.

***Australian nationality mark*** see regulation 45.015.

***Australian Parts Manufacturer Approval*** or ***APMA*** means an Australian Parts Manufacturer Approval issued under subregulation 21.303 (9) or subregulation 21.305A(2).

***authorised person***, for a provision of CASR in which the expression occurs, means a person who is appointed under regulation 201.001 to be an authorised person for these regulations or the provision.

***authorised release certificate*** has the meaning given by clause 18 of Part 2 of this Dictionary.

***balloon*** means an unpowered, lighter-than-air aircraft.

***cabin crew member***, in relation to an aircraft, means a crew member, other than a flight crew member, who performs, in the

interests of the safety of the aircraft's passengers, duties assigned by the operator or the pilot in command of the aircraft.

**CAR** means the *Civil Aviation Regulations 1988*.

**cargo** means things other than persons carried in an aircraft.

**carry-on baggage** means baggage or personal effects carried on, or to be carried on, to an aircraft by:

- (a) a passenger on the aircraft or a member of the aircraft's crew;  
or
- (b) an employee of the aircraft operator on behalf of a passenger or crew member.

**CASR** means the *Civil Aviation Safety Regulations 1998*.

**category**, in relation to the type certification of aircraft, means a grouping of aircraft based upon intended use and operating limitations (for example, transport, normal, utility, acrobatic, limited, restricted and provisional).

*Source* FARs section 1.1 modified.

**certificate of airworthiness** means a standard certificate of airworthiness or a special certificate of airworthiness.

**certificate of registration** means a certificate issued under regulation 47.090.

**certificate of release to service** means:

- (a) for an aircraft—a document that complies with subregulation 42.760 (1); and
- (b) for an aeronautical product—a document that complies with subregulation 42.810 (1) or (2).

**certification basis** means:

- (a) for an aircraft, aircraft engine or propeller for which there is a type certificate—the type certification basis for the aircraft, aircraft engine or propeller; and
- (b) for an aircraft, aircraft engine or propeller for which there is a foreign type certificate—the foreign type certification basis for the aircraft, aircraft engine or propeller.

***certified aerodrome*** means an aerodrome in respect of which an aerodrome certificate is in force.

***certified UAV controller***—see regulation 101.240.

***charged with*** an offence—see clause 25 of Part 2 of this Dictionary.

***checked baggage*** means baggage or personal effects checked in by a passenger with an operator, or with another person providing a check-in service for an operator, as baggage or personal effects intended for carriage on the aircraft on which the passenger is travelling.

***Civil Air Regulations*** means the Civil Air Regulations issued by the Administrator of the Federal Aviation Agency of the United States of America, as in force immediately before the commencement of the FARs.

***class***, in relation to an aircraft—see clause 30 of Part 2 of this Dictionary.

***Class I product***—see paragraph 21.321 (2)(a).

***Class I provisional certificate of airworthiness*** means a Class I provisional certificate of airworthiness issued under regulation 21.216.

***Class I provisional type certificate*** means a Class I provisional type certificate issued under regulation 21.076.

***Class II product***—see paragraph 21.321 (2)(b).

***Class II provisional certificate of airworthiness*** means a Class II provisional certificate of airworthiness issued under regulation 21.216.

***Class II provisional type certificate*** means a Class II provisional type certificate issued under regulation 21.076.

***Class III product***—see paragraph 21.321 (2)(c).

***continuing airworthiness management organisation*** means a person who holds an approval under regulation 42.590 that is in force.

***Contracting State***—see section 3 of the Act.

***convicted*** of an offence—see clause 35 of Part 2 of this Dictionary.

***critical part***, for an aircraft, means a part that must be inspected, overhauled, or removed or retired from the aircraft within a period specified:

- (a) in the Airworthiness Limitations section of the Manufacturer's Maintenance Manual (as published from time to time by the aircraft's manufacturer) for the aircraft; or
- (b) in the Manufacturer's Instructions for Continued Airworthiness (as published by the manufacturer from time to time) for the aircraft.

***DAME*** means designated aviation medical examiner.

***DAO*** means designated aviation ophthalmologist.

***dealer's mark*** means a mark assigned to an aircraft manufacturer, distributor or dealer under regulation 47.175.

***designated aviation medical examiner*** means:

- (a) a person appointed as a designated aviation medical examiner under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.055 (1); or
- (c) a person specified in a declaration under subregulation 67.055 (2); or
- (d) a person appointed as a designated aviation medical examiner under Part 6 of CAR as in force at any time before 3 September 2003.

***designated aviation ophthalmologist*** means:

- (a) a person appointed as a designated aviation ophthalmologist under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.075 (1); or
- (c) a person specified in a declaration under subregulation 67.075 (2).

***Dictionary*** means this Dictionary.

***engage in conduct*** means:

- (a) do an act; or
- (b) omit to perform an act.

**ETSO**: see paragraph 21.601(2)(aa).

**European Aviation Safety Agency** or **EASA** means the European Aviation Safety Agency established by regulation (EC) No 1592/2002 of the European Parliament and the Council of the European Union.

**experimental certificate** means an experimental certificate issued under regulation 21.195A.

**expiation notice**, in relation to a psychoactive substance offence, means a notice requiring or permitting payment of a penalty as an alternative to prosecution.

**export airworthiness approval** means:

- (a) for a Class I product—an export certificate of airworthiness or an authorised release certificate; and
- (b) for a Class II or Class III product—an authorised release certificate.

**export certificate of airworthiness**, for a Class I product, means a certificate to the effect that the product meets the requirements mentioned in regulation 21.329.

**FAA letter of TSO design approval**—see paragraph 21.601(2)(ca).

**FARs** means the Federal Aviation Regulations in Chapter 1 (Federal Aviation Administration, Department of Transportation) of Title 14 of the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration of the United States of America.

**fireproof**, in connection with a manufacturer's data plate—see regulation 21.810.

**flight manual**, for an aircraft—see clause 37 of Part 2 of this Dictionary.

**flight service function** means the function described in subregulation 65.130 (2).

***flight service licence*** means a licence by that name granted under Part 65.

***flight simulator***, for a specific type (or a specific make, model and series) of aircraft:

- (a) means a simulator that simulates the aircraft in ground and flight operations and comprises:
  - (i) a full size replica of the flight deck of the aircraft; and
  - (ii) a visual system providing an out of the flight deck view; and
  - (iii) a force cueing motion system; and
- (b) includes the necessary software and equipment, and the way that the equipment is interconnected.

***flight technical log***, for an aircraft, means the log required under regulation 42.220 for the aircraft.

***flight training device***, for a specific type (or a specific make, model and series) of aircraft:

- (a) means a device that:
  - (i) simulates the aircraft in ground and flight operations to the extent of the systems installed in the device; and
  - (ii) comprises a full size replica of the instruments, equipment, panels and controls in an open flight deck area, or an enclosed flight deck, of the aircraft; and
  - (iii) does not, in every respect, simulate the aircraft in ground and flight operations; and
- (b) includes the necessary software and equipment, and the way that the equipment is interconnected.

***foreign supplemental type certificate***—see regulation 21.114.

***foreign type certification basis***, for an aircraft, aircraft engine or propeller, means the airworthiness standards and any special conditions or other conditions with which the aircraft, aircraft engine or propeller must comply for the issue of a foreign type certificate.

***foreign type certificate***—see regulation 21.041.

***free balloon*** means a balloon that is intended for flight without being permanently tethered.

***free balloon***—see regulation 101.145.

***giant model aircraft***—see regulation 101.380.

***glider*** means an unpowered, heavier-than-air aircraft that derives its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

***heavier-than-air aircraft*** is the generic term for aircraft that derive their lift in flight chiefly from aerodynamic forces.

***heavy balloon***—see subregulation 101.145 (6).

***high power rocket***—see regulation 101.425.

***holder***, of an authorisation (within the meaning given by Part 11), means:

- (a) if the authorisation has not been transferred—the person to whom it was granted; or
- (b) if the authorisation has been transferred—the person to whom it was transferred or, if it has been transferred more than once, the person to whom it was most recently transferred.

***identification number*** of a production certificate or type certificate means the number, or group of characters, described in the certificate as being its number.

***in an area***, used of the operation of an aircraft—see clause 40 of Part 2 of this Dictionary.

***incidental provisions***, of an instrument, or part of an instrument, mentioned in these Regulations, means the provisions of the instrument, or part, that are not airworthiness standards.

***in-house maintenance***, for an aeronautical product (the ***first aeronautical product***) to be fitted to an aircraft or another aeronautical product (the ***second aeronautical product***), means maintenance carried out on the first aeronautical product by a Part 145 organisation that will fit the product to the aircraft or the second aeronautical product.

***in-house release document***, for an aeronautical product on which in-house maintenance has been carried out, means the document that:

- (a) is issued by the Part 145 organisation that carried out the in-house maintenance; and
- (b) includes a statement to the effect that, in respect of the in-house maintenance, the product is serviceable, within the meaning given by subregulation 42.015(1); and
- (c) includes information enabling the identification of the record mentioned in regulation 42.820 for the product.

***instrument approach procedure*** means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix or, where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply.

***instrument departure procedure***, for an aircraft, means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from take-off until the aircraft reaches:

- (a) the en-route lowest safe altitude; or
- (b) the minimum altitude at which the aircraft, on a minimum climb gradient of 3%, can intercept the planned flight route; or
- (c) in a case where the aircraft has taken off from an aerodrome for which there is a radar control service in operation—the minimum radar vector altitude.

***instrument flight procedures*** means the visual and instrument procedures for use by aircraft operating under the IFR.

***intermediate category***, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.026.

***kit-built aircraft*** means an aircraft described in paragraph 21.191 (h).

***kite*** means a glider normally moored to the ground.

**large UAV**—see regulation 101.240.

**letter of ATSO design approval**—see paragraph 21.601(2)(c).

**licensed aircraft maintenance engineer** means an individual who holds an aircraft engineer licence that is in force.

**light balloon**—see subregulation 101.145 (4).

**light sport aircraft** means an aircraft that:

- (a) has:
  - (i) if the aircraft is not intended for operation on water—a maximum take-off weight of 600 kilograms or less; or
  - (ii) if the aircraft is intended for operation on water—a maximum take-off weight of 650 kilograms or less; or
  - (iii) if the aircraft is a lighter-than-air aircraft—a maximum gross weight of 560 kilograms or less; and
- (b) if the aircraft is a powered aircraft—has a single, non-turbine engine fitted with a propeller; and
- (c) has a maximum stall speed in the landing configuration ( $V_{so}$ ) of 45 knots calibrated air speed; and
- (d) if the aircraft is a glider—has a maximum never-exceed speed ( $V_{ne}$ ) of 135 knots calibrated air speed; and
- (e) if the aircraft has a cabin—has an un-pressurised cabin; and
- (f) if the aircraft is designed to be equipped with seating—has a maximum seating capacity of 2 persons, including the pilot; and
- (g) if the aircraft is a manned free balloon that is not designed to be equipped with seating—can carry no more than 2 persons; and
- (h) has:
  - (i) in the case of an amphibian—repositionable landing gear; or
  - (ii) in the case of a glider—fixed landing gear or retractable landing gear; or
  - (iii) in any other case—fixed landing gear.

**lighter-than-air aircraft** is the generic term for aircraft that are supported chiefly by their buoyancy in the air.

**limited category**, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a special certificate of airworthiness mentioned in regulation 21.189.

**lowest safe altitude** has the same meaning as in the AIP.

**major change**, for a type design—see regulation 21.093.

**major defect** means:

- (a) in relation to an aeronautical product that is not fitted to an aircraft—a defect of such a kind that the aeronautical product, if fitted to an aircraft, may affect the safety of the aircraft or cause the aircraft to become a danger to persons or property; and
- (b) in relation to an aircraft—a defect of such a kind that it may affect the safety of the aircraft or cause the aircraft to become a danger to persons or property.

**manned free balloon** means a free balloon that:

- (a) is capable of carrying 1 or more persons; and
- (b) is equipped with controls that enable the altitude of the balloon to be controlled.

**markings** of an Australian aircraft—see subregulation 45.025(1).

**Materials Review Board** means:

- (a) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a type certificate only—the Materials Review Board established under paragraph 21.125(1)(a); and
- (b) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a production certificate—the Materials Review Board established under regulation 21.145.

**maximum carrying capacity**, for an aircraft, means the maximum payload permitted under the aircraft's certificate of type approval.

**maximum passenger seating capacity**, for an aircraft, means the maximum number of seats for persons (excluding flight crew and cabin crew) in the aircraft that is:

- (a) approved by CASA; and
- (b) specified in the aircraft operator's operations manual.

**medical certificate** means a medical certificate issued under Part 67 and includes a medical certificate (including a special medical certificate) issued under Part 6 of CAR, as in force immediately before the commencement of this regulation.

**medium balloon**—see subregulation 101.145(5).

**micro UAV**—see regulation 101.240.

**minimum equipment list**, for an aircraft, means a list of each defect in the aircraft that is approved as a permissible unserviceability under regulation 37 of CAR.

**minor change**, for a type design—see regulation 21.093.

**model**, for an aircraft, aircraft engine or propeller, means a particular version of a type of aircraft, aircraft engine or propeller that is distinguished from another version of the same type by a change of sufficient effect on the weight, balance, structural strength, operational characteristics as would require a separate entry on a type certificate, identifying and approving the particular version as distinct from the identification and approval of other versions.

**model aircraft** means an aircraft that is used for sport or recreation, and cannot carry a person.

**model rocket**—see regulation 101.425.

**modification/repair design approval** means an approval granted under regulation 21.435 or 21.437.

**NAA**, for a country other than Australia, means:

- (a) the national airworthiness authority of the country; or
- (b) EASA, in relation to any function or task that EASA carries out on behalf of the country.

**non-precision approach runway** has the same meaning as in Annex 14, Aerodromes, to the Chicago Convention.

**NOTAM Office** means the office of AA responsible for the publication of NOTAMS.

**obstacle** means an object that extends above part of an obstacle limitation surface of an aerodrome.

**obstacle limitation surface**, of an aerodrome, means an obstacle limitation surface established in accordance with regulation 139.355.

**off-shore installation** means an installation that is erected on, or floating in the sea above, the continental shelf for the purpose of extracting, or exploring for, petroleum or natural gas.

**operations manual**, for an operator, means the manual required to be provided by the operator under regulation 215 of CAR.

Note: The definition of **operator** in subregulation 2(1) of CAR is as follows:

**operator** means a person, organisation, or enterprise engaged in, or offering to engage in, an aircraft operation.

**overhauled**—see paragraph 21.321(2)(d).

**Part 42 Manual of Standards** means the Manual of Standards issued by CASA under regulation 42.020.

**Part 145 organisation** means a person who holds an approval under regulation 145.030 that is in force.

**pilot-owner**, of an aircraft, means an individual who:

- (a) owns the aircraft; and
- (b) is authorised, under Part 5 of CAR, to fly the aircraft.

**powered aircraft** means an aircraft that is propelled by an engine or engines.

**powered parachute** means a powered aircraft that has the characteristics of a parachute when its engine or engines are not operated.

**powered sailplane** means an aircraft with one or more engines that has the characteristics of a sailplane when the engine or engines are inoperative.

**primary category**, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.024.

**probity offence** means an offence the substance of which is:

- (a) the giving, receiving, offering or soliciting of a bribe to influence the performance of an official function or duty; or

- (b) the making of an unwarranted demand with menaces (within the meaning of Division 139 of the *Criminal Code*) of a person exercising an official function during the performance of that function; or
- (c) fraudulent conduct (within the meaning of Part 7.3 of the *Criminal Code*);

whether under the law of the Commonwealth, a State, a Territory or another country.

**production certificate** means a production certificate issued under subregulation 21.134(1).

**prohibited area** has the same meaning as in regulation 3 of the *Airspace Regulations 2007*.

**provisional certificate of airworthiness** means a Class I or Class II provisional certificate of airworthiness.

**provisional type certificate** means a Class I or Class II provisional type certificate.

**psychoactive substance**—see clause 60 of Part 2 of this Dictionary.

**psychoactive substance offence** means an offence:

- (a) of which an element is the possession, use or excessive use of a psychoactive substance; or
- (b) of which the substance is importing, or trafficking in, a psychoactive substance; or
- (c) of which an element is being under the influence of a psychoactive substance; or
- (d) of which an element is the presence, or the presence at a concentration higher than a particular concentration, in the blood, breath or urine of a psychoactive substance or a metabolite of such a substance; or
- (e) the substance of which is refusal to provide a blood, breath or urine sample for analysis; or
- (f) of attempting to commit, inciting the commission of or conspiring to commit an offence referred to in paragraph (a), (b), (c), (d) or (e).

Note: **Psychoactive substance** includes alcohol but does not include coffee, tea, cocoa, chocolate or any other non-alcoholic drink containing

caffeine, or caffeine-containing confectionery—see Part 2 of this Dictionary.

**qualified flight simulator** means a flight simulator that is qualified under Part 60 of CASR.

**qualified flight training device** means a flight training device that is qualified under Part 60 of CASR.

**recognised country**—see regulation 21.012.

**recreational unmanned aircraft** means an aircraft that:

- (a) is not designed for, nor capable of, accommodating a person; and
- (b) is used only for sport and recreation.

**registered** means registered under Part 47.

**registered aerodrome** means an aerodrome that is registered under regulation 139.265.

**registered operator**, of an aircraft, has the meaning given by regulation 47.100.

**registration holder** of an aircraft means the person whose name is entered in the Australian Civil Aircraft Register as that of the aircraft's owner.

**registration mark**—see regulation 45.020.

**regular public transport operations** means operations for the commercial purpose mentioned in paragraph 206(1)(c) of CAR.

**relevant approved design organisation**, in relation to a design activity, within the meaning given by regulation 21.233, and an aircraft or aeronautical product of a particular kind, means an approved design organisation that is approved under Subpart 21.J to carry out that design activity in relation to aircraft or aeronautical products of that kind.

**restricted area** has the same meaning as in regulation 3 of the *Airspace Regulations 2007*.

**restricted category**, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.025.

**rocket** means a pilotless vehicle powered by reaction that carries all the components necessary to provide its jet.

**sailplane** means a heavier-than-air aircraft:

- (a) that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces; and
- (b) the free flight of which does not depend on an engine.

**set of markings** of an Australian aircraft—see subregulation 45.025(2).

**small balloon**—see subregulation 101.145(3).

**small UAV**—see regulation 101.240.

**special certificate of airworthiness**—see regulation 21.175.

**special class**, for aircraft—see subregulation 21.017(2).

**special condition** means a special condition imposed under subregulation 21.016(1).

**special flight permit** means a special flight permit issued under regulation 21.200.

**specialised helicopter operation** means a helicopter operation that involves the carriage of persons or cargo:

- (a) between the coast of Australia and an off-shore installation;  
or
- (b) between off-shore installations; or
- (c) to or from the helipad of:
  - (i) a hospital; or
  - (ii) a State or Territory service (however described) established to provide assistance in emergencies.

**standard certificate of airworthiness** see regulation 21.175.

**standard part** means a part that complies with a specification that:

- (a) is established, published and maintained by:
  - (i) an organisation that sets consensus standards for products; or
  - (ii) a government agency; and
- (b) includes:

- (i) design, manufacturing, test and acceptance criteria; and
- (ii) requirements for the uniform identification of the part.

*Example for subparagraph (a)(i)*

The Institute of Electrical and Electronics Engineers—see  
<http://www.ieee.org/portal/site>.

***State of Design*** has the meaning given by Annex 8 to the Chicago Convention.

***supplemental type certificate*** means a supplemental type certificate issued under regulation 21.113A.

***synthetic training device*** means:

- (a) a flight simulator; or
- (b) a flight training device; or
- (c) a basic instrument flight trainer.

***terminal instrument flight procedure*** means an instrument approach procedure or instrument departure procedure.

***tethered***, in relation to a lighter-than-air aircraft, means attached to the ground, or an object on the ground, by flexible restraints that limit movement.

***tethered balloon***—see regulation 101.105.

***these Regulations*** includes CAR.

***time-in-service*** means:

- (a) for an aircraft—each period starting when the aircraft takes off for a flight and ending when the aircraft lands at the end of the flight; and
- (b) for an aircraft engine or propeller that is fitted to an aircraft—each period starting when the aircraft takes off for a flight and ending when the aircraft lands at the end of the flight.

***TSO***—see paragraph 21.601(2)(ab).

***type***, for an aircraft, aircraft engine or propeller, means a design and make of aircraft, aircraft engine or propeller and, where appropriate, refers to a group of essentially similar aircraft, aircraft engines or propellers which, although possibly existing in different models, stem from a common basic design.

***type acceptance certificate*** means a type acceptance certificate issued under regulation 21.029A.

***type certificate***—see regulation 21.041.

***type certificated*** means issued with a type certificate or type acceptance certificate.

***type certificate data sheet*** means a sheet attached to a type certificate for an aircraft, aircraft engine or propeller that sets out the limitations prescribed by the applicable airworthiness requirements for the aircraft, aircraft engine or propeller, and any other limitations and information necessary for type certification of the aircraft, aircraft engine or propeller.

***type certification basis***, for an aircraft, aircraft engine or propeller, means the airworthiness standards and any special conditions or other conditions with which the aircraft, aircraft engine or propeller must comply for the issue of a type certificate.

***type design***—see regulation 21.031.

***UAV***—see regulation 101.240.

***unmanned free balloon*** means a balloon other than a manned free balloon.

***unpowered aircraft*** means an aircraft other than a powered aircraft.

***very light aeroplane*** means an aeroplane of a kind mentioned in clause CS-VLA 1 of EASA CS-VLA, as in force from time to time.

***V<sub>SO</sub>*** means the stalling speed or the minimum steady flight speed in the landing configuration.

*Source* FARs section 1.2.

## **Part 2—Interpretation of certain expressions not defined in Part 1**

### **1 Parts and materials excluded from the definition of *aeronautical product***

- (1) For the definition of *aeronautical product* in section 3 of the Act, a part or material that is part of or used in an aircraft is excluded if:
  - (a) the part or material:
    - (i) is not mentioned in the approved design for the aircraft;  
and
    - (ii) is not approved in a manner mentioned in regulation 21.305 or 21.305A; or
  - (b) the part or material is mentioned in a legislative instrument issued under subclause (2).
- (2) For subsection 98 (5A) of the Act, CASA may issue a legislative instrument that specifies that a part or material is excluded from the definition of *aeronautical product* in section 3 of the Act.

### **5 When an aircraft is *airworthy***

Note: This clause is reserved for future use.

### **15 Reference to Annexes to Chicago Convention**

In these Regulations, a reference to an Annex to the Chicago Convention is a reference to that Annex as in force from time to time.

### **18 Meaning of *authorised release certificate***

- (1) For the purposes of CAR:

*authorised release certificate*, for an aircraft component, means a document that complies with regulation 42WA of CAR.
- (2) For the purposes of CASR:

*authorised release certificate*, for an aeronautical product, means:

- (a) if maintenance has not been carried out on the product since its manufacture, and the manufacture of the product was permitted by or under Part 21—a document:
  - (i) issued by the manufacturer of the product; and
  - (ii) that includes a statement to the effect that the product is serviceable, within the meaning given by subregulation 42.015 (1); or
- (b) if maintenance has not been carried out on the product since its manufacture, and the manufacture of the product was permitted by the law of a foreign country—a document of a kind specified in the Part 42 Manual of Standards as being equivalent to a document mentioned in paragraph (a); or
- (c) if maintenance has been carried out on the product under these Regulations—a certificate of release to service for the product in relation to the maintenance issued under Division 42.H.4 that is in the approved form; or
- (d) if maintenance has been carried out on the product under the law of a foreign country—a document of a kind specified in the Part 42 Manual of Standards as being equivalent to a document mentioned in paragraph (c).

Note 1: For paragraph (a), Part 21 permits the manufacture of aeronautical products in a number of ways, including under APMAs, ATSO authorisations, type certificates and production certificates.

Note 2: For paragraph (c):

- (a) a certificate of release to service for an aeronautical product in relation to maintenance carried out on an aeronautical product that is not in-house maintenance must be in the approved form: see subregulation 42.810(1); and
- (b) a certificate of release to service for an aeronautical product in relation to in-house maintenance carried out on an aeronautical product must either be in the approved form or be in the form of an in-house release document: see subregulation 42.810(2).

## 25 Extended meaning of *charged with* in relation to certain offences

- (1) In these Regulations:

*charged with* has, in addition to its ordinary meaning, the meaning given by subclause (2).

- (2) For the purposes of these Regulations, a person is taken to have been *charged with* a psychoactive substance offence if:

- (a) a law provides for the issue, in relation to the offence, of an expiation notice; and
- (b) such a notice is issued to the person in relation to the offence.

### **30 Classes of aircraft**

For these Regulations, aircraft are divided into the following *classes*:

- (a) aeroplane;
- (b) rotorcraft;
- (c) ornithopter;
- (d) glider;
- (e) kite;
- (f) airship;
- (g) captive balloon;
- (h) free balloon.

### **35 Extended meaning of *convicted***

- (1) In these Regulations:

*convicted* has, in addition to its ordinary meaning, the meaning given by subclauses (2), (3) and (4).

- (2) For the purposes of these Regulations, a person is taken to have been *convicted* of an alleged offence if:
- (a) the person has not been found guilty of the offence but asks for the offence to be taken into account when being sentenced for another offence; or
  - (b) the person has been found guilty of the offence but discharged without conviction.
- (3) In addition, a person is taken to have been *convicted* of a psychoactive substance offence if:
- (a) a law provides for the issue, in relation to the offence, of an expiation notice; and
  - (b) such a notice was issued to the person in relation to the offence; and
  - (c) the person paid the penalty required by the notice.

- (4) However, a conviction that is spent (within the meaning of Part VIIC of the *Crimes Act 1914*), or has been quashed, is not taken to be a conviction for the purposes of these Regulations.

### 37 References to *flight manual*

A reference in these Regulations to an aircraft's *flight manual*:

- (a) is a reference to:
  - (i) if the aircraft's type certification basis required the provision of an aircraft flight manual—that manual; or
  - (ii) if regulation 21.005 applies to the aircraft—the manual that must be given to the owner of the aircraft under that regulation; or
  - (iii) for an aircraft not mentioned in subparagraph (i) or (ii)—another document that contains the aircraft's operating limitations and other information required for safe operation of the aircraft; and
- (b) includes each amendment to the flight manual that:
  - (i) is approved by CASA or an authorised person under regulation 21.006A; or
  - (ii) is made at the direction of CASA under Subpart 11.G; or
  - (iii) relates to a foreign type certificate in relation to which CASA has issued a type acceptance certificate or a foreign supplemental type certificate, and is approved by the NAA that issued the foreign type or supplemental type certificate; and
- (c) includes each supplement to the flight manual that:
  - (i) is approved by CASA or an authorised person under regulation 21.006A; or
  - (ii) is made at the direction of CASA under Subpart 11.G; or
  - (iii) relates to a foreign type certificate in relation to which CASA has issued a type acceptance certificate or a foreign supplemental type certificate, and is approved by the NAA that issued the foreign type or supplemental type certificate.

#### **40 References to operating an aircraft in an area**

In these Regulations, a reference to operating an aircraft in an area is a reference to operating the aircraft in the airspace above the area.

#### **45 References to EASA certification specifications**

In these Regulations, a reference to EASA, followed by the letters CS, a hyphen and a number, letter or letters, is a reference to the certification specifications, including airworthiness codes and acceptable means of compliance, produced by EASA and identified by that number, letter or letters.

#### **50 References to pilot-in-command**

Note: This clause is reserved for future use.

#### **55 References to populous areas etc**

Note: This clause is reserved for future use.

#### **60 Meaning of *psychoactive substance***

- (1) In these Regulations:

***psychoactive substance*** has, subject to subclause (2), the meaning given by section 1.1 of Annex 1, *Personnel Licensing*, to the Chicago Convention.

Note: The definition in that Annex is:

***Psychoactive substances.*** Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.

- (2) To avoid doubt, in these Regulations:

***psychoactive substance:***

- (a) includes:

- (i) a therapeutic substance that is a psychoactive substance within the meaning given by Annex 1 to that Convention; and
- (ii) a therapeutic substance of which a psychoactive substance (within the meaning given by that Annex) is an ingredient; but

## Dictionary

### Part 2 Interpretation of certain expressions not defined in Part 1

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- (b) does not include:
  - (i) tea, cocoa, chocolate or any other non-alcoholic drink containing caffeine or guarana; or
  - (ii) confectionery containing caffeine or guarana.
- (3) In paragraph (a) of the definition of *psychoactive substance* in subclause (2):  
  
*therapeutic substance* means a substance that is therapeutic goods, within the meaning given by the *Therapeutic Goods Act 1989*.

## 65 Recognised foreign training providers

Note: This clause is reserved for future use.

## **Part 3—Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG**

### **1 General**

In this Part, Parts 42, 66, 145 and 147, and Subparts 202.BA, 202.CG, 202.GE and 202.GG:

***aircraft type training***, for a rating, means the training for the rating delivered by a maintenance training organisation in accordance with a course plan for the training approved by CASA under regulation 147.030.

***approval rating***:

- (a) for a Subpart 42.F organisation—has the meaning given by subregulation 42.015 (1); and
- (b) for a Part 145 organisation—has the meaning given by subregulation 145.010 (1).

***approved maintenance organisation*** means a Subpart 42.F organisation or a Part 145 organisation.

***aviation industry standard*** means a document specified in the Part 42 Manual of Standards as an aviation industry standard.

***base maintenance***, for a Part 145 organisation, means maintenance on an aircraft that CASA has approved in the organisation's exposition as being base maintenance for the organisation.

***CAR maintenance activities*** means the following activities conducted under Part 4A of CAR:

- (a) carrying out maintenance on a registered aircraft to which Part 42 does not apply, or on an aircraft component or aircraft material for an aircraft of that kind;
- (b) certifying the completion of maintenance carried out on an aircraft or aircraft component;
- (c) issuing a maintenance release for an aircraft;
- (d) endorsing a maintenance release for an aircraft;

## Dictionary

**Part 3** Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

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- (e) issuing an authorised release certificate for an aircraft component.

**CAR maintenance activities subcontractor**, for an approved maintenance organisation: see clause 21.

**carries out maintenance**, in relation to an approved maintenance organisation, has the meaning given by subclause 5 (5).

**carrying out maintenance on an aeronautical product** has the meaning given by subclause 5 (2).

**carrying out maintenance on an aircraft** has a meaning affected by clause 5.

**category A licence** means a subcategory A1, A2, A3 or A4 aircraft engineer licence.

**category B1 licence** means a subcategory B1.1, B1.2, B1.3 or B1.4 aircraft engineer licence.

**category B2 licence** means a category B2 aircraft engineer licence.

**category C licence** means a category C aircraft engineer licence.

**category training**, for a category A, B1 or B2 licence, means training in the required units of competency for the licence.

**certification authorisation** means an authorisation that an approved maintenance organisation grants to an individual in accordance with the Part 42 Manual of Standards or the Part 145 Manual of Standards to do either or both of the following on behalf of the organisation:

- (a) perform maintenance certifications;
- (b) issue certificates of release to service.

**certifying employee**, for particular maintenance, means an individual who holds a certification authorisation that is in force from an approved maintenance organisation for the maintenance.

**employee**, in relation to an approved maintenance organisation, includes:

- (a) a maintenance services subcontractor; and
- (b) a CAR maintenance activities subcontractor

***excluded State*** means a foreign country specified as an excluded State in the Part 66 Manual of Standards.

***exempt public authority*** has the meaning given by section 9 of the *Corporations Act 2001*.

***foreign company*** means:

- (a) a body corporate:
  - (i) that is incorporated in an external Territory, or outside Australia and the external Territories; and
  - (ii) that is not an exempt public authority; or
- (b) an unincorporated body that:
  - (i) is formed in an external Territory, or outside Australia and the external Territories; and
  - (ii) under the law of its place of formation, may sue or be sued, or may hold property in the name of its secretary or of an officer of the body duly appointed for that purpose; and
  - (iii) does not have its head office or principal place of business in Australia.

***foreign licence*** means:

- (a) a licence that:
  - (i) is granted under a national aviation law of a foreign country, other than a foreign country that is an excluded State; and
  - (ii) complies with Annex 1, *Personnel Licensing*, to the Chicago Convention; and
  - (iii) deals with the provision of maintenance services; or
- (b) an authorisation that:
  - (i) is issued by a foreign company, other than a foreign company incorporated or formed in an excluded State; and
  - (ii) deals with the provision of maintenance services; or
- (c) a licence mentioned in paragraph (a) and an authorisation mentioned in paragraph (b) that together deal with the provision of maintenance services.

***instructions for continuing airworthiness***, for an aircraft or aeronautical product, has the meaning given by clause 10.

## Dictionary

**Part 3** Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

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***large aircraft*** means:

- (a) an aeroplane that:
  - (i) has a maximum take-off weight of more than 5 700 kg; and
  - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (b)(ii) of the definition of small aircraft; or
- (b) an aeroplane that:
  - (i) has a maximum take-off weight of not more than 5 700 kg; and
  - (ii) is of a type and model specified in the Part 42 Manual of Standards as a large aircraft; or
- (c) a helicopter that:
  - (i) has more than 1 engine; and
  - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (d)(ii) of the definition of small aircraft; or
- (d) a helicopter that:
  - (i) has only 1 engine; and
  - (ii) is of a type and model specified in the Part 42 Manual of Standards as a large aircraft.

***line maintenance***, for a Part 145 organisation, means maintenance on an aircraft that CASA has approved in the organisation's exposition as being line maintenance for the organisation.

***maintenance certification*** means a certification performed under Division 42.H.2.

***maintenance data*** has the meaning given by clause 15.

***maintenance services*** means the following:

- (a) carrying out maintenance on an aircraft or an aeronautical product;
- (b) performing maintenance certification for maintenance carried out on an aircraft;
- (c) issuing a certificate of release to service for an aircraft or aeronautical product in relation to maintenance carried out on the aircraft or aeronautical product.

***maintenance services subcontractor***, for an approved maintenance organisation, has the meaning given by clause 20.

***maintenance training*** means category training or aircraft type training.

***maintenance training organisation*** means a person who holds an approval under regulation 147.030 that is in force.

***Part 66 Manual of Standards*** means the Manual of Standards issued by CASA under regulation 66.015.

***Part 145 Manual of Standards*** means the Manual of Standards issued by CASA under regulation 145.015.

***Part 147 Manual of Standards*** means the Manual of Standards issued by CASA under regulation 147.015.

***permitted aircraft type*** means an aircraft type, within the meaning given by regulation 66.010, specified in the Part 66 Manual of Standards as one for which an approved maintenance organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment.

***permitted training*** means:

- (a) training and assessment for an aircraft type, within the meaning given by regulation 66.010, aircraft system or subset of an aircraft system specified in the Part 66 Manual of Standards as one for which a Part 145 organisation may provide training and assessment; or
- (b) training and assessment for a permitted aircraft type.

***provides*** has the meaning given by clause 25.

***rating*** means an authorisation granted under regulation 66.080 or 66.095, being a permission:

- (a) to perform maintenance certification, under a category B1 or B2 licence, for maintenance carried out on a particular type rated aircraft type; or
- (b) to issue a certificate of release to service, under a category B1, B2, or C licence, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft.

## Dictionary

**Part 3** Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

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***recognised State*** means a foreign country specified as a recognised State in the Part 66 Manual of Standards.

***small aircraft*** means:

- (a) an aeroplane that:
  - (i) has a maximum take-off weight of not more than 5 700 kg; and
  - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (b)(ii) of the definition of large aircraft; or
- (b) an aeroplane that:
  - (i) has a maximum take-off weight of more than 5 700 kg; and
  - (ii) is of a type and model specified in the Part 42 Manual of Standards as a small aircraft; or
- (c) a helicopter that:
  - (i) has only 1 engine; and
  - (ii) is not of a type and model specified in the Part 42 Manual of Standards for subparagraph (d)(ii) of the definition of large aircraft; or
- (d) a helicopter that:
  - (i) has more than 1 engine; and
  - (ii) is of a type and model specified in the Part 42 Manual of Standards as a small aircraft.

***specialist maintenance*** means:

- (a) for a Subpart 42.F organisation:
  - (i) maintenance specified in the Part 42 Manual of Standards as specialist maintenance; and
  - (ii) maintenance that CASA has approved in the organisation's exposition as being specialist maintenance for the organisation; and
- (b) for a Part 145 organisation:
  - (i) maintenance specified in the Part 145 Manual of Standards as specialist maintenance; and
  - (ii) maintenance that CASA has approved in the organisation's exposition as being specialist maintenance for the organisation.

***Subpart 42.F organisation*** means a person who holds an approval under regulation 42.515 that is in force.

***supervising***, in relation to maintenance being carried out, has the meaning given by clause 30.

***type rated aircraft type***, for an aircraft engineer licence, means an aircraft type, within the meaning given by regulation 66.010, specified in the Part 66 Manual of Standards as a type rated aircraft type for the licence.

***unit of competency*** means a unit of the Australian Quality Training Framework Aeroskills Training Package, as in force from time to time.

## 5 Definitions relating to carrying out maintenance

### *Meaning of carrying out maintenance on an aircraft*

- (1) A reference to carrying out maintenance on an aircraft includes:
  - (a) carrying out maintenance on an aeronautical product that is fitted to the aircraft at the time the maintenance is carried out; and
  - (b) carrying out maintenance on an aeronautical product that is not fitted to the aircraft at the time the maintenance is carried out, in the circumstances mentioned in subclause (3) or (4).

### *Meaning of carrying out maintenance on an aeronautical product*

- (2) A reference to ***carrying out maintenance on an aeronautical product*** is a reference to carrying out maintenance on an aeronautical product that is not fitted to an aircraft at the time the maintenance is carried out, other than in the circumstances mentioned in subclause (3) or (4).
- (3) The circumstances are that:
  - (a) the aeronautical product (the ***removed product***) is removed from a location on the aircraft; and
  - (b) the removal of the removed product is permitted, by the maintenance data for maintenance to be carried out on the removed product, for the purpose of improving access for the carrying out of maintenance on that product; and

## Dictionary

**Part 3** Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

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- (c) the removed product is returned to the same location on the aircraft at the completion of the maintenance for which it was removed.
- (4) The circumstances are that:
  - (a) the aeronautical product (the **removed product**) is removed from a location on the aircraft; and
  - (b) the removal of the removed product is for the purpose of carrying out maintenance that is necessary to rectify a defect in the removed product; and
  - (c) the maintenance data for the maintenance does not require the use of specified tools or equipment for carrying out the maintenance; and
  - (d) the removed product is returned to the same location on the aircraft at the completion of the maintenance; and
  - (e) the serviceability of the removed product can be tested, using an aircraft system, after the removed product is returned to the aircraft.

*Carrying out of maintenance by approved maintenance organisations*

- (5) An approved maintenance organisation **carries out maintenance** if the maintenance is carried out on the organisation's behalf by an individual.

## 10 Meaning of *instructions for continuing airworthiness*

- (1) **Instructions for continuing airworthiness**, for an aircraft or aeronautical product, means written instructions, as in force from time to time:
  - (a) that specify requirements, procedures and standards for the continuing airworthiness of the aircraft or aeronautical product; and
  - (b) that are:
    - (i) issued by any of the persons mentioned in subclause (2); or
    - (ii) for an aircraft or aeronautical product for which there is a design for a modification or repair that is taken to have been approved under subregulation 21.465 or

21.470—included, or referred to, in the document that contains the design.

- (2) The persons are the following:
  - (a) the holder of the type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate for the aircraft or aeronautical product;
  - (b) the holder of any of the following for the design of a modification of, or a repair to, the aircraft or aeronautical product:
    - (i) a modification/repair design approval; or
    - (ii) an approval granted in accordance with a method specified in a legislative instrument issued under regulation 21.475; or
    - (iii) an approval that continues in force under regulation 202.054, 202.055 or 202.056;
  - (c) the manufacturer of the aircraft or aeronautical product.

## **15 Meaning of *maintenance data***

- (1) Subject to subclauses (2), (3) and (4), ***maintenance data***, for maintenance to be carried out on an aircraft or aeronautical product, means procedures for carrying out the maintenance, as in force from time to time, that are mentioned in:
  - (a) the instructions for continuing airworthiness for the aircraft or aeronautical product; or
  - (b) if the instructions for continuing airworthiness do not include procedures for carrying out the maintenance—an aviation industry standard that applies to the maintenance.
- (2) Subject to subclauses (3) and (4), if, at a particular time:
  - (a) a Part 145 organisation is carrying out maintenance on an aircraft or aeronautical product; and
  - (b) the organisation has written a procedure for carrying out the maintenance;then, at that time, the procedure written by the organisation is the ***maintenance data*** for the maintenance for the organisation.
- (3) Subject to subclause (4), if, at a particular time:

## Dictionary

**Part 3** Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

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- (a) a continuing airworthiness management organisation is providing continuing airworthiness services for an aircraft; and
  - (b) the organisation has written a procedure for carrying out the maintenance on the aircraft or on an aeronautical product fitted to the aircraft;
- then, at that time, the procedure written by the organisation is the ***maintenance data*** for the maintenance for the aircraft or aeronautical product.
- (4) If, at a particular time, an airworthiness directive that applies to an aircraft or aeronautical product mentions a procedure for carrying out the maintenance, then, at that time, the procedure in the airworthiness directive is the ***maintenance data*** for the maintenance.

### 20 Meaning of *maintenance services subcontractor*

- (1) A person is a ***maintenance services subcontractor*** in relation to an approved maintenance organisation if the person is a party to a written contract with the organisation to provide maintenance services on behalf of the organisation.
- (2) An employee of a maintenance services subcontractor under subclause (1) is also a ***maintenance services subcontractor***.

### 21 Meaning of *CAR maintenance activities subcontractor*

- (1) A person is a ***CAR maintenance activities subcontractor*** in relation to an approved maintenance organisation if the person is a party to a written contract with the organisation to undertake CAR maintenance activities on behalf of the organisation.
- (2) An employee of a CAR maintenance activities subcontractor under subclause (1) is also a ***CAR maintenance activities subcontractor***.

### 25 Meaning of *provides*

An organisation ***provides*** any of the following services or training if its employees provide the service or training for or on behalf of the organisation:

- (a) maintenance services;

- (b) permitted training;
- (c) continuing airworthiness management services;
- (d) maintenance training.

### **30 Meaning of *supervising***

A person (the *supervisor*) is *supervising* the carrying out of maintenance done by another person if the supervisor:

- (a) is physically present at the place that the maintenance is being carried out; and
- (b) is observing the maintenance being carried out to the extent necessary to enable the supervisor to form an opinion as to whether the maintenance is being carried out properly; and
- (c) is available to give advice to, and answer questions about the maintenance from, the person carrying it out.

## Endnotes

### Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes  
Endnote 2—Abbreviation key  
Endnote 3—Legislation history  
Endnote 4—Amendment history  
Endnote 5—Uncommenced amendments  
Endnote 6—Modifications  
Endnote 7—Misdescribed amendments  
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

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Endnote 1—About the endnotes

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**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1998 No. 237	22 July 1998	Subparts F, G, J, K and O of Part 21: 1 Dec 1998 Remainder: 1 Oct 1998	
1999 No. 166	16 Aug 1999	Schedule 2 (Part 2): 1 Dec 1999 Remainder: 16 Aug 1999	—
1999 No. 262	27 Oct 1999	rr. 1–5 and Schedule 2: 27 Oct 1999 Schedule 3: 1 Dec 1999 Remainder: 1 Jan 2000	—
2000 No. 7	23 Feb 2000	23 Feb 2000	—
2000 No. 204 (a)	31 July 2000	rr. 1–3 and Schedule 1: 31 July 2000 Remainder: 1 Oct 2000	rr. 5–8 (rep. by 2004 No. 345, Sch. 3 item [1])
<b>as amended by</b>			
2004 No. 345	8 Dec 2004	(see 2004 No. 345 below)	—
2000 No. 227	17 Aug 2000	Schedule 1: 1 Dec 1998 Schedules 4 and 5: 1 Sept 2000 Remainder: 17 Aug 2000	r. 4
2001 No. 34	1 Mar 2001	1 Mar 2001	—
2001 No. 242	5 Sept 2001	5 Sept 2001	—
2001 No. 349	21 Dec 2001	1 July 2002	r. 4 (am. by 2002 No. 79, Sch. 1 [item 1]; rep. by 2004 No. 345, Sch. 4 [item 1])

## Endnotes

### Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
<b>as amended by</b>			
2002 No. 79	18 Apr 2002	18 Apr 2002	—
2004 No. 345	8 Dec 2004	(see 2004 No. 345 below)	—
2002 No. 167	3 July 2002	1 May 2003	r. 5 (rep. by 2004 No. 345, Sch. 5 [item 1])
<b>as amended by</b>			
2004 No. 345	8 Dec 2004	(see 2004 No. 345 below)	—
2002 No. 266	6 Nov 2002	1 July 2002	—
2002 No. 268	6 Nov 2002	6 Nov 2002	—
2002 No. 320	19 Dec 2002	19 Dec 2002	—
2002 No. 321	19 Dec 2002	19 Dec 2002	—
2002 No. 349	20 Dec 2002	20 Dec 2002	—
2002 No. 350	20 Dec 2002	20 Dec 2002	—
2003 No. 58	14 Apr 2003	rr. 1–5 and Schedule 3: 14 Apr 2003 Remainder: 2 May 2003	—
2003 No. 75	1 May 2003	rr. 1–4 and Schedules 1 and 2: 1 May 2003 Remainder: 3 May 2003	—
2003 No. 189	24 July 2003	1 Oct 2003	—
2003 No. 232	3 Sept 2003	3 Sept 2003	—
2003 No. 240	18 Sept 2003	18 Sept 2003	—
2003 No. 297	27 Nov 2003	27 Nov 2003	—

## Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2003 No. 365	23 Dec 2003	rr. 1–4 and Schedule 1: 23 Dec 2003 Schedules 2 and 3: 1 Jan 2004 Remainder: 1 July 2004	—
2004 No. 4	12 Feb 2004	20 Feb 2004 ( <i>see</i> r. 2)	—
2004 No. 134	18 June 2004	15 Nov 2004	—
2004 No. 216	15 July 2004	15 July 2004	—
2004 No. 222	22 July 2004	1 July 2004	—
2004 No. 230	28 July 2004	28 July 2004	—
2004 No. 345	8 Dec 2004	8 Dec 2004	—
2005 No. 207	19 Sept 2005 ( <i>see</i> F2005L02673)	1 Oct 2005 ( <i>see</i> r. 2)	—
2005 No. 242	24 Oct 2005 ( <i>see</i> F2005L03219)	25 Oct 2005	—
2005 No. 258	15 Nov 2005 ( <i>see</i> F2005L03421)	16 Nov 2005	—
2005 No. 321	19 Dec 2005 ( <i>see</i> F2005L04039)	20 Dec 2005	—
2005 No. 323	19 Dec 2005 ( <i>see</i> F2005L04033)	20 Dec 2005	—
2006 No. 124	2 June 2006 ( <i>see</i> F2006L01624)	3 June 2006	—
2006 No. 185	17 July 2006 ( <i>see</i> F2006L02115)	18 July 2006	—
2007 No. 41	26 Mar 2007 ( <i>see</i> F2007L00794)	25 May 2007	—
2007 No. 172	26 June 2007 ( <i>see</i> F2007L01842)	1 July 2007 ( <i>see</i> r. 2)	—
2007 No. 226	24 July 2007 ( <i>see</i> F2007L02284)	25 July 2007	—
2008 No. 192	22 Sept 2008 ( <i>see</i> F2008L03483)	23 Sept 2008	—

## Endnotes

### Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2008 No. 274	18 Dec 2008 ( <i>see</i> F2008L04644)	(b)	—
2008 No. 275	18 Dec 2008 ( <i>see</i> F2008L04587)	19 Dec 2008	—
2009 No. 64	15 Apr 2009 ( <i>see</i> F2009L01295)	rr. 1–3 and Schedule 1: 16 Apr 2009 rr. 4, 5, Schedules 2 and 3: 1 Oct 2009	—
2009 No. 147	26 June 2009 ( <i>see</i> F2009L02511)	1 July 2009	—
2009 No. 232	9 Sept 2009 ( <i>see</i> F2009L03481)	10 Sept 2009	—
2010 No. 120	7 June 2010 ( <i>see</i> F2010L01546)	8 June 2010	—
2010 No. 277	19 Nov 2010 ( <i>see</i> F2010L03002)	rr. 1–3 and Schedule 1: 1 Dec 2010 Schedule 2: 1 Mar 2012 Schedule 3: [ <i>see</i> Endnote 5]	—
2010 No. 328	14 Dec 2010 ( <i>see</i> F2010L03195)	rr. 1–3 and Schedule 1: 27 June 2011	—
2011 No. 76	7 June 2011 ( <i>see</i> F2011L00968)	27 June 2011	—
2011 No. 77	8 June 2011 ( <i>see</i> F2011L00971)	27 June 2011	—
2011 No. 120	30 June 2011 ( <i>see</i> F2011L01364)	1 July 2011	—
2011 No. 164	2 Sept 2011 ( <i>see</i> F2011L01804)	3 Sept 2011	—
2011 No. 265	12 Dec 2011 ( <i>see</i> F2011L02648)	rr. 1–3 and Schedule 1: 13 Dec 2011 Schedule 2: 1 Apr 2012	—
2012 No. 107	14 June 2012 ( <i>see</i> F2012L01199)	15 June 2012	—

## Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
5, 2013	19 Feb 2013 ( <i>see</i> F2013L00218)	Schedule 1: [ <i>see</i> Endnote 5]	s 2 (am by 254, 2013, Sch 1 [item 2])
<b>as amended by</b>			
254, 2013	25 Nov 2013 ( <i>see</i> F2013L01976)	Sch 1 (items 2, 3 [in part], 4–10): 26 Nov 2013	—
80, 2013	20 May 2013 ( <i>see</i> F2013L00798)	Schedule 1 (items 8–123, 125, 126, 128–152): 21 May 2013	—
188, 2013	26 July 2013 ( <i>see</i> F2013L01444)	Sch 1 (items 6–81): 1 Mar 2014	—
222, 2013	8 Aug 2013 ( <i>see</i> F2013L01539)	Sch 1 (item 2): [ <i>see</i> Endnote 5]	s 2 (am by 254, 2013, Sch 1 [item 1])
<b>as amended by</b>			
254, 2013	25 Nov 2013 ( <i>see</i> F2013L01976)	Sch 1 (item 1): 26 Nov 2013	—
274, 2013	17 Dec 2013 ( <i>see</i> F2013L02129)	Sch 1 (items 22–464, 468–476): [ <i>see</i> Endnote 5]	—
275, 2013	17 Dec 2013 ( <i>see</i> F2013L02128)	Sch 1 (items 9–81): 18 Dec 2013	—
40, 2014	15 Apr 2014 ( <i>see</i> F2013L00414)	Sch 1 (items 12–35): 1 May 2014 Sch 2: [ <i>see</i> Endnote 5]	—
(a)	Part 47 only in item [7] of Schedule 2 and items [1], [4] and [5] of Schedule 3 to Statutory Rules 2000 No. 204 were disallowed by the Senate on 8 November 2000.		
(b)	Regulation 2 of SLI 2008 No. 274 provides as follows: These Regulations commence immediately after the commencement of regulation 4.59A of the <i>Aviation Transport Security Regulations 2005</i> . Regulation 4.59A, added by SLI 2008 No. 271, commenced on 19 December 2008.		

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

Provision affected	How affected
Guide.....	ad. 2002 No. 350 am. 2004 No. 345; 2005 No. 323; 2007 No. 172 rep. 2011 No. 77
<b>Part 1</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 1 .....	am No 80 and 275, 2013
r. 1.0 .....	ad. 2000 No. 204 am. 2002 No. 350
Renumbered r. 1.000 .....	2002 No. 350
r. 1.000 .....	rep. 2004 No. 345
r. 1.003 .....	am. No. 80, 2013
r. 1.1 .....	rs. 2002 No. 350
Renumbered r. 1.001 .....	2002 No. 350
r. 1.2 .....	rep. 2002 No. 350
r. 1.3 .....	
Renumbered r. 1.003 .....	2002 No. 350
r. 1.4 .....	rs. 2000 No. 204
Renumbered r. 1.004 .....	2002 No. 350
Note to r. 1.004(2) .....	rs. 2004 No. 345
r. 1.5 .....	rep. 2000 No. 204
r. 1.005 .....	ad. 2004 No. 345
r. 1.6 .....	
Renumbered r. 1.006 .....	2002 No. 350
r. 1.006 .....	rs. 2004 No. 345 rep No 275, 2013
r. 1.7 .....	
Renumbered r. 1.007 .....	2002 No. 350
r. 1.007 .....	am. No. 80, 2013 rep No 275, 2013
r. 1.008 .....	ad. 2004 No. 345

## Endnote 4—Amendment history

Provision affected	How affected
<b>Part 11</b>	
Part 11 .....	ad. 2000 No. 204
	rs. 2004 No. 345
Table of Contents to .....	am No 80 and 188, 2013
Part 11	
<b>Subpart 11.A</b>	
r. 11.005 .....	ad. 2004 No. 345
	rs. 2011 No. 77
r. 11.010 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.015 .....	ad. 2004 No. 345
	am. 2011 No. 77; No. 80, 2013
r. 11.018 .....	ad. 2011 No. 77
<b>Subpart 11.B</b>	
Heading to Subpart 11.B .....	rs. 2011 No. 77
r. 11.020 .....	ad. 2004 No. 345
Heading to r. 11.025 .....	rs. No. 80, 2013
r. 11.025 .....	ad. 2004 No. 345
	rs. 2011 No. 77
	am No 188, 2013
r. 11.026 .....	ad No 188, 2013
r. 11.030 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.032 .....	ad. 2011 No. 77
r. 11.035 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.040 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.045 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.047 .....	ad. 2011 No. 77
r. 11.050 .....	ad. 2004 No. 345
	am. 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
<b>Subpart 11.BA</b>	
Heading to Subpart 11.BA.....	ad. 2011 No. 77
r. 11.055 .....	ad. 2004 No. 345 am. 2011 No. 77; No. 80, 2013
r. 11.056 .....	ad. 2011 No. 77 am. No. 80, 2013
r. 11.060 .....	ad. 2004 No. 345 rs. 2011 No. 77 am. No. 80, 2013
r. 11.065 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.067 .....	ad. 2011 No. 77 am. No. 80, 2013
r. 11.068 .....	ad. 2011 No. 77
r. 11.070 .....	ad. 2004 No. 345 rs. 2011 No. 77
r. 11.071 .....	ad. 2011 No. 77
r. 11.072 .....	ad. 2011 No. 77
r. 11.073 .....	ad. 2011 No. 77
r. 11.074 .....	ad. 2011 No. 77
r. 11.075 .....	ad. 2011 No. 77
r. 11.077 .....	ad. 2011 No. 77
r. 11.080 .....	ad. 2004 No. 345 rep. 2011 No. 77 ad. No. 80, 2013
<b>Subpart 11.C</b>	
r. 11.090 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.095 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.100 .....	ad. 2004 No. 345
r. 11.105 .....	ad. 2004 No. 345

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## Endnote 4—Amendment history

Provision affected	How affected
r. 11.110 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.115 .....	ad. 2004 No. 345
<b>Subpart 11.D</b>	
r. 11.120 .....	ad. 2004 No. 345 rs. 2011 No. 77
Heading to r. 11.125 .....	rs. 2011 No. 77
r. 11.125 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.130 .....	ad. 2004 No. 345
Note to r. 11.130 .....	rep. 2011 No. 77
r. 11.132 .....	ad. 2011 No. 77
<b>Subpart 11.E</b>	
r. 11.135 .....	ad. 2004 No. 345 rs. 2011 No. 77
r. 11.140 .....	ad. 2004 No. 345 am. 2011 No. 77
Heading to r. 11.145 .....	rs. 2011 No. 77
r. 11.145 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.150 .....	ad. 2004 No. 345 am. 2011 No. 77
<b>Subpart 11.F</b>	
Heading to Subpart 11.F .....	rs. 2011 No. 77
<b>Division 11.F.1</b>	
r. 11.155 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.160 .....	ad. 2004 No. 345 am. 2011 No. 77
Note 1 to r. 11.160(3) .....	ad. 2011 No. 77
Note 2 to r. 11.160(3) .....	ad. 2011 No. 77
Note 3 to r. 11.160(3) .....	ad. 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 11.165 .....	ad. 2004 No. 345 am. 2011 no. 77
r. 11.170 .....	ad. 2004 No. 345
r. 11.175 .....	ad. 2004 No. 345
<b>Division 11.F.2</b>	
r. 11.180 .....	ad. 2004 No. 345 rs. 2011 No. 77
r. 11.185 .....	ad. 2004 No. 345 am. 2011 No. 77
r. 11.190 .....	ad. 2004 No. 345
r. 11.195 .....	ad. 2004 No. 345
<b>Division 11.F.3</b>	
r. 11.200 .....	ad. 2004 No. 345 rs. 2011 No. 77
r. 11.205 .....	ad. 2004 No. 345
r. 11.210 .....	ad. 2004 No. 345
r. 11.215 .....	ad. 2004 No. 345 rep. 2011 No. 77
r. 11.220 .....	ad. 2004 No. 345
Note to r. 11.220(1) .....	rs. 2005 No. 323 rep. 2011 No. 77
r. 11.225 .....	ad. 2004 No. 345 am. 2011 No. 77
Note 1 to r. 11.225 .....	rep. 2011 No. 77
Note 2 to r. 11.225 .....	rs. 2005 No. 323 rep. 2011 No. 77
Note to r. 11.255 .....	ad. 2011 No. 77
r. 11.230 .....	ad. 2004 No. 345 am. 2011 No. 77
Note to r. 11.230 .....	rs. 2005 No. 323 rep. 2011 No. 77
r. 11.235 .....	ad. 2004 No. 345

## Endnote 4—Amendment history

Provision affected	How affected
<b>Subpart 11.G</b>	
Heading to r. 11.240 .....	rs. 2011 No. 77
r. 11.240 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.245 .....	ad. 2004 No. 345
	am. 2011 No. 77
Note 1 to r. 11.245(1) .....	rs. 2005 No. 323; 2011 No. 77
Note 2 to r. 11.245(1) .....	rs. 2011 No. 77
Note 3 to r. 11.245(1) .....	rep. 2011 No. 77
r. 11.250 .....	ad. 2004 No. 345
	am. 2011 No. 77
Note to r. 11.250 .....	rs. 2005 No. 323
	rep. 2011 No. 77
r. 11.255 .....	ad. 2004 No. 345
	am. 2011 No. 77
<b>Subpart 11.H</b>	
r. 11.260 .....	ad. 2004 No. 345
	am. 2011 No. 77; No. 80, 2013
Note to r. 11.260(4) .....	ad. 2011 No. 77
<b>Subpart 11.J</b>	
r. 11.265 .....	ad. 2004 No. 345
	am. 2005 No. 323
	rs. 2011 No. 77
Note to r. 11.265(2) .....	ad. 2005 No. 323
	rep. 2011 No. 77
Notes 1 and 2 to .....	rep. 2005 No. 323
r. 11.265(3)	
r. 11.267 .....	ad. 2011 No. 77
r. 11.270 .....	ad. 2004 No. 345
r. 11.275 .....	ad. 2004 No. 345
	am. 2011 No. 77
r. 11.280 .....	ad. 2004 No. 345
	am. 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 11.285 .....	ad. 2004 No. 345
r. 11.290 .....	ad. 2004 No. 345
r. 11.295 .....	ad. 2004 No. 345
<b>Part 13</b>	
Part 13 .....	ad. 2000 No. 204
	rs. 2004 No. 4
<b>Subpart 13.K</b>	
<b>Division 13.K.1</b>	
r. 13.320 .....	ad. 2004 No. 4
r. 13.325 .....	ad. 2004 No. 4
r. 13.330 .....	ad. 2004 No. 4
r. 13.335 .....	ad. 2004 No. 4
r. 13.340 .....	ad. 2004 No. 4
r. 13.345 .....	ad. 2004 No. 4
	am. 2008 No. 192
r. 13.350 .....	ad. 2004 No. 4
r. 13.355 .....	ad. 2004 No. 4
r. 13.360 .....	ad. 2004 No. 4
r. 13.365 .....	ad. 2004 No. 4
<b>Division 13.K.2</b>	
r. 13.370 .....	ad. 2004 No. 4
r. 13.375 .....	ad. 2004 No. 4
	am. 2004 No. 345; 2010 No. 328
r. 13.380 .....	ad. 2004 No. 4
<b>Part 21</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 21	am No 80 and 188, 2013; No 40, 2014
<b>Subpart 21.A</b>	
Heading to Subpart A of Part 21	
Renumbered .....	2002 No. 350
Subpart 21.A	
r. 21.0 .....	ad. 2000 No. 204

## Endnote 4—Amendment history

Provision affected	How affected
	am. 2000 No. 204; 2001 No. 242; 2002 Nos. 320 and 350
Renumbered r. 21.000 .....	2002 No. 350
r. 21.000 .....	rep. 2004 No. 345
r. 21.1	
Renumbered r. 21.001 .....	2002 No. 350
r. 21.001 .....	am. 2011 No. 76; No 188, 2013
r. 21.1A	
Renumbered r. 21.001A.....	2002 No. 350
r. 21.1B.....	rep. 2002 No. 320
r. 21.2 .....	rep. 2002 No. 268
r. 21.2A	
Renumbered r. 21.002A.....	2002 No. 350
r. 21.002A.....	rep. 2011 No. 77
r. 21.2B.....	am. 1999 No. 166
Renumbered r. 21.002B.....	2002 No. 350
r. 21.002B.....	rep. 2011 No. 77
Note to r. 21.002B .....	am. 2002 No. 350
	rep. 2002 No. 77
r. 21.2C	
Renumbered r. 21.002C.....	2002 No. 350
r. 21.002C.....	am. 2002 No. 350
r. 21.2D	
Renumbered r. 21.002D.....	2002 No. 350
r. 21.002D.....	am. 2002 No. 350
r. 21.2E	
Renumbered r. 21.002E.....	2002 No. 350
Heading to r. 21.002E.....	rs. 2004 No. 345
r. 21.002E.....	am. 2004 No. 345
r. 21.3 .....	am. 1999 No. 166; 2002 Nos. 268 and 350
Renumbered r. 21.003 .....	2002 No. 350
r. 21.003 .....	am. 2002 No. 350; 2011 No. 76; No 188, 2013
r. 21.5 .....	am. 2002 No. 268

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Renumbered r. 21.005 .....	2002 No. 350
Heading to r. 21.005 .....	rs. 2011 No. 76
r. 21.005 .....	am. 2011 No. 76
r. 21.006 .....	ad. 2011 No. 76
	am No 188, 2013
r. 21.006A.....	ad. 2011 No. 76
	am No 188, 2013
hdg to r 21.007.....	rs No 40, 2014
r. 21.007 .....	ad. 2011 No. 76
	am No 188, 2013; No 40, 2014
r. 21.007A.....	ad. 2011 No. 76
	rs No 188, 2013
r. 21.008 .....	ad. 2011 No. 76
r. 21.009 .....	ad. 2011 No. 76
	am No 188, 2013; No 40, 2014
Notes to r 21.009(2).....	rep No 188, 2013
r. 21.010 .....	ad. 2011 No. 76
r 20.010A.....	ad No 40, 2014
<b>Subpart 21.B</b>	
Heading to Subpart B of Part 21	
Renumbered Subpart 21.B.....	2002 No. 350
Heading to Subpart 21.B .....	rs. No. 80, 2013
r. 21.11	
Renumbered r. 21.011 .....	2002 No. 350
r. 21.12 .....	am. 1999 No. 166
Renumbered r. 21.012 .....	2002 No. 350
r. 21.012 .....	am. No. 80, 2013
r. 21.13	
Renumbered r. 21.013 .....	2002 No. 350
r. 21.13A	
Renumbered r. 21.013A.....	2002 No. 350
r. 21.013A.....	am. 2002 No. 350; 2011 No. 77; No 188, 2013

## Endnote 4—Amendment history

Provision affected	How affected
r. 21.14	
Renumbered r. 21.014 .....	2002 No. 350
r. 21.014 .....	am. 2002 No. 350
r. 21.15	
Renumbered r. 21.015 .....	2002 No. 350
r. 21.015 .....	am. 2011 No. 77
r. 21.16 .....	am. 2002 No. 268
Renumbered r. 21.016 .....	2002 No. 350
r. 21.016 .....	am. No. 80, 2013
r. 21.17	
Renumbered r. 21.017 .....	2002 No. 350
r. 21.017 .....	am. 2002 No. 350; No. 80, 2013
r. 21.19 .....	am. 1999 No. 166
Renumbered r. 21.019 .....	2002 No. 350
r. 21.019 .....	am. 2002 No. 350
r. 21.21	
Renumbered r. 21.021 .....	2002 No. 350
r. 21.021 .....	am. 2002 No. 350; No. 80, 2013
r. 21.24 .....	am. 1999 No. 166
Renumbered r. 21.024 .....	2002 No. 350
r. 21.024 .....	am. 2002 No. 350; 2010 No. 328
r. 21.25 .....	am. 1999 No. 166
Renumbered r. 21.025 .....	2002 No. 350
r. 21.26 .....	am. 1999 No. 166
Renumbered r. 21.026 .....	2002 No. 350
r. 21.026 .....	am. 2002 No. 350; 2010 No. 328
r. 21.27 .....	am. 2002 No. 350
Renumbered r. 21.027 .....	2002 No. 350
Heading to r. 21.29 .....	rs. 2002 No. 320
r. 21.29 .....	am. 2002 No. 320
Renumbered r. 21.029 .....	2002 No. 350
r. 21.029 .....	am. 2002 No. 350; 2011 No. 77; No. 80, 2013

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 21.29A.....	am. 1999 No. 166
Renumbered r. 21.029A.....	2002 No. 350
r. 21.029A.....	am. 2002 No. 350; 2011 No. 77
r. 21.29B.....	am. 2002 No. 268
Renumbered r. 21.029B.....	2002 No. 350
r. 21.029B.....	am. 2002 No. 350
Note to r. 21.029B .....	am. 2002 No. 350
	rs. 2005 No. 323
r. 21.29C	
Renumbered r. 21.029C.....	2002 No. 350
r. 21.029C.....	am. 2002 No. 350
Note to r. 21.029C .....	am. 2002 No. 350
	rs. 2005 No. 323
r. 21.31 .....	am. 2002 No. 320
Renumbered r. 21.031 .....	2002 No. 350
r. 21.031 .....	am. 2002 No. 350; 2010 No. 328; No 188, 2013
r. 21.33 .....	am. 1999 No. 166
Renumbered r. 21.033 .....	2002 No. 350
r. 21.033 .....	am. 2002 No. 350; No. 80, 2013
r. 21.35	
Renumbered r. 21.035 .....	2002 No. 350
r. 21.035 .....	am. 2002 No. 350; No. 80, 2013
r. 21.37	
Renumbered r. 21.037 .....	2002 No. 350
r. 21.037 .....	am. 2002 No. 350
r. 21.39	
Renumbered r. 21.039 .....	2002 No. 350
r. 21.039 .....	am. 2002 No. 350
r. 21.41 .....	am. 1999 No. 166
Renumbered r. 21.041 .....	2002 No. 350
r. 21.041 .....	am. 2002 No. 350; No. 80, 2013
r. 21.43	

## Endnote 4—Amendment history

Provision affected	How affected
Renumbered r. 21.043 .....	2002 No. 350
r. 21.043 .....	am. 2002 No. 350
r. 21.47 .....	am. 2002 No. 268
Renumbered r. 21.047 .....	2002 No. 350
r 21.047 .....	rs No 188, 2013
r 21.048 .....	ad No 188, 2013
r. 21.49 .....	am. 2002 No. 268
Renumbered r. 21.049 .....	2002 No. 350
r. 21.50 .....	am. 2002 No. 268
Renumbered r. 21.050 .....	2002 No. 350
r. 21.050 .....	am. 2002 No. 350; No. 80, 2013
r. 21.51	
Renumbered r. 21.051 .....	2002 No. 350
r. 21.051 .....	am. 2002 No. 350
Note 1 to r. 21.051 .....	am. 2002 No. 350
	rs. 2005 No. 323
r. 21.53	
Renumbered r. 21.053 .....	2002 No. 350
r. 21.053 .....	am. 2002 No. 350
<b>Subpart 21.C</b>	
Heading to Subpart C of Part 21	
Renumbered Subpart 21.C.....	2002 No. 350
Heading to Subpart 21.C .....	rs. No. 80, 2013
r. 21.71	
Renumbered r. 21.071 .....	2002 No. 350
r. 21.73	
Renumbered r. 21.073 .....	2002 No. 350
r. 21.75	
Renumbered r. 21.075 .....	2002 No. 350
r. 21.76	
Renumbered r. 21.076 .....	2002 No. 350
r. 21.076 .....	am. 2002 No. 350; 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 21.77	
Renumbered r. 21.077 .....	2002 No. 350
r. 21.78	
Renumbered r. 21.078 .....	2002 No. 350
r. 21.078 .....	am. 2002 No. 350
Note to r. 21.078.....	am. 2002 No. 350
r. 21.79	
Renumbered r. 21.079 .....	2002 No. 350
r. 21.079 .....	rep. No. 80, 2013
r. 21.81 .....	am. 1999 No. 166; 2002 No. 350
Renumbered r. 21.081 .....	2002 No. 350
r. 21.081 .....	am. No. 80, 2013
r. 21.83 .....	am. 1999 No. 166; 2002 No. 350
Renumbered r. 21.083 .....	2002 No. 350
r. 21.083 .....	am. No. 80, 2013
r. 21.85 .....	am. 1999 No. 166; 2002 No. 350
Renumbered r. 21.085 .....	2002 No. 350
r. 21.085 .....	am. No. 80, 2013
<b>Subpart 21.D</b>	
Heading to Subpart D of Part 21	
Renumbered .....	2002 No. 350
Subpart 21.D	
r. 21.91	
Renumbered r. 21.091 .....	2002 No. 350
r. 21.93	
Renumbered r. 21.093 .....	2002 No. 350
r. 21.95	
Renumbered r. 21.095 .....	2002 No. 350
r 21.095 .....	rs No 188, 2013
r. 21.97	
Renumbered r. 21.097 .....	2002 No. 350
r 21.097 .....	am No 188, 2013

## Endnote 4—Amendment history

Provision affected	How affected
r. 21.98	
Renumbered r. 21.098 .....	2002 No. 350
r. 21.098 .....	am. 2002 No. 350; 2011 No. 77; No 188, 2013
r. 21.99 .....	am. 2002 No. 268
Renumbered r. 21.099 .....	2002 No. 350
r. 21.101 .....	am. 1999 No. 166; 2002 No. 350; No. 80, 2013
<b>Subpart 21.E</b>	
Heading to Subpart E of Part 21	
Renumbered Subpart 21.E.....	2002 No. 350
Heading to Subpart 21.E.....	rs. No. 80, 2013
r. 21.113 .....	am. 2002 No. 350; 2011 No. 77
r. 21.113A.....	am. 2011 No. 77
r. 21.114 .....	am. No. 80, 2013
r. 21.115 .....	am. 2002 No. 350
	rs No 188, 2013
r. 21.117 .....	am. 1999 No. 166
	rs No 188, 2013
Note to r. 21.118.....	am. 2002 No. 350
Note to r. 21.119.....	am. 2002 No. 350
r 21.120 .....	ad No 188, 2013
r 21.120A.....	ad No 188, 2013
r 21.120B.....	ad No 40, 2014
<b>Subpart 21.F</b>	
Heading to Subpart F of Part 21	
Renumbered .....	2002 No. 350
Subpart 21.F	
Note to r. 21.121(2) .....	am. 2002 No. 350
r. 21.123 .....	am. 2002 No. 268
r. 21.125 .....	am. 2002 No. 268
	am No 188, 2013
r. 21.127 .....	am. 2002 No. 268

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 21.128 .....	am. 2002 No. 268
r. 21.129 .....	am. 2004 No. 268
r. 21.130 .....	am. 2000 No. 227
r. 21.130A.....	am. 2002 No. 268; No. 80, 2013
<b>Subpart 21.G</b>	
Heading to Subpart G of Part 21	
Renumbered .....	2002 No. 350
Subpart 21.G	
r. 21.131 .....	am. 2000 No. 227
Heading to r. 21.132 .....	am. 2002 No. 350
r. 21.132 .....	ad. 2000 No. 227
	am No 188, 2013
Note to r 21.132.....	ad No 188, 2013
r. 21.132A.....	ad. 2000 No. 227
	am. 2001 No. 242
	rs No 188, 2013
r. 21.133 .....	rs. 2000 No. 227
	am. 2001 No. 242; 2003 No. 297; 2011 No. 77; No 188, 2013
r. 21.134 .....	am. 2002 No. 268; 2011 No. 77
r. 21.135 .....	am. 2000 No. 227
r. 21.137 .....	am No 80 and 188, 2013
r. 21.139 .....	rs. 2000 No. 227
r. 21.143 .....	am. 2000 No. 227; 2002 No. 268; 2003 No. 297
r. 21.144 .....	am. 2000 No. 227
r. 21.145 .....	am. 2002 No. 268; 2003 No. 297
r. 21.147 .....	am. 2000 No. 227; 2002 No. 268
r. 21.149 .....	rs. 2000 No. 227
r. 21.151 .....	rs. 2000 No. 227
	am. 2003 No. 297
r. 21.153 .....	am. 2000 No. 227; 2011 No. 77
r. 21.155 .....	rep. No. 80, 2013
r. 21.157 .....	rs. 2002 No. 268

## Endnote 4—Amendment history

Provision affected	How affected
Note to r. 21.159 .....	am. 2002 No. 350
r. 21.161 .....	am. 2002 No. 268
r. 21.163 .....	am. 2002 No. 350; 2010 No. 328
r. 21.165 .....	rs. 2000 No. 227
	am. 2002 No. 268
r. 21.166 .....	rs. 2000 No. 227
	am. 2002 No. 268; No. 80, 2013
<b>Subpart 21.H</b>	
Heading to Subpart H of..... Part 21	rs. 1999 No. 166
Renumbered Subpart 21.H.....	2002 No. 350
Heading to Subpart 21.H .....	rs. No. 80, 2013
r. 21.171 .....	am. 1999 No. 166
Note to r. 21.171 .....	rs. 2005 No. 323
r. 21.172 .....	ad. 2005 No. 321
r. 21.173 .....	am. 1999 No. 166; 2000 No. 204; 2004 No. 134; 2005 No. 321; 2011 No. 77
Note to r. 21.173(1) .....	ad. 2005 No. 321
r. 21.175 .....	am. 2005 No. 321; No. 80, 2013
Heading to r. 21.176 .....	rs. 1999 No. 166
r. 21.176 .....	am. 1999 No. 166; 2002 Nos. 268 and 350; 2011 No. 77
Heading to r. 21.181 .....	rs. 1999 No. 166
r. 21.181 .....	am. 2002 Nos. 268 and 350; 2005 No. 321; 2010 No. 328
Note to r. 21.181 .....	am. 2002 No. 350
r. 21.182 .....	ad. 2000 No. 204
	am. 2005 No. 321
r. 21.183 .....	am. 1999 No. 166; 2002 Nos. 320 and 350; 2010 No. 328; 2011 No. 76
r. 21.184 .....	am. 1999 No. 166; 2002 No. 350; 2010 No. 328; 2011 No. 76; No 275, 2013
r. 21.184A.....	am. 1999 No. 166; 2002 No. 350; 2011 No. 76
r. 21.185 .....	am. 1999 No. 166; 2002 No. 350; 2011 No. 76
r. 21.186 .....	ad. 2005 No. 321
	am No 188, 2013

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 21.187 .....	am. 2002 Nos. 268 and 350
r. 21.190 .....	am. 1999 No. 166; 2000 No. 227; 2004 No. 345; 2011 No. 76
r. 21.191 .....	am. 2002 No. 350; 2005 No. 321
r. 21.192 .....	am. 2000 No. 204; 2004 No. 134; 2005 No. 321
Note to r. 21.192.....	ad. 2005 No. 321
r. 21.193 .....	am. 2005 No. 321; No 80 and 188, 2013
r. 21.195A.....	am. 1999 No. 166; 2002 No. 268; 2011 No. 77; No 188, 2013
hdg to r 21.195B.....	rs No 188, 2013
r. 21.195B.....	am. 2002 Nos. 268 and 350; 2005 No. 321; No 188, 2013
Note to r. 21.195B .....	am. 2002 No. 350
r 21.195C.....	ad No 188, 2013
r. 21.197 .....	am. 1999 No. 166; 2002 Nos. 320 and 350; 2010 No. 328
r. 21.199 .....	am. 2011 No. 77
r. 21.200 .....	am. 2002 Nos. 268 and 350; 2004 No. 230; 2009 No. 64; 2011 No. 77
Heading to r. 21.201 .....	rs. 2011 No. 77
r. 21.201 .....	am. 2002 No. 268; 2011 No. 77
Note to r. 21.201(5) .....	am. 2002 No. 350
<b>Subpart 21.I</b>	
Heading to Subpart I of Part 21	
Renumbered Subpart 21.I.....	2002 No. 350
Heading to Subpart 21.I.....	rs. No. 80, 2013
r. 21.215 .....	am. No. 80, 2013
r. 21.216 .....	am. 2011 No. 77
Note to r. 21.217.....	am. 2002 No. 350
r. 21.219 .....	rs. No. 80, 2013
r. 21.221 .....	am. 1999 No. 166; 2002 No. 350; No. 80, 2013
r. 21.223 .....	am. 1999 No. 166; 2002 No. 350; No. 80, 2013
r. 21.225 .....	am. 1999 No. 166; 2002 No. 350; No. 80, 2013
<b>Subpart 21.J</b>	
Heading to Subpart J of Part 21	

## Endnote 4—Amendment history

Provision affected	How affected
Renumbered .....	2002 No. 350
Subpart 21.J	
Subpart 21.J of Part 21 .....	rs No 188, 2013
<b>Div 21.J.1</b>	
r. 21.231 .....	am. 2000 No. 227
	rs No 188, 2013
r 21.233 .....	ad No 188, 2013
	am No 40, 2014
r. 21.235 .....	am. 2011 No. 77
	rs No 188, 2013
r 21.237 .....	ad No 188, 2013
r. 21.239 .....	am. 2011 No. 77; No. 80, 2013
	rs No 188, 2013
<b>Div 21.J.2</b>	
r 21.241 .....	ad No 188, 2013
r 21.243 .....	rs No 188, 2013
Note to r. 21.243 .....	am. 2002 No. 350
	rep No 188, 2013
r. 21.245 .....	am. 2002 No. 268
	rs No 188, 2013
r. 21.247 .....	rep. No. 80, 2013
	ad No 188, 2013
r 21.248 .....	ad No 188, 2013
r 21.249 .....	rs No 188, 2013
<b>Div 21.J.3</b>	
r. 21.251 .....	am. 2000 No. 227
	rs No 188, 2013
	am No 40, 2014
<b>Div 21.J.4</b>	
r. 21.253 .....	am. No. 80, 2013
	rs No 188, 2013
r 21.255 .....	ad No 188, 2013
r 21.256 .....	ad No 188, 2013

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r 21.257 .....	rs No 188, 2013
r 21.258 .....	ad No 188, 2013
r 21.259 .....	ad No 188, 2013
r. 21.261 .....	am. 2002 No. 268; No. 80, 2013
	rs No 188, 2013
<b>Div 21.J.5</b>	
r 21.263 .....	ad No 188, 2013
r 21.265 .....	ad No 188, 2013
r. 21.267 .....	am. 2002 No. 350
	rs No 188, 2013
r 21.269 .....	rs No 188, 2013
r 21.270 .....	ad No 188, 2013
Heading to r. 21.271 .....	am. 2000 No. 227
	rs. 2004 No. 345; No 188, 2013
r. 21.271 .....	am. 2000 No. 227; 2002 No. 268
	rs No 188, 2013
r 21.273 .....	rs No 188, 2013
r 21.275 .....	rs No 188, 2013
r. 21.277 .....	am. 2002 No. 268; 2002 No. 350
	rs No 188, 2013
r 21.279 .....	ad No 188, 2013
r 21.281 .....	ad No 188, 2013
r 21.283 .....	ad No 188, 2013
r 21.289 .....	rep No 188, 2013
r. 21.293 .....	am. 2002 No. 268
	rep No 188, 2013
<b>Subpart 21.K</b>	
Heading to Subpart K of Part 21	
Renumbered Subpart 21.K.....	2002 No. 350
r. 21.303 .....	am. 2000 No. 227; 2002 Nos. 268 and 350; 2003 No. 297; 2010 No. 328; 2011 Nos. 76 and 77; No 80 and 188, 2013
Note to r. 21.303 .....	am. 2002 No. 350

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## Endnote 4—Amendment history

Provision affected	How affected
r. 21.304 .....	ad. 2003 No. 297 rep. 2011 No. 77
r. 21.304A.....	ad. 2003 No. 297
r. 21.305 .....	am. 2002 No. 350; 2010 No. 328
r 21.305A.....	am No 188, 2013
r. 21.306 .....	rs. 2010 No. 328
<b>Subpart 21.L</b>	
Heading to Subpart L of Part 21	
Renumbered Subpart 21.L.....	2002 No. 350
r. 21.321 .....	am. No. 80, 2013
r. 21.324 .....	am. 2011 No. 77
r. 21.325 .....	am. 2000 No. 227; 2002 Nos. 268 and 350
r. 21.327 .....	am. 1999 No. 166; 2011 No. 77; No. 80, 2013
r. 21.329 .....	am. 1999 No. 166; 2002 No. 350; 2010 No. 328
Note to r. 21.329(7) .....	rs. 2010 No. 328
r. 21.331 .....	am. 1999 No. 166; No 188, 2013
r. 21.333 .....	am. 1999 No. 166; No 188, 2013
r. 21. 337 .....	rep. 2010 No. 328
<b>Subpart 21.M</b>	
Subpart 21.M.....	ad. 2011 No. 76
<b>Division 21.M.1</b>	
r. 21.400 .....	ad. 2011 No. 76
r. 21.402 .....	ad. 2011 No. 76 rs No 188, 2013
r 21.403 .....	ad No 188, 2013
<b>Division 21.M.2</b>	
r. 21.405 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.410 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.414 .....	ad. 2011 No. 76 am No 188, 2013

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 21.416 .....	ad. 2011 No. 76 rs No 188, 2013
r. 21.418 .....	ad No 188, 2013
r. 21.420 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.425 .....	ad. 2011 No. 76
hdg to r 21.430.....	rs No 188, 2013
r. 21.430 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.435 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.436 .....	ad No 188, 2013
hdg to r 21.437.....	rs No 188, 2013
r. 21.437 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.440 .....	ad. 2011 No. 76 am No 188, 2013
r. 21.445 .....	ad. 2011 No. 76 am No 188, 2013
<b>Division 21.M.3</b>	
r. 21.448 .....	ad. 2011 No. 76
r. 21.450 .....	ad. 2011 No. 76
r. 21.455 .....	ad. 2011 No. 76
r. 21.460 .....	ad. 2011 No. 76
<b>Division 21.M.4</b>	
r. 21.465 .....	ad. 2011 No. 76
r. 21.470 .....	ad. 2011 No. 76
r. 21.475 .....	ad. 2011 No. 76
<b>Subpart 21.N</b>	
Heading to Subpart N of Part 21	
Renumbered .....	2002 No. 350
Subpart 21.N	

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## Endnote 4—Amendment history

Provision affected	How affected
r. 21.500 .....	am. 1999 No. 166; 2002 No. 350; No 80 and 188, 2013; No 40, 2014
r. 21.500A.....	am. 2011 No. 77; No 188, 2013
r. 21.502 .....	am. 1999 No. 166; 2002 No. 350; No. 80, 2013; No 40, 2014
r. 21.502A.....	am. 1999 No. 166; 2011 No. 77; No 188, 2013
<b>Subpart 21.O</b>	
Heading to Subpart O of Part 21	
Renumbered .....	2002 No. 350
Subpart 21.O	
r. 21.601 .....	am. 2001 No. 34; No 80 and 188, 2013
r. 21.603 .....	am. 2001 No. 34
	rs. 2002 No. 268
	am No 188, 2013
r. 21.605 .....	am. 1999 No. 166; 2001 No. 34; 2003 No. 297; 2011 No. 77; No 188, 2013
r. 21.607 .....	am. 2001 No. 34; 2002 No. 268; No 80 and 188, 2013
r. 21.609 .....	am. 1999 No. 166; 2001 No. 34; 2011 No. 77; No 188, 2013
r. 21.611 .....	am. 2001 No. 34; 2002 Nos. 268 and 350; 2011 No. 76; No 188, 2013
Note to r 21.611(4).....	rs No 188, 2013
r. 21.613 .....	am. 2002 No. 268; 2003 No. 297
r. 21.617 .....	am. 1999 No. 166; No 275, 2013
r. 21.619 .....	am. 2001 No. 34; No 188, 2013
Note to r. 21.619.....	am. 2002 No. 350
Heading to r. 21.621 .....	rs. No. 80, 2013
r. 21.621 .....	am. No. 80, 2013
<b>Subpart 21.Q</b>	
Subpart Q of Part 21 .....	ad. 2000 No. 204
Heading to Subpart Q of Part 21	
Renumbered Subpart 21.Q.....	2002 No. 350
<b>Division 21.Q.1</b>	
Heading to Div. 1 of Subpart 21.Q	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Renumbered Div. 21.Q.1 .....	2002 No. 350
r. 21.805 .....	ad. 2000 No. 204
r. 21.810 .....	ad. 2000 No. 204
<b>Division 21.Q.2</b>	
Heading to Div. 2 of Subpart 21.Q	
Renumbered Div. 21.Q.2 .....	2002 No. 350
r. 21.815 .....	ad. 2000 No. 204
r. 21.820 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268; 2005 No. 321
Note to r. 21.820(4) .....	am. 2001 No. 242; 2011 No. 77
r. 21.825 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
Note to r. 21.825 .....	am. 2001 No. 242
Heading to r. 21.830 .....	rs. 2001 No. 242
r. 21.830 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
Note to r. 21.830 .....	am. 2001 No. 242
r. 21.835 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
r. 21.840 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
<b>Division 21.Q.3</b>	
Heading to Div. 3 of Subpart 21.Q	
Renumbered Div. 21.Q.3 .....	2002 No. 350
r. 21.845 .....	ad. 2000 No. 204
	am. 2004 No. 345
r. 21.850 .....	ad. 2000 No. 204
	am. 2002 No. 268
r. 21.855 .....	ad. 2000 No. 204
	am. 2002 No. 268
<b>Division 21.Q.4</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
Heading to Div. 4 of Subpart 21.Q	
Renumbered Div. 21.Q.4.....	2002 No. 350
Heading to Div. 21.Q.4.....	rs. 2003 No. 297
r. 21.860 .....	ad. 2000 No. 204
	rs. 2003 No. 297
	am. 2004 No. 345
Heading to r. 21.865 .....	rs. 2003 No. 297
r. 21.865 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
Heading to r. 21.870 .....	rs. 2001 No. 242; 2003 No. 297
r. 21.870 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 268
Note to r. 21.870(3) .....	rep. 2001 No. 242
r. 21.875 .....	ad. 2003 No. 297
	am. 2004 No. 345
r. 21.880 .....	ad. 2003 No. 297
<b>Part 22</b>	
Part 22 .....	rs. 2009 No. 147
Table of Contents to .....	ad. 2004 No. 345
Part 22 .....	rs. 2009 No. 147
	am. No. 80, 2013
r. 22.0 .....	ad. 2000 No. 204
Renumbered r. 22.000 .....	2002 No. 350
r. 22.000 .....	rep. 2004 No. 345
r. 22.1	
Renumbered r. 22.001 .....	2002 No. 350
r. 22.001 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 22.2	
Renumbered r. 22.002 .....	2002 No. 350
r. 22.002 .....	am. 2002 No. 350
	rs. 2009 No. 147

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 22.3	
Renumbered r. 22.003 .....	2002 No. 350
r. 22.003 .....	rs. 2009 No. 147
r. 22.4	
Renumbered r. 22.004 .....	2002 No. 350
r. 22.004 .....	rs. 2009 No. 147
r. 22.5	
Renumbered r. 22.005 .....	2002 No. 350
r. 22.005 .....	am. 2002 No. 350
	rep. 2009 No. 147
r. 22.6	
Renumbered r. 22.006 .....	2002 No. 350
r. 22.006 .....	rep. 2009 No. 147
r. 22.7	
Renumbered r. 22.007 .....	2002 No. 350
r. 22.007 .....	rep. 2009 No. 147
r. 22.8	
Renumbered r. 22.008 .....	2002 No. 350
r. 22.008 .....	am. 2002 No. 350
	rep. 2009 No. 147
r. 22.9	
Renumbered r. 22.009 .....	2002 No. 350
r. 22.009 .....	rep. 2009 No. 147
<b>Part 23</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 23	am. No. 80, 2013
r. 23.0 .....	ad. 2000 No. 204
Renumbered r. 23.000 .....	2002 No. 350
r. 23.000 .....	rep. 2004 No. 345
r. 23.1	
Renumbered r. 23.001 .....	2002 No. 350
r. 23.001 .....	am. 2004 No. 345
	rs. 2009 No. 147

## Endnote 4—Amendment history

Provision affected	How affected
r. 23.2	
Renumbered r. 23.002 .....	2002 No. 350
r. 23.002 .....	am. 2002 No. 350
	rs. 2009 No. 147
r. 23.3	
Renumbered r. 23.003 .....	2002 No. 350
r. 23.4	
Renumbered r. 23.004 .....	2002 No. 350
r. 23.004 .....	rs. 2009 No. 147
r. 23.5	
Renumbered r. 23.005 .....	2002 No. 350
r. 23.005 .....	rs. 2009 No. 147
r. 23.6	
Renumbered r. 23.006 .....	2002 No. 350
r. 23.006 .....	am. No. 80, 2013
r. 23.7	
Renumbered r. 23.007 .....	2002 No. 350
r. 23.007 .....	rs. 2009 No. 147
r. 23.8	
Renumbered r. 23.008 .....	2002 No. 350
r. 23.008 .....	rs. 2009 No. 147
<b>Part 25</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 25	am. No. 80, 2013
<b>Subpart 25.A</b>	
Heading to Subpart A of.....	ad. 2000 No. 227
Part 25	
Relocated and renumbered	
Subpart 25.A.....	2002 No. 350
r. 25.0 .....	ad. 2000 No. 204
	rs. 2002 No. 350
Renumbered r. 25.000 .....	2002 No. 350
r. 25.000 .....	rep. 2004 No. 345

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 25.1 .....	am. 2000 No. 227
Renumbered r. 25.001 .....	2002 No. 350
r. 25.001 .....	rs. 2009 No. 147
r. 25.2	
Renumbered r. 25.002 .....	2002 No. 350
r. 25.002 .....	am. 2002 No. 350
	rs. 2009 No. 147
<b>Subpart 25.B</b>	
Heading to Subpart B of .....	ad. 2000 No. 227
Part 25	
Renumbered Subpart 25.B.....	2002 No. 350
Heading to Subpart 25.B .....	rs. 2009 No. 147
r. 25.3	
Renumbered r. 25.003 .....	2002 No. 350
r. 25.4	
Renumbered r. 25.004 .....	2002 No. 350
r. 25.004 .....	rs. 2009 No. 147
r. 25.5	
Renumbered r. 25.005 .....	2002 No. 350
r. 25.005 .....	am. No. 80, 2013
r. 25.6	
Renumbered r. 25.006 .....	2002 No. 350
r. 25.006 .....	rs. 2009 No. 147
<b>Subpart 25.C</b>	
Subpart C of Part 25 .....	ad. 2000 No. 227
Heading to Subpart C of Part 25	
Renumbered .....	2002 No. 350
Subpart 25.C	
r. 25.11 .....	ad. 2000 No. 227
Renumbered r. 25.011 .....	2002 No. 350
r. 25.13 .....	ad. 2000 No. 227
Renumbered r. 25.013 .....	2002 No. 350

## Endnote 4—Amendment history

Provision affected	How affected
<b>Part 26</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 26	am. No. 80, 2013
r. 26.0 .....	ad. 2000 No. 204
Renumbered r. 26.000 .....	2002 No. 350
r. 26.000 .....	rep. 2004 No. 345
r. 26.1	
Renumbered r. 26.001 .....	2002 No. 350
r. 26.2	
Renumbered r. 26.002 .....	2002 No. 350
r. 26.002 .....	am. No. 80, 2013
<b>Part 27</b>	
Heading to Part 27 .....	rs. 1999 No. 166
Table of Contents to .....	ad. 2004 No. 345
Part 27	am. No. 80, 2013
r. 27.0 .....	ad. 2000 No. 204
Renumbered r. 27.000 .....	2002 No. 350
r. 27.000 .....	rep. 2004 No. 345
r. 27.1 .....	am. 1999 No. 166
Renumbered r. 27.001 .....	2002 No. 350
r. 27.001 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 27.2	
Renumbered r. 27.002 .....	2002 No. 350
r. 27.002 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 27.3	
Renumbered r. 27.003 .....	2002 No. 350
r. 27.003A.....	ad. 2009 No. 147
r. 27.4	
Renumbered r. 27.004 .....	2002 No. 350
r. 27.004 .....	am. No. 80, 2013
r. 27.005 .....	ad. 2009 No. 147

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
<b>Part 29</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 29	am. No. 80, 2013
r. 29.0 .....	ad. 2000 No. 204
Renumbered r. 29.000 .....	2002 No. 350
r. 29.000 .....	rep. 2004 No. 345
r. 29.1	
Renumbered r. 29.001 .....	2002 No. 350
r. 29.001 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 29.2	
Renumbered r. 29.002 .....	2002 No. 350
r. 29.002 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 29.3	
Renumbered r. 29.003 .....	2002 No. 350
r. 29.003A .....	ad. 2009 No. 147
r. 29.4	
Renumbered r. 29.004 .....	2002 No. 350
r. 29.004 .....	am. No. 80, 2013
r. 29.005 .....	ad. 2009 No. 147
<b>Part 31</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 31	am. No. 80, 2013
r. 31.0 .....	ad. 2000 No. 204
Renumbered r. 31.000 .....	2002 No. 350
r. 31.000 .....	rep. 2004 No. 345
r. 31.1	
Renumbered r. 31.001 .....	2002 No. 350
r. 31.2	
Renumbered r. 31.002 .....	2002 No. 350
r. 31.002 .....	am. No. 80, 2013
<b>Part 32</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
Table of Contents to .....	ad. 2004 No. 345
Part 32	am. No. 80, 2013
r. 32.0 .....	ad. 2000 No. 204
Renumbered r. 32.000 .....	2002 No. 350
r. 32.000 .....	rep. 2004 No. 345
r. 32.1	
Renumbered r. 32.001 .....	2002 No. 350
r. 32.001 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 32.2	
Renumbered r. 32.002 .....	2002 No. 350
r. 32.002 .....	am. 2004 No. 345; 2009 No. 147; No. 80, 2013
r. 32.3	
Renumbered r. 32.003 .....	2002 No. 350
r. 32.003 .....	rs. 2009 No. 147
r. 32.4	
Renumbered r. 32.004 .....	2002 No. 350
r. 32.004 .....	rs. 2009 No. 147
<b>Part 33</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 33	am. No. 80, 2013
r. 33.0 .....	ad. 2000 No. 204
Renumbered r. 33.000 .....	2002 No. 350
r. 33.000 .....	rep. 2004 No. 345
r. 33.1	
Renumbered r. 33.001 .....	2002 No. 350
r. 33.001 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 33.2	
Renumbered r. 33.002 .....	2002 No. 350
r. 33.002 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 33.3	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Renumbered r. 33.003 .....	2002 No. 350
r. 33.003A.....	ad. 2009 No. 147
r. 33.4	
Renumbered r. 33.004 .....	2002 No. 350
r. 33.004 .....	am. No. 80, 2013
r. 33.005 .....	ad. 2009 No. 147
<b>Part 35</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 35	am. No. 80, 2013
r. 35.0 .....	ad. 2000 No. 204
Renumbered r. 35.000 .....	2002 No. 350
r. 35.000 .....	rep. 2004 No. 345
r. 35.1	
Renumbered r. 35.001 .....	2002 No. 350
r. 35.001 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 35.2	
Renumbered r. 35.002 .....	2002 No. 350
r. 35.002 .....	am. 2004 No. 345
	rs. 2009 No. 147
r. 35.3	
Renumbered r. 35.003 .....	2002 No. 350
r. 35.003A.....	ad. 2009 No. 147
r. 35.4	
Renumbered r. 35.004 .....	2002 No. 350
r. 35.004 .....	am. No. 80, 2013
r. 35.005 .....	ad. 2009 No. 147
<b>Part 39</b>	
Part 39 .....	ad. 1999 No. 262
Table of Contents to .....	ad. 2004 No. 345
Part 39	am. No. 80, 2013
r. 39.0 .....	ad. 2000 No. 204
Renumbered r. 39.000 .....	2002 No. 350

## Endnote 4—Amendment history

Provision affected	How affected
r. 39.000 .....	rep. 2004 No. 345
r. 39.001A.....	ad. 2009 No. 64
r. 39.1 .....	ad. 1999 No. 262
Renumbered r. 39.001 .....	2002 No. 350
Heading to r. 39.001 .....	rs. 2009 No. 64
r. 39.001 .....	am. 2004 No. 230; 2005 No. 323; 2009 No. 64
r. 39.2 .....	ad. 1999 No. 262
Renumbered r. 39.002 .....	2002 No. 350
Heading to r. 39.002 .....	rs. 2009 No. 64
r. 39.002 .....	am. 2002 No. 350; 2009 No. 64
Note to r. 39.002.....	rep. 2009 No. 64
r. 39.002A.....	ad. 2009 No. 64
r. 39.3 .....	ad. 1999 No. 262
	rs. 2002 No. 268
Renumbered r. 39.003 .....	2002 No. 350
Heading to r. 39.003 .....	rs. 2009 No. 64
r. 39.003 .....	am. 2004 No. 134
	rs. 2004 No. 230
	am. 2009 No. 64
Notes 1 and 2 to r. 39.003.....	rep. 2009 No. 64
r. 39.4 .....	ad. 1999 No. 262
Renumbered r. 39.004 .....	2002 No. 350
r. 39.004 .....	am. 2004 No. 230
	rs. 2009 No. 64
r. 39.5 .....	ad. 1999 No. 262
	am. 2002 No. 350
Renumbered r. 39.005 .....	2002 No. 350
r. 39.005 .....	rs. 2009 No. 64
r. 39.6 .....	ad. 1999 No. 262
Renumbered r. 39.006 .....	2002 No. 350
Heading to r. 39.006 .....	rs. 2009 No. 64
r. 39.006 .....	am. 2009 No. 64

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Note to r. 39.006 .....	rep. 2009 No. 64
r. 39.7 .....	ad. 1999 No. 262
Renumbered r. 39.007 .....	2002 No. 350
r. 39.007 .....	am. 2002 No. 350; 2009 No. 64
Note to r. 39.007(4) .....	rep. 2009 No. 64
<b>Part 42</b>	
Part 42 .....	ad. 2010 No. 328
Table of Contents to .....	am. No. 80, 2013
Part 42	
<b>Subpart 42.A</b>	
r. 42.005 .....	ad. 2010 No. 328
r. 42.010 .....	ad. 2010 No. 328
Note 2 to r 42.010 .....	rs No 275, 2013
r. 42.015 .....	ad. 2010 No. 328
	am 2011 No 76; 2012 No 107; No 275, 2013
r. 42.020 .....	ad. 2010 No. 328
	am. No. 80, 2013
<b>Subpart 42.B</b>	
<b>Division 42.B.1</b>	
r. 42.025 .....	ad. 2010 No. 328
<b>Division 42.B.2</b>	
r. 42.030 .....	ad. 2010 No. 328
	am No 80 and No 275, 2013
r. 42.035 .....	ad. 2010 No. 328
r. 42.040 .....	ad. 2010 No. 328
r. 42.045 .....	ad. 2010 No. 328
r. 42.050 .....	ad. 2010 No. 328
r. 42.055 .....	ad. 2010 No. 328
r. 42.060 .....	ad. 2010 No. 328
r. 42.065 .....	ad. 2010 No. 328
r. 42.070 .....	ad. 2010 No. 328
r. 42.075 .....	ad. 2010 No. 328
r. 42.080 .....	ad. 2010 No. 328

## Endnote 4—Amendment history

Provision affected	How affected
	am. No. 80, 2013
<b>Division 42.B.3</b>	
r. 42.085 .....	ad. 2010 No. 328
r. 42.090 .....	ad. 2010 No. 328
r. 42.095 .....	ad. 2010 No. 328
<b>Subpart 42.C</b>	
<b>Division 42.C.1</b>	
r. 42.100 .....	ad. 2010 No. 328
r. 42.105 .....	ad. 2010 No. 328
<b>Division 42.C.2</b>	
r. 42.110 .....	ad. 2010 No. 328
r. 42.115 .....	ad. 2010 No. 328
r. 42.120 .....	ad. 2010 No. 328
r. 42.125 .....	ad. 2010 No. 328
r. 42.130 .....	ad. 2010 No. 328
r. 42.135 .....	ad. 2010 No. 328
r. 42.140 .....	ad. 2010 No. 328
r. 42.145 .....	ad. 2010 No. 328
r. 42.150 .....	ad. 2010 No. 328
r. 42.155 .....	ad. 2010 No. 328
r. 42.160 .....	ad. 2010 No. 328
r. 42.165 .....	ad. 2010 No. 328
<b>Division 42.C.3</b>	
<b>Subdivision 42.C.3.1</b>	
r. 42.170 .....	ad. 2010 No. 328
<b>Subdivision 42.C.3.2</b>	
r. 42.175 .....	ad. 2010 No. 328
r. 42.180 .....	ad. 2010 No. 328
	am No 275, 2013
r. 42.185 .....	ad. 2010 No. 328
r. 42.190 .....	ad. 2010 No. 328
r. 42.195 .....	ad. 2010 No. 328

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am No 275, 2013
r. 42.200 .....	ad. 2010 No. 328
	am No 275, 2013
r. 42.205 .....	ad. 2010 No. 328
	am No 275, 2013
r. 42.210 .....	ad. 2010 No. 328
	am No 275, 2013
<b>Subdivision 42.C.3.3</b>	
r. 42.215 .....	ad. 2010 No. 328
<b>Subdivision 42.C.3.4</b>	
r. 42.220 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 42.225 .....	ad. 2010 No. 328
<b>Subdivision 42.C.3.5</b>	
r. 42.230 .....	ad. 2010 No. 328
r. 42.235 .....	ad. 2010 No. 328
r. 42.240 .....	ad. 2010 No. 328
<b>Subdivision 42.C.3.6</b>	
r. 42.245 .....	ad. 2010 No. 328
r. 42.250 .....	ad. 2010 No. 328
r. 42.255 .....	ad. 2010 No. 328
<b>Subdivision 42.C.3.7</b>	
r. 42.260 .....	ad. 2010 No. 328
	am No 275, 2013
r. 42.265 .....	ad. 2010 No. 328
<b>Division 42.C.4</b>	
r. 42.270 .....	ad. 2010 No. 328
	am. 2011 No. 76
Note to r. 42.270(2) .....	ad. 2011 No. 76
Note 1 to r. 42.270(2) .....	rep. 2011 No. 76
Note 2 to r. 42.270(2) .....	rep. 2011 No. 76
r. 42.275 .....	ad. 2010 No. 328

## Endnote 4—Amendment history

Provision affected	How affected
r. 42.280 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 42.285 .....	ad. 2010 No. 328
<b>Subpart 42.D</b>	
<b>Division 42.D.1</b>	
r. 42.290 .....	ad. 2010 No. 328
<b>Division 42.D.2</b>	
r. 42.295 .....	ad. 2010 No. 328
r. 42.300 .....	ad. 2010 No. 328
r. 42.301 .....	ad. No. 80, 2013
	am No 275, 2013
<b>Division 42.D.3</b>	
r. 42.305 .....	ad. 2010 No. 328
r. 42.306 .....	ad. No. 80, 2013
	am No 275, 2013
<b>Division 42.D.4</b>	
r. 42.310 .....	ad. 2010 No. 328
r. 42.315 .....	ad. 2010 No. 328
r. 42.320 .....	ad. 2010 No. 328
r. 42.325 .....	ad. 2010 No. 328
	am No 275, 2013
r. 42.330 .....	ad. 2010 No. 328
<b>Division 42.D.5</b>	
r. 42.335 .....	ad. 2010 No. 328
r. 42.340 .....	ad. 2010 No. 328
r. 42.345 .....	ad. 2010 No. 328
<b>Division 42.D.6</b>	
<b>Subdivision 42.D.6.1</b>	
r. 42.350 .....	ad. 2010 No. 328
r. 42.355 .....	ad. 2010 No. 328
r. 42.360 .....	ad. 2010 No. 328
	am No 40, 2014

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### Endnote 4—Amendment history

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Provision affected	How affected
r. 42.365 .....	ad. 2010 No. 328
r. 42.370 .....	ad. 2010 No. 328
<b>Subdivision 42.D.6.2</b>	
r. 42.375 .....	ad. 2010 No. 328
r. 42.380 .....	ad. 2010 No. 328
r. 42.385 .....	ad. 2010 No. 328
r. 42.390 .....	ad. 2010 No. 328
<b>Division 42.D.7</b>	
r. 42.395 .....	ad. 2010 No. 328
	am No 275, 2013
r. 42.400 .....	ad. 2010 No. 328
r. 42.405 .....	ad. 2010 No. 328
r. 42.410 .....	ad. 2010 No. 328
<b>Subpart 42.E</b>	
<b>Division 42.E.1</b>	
r. 42.415 .....	ad. 2010 No. 328
<b>Division 42.E.2</b>	
r. 42.420 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 42.425 .....	ad. 2010 No. 328
r. 42.430 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 42.435 .....	ad. 2010 No. 328
r. 42.440 .....	ad. 2010 No. 328
r. 42.445 .....	ad. 2010 No. 328
r. 42.450 .....	ad. 2010 No. 328
r. 42.455 .....	ad. 2010 No. 328
<b>Division 42.E.3</b>	
r. 42.460 .....	ad. 2010 No. 328
r. 42.465 .....	ad. 2010 No. 328
<b>Division 42.E.4</b>	
r. 42.470 .....	ad. 2010 No. 328

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## Endnote 4—Amendment history

Provision affected	How affected
r. 42.475 .....	ad. 2010 No. 328
r. 42.480 .....	ad. 2010 No. 328
r. 42.485 .....	ad. 2010 No. 328
r. 42.490 .....	ad. 2010 No. 328
<b>Subpart 42.F</b>	
<b>Division 42.F.1</b>	
r. 42.495 .....	ad. 2010 No. 328
r. 42.500 .....	ad. 2010 No. 328
r. 42.505 .....	ad. 2010 No. 328
<b>Division 42.F.2</b>	
r. 42.510 .....	ad. 2010 No. 328
r. 42.515 .....	ad. 2010 No. 328
r. 42.520 .....	ad. 2010 No. 328
r. 42.525 .....	ad. 2010 No. 328
r. 42.530 .....	ad. 2010 No. 328
<b>Division 42.F.3</b>	
r. 42.535 .....	ad. 2010 No. 328
r. 42.540 .....	ad. 2010 No. 328
r. 42.545 .....	ad. 2010 No. 328
r. 42.550 .....	ad. 2010 No. 328
<b>Division 42.F.4</b>	
r. 42.555 .....	ad. 2010 No. 328
r. 42.560 .....	ad. 2010 No. 328
r. 42.565 .....	ad. 2010 No. 328
<b>Subpart 42.G</b>	
<b>Division 42.G.1</b>	
r. 42.570 .....	ad. 2010 No. 328
r. 42.575 .....	ad. 2010 No. 328
r. 42.580 .....	ad. 2010 No. 328
<b>Division 42.G.2</b>	
r. 42.585 .....	ad. 2010 No. 328
r. 42.590 .....	ad. 2010 No. 328

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### Endnote 4—Amendment history

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Provision affected	How affected
r. 42.595 .....	ad. 2010 No. 328
r. 42.600 .....	ad. 2010 No. 328
r. 42.605 .....	ad. 2010 No. 328
<b>Division 42.G.3</b>	
r. 42.610 .....	ad. 2010 No. 328
r. 42.615 .....	ad. 2010 No. 328
r. 42.620 .....	ad. 2010 No. 328
r. 42.625 .....	ad. 2010 No. 328
<b>Division 42.G.4</b>	
r. 42.630 .....	ad. 2010 No. 328
r. 42.635 .....	ad. 2010 No. 328
r. 42.640 .....	ad. 2010 No. 328
r. 42.645 .....	ad. 2010 No. 328
<b>Division 42.G.5</b>	
r. 42.650 .....	ad. 2010 No. 328
r. 42.655 .....	ad. 2010 No. 328
r. 42.660 .....	ad. 2010 No. 328
r. 42.665 .....	ad. 2010 No. 328
r. 42.670 .....	ad. 2010 No. 328
r. 42.675 .....	ad. 2010 No. 328
<b>Subpart 42.H</b>	
<b>Division 42.H.1</b>	
r. 42.680 .....	ad. 2010 No. 328
<b>Division 42.H.2</b>	
<b>Subdivision 42.H.2.1</b>	
r. 42.685 .....	ad. 2010 No. 328
<b>Subdivision 42.H.2.2</b>	
r. 42.690 .....	ad. 2010 No. 328
r. 42.695 .....	ad. 2010 No. 328
r. 42.700 .....	ad. 2010 No. 328
<b>Subdivision 42.H.2.3</b>	
r. 42.705 .....	ad. 2010 No. 328

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## Endnote 4—Amendment history

Provision affected	How affected
r. 42.710 .....	ad. 2010 No. 328
<b>Subdivision 42.H.2.4</b>	
r. 42.715 .....	ad. 2010 No. 328
<b>Division 42.H.3</b>	
<b>Subdivision 42.H.3.1</b>	
r. 42.720 .....	ad. 2010 No. 328
r. 42.725 .....	ad. 2010 No. 328
<b>Subdivision 42.H.3.2</b>	
r. 42.730 .....	ad. 2010 No. 328
r. 42.735 .....	ad. 2010 No. 328
r. 42.740 .....	ad. 2010 No. 328
<b>Subdivision 42.H.3.3</b>	
r. 42.745 .....	ad. 2010 No. 328
r. 42.750 .....	ad. 2010 No. 328
r. 42.755 .....	ad. 2010 No. 328
<b>Subdivision 42.H.3.4</b>	
r. 42.760 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 42.765 .....	ad. 2010 No. 328
<b>Subdivision 42.H.3.5</b>	
r. 42.770 .....	ad. 2010 No. 328
<b>Division 42.H.4</b>	
<b>Subdivision 42.H.4.1</b>	
r. 42.775 .....	ad. 2010 No. 328
r. 42.780 .....	ad. 2010 No. 328
<b>Subdivision 42.H.4.2</b>	
r. 42.785 .....	ad. 2010 No. 328
r. 42.790 .....	ad. 2010 No. 328
<b>Subdivision 42.H.4.3</b>	
r. 42.795 .....	ad. 2010 No. 328
r. 42.800 .....	ad. 2010 No. 328
r. 42.805 .....	ad. 2010 No. 328

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### Endnote 4—Amendment history

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Provision affected	How affected
<b>Subdivision 42.H.4.4</b>	
r. 42.810 .....	ad. 2010 No. 328
r. 42.815 .....	ad. 2010 No. 328
	am. No. 80, 2013
<b>Subdivision 42.H.4.5</b>	
r. 42.820 .....	ad. 2010 No. 328
r. 42.825 .....	ad. 2010 No. 328
<b>Subpart 42.I</b>	
<b>Division 42.I.1</b>	
r. 42.830 .....	ad. 2010 No. 328
r. 42.835 .....	ad. 2010 No. 328
<b>Division 42.I.2</b>	
r. 42.840 .....	ad. 2010 No. 328
r. 42.845 .....	ad. 2010 No. 328
r. 42.850 .....	ad. 2010 No. 328
r. 42.855 .....	ad. 2010 No. 328
r. 42.860 .....	ad. 2010 No. 328
r. 42.865 .....	ad. 2010 No. 328
r. 42.870 .....	ad. 2010 No. 328
<b>Division 42.I.3</b>	
r. 42.875 .....	ad. 2010 No. 328
r. 42.880 .....	ad. 2010 No. 328
r. 42.885 .....	ad. 2010 No. 328
r. 42.890 .....	ad. 2010 No. 328
r. 42.895 .....	ad. 2010 No. 328
<b>Division 42.I.4</b>	
r. 42.900 .....	ad. 2010 No. 328
	am No 275, 2013
<b>Division 42.I.5</b>	
r. 42.905 .....	ad. 2010 No. 328
r. 42.910 .....	ad. 2010 No. 328
r. 42.915 .....	ad. 2010 No. 328

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Provision affected	How affected
r. 42.920 .....	ad. 2010 No. 328
r. 42.925 .....	ad. 2010 No. 328
<b>Division 42.1.6</b>	
r. 42.930 .....	ad. 2010 No. 328
<b>Subpart 42.J</b>	
<b>Division 42.J.1</b>	
r. 42.935 .....	ad. 2010 No. 328
<b>Division 42.J.2</b>	
r. 42.940 .....	ad. 2010 No. 328
r. 42.945 .....	ad. 2010 No. 328
r. 42.950 .....	ad. 2010 No. 328
r. 42.955 .....	ad. 2010 No. 328
r. 42.960 .....	ad. 2010 No. 328
r. 42.965 .....	ad. 2010 No. 328
<b>Division 42.J.3</b>	
r. 42.970 .....	ad. 2010 No. 328
r. 42.975 .....	ad. 2010 No. 328
r. 42.980 .....	ad. 2010 No. 328
<b>Division 42.J.4</b>	
r. 42.985 .....	ad. 2010 No. 328
r. 42.990 .....	ad. 2010 No. 328
r. 42.995 .....	ad. 2010 No. 328
r. 42.1000 .....	ad. 2010 No. 328
r. 42.1005 .....	ad. 2010 No. 328
r. 42.1010 .....	ad. 2010 No. 328
<b>Division 42.J.5</b>	
r. 42.1015 .....	ad. 2010 No. 328
r. 42.1020 .....	ad. 2010 No. 328
r. 42.1025 .....	ad. 2010 No. 328
<b>Subpart 42.K</b>	
r. 42.1030 .....	ad. 2010 No. 328
r. 42.1035 .....	ad. 2010 No. 328

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### Endnote 4—Amendment history

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Provision affected	How affected
<b>Subpart 42.L</b>	
<b>Division 42.L.1</b>	
r. 42.1040 .....	ad. 2010 No. 328
<b>Division 42.L.2</b>	
r. 42.1045 .....	ad. 2010 No. 328
r. 42.1050 .....	ad. 2010 No. 328
<b>Division 42.L.3</b>	
r. 42.1055 .....	ad. 2010 No. 328
r. 42.1060 .....	ad. 2010 No. 328
<b>Subpart 42.M</b>	
r. 42.1065 .....	ad. 2010 No. 328
r. 42.0170 .....	ad. 2010 No. 328
r. 42.1075 .....	ad. 2010 No. 328
<b>Subpart 42.N</b>	
r. 42.1080 .....	ad. 2010 No. 328
r. 42.1085 .....	ad. 2010 No. 328
r. 42.1090 .....	ad. 2010 No. 328
r. 42.1095 .....	ad. 2010 No. 328
<b>Subpart 42.O</b>	
r. 42.1100 .....	ad. 2010 No. 328
r. 42.1105 .....	ad. 2010 No. 328
Part 43 .....	ad. 2000 No. 204
	rep. 2010 No. 328
<b>Part 45</b>	
Part 45 .....	ad. 2000 No. 204
Table of Contents to .....	ad. 2004 No. 345
Part 45 .....	am. No. 80, 2013
<b>Subpart 45.A</b>	
Subpart A of Part 45	
Renumbered .....	2002 No. 350
Subpart 45.A	
r. 45.000 .....	ad. 2000 No. 204
	am. 2001 No. 242; 2002 No. 350

## Endnote 4—Amendment history

Provision affected	How affected
	rep. 2004 No. 345
r. 45.005 .....	ad. 2000 No. 204
Note to r. 45.005(2) .....	am. 2011 No. 77
<b>Subpart 45.B</b>	
Subpart B of Part 45	
Renumbered .....	2002 No. 350
Subpart 45.B	
<b>Division 45.B.1</b>	
Div. 1 of Subpart 45.B	
Renumbered Div. 45.B.1 .....	2002 No. 350
r. 45.010 .....	ad. 2000 No. 204
Note to r. 45.010 .....	am. 2011 No. 77
r. 45.015 .....	ad. 2000 No. 204
r. 45.020 .....	ad. 2000 No. 204
	am. 2002 No. 350; 2004 No. 134
r. 45.025 .....	ad. 2000 No. 204
	am. 2004 No. 134
r. 45.030 .....	ad. 2000 No. 204
r. 45.035 .....	ad. 2000 No. 204
	am. 2002 No. 268
Note to r. 45.035(5) .....	am. 2011 No. 77
r. 45.040 .....	ad. 2000 No. 204
r. 45.045 .....	ad. 2000 No. 204
r. 45.050 .....	ad. 2000 No. 204
r. 45.055 .....	ad. 2000 No. 204
Heading to r. 45.060 .....	rs. 2001 No. 242
r. 45.060 .....	ad. 2000 No. 204
	am. 2001 No. 242
r. 45.065 .....	ad. 2000 No. 204
	am. 2001 No. 242
r. 45.070 .....	ad. 2000 No. 204
r. 45.075 .....	ad. 2000 No. 204
r. 45.080 .....	ad. 2000 No. 204

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Provision affected	How affected
r. 45.085 .....	ad. 2000 No. 204 am. 2002 No. 268
r. 45.090 .....	ad. 2000 No. 204 am. 2002 No. 268
Note to r. 45.090(2) .....	am. 2011 No. 77
<b>Division 45.B.2</b>	
Div. 2 of Subpart 45.B	
Renumbered Div. 45.B.2 .....	2002 No. 350
r. 45.095 .....	ad. 2000 No. 204
r. 45.100 .....	ad. 2000 No. 204
Note to r. 45.100(2) .....	am. 2002 No. 350
r. 45.105 .....	ad. 2000 No. 204 am. 2002 No. 268
r. 45.110 .....	ad. 2000 No. 204
<b>Division 45.B.3</b>	
Div. 3 of Subpart 45.B	
Renumbered Div. 45.B.3 .....	2002 No. 350
r. 45.115 .....	ad. 2000 No. 204 am. 2002 No. 268; 2011 No. 77
<b>Subpart 45.C</b>	
Subpart C of Part 45	
Renumbered .....	2002 No. 350
Subpart 45.C	
r. 45.120 .....	ad. 2000 No. 204 am. 2002 No. 350
r. 45.125 .....	ad. 2000 No. 204 am. 2002 No. 268
r. 45.130 .....	ad. 2000 No. 204
<b>Subpart 45.D</b>	
Subpart D of Part 45	
Renumbered .....	2002 No. 350
Subpart 45.D	
r. 45.135 .....	ad. 2000 No. 204

## Endnote 4—Amendment history

Provision affected	How affected
r. 45.140 .....	ad. 2000 No. 204 am. 2004 No. 134
r. 45.145 .....	ad. 2000 No. 204 rs. 2002 No. 268
r. 45.150 .....	ad. 2000 No. 204 am. 2001 No. 242
r. 45.155 .....	ad. 2000 No. 204 am. 2002 No. 268
Note to r. 45.155(1) .....	am. 2002 No. 350
r. 45.160 .....	ad. 2000 No. 204 am. 2002 No. 268
<b>Subpart 45.E</b>	
Subpart E of Part 45	
Renumbered .....	2002 No. 350
Subpart 45.E	
r. 45.165 .....	ad. 2000 No. 204
r. 45.170 .....	ad. 2000 No. 204 am. 2002 No. 268
Note to r. 45.170(2) .....	am. 2011 No. 77 (second occurring)
<b>Part 47</b>	
Part 47 .....	ad. 2000 No. 204 rs. 2004 No. 134
Table of Contents to .....	am No 80 and No 275, 2013
Part 47	
<b>Subpart 47.A</b>	
r. 47.005 .....	ad. 2004 No. 134
r. 47.010 .....	ad. 2004 No. 134
r. 47.015 .....	ad. 2004 No. 134
Note to r. 47.015(2) .....	am. 2011 No. 77
r. 47.020 .....	ad. 2004 No. 134
<b>Subpart 47.B</b>	
r. 47.025 .....	ad. 2004 No. 134

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### Endnote 4—Amendment history

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Provision affected	How affected
r. 47.030 .....	ad. 2004 No. 134
r. 47.035 .....	ad. 2004 No. 134
	rs. 2004 No. 345
r. 47.040 .....	ad. 2004 No. 134
	am. 2004 No. 345
Note to r 47.040(2) .....	am No 275, 2013
r. 47.045 .....	ad. 2004 No. 134
r. 47.050 .....	ad. 2004 No. 134
r. 47.055 .....	ad. 2004 No. 134
<b>Subpart 47.C</b>	
r. 47.060 .....	ad. 2004 No. 134
Note to r 47.060(2) .....	am No 275, 2013
r. 47.065 .....	ad. 2004 No. 134
	am. 2004 No. 345
Note 2 to r. 47.065 .....	rs. 2004 No. 345
r. 47.070 .....	ad. 2004 No. 134
r. 47.075 .....	ad. 2004 No. 134
r. 47.080 .....	ad. 2004 No. 134
r. 47.085 .....	ad. 2004 No. 134
Note 2 to r 47.085(1) .....	am No 275, 2013
r. 47.090 .....	ad. 2004 No. 134
r. 47.095 .....	ad. 2004 No. 134
	am No 275, 2013
<b>Subpart 47.D</b>	
r. 47.100 .....	ad. 2004 No. 134
	am. 2004 No. 345
Note to r 47.100(3) .....	am No 275, 2013
Note to r 47.100(7) .....	am No 275, 2013
<b>Subpart 47.E</b>	
r. 47.105 .....	ad. 2004 No. 134
r. 47.110 .....	ad. 2004 No. 134
	am 2009 No 232; No 275, 2013

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## Endnote 4—Amendment history

Provision affected	How affected
Note to r 47.110(5) .....	rs No 275, 2013
Note 1 to r 47.110 .....	rep No 275, 2013
Note 2 to r 47.110 renum Note 1 .....	No 275, 2013
Note 3 to r 47.110 renum Note 2 .....	No 275, 2013
<b>Subpart 47.F</b>	
r. 47.115 .....	ad. 2004 No. 134
r. 47.120 .....	ad. 2004 No. 134 am. 2004 No. 345 rep. 2011 No. 77
r. 47.125 .....	ad. 2004 No. 134 rep. 2011 No. 77
r. 47.130 .....	ad. 2004 No. 134 am. 2009 No. 232; 2011 No. 77 rs No 275, 2013
r 47.131 .....	ad No 275, 2013
r 47.132 .....	ad No 275, 2013
r. 47.135 .....	ad. 2004 No. 134 am. 2004 No. 345 rep. 2011 No. 77
<b>Subpart 47.G</b>	
r. 47.140 .....	ad. 2004 No. 134
r. 47.145 .....	ad. 2004 No. 134
r. 47.150 .....	ad. 2004 No. 134
r. 47.155 .....	ad. 2004 No. 134
r. 47.160 .....	ad. 2004 No. 134 am. 2004 No. 345
r. 47.165 .....	ad. 2004 No. 134 am. 2004 No. 345
<b>Subpart 47.H</b>	
r. 47.170 .....	ad. 2004 No. 134
r. 47.175 .....	ad. 2004 No. 134

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 47.180 .....	ad. 2004 No. 134
r. 47.185 .....	ad. 2004 No. 134
r. 47.190 .....	ad. 2004 No. 134
r. 47.195 .....	ad. 2004 No. 134
r. 47.200 .....	ad. 2004 No. 134
	rep. 2011 No. 77
r. 47.205 .....	ad. 2004 No. 134
r. 47.210 .....	ad. 2004 No. 134
r. 47.215 .....	ad. 2004 No. 134
r. 47.220 .....	ad. 2004 No. 134
r. 47.225 .....	ad. 2004 No. 134
	am. 2011 No. 77
<b>Part 60</b>	
Part 60 .....	ad. 2003 No. 240
Table of Contents to .....	ad. 2004 No. 345
Part 60	am. No. 80, 2013
<b>Subpart 60.A</b>	
r. 60.000 .....	ad. 2003 No. 240
	rep. 2004 No. 345
r. 60.005 .....	ad. 2003 No. 240
r. 60.010 .....	ad. 2003 No. 240
<b>Subpart 60.B</b>	
r. 60.015 .....	ad. 2003 No. 240
r. 60.020 .....	ad. 2003 No. 240
r. 60.025 .....	ad. 2003 No. 240
Note 1 to r. 60.025(1) .....	ad. 2011 No. 77
Note 2 to r. 60.025(1) .....	ad. 2011 No. 77
r. 60.030 .....	ad. 2003 No. 240
Note to r. 60.030(2) .....	ad. 2011 No. 77
r. 60.035 .....	ad. 2003 No. 240
r. 60.040 .....	ad. 2003 No. 240
r. 60.045 .....	ad. 2003 No. 240
r. 60.050 .....	ad. 2003 No. 240

## Endnote 4—Amendment history

Provision affected	How affected
r. 60.055 .....	ad. 2003 No. 240 am. 2011 No. 77
Note to r. 60.055(1) .....	rep. 2011 No. 77
Note 1 to r. 60.055(1) .....	ad. 2011 No. 77
Note 2 to r. 60.055(1) .....	ad. 2011 No. 77
Note 3 to r. 60.055(1) .....	ad. 2011 No. 77
r. 60.060 .....	ad. 2003 No. 240
r. 60.065 .....	ad. 2003 No. 240
r. 60.070 .....	ad. 2003 No. 240
r. 60.075 .....	ad. 2003 No. 240
r. 60.080 .....	ad. 2003 No. 240
r. 60.085 .....	ad. 2003 No. 240
r. 60.090 .....	ad. 2003 No. 240
r. 60.095 .....	ad. 2003 No. 240
<b>Subpart 60.C</b>	
Subpart 60.C .....	ad. 2003 No. 240
<b>Part 61</b>	
Part 61 .....	ad. 2000 No. 204
<b>Part 63</b>	
Part 63 .....	ad. 2000 No. 204
<b>Part 64</b>	
Part 64 .....	ad. 2000 No. 204
<b>Part 65</b>	
Part 65 .....	ad. 2000 No. 204 rs. 2002 No. 167
Table of Contents to .....	ad. 2004 No. 345
Part 65	am. No. 80, 2013
<b>Subpart 65.A</b>	
Subpart A of Part 65	
Renumbered .....	2004 No. 345
Subpart 65.A	
r. 65.000 .....	ad. 2002 No. 167 am. 2003 No. 75

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	rep. 2004 No. 345
r. 65.005 .....	ad. 2002 No. 167
	rs. 2003 No. 75
r. 65.010 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.015 .....	ad. 2002 No. 167
r. 65.020 .....	ad. 2002 No. 167
r. 65.025 .....	ad. 2002 No. 167
r. 65.030 .....	ad. 2002 No. 167
r. 65.033 .....	ad. 2003 No. 75
	am. 2004 No. 345; No. 80, 2013
Note to r. 65.033(1) .....	rs. 2005 No. 323
r. 65.033A.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033B.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033C.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033D.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033E.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033F .....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033G.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 65.033H.....	ad. 2003 No. 75
	rep. 2004 No. 345
<b>Subpart 65.B</b>	
Subpart B of Part 65	
Renumbered .....	2004 No. 345
Subpart 65.B	
r. 65.035 .....	ad. 2002 No. 167

## Endnote 4—Amendment history

Provision affected	How affected
	am. No. 80, 2013
r. 65.040 .....	ad. 2002 No. 167
r. 65.045 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.050 .....	ad. 2002 No. 167
	am. No. 80, 2013
r. 65.055 .....	ad. 2002 No. 167
r. 65.060 .....	ad. 2002 No. 167
r. 65.065 .....	ad. 2002 No. 167
	rs. 2003 No. 75
<b>Subpart 65.C</b>	
Subpart C of Part 65	
Renumbered .....	2004 No. 345
Subpart 65.C	
Heading to Subpart 65.C .....	rs. 2011 No. 77
Note to heading to .....	ad. 2011 No. 77
Subpart 65.C	
<b>Division 65.C.1</b>	
Div. 1 of Subpart C of Part 65	
Renumbered Div. 65.C.1 .....	2004 No. 345
r. 65.070 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.075 .....	ad. 2002 No. 167
r. 65.080 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2011 No. 77
Note to r. 65.080(1) .....	ad. 2011 No. 77
Heading to r. 65.085 .....	rs. 2003 No. 75
r. 65.085 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2011 No. 77
Note to r. 65.085(2) .....	ad. 2011 No. 77
r. 65.090 .....	ad. 2002 No. 167
r. 65.095 .....	ad. 2002 No. 167

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2003 No. 75
r. 65.100 .....	ad. 2002 No. 167
r. 65.105 .....	ad. 2002 No. 167
r. 65.110 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.115 .....	ad. 2002 No. 167
	am. No. 80, 2013
r. 65.120 .....	ad. 2002 No. 167
<b>Division 65.C.2</b>	
Div. 2 of Subpart C of Part 65	
Renumbered Div. 65.C.2 .....	2004 No. 345
Heading to Div. 65.C.2 .....	rs. 2011 No. 77
r. 65.125 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.130 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2011 No. 77
Note to r. 65.130(1) .....	rs. 2011 No. 77
r. 65.135 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.140 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2011 No. 77
Note to r. 65.140(1A) .....	ad. 2011 No. 77
r. 65.145 .....	ad. 2002 No. 167
r. 65.150 .....	ad. 2002 No. 167
r. 65.155 .....	ad. 2002 No. 167
r. 65.160 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.165 .....	ad. 2002 No. 167
	am. No. 80, 2013
r. 65.170 .....	ad. 2002 No. 167
<b>Subpart 65.E</b>	
Subpart E of Part 65	

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## Endnote 4—Amendment history

Provision affected	How affected
Renumbered .....	2004 No. 345
Subpart 65.E	
<b>Division 65.E.1</b>	
Div. 1 of Subpart E of Part 65	
Renumbered Div. 65.E.1 .....	2004 No. 345
Heading to Div. 65.E.1 .....	rs. 2011 No. 77
Note to heading to .....	ad. 2011 No. 77
Div. 65. E. 1	
r. 65.175 .....	ad. 2002 No. 167
	am. 2011 No. 77
r. 65.180 .....	ad. 2002 No. 167
	am. 2011 No. 77
r. 65.185 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.190 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rep. 2011 No. 77
r. 65.195 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.200 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.205 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.210 .....	ad. 2002 No. 167
	rep. 2003 No. 75
r. 65.215 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rep. 2011 No. 77
r. 65.220 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.225 .....	ad. 2002 No. 167
	am. 2003 No. 75

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	rs. 2011 No. 77
r. 65.230 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2011 No. 77
r. 65.235 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.240 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 65.245 .....	ad. 2002 No. 167
	rep. 2011 No. 77
<b>Division 65.E.2</b>	
Div. 2 of Subpart E of Part 65	
Renumbered Div. 65.E.2 .....	2004 No. 345
r. 65.250 .....	ad. 2002 No. 167
<b>Division 65.E.3</b>	
Div. 3 of Subpart E of Part 65	
Renumbered Div. 65.E.3 .....	2004 No. 345
r. 65.255 .....	ad. 2002 No. 167
Heading to r. 65.260 .....	rs. 2003 No. 75
r. 65.260 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.265 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.270 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.275 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 65.280 .....	ad. 2002 No. 167
r. 65.285 .....	ad. No. 80, 2013
<b>Part 66</b>	
Part 66 .....	ad. 2000 No. 204
	rs. 2010 No. 328

## Endnote 4—Amendment history

Provision affected	How affected
Table of Contents to .....	am No 80 and No 275, 2013
Part 66	
<b>Subpart 66.A</b>	
r. 66.005 .....	ad. 2010 No. 328
Note to r. 66.005 .....	am. No. 80, 2013
r. 66.010 .....	ad. 2010 No. 328
	am No 80 and No 275, 2013
r. 66.015 .....	ad. 2010 No. 328
	am. No. 80, 2013
<b>Subpart 66.B</b>	
r. 66.020 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 66.025 .....	ad. 2010 No. 328
r. 66.026 .....	ad. No. 80, 2013
r. 66.030 .....	ad. 2010 No. 328
r. 66.035 .....	ad. 2010 No. 328
r. 66.040 .....	ad. 2010 No. 328
r. 66.045 .....	ad. 2010 No. 328
r. 66.050 .....	ad. 2010 No. 328
r. 66.055 .....	ad. 2010 No. 328
r. 66.060 .....	ad. 2010 No. 328
r. 66.065 .....	ad. 2010 No. 328
r. 66.070 .....	ad. 2010 No. 328
r. 66.071 .....	ad. No. 80, 2013
r. 66.072 .....	ad. No. 80, 2013
<b>Subpart 66.C</b>	
r. 66.075 .....	ad. 2010 No. 328
	am No 80 and No 275, 2013
r. 66.080 .....	ad. 2010 No. 328
	am No 80 and No 275, 2013
r. 66.085 .....	ad. 2010 No. 328
	am No 275, 2013
r. 66.090 .....	ad. 2010 No. 328

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am No 275, 2013
r. 66.095 .....	ad. 2010 No. 328
	rs. No. 80, 2013
r. 66.100 .....	ad. 2010 No. 328
	rs. No. 80, 2013
r. 66.105 .....	ad. 2010 No. 328
r. 66.110 .....	ad. 2010 No. 328
	rs. No. 80, 2013
<b>Subpart 66.D</b>	
r. 66.115 .....	ad. 2010 No. 328
r. 66.120 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 66.125 .....	ad. 2010 No. 328
	rs No 275, 2013
r. 66.130 .....	ad. 2010 No. 328
	am. No. 80, 2013
hdg to r 66.135.....	rs No 275, 2013
r. 66.135 .....	ad. 2010 No. 328
	rs. No. 80, 2013
r. 66.136 .....	ad. No. 80, 2013
r. 66.137 .....	ad. No. 80, 2013
r. 66.138 .....	ad. No. 80, 2013
r. 66.139 .....	ad. No. 80, 2013
r. 66.139A.....	ad. No. 80, 2013
r. 66.140 .....	ad. 2010 No. 328
	am. No. 80, 2013
<b>Subpart 66.E</b>	
<b>Division 66.E.1</b>	
r. 66.145 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 66.150 .....	ad. 2010 No. 328
<b>Division 66.E.2</b>	

## Endnote 4—Amendment history

Provision affected	How affected
r. 66.155 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 66.160 .....	ad. 2010 No. 328
<b>Division 66.E.3</b>	
r. 66.165 .....	ad. 2010 No. 328
	rs. No. 80, 2013
r. 66.166 .....	ad. No. 80, 2013
r. 66.167 .....	ad. No. 80, 2013
r. 66.168 .....	ad. No. 80, 2013
r. 66.168A .....	ad. No. 80, 2013
r. 66.169 .....	ad. No. 80, 2013
<b>Division 66.E.4</b>	
r. 66.170 .....	ad. 2010 No. 328
<b>Subpart 66.F</b>	
r. 66.175 .....	ad. 2010 No. 328
r. 66.180 .....	ad. 2010 No. 328
r. 66.185 .....	ad. 2010 No. 328
<b>Part 67</b>	
Part 67 .....	ad. 2000 No. 204
	rs. 2003 No. 232
Table of Contents to .....	am. No. 80, 2013
Part 67	
<b>Subpart 67.A</b>	
r. 67.005 .....	ad. 2003 No. 232
r. 67.010 .....	ad. 2003 No. 232
	am. 2005 No. 207; 2011 No. 120
r. 67.015 .....	ad. 2003 No. 232
r. 67.020 .....	ad. 2003 No. 232
<b>Subpart 67.B</b>	
r. 67.025 .....	ad. 2003 No. 232
	am. 2005 No. 207; 2011 Nos. 77 and 120
Note to r. 67.025(1) .....	ad. 2011 No. 77
r. 67.030 .....	ad. 2003 No. 232

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2011 No. 77
r. 67.035 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.040 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.045 .....	ad. 2003 No. 232
	am. 2011 No. 77
Note to r. 67.045(1) .....	rep. 2011 No. 77
Note 1 to r. 67.045(1) .....	ad. 2011 No. 77
Note 2 to r. 67.045(1) .....	ad. 2011 No. 77
r. 67.050 .....	ad. 2003 No. 232
	rep. 2011 No. 77
r. 67.055 .....	ad. 2003 No. 232
r. 67.060 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.065 .....	ad. 2003 No. 232
	am. 2005 No. 207; 2011 Nos. 77 and 120
r. 67.070 .....	ad. 2003 No. 232
	rep. 2011 No. 77
r. 67.075 .....	ad. 2003 No. 232
	am. 2005 No. 207; 2011 No. 120
r. 67.080 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.085 .....	ad. 2003 No. 232
	rep. 2011 No. 77
r. 67.090 .....	ad. 2003 No. 232
r. 67.095 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.100 .....	ad. 2003 No. 232
r. 67.105 .....	ad. 2003 No. 232
r. 67.110 .....	ad. 2003 No. 232
r. 67.115 .....	ad. 2003 No. 232

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## Endnote 4—Amendment history

Provision affected	How affected
	rep. 2011 No. 77
Heading to r. 67.120 .....	rs. 2004 No. 345
r. 67.120 .....	ad. 2003 No. 232
r. 67.125 .....	ad. 2003 No. 232
r. 67.130 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.135 .....	ad. 2003 No. 232
	rep. 2011 No. 77
r. 67.140 .....	ad. 2003 No. 232
r. 67.141 .....	ad. 2003 No. 232
	rep. 2004 No. 345
<b>Subpart 67.C</b>	
r. 67.145 .....	ad. 2003 No. 232
r. 67.150 .....	ad. 2003 No. 232
	am. 2004 No. 345
r. 67.155 .....	ad. 2003 No. 232
	am. 2004 No. 345
r. 67.160 .....	ad. 2003 No. 232
	am. 2004 No. 345
r. 67.165 .....	ad. 2003 No. 232
r. 67.170 .....	ad. 2003 No. 232
r. 67.175 .....	ad. 2003 No. 232
Note 1 to r. 67.175 .....	ad. 2011 No. 77
Note 2 to r. 67.175 .....	ad. 2011 No. 77
r. 67.180 .....	ad. 2003 No. 232
	am. 2004 No. 345; 2011 No. 77
r. 67.185 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.190 .....	ad. 2003 No. 232
r. 67.195 .....	ad. 2003 No. 232
	am. 2011 No. 77
r. 67.200 .....	ad. 2003 No. 232

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2011 No. 77
r. 67.205 .....	ad. 2003 No. 232
r. 67.210 .....	ad. 2003 No. 232
r. 67.215 .....	ad. 2003 No. 232
r. 67.220 .....	ad. 2003 No. 232
r. 67.225 .....	ad. 2003 No. 232
r. 67.230 .....	ad. 2003 No. 232
r. 67.235 .....	ad. 2003 No. 232
r. 67.240 .....	ad. 2003 No. 232
r. 67.245 .....	ad. 2003 No. 232
r. 67.250 .....	ad. 2003 No. 232
r. 67.255 .....	ad. 2003 No. 232
r. 67.260 .....	ad. 2003 No. 232
<b>Subpart 67.D</b>	
r. 67.265 .....	ad. 2003 No. 232
r. 67.270 .....	ad. 2003 No. 232
r. 67.275 .....	ad. 2003 No. 232
<b>Part 71</b>	
Part 71 .....	ad. 2000 No. 204
<b>Part 90</b>	
Part 90 .....	ad. 2000 No. 204
	rs. 2010 No. 277
Table of Contents to .....	am No 80 and No 275, 2013
Part 90	
<b>Subpart 90.A</b>	
r. 90.005 .....	ad. 2010 No. 277
r. 90.008 .....	ad. 2010 No. 277
r. 90.010 .....	ad. 2010 No. 277
r. 90.015 .....	ad. 2010 No. 277
r. 90.020 .....	ad. 2010 No. 277
	am. 2010 No. 277
<b>Subpart 90.B</b>	
r. 90.100 .....	ad. 2010 No. 277

## Endnote 4—Amendment history

Provision affected	How affected
r. 90.105 .....	ad. 2010 No. 277
r. 90.110 .....	ad. 2010 No. 277
r. 90.115 .....	ad. 2010 No. 277
r. 90.120 .....	ad. 2010 No. 277
r. 90.125 .....	ad. 2010 No. 277
r. 90.130 .....	ad. 2010 No. 277
r. 90.135 .....	ad. 2010 No. 277
r. 90.140 .....	ad. 2010 No. 277
r. 90.145 .....	ad. 2010 No. 277
<b>Subpart 90.C</b>	
<b>Division 90.C.1</b>	
r. 90.200 .....	ad. 2010 No. 277
<b>Division 90.C.2</b>	
r. 90.205 .....	ad. 2010 No. 277
r. 90.210 .....	ad. 2010 No. 277
r. 90.215 .....	ad. 2010 No. 277
r. 90.220 .....	ad. 2010 No. 277
r. 90.225 .....	ad. 2010 No. 277
r. 90.230 .....	ad. 2010 No. 277
	am. 2010 No. 277
Note to r. 90.230(1) .....	rep. 2010 No. 277
r. 90.235 .....	ad. 2010 No. 277
r. 90.240 .....	ad. 2010 No. 277
r. 90.245 .....	ad. 2010 No. 277
<b>Division 90.C.3</b>	
r. 90.250 .....	ad. 2010 No. 277
r. 90.255 .....	ad. 2010 No. 277
r. 90.260 .....	ad. 2010 No. 277
r. 90.265 .....	ad. 2010 No. 277
r. 90.270 .....	ad. 2010 No. 277
	am. 2010 No. 277
Note to r. 90.270(3) .....	rep. 2010 No. 277

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 90.275 .....	ad. 2010 No. 277
<b>Division 90.C.4</b>	
r. 90.280 .....	ad. 2010 No. 277
r. 90.285 .....	ad. 2010 No. 277
Note to r. 90.285 .....	rep. 2010 No. 277
r. 90.290 .....	ad. 2010 No. 277
<b>Subpart 90.D</b>	
r. 90.400 .....	ad. 2010 No. 277
r. 90.405 .....	ad. 2010 No. 277
r. 90.410 .....	ad. 2010 No. 277
Note to r. 90.410 .....	rep. 2010 No. 277
r. 90.415 .....	ad. 2010 No. 277
<b>Subpart 90.E</b>	
r. 90.600 .....	ad. 2010 No. 277
r. 90.605 .....	ad. 2010 No. 277
<b>Part 91</b>	
Part 91 .....	ad. 2000 No. 204
	rs. 2005 No. 323
Table of Contents to .....	am. No. 80, 2013
Part 91	
<b>Subpart 91.A</b>	
r. 91.005 .....	ad. 2005 No. 323
<b>Subpart 91.D</b>	
r. 91.830 .....	ad. 2005 No. 323
r. 91.850 .....	ad. 2005 No. 323
r. 91.865 .....	ad. 2005 No. 323
r. 91.870 .....	ad. 2005 No. 323
r. 91.875 .....	ad. 2005 No. 323
r. 91.880 .....	ad. 2005 No. 323
r. 91.885 .....	ad. 2005 No. 323
r. 91.890 .....	ad. 2005 No. 323

## Endnote 4—Amendment history

Provision affected	How affected
<b>Subpart 91.U</b>	
<b>Division 91.U.1</b>	
r. 91.5000 .....	ad. 2005 No. 323
r. 91.5005 .....	ad. 2005 No. 323
r. 91.5010 .....	ad. 2005 No. 323
r. 91.5015 .....	ad. 2005 No. 323
r. 91.5020 .....	ad. 2005 No. 323
r. 91.5025 .....	ad. 2005 No. 323
r. 91.5030 .....	ad. 2005 No. 323
<b>Division 91.U.4</b>	
r. 91.5150 .....	ad. 2005 No. 323
r. 91.5155 .....	ad. 2005 No. 323
r. 91.5160 .....	ad. 2005 No. 323
r. 91.5165 .....	ad. 2005 No. 323
r. 91.5170 .....	ad. 2005 No. 323
<b>Part 92</b>	
Part 92 .....	ad. 2003 No. 365
Table of Contents to .....	am No 80 and No 275, 2013
Part 92	
<b>Subpart 92.A</b>	
r. 92.005 .....	ad. 2003 No. 365
r. 92.010 .....	ad. 2003 No. 365
r. 92.015 .....	ad. 2003 No. 365
<b>Subpart 92.B</b>	
r. 92.020 .....	ad. 2003 No. 365
r. 92.025 .....	ad. 2003 No. 365
r. 92.030 .....	ad. 2003 No. 365
r. 92.035 .....	ad. 2003 No. 365
r. 92.040 .....	ad. 2003 No. 365
r. 92.045 .....	ad. 2003 No. 365
r. 92.050 .....	ad. 2003 No. 365
r. 92.055 .....	ad. 2003 No. 365
r. 92.060 .....	ad. 2003 No. 365

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	rep. 2011 No. 77
r. 92.065 .....	ad. 2003 No. 365
r. 92.070 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.075 .....	ad. 2003 No. 365
r. 92.080 .....	ad. 2003 No. 365
	rep. 2011 No. 77
<b>Subpart 92.C</b>	
r. 92.085 .....	ad. 2003 No. 365
	am. 2003 No. 365
r. 92.090 .....	ad. 2003 No. 365
r. 92.095 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.100 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.105 .....	ad. 2003 No. 365
	am. 2011 Nos. 77 and 164; No. 80, 2013
r. 92.110 .....	ad. 2003 No. 365
r. 92.115 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
Note 1 to r. 92.115(4) .....	am. 2003 No. 365
Note 2 to r. 92.115(4) .....	rep. 2003 No. 365
r. 92.120 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.125 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.130 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.135 .....	ad. 2003 No. 365
r. 92.140 .....	ad. 2003 No. 365
	am. 2011 No. 77; No. 80, 2013
r. 92.145 .....	ad. 2003 No. 365

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## Endnote 4—Amendment history

Provision affected	How affected
	am. 2003 No. 365; 2011 No. 77; No. 80, 2013
Heading to r. 92.150 .....	rs. 2004 No. 345
r. 92.150 .....	ad. 2003 No. 365
	am. 2003 No. 365
	exp. 31 Dec 2006 ( <i>see</i> r. 92.150(8))
	rep No 275, 2013
r. 92.155 .....	ad. 2003 No. 365
	am. 2003 No. 365
	rep. 2011 No. 77
<b>Subpart 92.D</b>	
r. 92.160 .....	ad. 2003 No. 365
r. 92.165 .....	ad. 2003 No. 365
r. 92.170 .....	ad. 2003 No. 365
	am. 2004 No. 345
r. 92.175 .....	ad. 2003 No. 365
r. 92.180 .....	ad. 2003 No. 365
r. 92.185 .....	ad. 2003 No. 365
r. 92.190 .....	ad. 2003 No. 365
r. 92.195 .....	ad. 2003 No. 365
	am. 2004 No. 222
	rs. 2008 No. 274
<b>Subpart 92.E</b>	
Subpart 92.E .....	ad. 2003 No. 365
r. 92.200 .....	ad. 2003 No. 365
r. 92.205 .....	ad. 2003 No. 365
<b>Part 99</b>	
Part 99 .....	ad. 2008 No. 192
Table of Contents to .....	am. No. 80, 2013
Part 99	
r. 99.005 .....	ad. 2008 No. 192
<b>Subpart 99.A</b>	
r. 99.010 .....	ad. 2008 No. 192
	am. 2008 No. 275

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 99.015 .....	ad. 2008 No. 192 am. 2011 No. 164
r. 99.020 .....	ad. 2008 No. 192
<b>Subpart 99.B</b>	
<b>Division 99.B.1</b>	
r. 99.025 .....	ad. 2008 No. 192
<b>Division 99.B.2</b>	
r. 99.030 .....	ad. 2008 No. 192 am. 2011 No. 164
r. 99.035 .....	ad. 2008 No. 192
r. 99.040 .....	ad. 2008 No. 192
<b>Division 99.B.3</b>	
<b>Subdivision 99.B.3.1</b>	
r. 99.045 .....	ad. 2008 No. 192
<b>Subdivision 99.B.3.2</b>	
r. 99.050 .....	ad. 2008 No. 192
r. 99.055 .....	ad. 2008 No. 192
r. 99.060 .....	ad. 2008 No. 192
<b>Subdivision 99.B.3.3</b>	
r. 99.065 .....	ad. 2008 No. 192
r. 99.070 .....	ad. 2008 No. 192
r. 99.075 .....	ad. 2008 No. 192
<b>Subdivision 99.B.3.4</b>	
r. 99.080 .....	ad. 2008 No. 192
<b>Division 99.B.4</b>	
r. 99.085 .....	ad. 2008 No. 192
r. 99.090 .....	ad. 2008 No. 192
r. 99.095 .....	ad. 2008 No. 192
<b>Division 99.B.5</b>	
r. 99.100 .....	ad. 2008 No. 192
r. 99.105 .....	ad. 2008 No. 192
<b>Subpart 99.C</b>	

## Endnote 4—Amendment history

Provision affected	How affected
<b>Division 99.C.1</b>	
r. 99.110 .....	ad. 2008 No. 192
<b>Subdivision 99.C.1.1</b>	
r. 99.115 .....	ad. 2008 No. 192
r. 99.120 .....	ad. 2008 No. 192
<b>Subdivision 99.C.1.2</b>	
r. 99.125 .....	ad. 2008 No. 192
<b>Subdivision 99.C.1.3</b>	
r. 99.130 .....	ad. 2008 No. 192
<b>Division 99.C.2</b>	
<b>Subdivision 99.C.2.1</b>	
r. 99.135 .....	ad. 2008 No. 192
r. 99.140 .....	ad. 2008 No. 192
r. 99.145 .....	ad. 2008 No. 192
r. 99.150 .....	ad. 2008 No. 192
<b>Subdivision 99.C.2.2</b>	
r. 99.155 .....	ad. 2008 No. 192
r. 99.160 .....	ad. 2008 No. 192
r. 99.165 .....	ad. 2008 No. 192
	rs. No. 80, 2013
r. 99.170 .....	ad. 2008 No. 192
	am. No. 80, 2013
r. 99.175 .....	ad. 2008 No. 192
	am. No. 80, 2013
r. 99.180 .....	ad. 2008 No. 192
r. 99.185 .....	ad. 2008 No. 192
<b>Subdivision 99.C.2.3</b>	
r. 99.190 .....	ad. 2008 No. 192
r. 99.195 .....	ad. 2008 No. 192
<b>Subdivision 99.C.2.4</b>	
r. 99.200 .....	ad. 2008 No. 192
r. 99.205 .....	ad. 2008 No. 192

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 99.210 .....	ad. 2008 No. 192
r. 99.215 .....	ad. 2008 No. 192
	am. No. 80, 2013
r. 99.220 .....	ad. 2008 No. 192
r. 99.225 .....	ad. 2008 No. 192
r. 99.230 .....	ad. 2008 No. 192
<b>Subdivision 99.C.2.5</b>	
r. 99.235 .....	ad. 2008 No. 192
<b>Division 99.C.3</b>	
r. 99.240 .....	ad. 2008 No. 192
r. 99.245 .....	ad. 2008 No. 192
r. 99.250 .....	ad. 2008 No. 192
r. 99.255 .....	ad. 2008 No. 192
	am. No. 80, 2013
r. 99.260 .....	ad. 2008 No. 192
	am. No. 80, 2013
r. 99.265 .....	ad. 2008 No. 192
	rs. No. 80, 2013
r. 99.270 .....	ad. 2008 No. 192
	rep. No. 80, 2013
<b>Subpart 99.D</b>	
<b>Division 99.D.1</b>	
r. 99.275 .....	ad. 2008 No. 192
<b>Division 99.D.2</b>	
r. 99.280 .....	ad. 2008 No. 192
r. 99.285 .....	ad. 2008 No. 192
r. 99.290 .....	ad. 2008 No. 192
r. 99.295 .....	ad. 2008 No. 192
r. 99.300 .....	ad. 2008 No. 192
r. 99.305 .....	ad. 2008 No. 192
r. 99.310 .....	ad. 2008 No. 192
<b>Division 99.D.3</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
r. 99.315 .....	ad. 2008 No. 192
<b>Subpart 99.E</b>	
<b>Division 99.E.1</b>	
r. 99.320 .....	ad. 2008 No. 192
<b>Division 99.E.2</b>	
<b>Subdivision 99.E.2.1</b>	
r. 99.325 .....	ad. 2008 No. 192
r. 99.330 .....	ad. 2008 No. 192
r. 99.335 .....	ad. 2008 No. 192
r. 99.340 .....	ad. 2008 No. 192
r. 99.345 .....	ad. 2008 No. 192
r. 99.350 .....	ad. 2008 No. 192
<b>Subdivision 99.E.2.2</b>	
r. 99.355 .....	ad. 2008 No. 192
r. 99.360 .....	ad. 2008 No. 192
r. 99.365 .....	ad. 2008 No. 192
r. 99.370 .....	ad. 2008 No. 192
r. 99.375 .....	ad. 2008 No. 192
<b>Subdivision 99.E.2.3</b>	
r. 99.380 .....	ad. 2008 No. 192
r. 99.385 .....	ad. 2008 No. 192
	am. No. 80, 2013
<b>Division 99.E.3</b>	
r. 99.390 .....	ad. 2008 No. 192
<b>Subpart 99.F</b>	
<b>Division 99.F.1</b>	
r. 99.395 .....	ad. 2008 No. 192
<b>Division 99.F.2</b>	
r. 99.400 .....	ad. 2008 No. 192
	am. 2010 No. 120
r. 99.405 .....	ad. 2008 No. 192
	am. 2010 No. 120

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
<b>Subpart 99.G</b>	
<b>Division 99.G.1</b>	
r. 99.410 .....	ad. 2008 No. 192
r. 99.415 .....	ad. 2008 No. 192
	am. 2010 No. 120
r. 99.420 .....	ad. 2008 No. 192
r. 99.425 .....	ad. 2008 No. 192
r. 99.430 .....	ad. 2008 No. 192
r. 99.435 .....	ad. 2008 No. 192
<b>Subpart 99.H</b>	
<b>Division 99.H.1</b>	
r. 99.440 .....	ad. 2008 No. 192
<b>Division 99.H.2</b>	
r. 99.445 .....	ad. 2008 No. 192
	am. 2011 No. 77
Note 1 to r. 99.445(3) .....	ad. 2011 No. 77
Note 2 to r. 99.445(3) .....	ad. 2011 No. 77
r. 99.450 .....	ad. 2008 No. 192
	am. 2008 No. 275
<b>Division 99.H.3</b>	
r. 99.455 .....	ad. 2008 No. 192
r. 99.460 .....	ad. 2008 No. 192
<b>Division 99.H.4</b>	
r. 99.465 .....	ad. 2008 No. 192
<b>Division 99.H.5</b>	
r. 99.470 .....	ad. 2008 No. 192
r. 99.475 .....	ad. 2008 No. 192
r. 99.480 .....	ad. 2008 No. 192
r. 99.485 .....	ad. 2008 No. 192
r. 99.490 .....	ad. 2008 No. 192
<b>Division 99.H.6</b>	
r. 99.495 .....	ad. 2008 No. 192

## Endnote 4—Amendment history

Provision affected	How affected
<b>Part 101</b>	
Part 101 .....	ad. 2000 No. 204
	rs. 2001 No. 349
Table of Contents to .....	ad. 2004 No. 345
Part 101	am. No. 80, 2013
<b>Subpart 101.A</b>	
Subpart A of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.A	
r. 101.000 .....	ad. 2001 No. 349
	rep. 2004 No. 345
r. 101.005 .....	ad. 2001 No. 349
r. 101.010 .....	ad. 2001 No. 349
r. 101.015 .....	ad. 2001 No. 349
	am. 2004 No. 345
r. 101.020 .....	ad. 2001 No. 349
	rs. 2002 No. 266
r. 101.025 .....	ad. 2001 No. 349
r. 101.030 .....	ad. 2001 No. 349
r. 101.035 .....	ad. 2001 No. 349
r. 101.040 .....	ad. 2001 No. 349
	am. 2002 No. 349
	rep. 2011 No. 77
r. 101.045 .....	ad. 2001 No. 349
	rep. 2011 No. 77
<b>Subpart 101.B</b>	
Subpart B of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.B	
r. 101.050 .....	ad. 2001 No. 349
r. 101.055 .....	ad. 2001 No. 349
	am. 2002 No. 349
<b>Subpart 101.C</b>	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Subpart C of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.C	
r. 101.060 .....	ad. 2001 No. 349
r. 101.065 .....	ad. 2001 No. 349
	am. 2002 No. 349
Note to r. 101.065(1) .....	rs. 2007 No. 172
r. 101.070 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.075 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.080 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.085 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.090 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.095 .....	ad. 2001 No. 349
	am. 2002 No. 349
<b>Subpart 101.D</b>	
Subpart D of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.D	
r. 101.100 .....	ad. 2001 No. 349
r. 101.105 .....	ad. 2001 No. 349
r. 101.110 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.115 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.120 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.125 .....	ad. 2001 No. 349
	am. 2002 No. 349

## Endnote 4—Amendment history

Provision affected	How affected
r. 101.130 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.135 .....	ad. 2001 No. 349 am. 2002 No. 349
<b>Subpart 101.E</b>	
Subpart E of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.E	
r. 101.140 .....	ad. 2001 No. 349
r. 101.145 .....	ad. 2001 No. 349
r. 101.150 .....	ad. 2001 No. 349
r. 101.155 .....	ad. 2001 No. 349 am. 2002 No. 349; 2011 Nos. 77 and 265
Note 2 to r. 101.155(5) .....	am. 2011 No. 265
r. 101.160 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.165 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.170 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.175 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.180 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.185 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.190 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.195 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.200 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.205 .....	ad. 2001 No. 349

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2002 No. 349
r. 101.210 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.215 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.220 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.225 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.230 .....	ad. 2001 No. 349
	am. 2002 No. 349
<b>Subpart 101.F</b>	
Subpart F of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.F	
<b>Division 101.F.1</b>	
Div. 1 of Subpart F of Part 101	
Renumbered Div. 101.F.1 .....	2004 No. 345
r. 101.235 .....	ad. 2001 No. 349
r. 101.240 .....	ad. 2001 No. 349
<b>Division 101.F.2</b>	
Div. 2 of Subpart F of Part 101	
Renumbered Div. 101.F.2 .....	2004 No. 345
r. 101.245 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.250 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.255 .....	ad. 2001 No. 349
	am. 2002 Nos. 349 and 350
r. 101.260 .....	ad. 2001 No. 349
r. 101.265 .....	ad. 2001 No. 349

## Endnote 4—Amendment history

Provision affected	How affected
r. 101.270 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.275 .....	ad. 2001 No. 349 am. 2002 No. 349; 2011 No. 77
r. 101.280 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.285 .....	ad. 2001 No. 349 am. 2002 No. 349
<b>Division 101.F.3</b>	
Div. 3 of Subpart F of Part 101	
Renumbered Div. 101.F.3.....	2004 No. 345
Heading to Div. 101.F.3 .....	rs. 2011 No. 77
r. 101.290 .....	ad. 2001 No. 349 am. 2011 No. 77
r. 101.295 .....	ad. 2001 No. 349 am. 2011 No. 77
Note to r. 101.295(2) .....	ad. 2011 No. 77
r. 101.300 .....	ad. 2001 No. 349 am. 2011 No. 77
r. 101.305 .....	ad. 2001 No. 349 rep. 2011 No. 77
Note to r. 101.305 .....	am. 2002 No. 350 rep. 2011 No. 77
r. 101.310 .....	ad. 2001 No. 349 rep. 2011 No. 77
r. 101.315 .....	ad. 2001 No. 349
Note to r. 101.315 .....	am. 2002 No. 350
r. 101.320 .....	ad. 2001 No. 349
Note to r. 101.320 .....	am. 2002 No. 350
r. 101.325 .....	ad. 2001 No. 349 rep. 2011 No. 77
<b>Division 101.F.4</b>	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Div. 4 of Subpart F of Part 101	
Renumbered Div. 101.F.4.....	2004 No. 345
Heading to Div. 101.F.4 .....	rs. 2011 No. 77
Note to heading to .....	ad. 2011 No. 77
Div. 101.F.4	
r. 101.330 .....	ad. 2001 No. 349 am. 2011 No. 77
r. 101.335 .....	ad. 2001 No. 349 am. 2011 No. 77
r. 101.340 .....	ad. 2001 No. 349 am. 2011 No. 77
r. 101.345 .....	ad. 2001 No. 349 rep. 2011 No. 77
Note to r. 101.345 .....	am. 2002 No. 350 rep. 2011 No. 77
r. 101.350 .....	ad. 2001 No. 349 rep. 2011 No. 77
r. 101.355 .....	ad. 2001 No. 349 rep. No. 80, 2013
r. 101.360 .....	ad. 2001 No. 349
Note to r. 101.360 .....	am. 2002 No. 350
r. 101.365 .....	ad. 2001 No. 349
Note to r. 101.365 .....	am. 2002 No. 350
r. 101.370 .....	ad. 2001 No. 349 rep. 2011 No. 77
<b>Subpart 101.G</b>	
Subpart G of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.G	
r. 101.375 .....	ad. 2001 No. 349
r. 101.380 .....	ad. 2001 No. 349
r. 101.385 .....	ad. 2001 No. 349

## Endnote 4—Amendment history

Provision affected	How affected
	am. 2002 No. 349
r. 101.390 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.395 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.400 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.405 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.410 .....	ad. 2001 No. 349
	am. 2002 No. 349
<b>Subpart 101.H</b>	
Subpart H of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.H	
r. 101.415 .....	ad. 2001 No. 349
r. 101.420 .....	ad. 2001 No. 349
r. 101.425 .....	ad. 2001 No. 349
r. 101.430 .....	ad. 2001 No. 349
	am. 2002 No. 349
Note to r. 101.430(1) .....	rs. 2007 No. 172
r. 101.435 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.440 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.445 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.450 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.455 .....	ad. 2001 No. 349
	am. 2002 No. 349
r. 101.460 .....	ad. 2001 No. 349
	am. 2002 No. 349

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 101.465 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.470 .....	ad. 2001 No. 349 am. 2002 No. 349
<b>Subpart 101.I</b>	
Subpart I of Part 101	
Renumbered .....	2004 No. 345
Subpart 101.I	
r. 101.475 .....	ad. 2001 No. 349
r. 101.480 .....	ad. 2001 No. 349
r. 101.485 .....	ad. 2001 No. 349
r. 101.490 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.495 .....	ad. 2001 No. 349 am. 2002 No. 349
r. 101.500 .....	ad. 2001 No. 349 am. 2002 No. 349
<b>Part 103</b>	
Part 103 .....	ad. 2000 No. 204
<b>Part 105</b>	
Part 105 .....	ad. 2000 No. 204
<b>Part 115</b>	
Part 115 .....	ad. 2000 No. 204
<b>Part 119</b>	
Part 119 .....	ad. 2000 No. 204
<b>Part 121</b>	
Part 121 .....	ad. 2000 No. 204
<b>Part 129</b>	
Part 129 .....	ad. 2000 No. 204
<b>Part 133</b>	
Part 133 .....	ad. 2000 No. 204
<b>Part 137</b>	
Part 137 .....	ad. 2000 No. 204

## Endnote 4—Amendment history

Provision affected	How affected
	rs. 2007 No. 41
Table of Contents to ..... Part 137	am. No. 80, 2013
<b>Subpart 137.A</b>	
r. 137.005 .....	ad. 2007 No. 41
r. 137.010 .....	ad. 2007 No. 41
<b>Subpart 137.B</b>	
r. 137.015 .....	ad. 2007 No. 41
r. 137.020 .....	ad. 2007 No. 41
r. 137.025 .....	ad. 2007 No. 41
r. 137.030 .....	ad. 2007 No. 41
<b>Subpart 137.C</b>	
r. 137.035 .....	ad. 2007 No. 41
r. 137.040 .....	ad. 2007 No. 41
r. 137.045 .....	ad. 2007 No. 41
Note 1 to r. 137.045(5) .....	rep. 2011 No. 77
Note 2 to r. 137.045(5) .....	rep. 2011 No. 77
Note to r. 137.045(5) .....	ad. 2011 No. 77
r. 137.050 .....	ad. 2007 No. 41
	am. 2011 No. 77
r. 137.055 .....	ad. 2007 No. 41
r. 137.060 .....	ad. 2007 No. 41
r. 137.065 .....	ad. 2007 No. 41
r. 137.070 .....	ad. 2007 No. 41
r. 137.075 .....	ad. 2007 No. 41
r. 137.080 .....	ad. 2007 No. 41
r. 137.085 .....	ad. 2007 No. 41
r. 137.090 .....	ad. 2007 No. 41
<b>Subpart 137.D</b>	
r. 137.095 .....	ad. 2007 No. 41
r. 137.100 .....	ad. 2007 No. 41
r. 137.105 .....	ad. 2007 No. 41
r. 137.110 .....	ad. 2007 No. 41

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 137.115 .....	ad. 2007 No. 41
r. 137.120 .....	ad. 2007 No. 41
r. 137.125 .....	ad. 2007 No. 41
r. 137.130 .....	ad. 2007 No. 41
r. 137.135 .....	ad. 2007 No. 41
r. 137.140 .....	ad. 2007 No. 41
r. 137.145 .....	ad. 2007 No. 41
r. 137.150 .....	ad. 2007 No. 41
r. 137.155 .....	ad. 2007 No. 41
r. 137.160 .....	ad. 2007 No. 41
r. 137.165 .....	ad. 2007 No. 41
r. 137.170 .....	ad. 2007 No. 41
r. 137.175 .....	ad. 2007 No. 41
<b>Subpart 137.E</b>	
Subpart 137.E .....	ad. 2007 No. 41
<b>Subpart 137.H</b>	
r. 137.180 .....	ad. 2007 No. 41
r. 137.185 .....	ad. 2007 No. 41
<b>Subpart 137.J</b>	
r. 137.190 .....	ad. 2007 No. 41
r. 137.195 .....	ad. 2007 No. 41
<b>Subpart 137.K</b>	
r. 137.200 .....	ad. 2007 No. 41
	am No 188, 2013
r. 137.210 .....	ad. 2007 No. 41
r. 137.215 .....	ad. 2007 No. 41
r. 137.220 .....	ad. 2007 No. 41
r. 137.225 .....	ad. 2007 No. 41
<b>Subpart 137.M</b>	
r. 137.230 .....	ad. 2007 No. 41
<b>Subpart 137.N</b>	
r. 137.235 .....	ad. 2007 No. 41

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## Endnote 4—Amendment history

Provision affected	How affected
r. 137.240 .....	ad. 2007 No. 41
<b>Subpart 137.P</b>	
r. 137.245 .....	ad. 2007 No. 41
r. 137.250 .....	ad. 2007 No. 41
r. 137.255 .....	ad. 2007 No. 41
r. 137.260 .....	ad. 2007 No. 41
<b>Subpart 137.Q</b>	
r. 137.265 .....	ad. 2007 No. 41
r. 137.270 .....	ad. 2007 No. 41
r. 137.275 .....	ad. 2007 No. 41
r. 137.280 .....	ad. 2007 No. 41
r. 137.285 .....	ad. 2007 No. 41
r. 137.290 .....	ad. 2007 No. 41
r. 137.295 .....	ad. 2007 No. 41
r. 137.300 .....	ad. 2007 No. 41
<b>Part 138</b>	
Part 138 .....	ad. 2000 No. 204
<b>Part 139</b>	
Heading to Part 139 .....	rs. 2003 No. 58
Part 139 .....	ad. 2000 No. 204
	rs. 2002 No. 167
Table of Contents to .....	ad. 2004 No. 345
Part 139 .....	am No 80 and No 275, 2013
<b>Subpart 139.A</b>	
Subpart 139.A .....	rs. 2003 No. 58
r. 139.000 .....	ad. 2002 No. 167
	rs. 2003 No. 58
	am. 2003 No. 75
	rep. 2004 No. 345
r. 139.005 .....	ad. 2003 No. 58
r. 139.010 .....	ad. 2003 No. 58
	am. 2011 No. 77
r. 139.015 .....	ad. 2003 No. 58

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 139.020 .....	ad. 2003 No. 58 rep. 2011 No. 77
r. 139.025 .....	ad. 2003 No. 58
r. 139.030 .....	ad. 2003 No. 58 rs. 2011 No. 265
r. 139.035 .....	ad. 2003 No. 58
r. 139.036 .....	ad. 2003 No. 58 rep. 2004 No. 345
<b>Subpart 139.B</b>	
Subpart 139.B.....	ad. 2003 No. 58
<b>Division 139.B.1</b>	
r. 139.040 .....	ad. 2003 No. 58
Note to r. 139.040.....	rs. 2011 No. 265
r. 139.045 .....	ad. 2003 No. 58 am. 2011 No. 77
r. 139.050 .....	ad. 2003 No. 58 am. 2011 No. 77
r. 139.055 .....	ad. 2003 No. 58 rep. 2011 No. 77
r. 139.060 .....	ad. 2003 No. 58 rep. 2011 No. 77
r. 139.065 .....	ad. 2003 No. 58 rep. 2011 No. 77
r. 139.070 .....	ad. 2003 No. 58
r. 139.075 .....	ad. 2003 No. 58 rep. 2011 No. 77
r. 139.080 .....	ad. 2003 No. 58 rep. No. 80, 2013
r. 139.085 .....	ad. 2003 No. 58 am. 2011 No. 77
<b>Division 139.B.2</b>	
r. 139.090 .....	ad. 2003 No. 58

## Endnote 4—Amendment history

Provision affected	How affected
r. 139.095 .....	ad. 2003 No. 58 am. 2011 No. 77
r. 139.100 .....	ad. 2003 No. 58
r. 139.105 .....	ad. 2003 No. 58
r. 139.110 .....	ad. 2003 No. 58
r. 139.115 .....	ad. 2004 No. 58
<b>Division 139.B.3</b>	
r. 139.120 .....	ad. 2003 No. 58
r. 139.125 .....	ad. 2003 No. 58
r. 139.130 .....	ad. 2003 No. 58
r. 139.135 .....	ad. 2003 No. 58
r. 139.140 .....	ad. 2003 No. 58
r. 139.145 .....	ad. 2003 No. 58
r. 139.150 .....	ad. 2003 No. 58
r. 139.155 .....	ad. 2003 No. 58
r. 139.160 .....	ad. 2003 No. 58
r. 139.165 .....	ad. 2003 No. 58
r. 139.170 .....	ad. 2003 No. 58
r. 139.175 .....	ad. 2003 No. 58
r. 139.180 .....	ad. 2003 No. 58
r. 139.185 .....	ad. 2003 No. 58 am. 2011 No. 77
r. 139.190 .....	ad. 2003 No. 58 am. 2004 No. 345
r. 139.195 .....	ad. 2003 No. 58
r. 139.200 .....	ad. 2003 No. 58
r. 139.205 .....	ad. 2003 No. 58
r. 139.210 .....	ad. 2003 No. 58
r. 139.215 .....	ad. 2003 No. 58
r. 139.220 .....	ad. 2003 No. 58
r. 139.225 .....	ad. 2003 No. 58
r. 139.230 .....	ad. 2003 No. 58

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 139.235 .....	ad. 2003 No. 58
r. 139.240 .....	ad. 2003 No. 58
r. 139.245 .....	ad. 2003 No. 58
r. 139.250 .....	ad. 2003 No. 58
<b>Division 139.B.4</b>	
Div. 139.B.4 of Part 139.....	ad. 2011 No. 265
r. 139.251 .....	ad. 2011 No. 265
r. 139.252 .....	ad. 2011 No. 265
r. 139.254 .....	ad. 2011 No. 265
<b>Subpart 139.C</b>	
Subpart 139.C.....	ad. 2003 No. 58
r. 139.255 .....	ad. 2003 No. 58
r. 139.260 .....	ad. 2003 No. 58
	am. 2004 No. 345
Note to r. 139.260(1) .....	rs. 2011 No. 265
r. 139.265 .....	ad. 2003 No. 58
r. 139.270 .....	ad. 2003 No. 58
r. 139.275 .....	ad. 2003 No. 58
r. 139.280 .....	ad. 2003 No. 58
r. 139.285 .....	ad. 2003 No. 58
r. 139.290 .....	ad. 2003 No. 58
r. 139.295 .....	ad. 2003 No. 58
r. 139.300 .....	ad. 2003 No. 58
r. 139.305 .....	ad. 2003 No. 58
r. 139.310 .....	ad. 2003 No. 58
r. 139.315 .....	ad. 2003 No. 58
	am. 2004 No. 345
r. 139.320 .....	ad. 2003 No. 58
	am. 2011 No. 77
Note 1 to r. 139.320(1) .....	ad. 2011 No. 77
Note 2 to r. 139.320(1) .....	ad. 2011 No. 77
Note to r. 139.320(2) .....	ad. 2011 No. 77

## Endnote 4—Amendment history

Provision affected	How affected
r. 139.325 .....	ad. 2003 No. 58
r. 139.330 .....	ad. 2003 No. 58
<b>Subpart 139.D</b>	
Subpart 139.D.....	ad. 2003 No. 58
r. 139.335 .....	ad. 2003 No. 58
r. 139.340 .....	ad. 2003 No. 58
r. 139.345 .....	ad. 2003 No. 58
	am. 2004 No. 345
<b>Subpart 139.E</b>	
Subpart 139.E.....	ad. 2003 No. 58
r. 139.350 .....	ad. 2003 No. 58
r. 139.355 .....	ad. 2003 No. 58
r. 139.360 .....	ad. 2003 No. 58
r. 139.365 .....	ad. 2003 No. 58
r. 139.370 .....	ad. 2003 No. 58
<b>Subpart 139.F</b>	
Subpart 139.F.....	ad. 2003 No. 58
<b>Division 139.F.1</b>	
r. 139.375 .....	ad. 2003 No. 58
<b>Division 139.F.2</b>	
r. 139.380 .....	ad. 2003 No. 58
r. 139.385 .....	ad. 2003 No. 58
<b>Division 139.F.3</b>	
r. 139.390 .....	ad. 2003 No. 58
r. 139.395 .....	ad. 2003 No. 58
r. 139.400 .....	ad. 2003 No. 58
r. 139.405 .....	ad. 2003 No. 58
r. 139.410 .....	ad. 2003 No. 58
r. 139.415 .....	ad. 2003 No. 58
r. 139.420 .....	ad. 2003 No. 58
	am. 2011 No. 77
r. 139.425 .....	ad. 2003 No. 58

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 139.430 .....	ad. 2003 No. 58 am. 2011 No. 77
r. 139.435 .....	ad. 2003 No. 58
<b>Subpart 139.H</b>	
Subpart H of Part 139 .....	ad. 2002 No. 167
Renumbered .....	2002 No. 167
Subpart 139.H	
Heading to Subpart 139.H .....	rs. 2011 No. 77
<b>Division 139.H.1</b>	
Heading to Div. 1 of .....	rep. 2003 No. 75
Subpart H of Part 139	
Heading to Div. 1 of .....	ad. 2003 No. 75
Subpart 139.H.1	
r. 139.700 .....	ad. 2002 No. 167 am. 2003 No. 75
Note to r. 139.700(2) .....	ad. 2011 No. 77
r. 139.705 .....	ad. 2002 No. 167 am. 2003 No. 75
r. 139.710 .....	ad. 2002 No. 167
r. 139.711 .....	ad. 2003 No. 75 am. 2011 No. 77
r. 139.712 .....	ad. 2003 No. 75 am. 2004 No. 345; No. 80, 2013
Note to r. 139.712(1) .....	rs. 2005 No. 323
r. 139.712A.....	ad. 2003 No. 75 rep. 2004 No. 345
r. 139.712B.....	ad. 2003 No. 75 rep. 2004 No. 345
r. 139.712C.....	ad. 2003 No. 75 rep. 2004 No. 345
r. 139.712D.....	ad. 2003 No. 75 rep. 2004 No. 345
r. 139.712E.....	ad. 2003 No. 75

## Endnote 4—Amendment history

Provision affected	How affected
	rep. 2004 No. 345
r. 139.712F .....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 139.712G.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 139.712H.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 139.715 .....	ad. 2002 No. 167
Div. 2 of Subpart H ..... of Part 139	rep. 2003 No. 75
r. 139.720 .....	ad. 2002 No. 167
	rep. 2003 No. 75
r. 139.725 .....	ad. 2002 No. 167
	rep. 2003 No. 75
r. 139.730 .....	ad. 2002 No. 167
	rep. 2003 No. 75
r. 139.735 .....	ad. 2002 No. 167
	rep. 2003 No. 75
r. 139.740 .....	ad. 2002 No. 167
	rep. 2003 No. 75
r. 139.745 .....	ad. 2002 No. 167
	rep. 2003 No. 75
<b>Division 139.H.3</b>	
Heading to Div. 3 of ..... Subpart H of Part 139	rep. 2003 No. 75
Heading to Div. 3 of ..... Subpart 139.H	ad. 2003 No. 75
r. 139.750 .....	ad. 2002 No. 167
r. 139.755 .....	ad. 2002 No. 167
	rs. 2003 No. 75
r. 139.760 .....	ad. 2002 No. 167
r. 139.765 .....	ad. 2002 No. 167
r. 139.770 .....	ad. 2002 No. 167

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2003 No. 75
r. 139.771 .....	ad. 2003 No. 75
r. 139.772 .....	ad. 2003 No. 75
r. 139.773 .....	ad. 2003 No. 75
r. 139.775 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 139.780 .....	ad. 2002 No. 167
r. 139.785 .....	ad. 2002 No. 167
r. 139.795 .....	ad. 2002 No. 167
r. 139.800 .....	ad. 2002 No. 167
r. 139.805 .....	ad. 2002 No. 167
r. 139.810 .....	ad. 2002 No. 167
r. 139.815 .....	ad. 2002 No. 167
r. 139.820 .....	ad. 2002 No. 167
r. 139.825 .....	ad. 2002 No. 167
r. 139.830 .....	ad. 2002 No. 167
r. 139.835 .....	ad. 2002 No. 167
r. 139.840 .....	ad. 2002 No. 167
r. 139.845 .....	ad. 2002 No. 167
r. 139.850 .....	ad. 2002 No. 167
r. 139.855 .....	ad. 2002 No. 167
r. 139.860 .....	ad. 2002 No. 167
r. 139.865 .....	ad. 2002 No. 167
r. 139.870 .....	ad. 2002 No. 167
r. 139.875 .....	ad. 2002 No. 167
r. 139.880 .....	ad. 2002 No. 167
r. 139.885 .....	ad. 2002 No. 167
r. 139.890 .....	ad. 2002 No. 167
r. 139.895 .....	ad. 2002 No. 167
r. 139.900 .....	ad. 2002 No. 167
r. 139.905 .....	ad. 2002 No. 167
r. 139.910 .....	ad. 2002 No. 167

## Endnote 4—Amendment history

Provision affected	How affected
	am. 2003 No. 75; 2011 No. 77
<b>Division 139.H.4</b>	
Heading to Div. 4 of .....	rep. 2003 No. 75
Subpart H of Part 139	
Heading to Div. 4 of .....	ad. 2003 No. 75
Subpart 139.H	
r. 139.915 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2004 No. 345
<b>Division 139.H.5</b>	
Heading to Div. 5 of .....	rep. 2003 No. 75
Subpart H of Part 139	
Heading to Div. 5 of .....	ad. 2003 No. 75
Subpart 139.H	
r. 139.920 .....	ad. 2002 No. 167
r. 139.925 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2006 No. 185; 2011 No. 77
Note to r. 139.925(5) .....	ad. 2011 No. 77
r. 139.930 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.935 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.940 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.945 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.950 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.955 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.960 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 139.965 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 139.970 .....	ad. 2002 No. 167 am. 2011 No. 77
r. 139.975 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 139.980 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 139.985 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 139.990 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 139.995 .....	ad. 2002 No. 167 am. 2011 No. 77
r. 139.1000 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 139.1005 .....	ad. 2002 No. 167
Note to r. 139.1005(1) .....	am. 2004 No. 345
r. 139.1010 .....	ad. 2002 No. 167
Note to r. 139.1010 .....	am. 2004 No. 345
r. 139.1015 .....	ad. 2002 No. 167
r. 139.1020 .....	ad. 2002 No. 167
r. 139.1022 .....	ad. 2003 No. 75
r. 139.1025 .....	ad. 2002 No. 167 rep. 2011 No. 77
<b>Part 141</b>	
Part 141 .....	ad. 2000 No. 204
<b>Part 142</b>	
Part 142 .....	ad. 2000 No. 204
<b>Part 143</b>	
Part 143 .....	ad. 2000 No. 204 rs. 2002 No. 167
Table of Contents to .....	ad. 2004 No. 345
Part 143	am. No. 80, 2013
<b>Subpart 143.A</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
Subpart A of Part 143	
Renumbered .....	2004 No. 345
Subpart 143.A	
r. 143.000 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rep. 2004 No. 345
r. 143.005 .....	ad. 2002 No. 167
	rs. 2003 No. 75
r. 143.010 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 143.015 .....	ad. 2002 No. 167
r. 143.016 .....	ad. 2003 No. 75
r. 143.017 .....	ad. 2003 No. 75
	am. 2004 No. 345; No. 80, 2013
Note to r. 143.017(1) .....	rs. 2005 No. 323
r. 143.017A.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017B.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017C.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017D.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017E.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017F .....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017G.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 143.017H.....	ad. 2003 No. 75
	rep. 2004 No. 345
<b>Subpart 143.B</b>	
Subpart B of Part 143	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Renumbered .....	2004 No. 345
Subpart 143.B	
r. 143.020 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 143.025 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 143.027 .....	ad. 2003 No. 75
	am. 2011 No. 77
r. 143.030 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.035 .....	ad. 2002 No. 167
	rep. No. 80, 2013
r. 143.040 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.045 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.050 .....	ad. 2002 No. 167
	am. 2011 No. 77
<b>Subpart 143.C</b>	
Subpart C of Part 143	
Renumbered .....	2004 No. 345
Subpart 143.C	
<b>Division 143.C.1</b>	
Div. 1 of Subpart C of Part 143	
Renumbered Div. 143.C.1 .....	2004 No. 345
r. 143.055 .....	ad. 2002 No. 167
r. 143.060 .....	ad. 2002 No. 167
<b>Division 143.C.2</b>	
Div. 2 of Subpart C of Part 143	
Renumbered Div. 143.C.2 .....	2004 No. 345
r. 143.065 .....	ad. 2002 No. 167
	am. 2003 No. 75

## Endnote 4—Amendment history

Provision affected	How affected
r. 143.070 .....	ad. 2002 No. 167 am. 2003 No. 75
<b>Division 143.C.3</b>	
Div. 3 of Subpart C of Part 143	
Renumbered Div. 143.C.3 .....	2004 No. 345
r. 143.075 .....	ad. 2002 No. 167
r. 143.080 .....	ad. 2002 No. 167
r. 143.085 .....	ad. 2002 No. 167
r. 143.090 .....	ad. 2002 No. 167
<b>Subpart 143.D</b>	
Subpart D of Part 143	
Renumbered .....	2004 No. 345
Subpart 143.D	
r. 143.095 .....	ad. 2002 No. 167
r. 143.100 .....	ad. 2002 No. 167
Heading to r. 143.105 .....	rs. 2003 No. 75
r. 143.105 .....	ad. 2002 No. 167 am. 2003 No. 75
<b>Subpart 143.E</b>	
Subpart E of Part 143	
Renumbered .....	2004 No. 345
Subpart 143.E	
r. 143.110 .....	ad. 2002 No. 167 am. 2003 No. 75
<b>Subpart 143.F</b>	
Subpart F of Part 143	
Renumbered .....	2004 No. 345
Subpart 143.F	
Heading to Subpart 143.F .....	rs. 2011 No. 77
Note to heading to .....	rs. 2011 No. 77
Subpart 143.F	
<b>Division 143.F.1</b>	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Div. 1 of Subpart F of Part 143	
Renumbered Div. 143.F.1.....	2004 No. 345
r. 143.115 .....	ad. 2002 No. 167
<b>Division 143.F.2</b>	
Div. 2 of Subpart F of Part 143	
Renumbered Div. 143.F.2.....	2004 No. 345
r. 143.118 .....	ad. 2011 No. 77
r. 143.120 .....	ad. 2002 No. 167
r. 143.125 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.130 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rs. 2011 No. 77
r. 143.135 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.140 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.145 .....	ad. 2002 No. 167
	rs. 2011 No. 77
r. 143.150 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.155 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.160 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.165 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.170 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 143.175 .....	ad. 2002 No. 167
	rs. 2011 No. 77

## Endnote 4—Amendment history

Provision affected	How affected
r. 143.180 .....	ad. 2002 No. 167 am. 2011 No. 77
r. 143.185 .....	ad. 2002 No. 167
r. 143.190 .....	ad. 2002 No. 167
r. 143.192 .....	ad. 2003 No. 75
Relocated and renumbered	
r. 143.245 .....	2011 No. 77
r. 143.195 .....	ad. 2002 No. 167 rep. 2011 No. 77
Division 143.F.3 .....	rep. 2011 No. 77
Div. 3 of Subpart F of Part 143	
Renumbered Div. 143.F.3 .....	2004 No. 345
r. 143.200 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 143.205 .....	ad. 2002 No. 167 am. 2004 No. 345 rep. 2011 No. 77
r. 143.210 .....	ad. 2002 No. 167 rep. 2011 No. 77
<b>Division 143.F.4</b>	
Div. 4 of Subpart F of Part 143	
Renumbered Div. 143.F.4 .....	2004 No. 345
r. 143.215 .....	ad. 2002 No. 167
r. 143.220 .....	ad. 2002 No. 167
r. 143.225 .....	ad. 2002 No. 167
Note to r. 143.225 .....	am. 2004 No. 345
r. 143.230 .....	ad. 2002 No. 167
r. 143.235 .....	ad. 2002 No. 167 am. 2011 No. 77
r. 143.240 .....	ad. 2002 No. 167 rep. 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 143.245 (formerly r. 143.192) .....	2011 No. 77
<b>Part 144</b>	
Part 144 .....	ad. 2000 No. 204
<b>Part 145</b>	
Part 145 .....	ad. 2000 No. 204 rs. 2010 No. 328
Table of Contents to .....	am. No. 80, 2013
Part 145	
<b>Subpart 145.A</b>	
r. 145.005 .....	ad. 2010 No. 328
Note to r 145.005 .....	ad No 275, 2013
r. 145.010 .....	ad. 2010 No. 328
r. 145.015 .....	ad. 2010 No. 328
r. 145.020 .....	ad. 2010 No. 328
<b>Subpart 145.B</b>	
r. 145.025 .....	ad. 2010 No. 328
r. 145.030 .....	ad. 2010 No. 328
r. 145.035 .....	ad. 2010 No. 328
r. 145.040 .....	ad. 2010 No. 328
r. 145.045 .....	ad. 2010 No. 328
<b>Subpart 145.C</b>	
r. 145.050 .....	ad. 2010 No. 328
r. 145.055 .....	ad. 2010 No. 328
r. 145.060 .....	ad. 2010 No. 328
r. 145.065 .....	ad. 2010 No. 328
<b>Subpart 145.D</b>	
r. 145.070 .....	ad. 2010 No. 328
r. 145.075 .....	ad. 2010 No. 328
r. 145.080 .....	ad. 2010 No. 328
r. 145.085 .....	ad. 2010 No. 328
Part 146 .....	ad. 2000 No. 204 rep. 2010 No. 328

## Endnote 4—Amendment history

Provision affected	How affected
<b>Part 147</b>	
Part 147 .....	ad. 2000 No. 204
	rs. 2010 No. 328
Table of Contents to .....	am. No. 80, 2013
Part 147	
<b>Subpart 147.A</b>	
r. 147.005 .....	ad. 2010 No. 328
r. 147.010 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 147.015 .....	ad. 2010 No. 328
r. 147.020 .....	ad. 2010 No. 328
<b>Subpart 147.B</b>	
r. 147.025 .....	ad. 2010 No. 328
r. 147.030 .....	ad. 2010 No. 328
r. 147.035 .....	ad. 2010 No. 328
r. 147.040 .....	ad. 2010 No. 328
r. 147.045 .....	ad. 2010 No. 328
<b>Subpart 147.C</b>	
r. 147.050 .....	ad. 2010 No. 328
r. 147.055 .....	ad. 2010 No. 328
r. 147.060 .....	ad. 2010 No. 328
r. 147.065 .....	ad. 2010 No. 328
<b>Subpart 147.D</b>	
r. 147.070 .....	ad. 2010 No. 328
r. 147.075 .....	ad. 2010 No. 328
r. 147.080 .....	ad. 2010 No. 328
r. 147.085 .....	ad. 2010 No. 328
Part 148 .....	ad. 2000 No. 204
	rep. 2003 No. 240
<b>Part 149</b>	
Part 149 .....	ad. 2000 No. 204
<b>Part 171</b>	
Part 171 .....	ad. 2000 No. 204

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	rs. 2002 No. 167
Table of Contents to .....	ad. 2004 No. 345
Part 171	am. No. 80, 2013
<b>Subpart 171.A</b>	
Subpart A of Part 171	
Renumbered .....	2004 No. 345
Subpart 171.A	
r. 171.000 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rep. 2004 No. 345
r. 171.005 .....	ad. 2002 No. 167
	rs. 2003 No. 75
r. 171.010 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2006 No. 124; 2011 No. 265
r. 171.012 .....	ad. 2003 No. 75
r. 171.015 .....	ad. 2002 No. 167
r. 171.017 .....	ad. 2003 No. 75
	am. 2004 No. 345; No. 80, 2013
Note to r. 171.017(1) .....	rs. 2005 No. 323
r. 171.017A.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 171.017B.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 171.017C.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 171.017D.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 171.017E.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 171.017F .....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 171.017G.....	ad. 2003 No. 75
	rep. 2004 No. 345

## Endnote 4—Amendment history

Provision affected	How affected
r. 171.017H.....	ad. 2003 No. 75 rep. 2004 No. 345
<b>Subpart 171.B</b>	
Subpart B of Part 171	
Renumbered .....	2004 No. 345
Subpart 171.B	
Heading to Subpart 171.B.....	rs. 2011 No. 77
Note to heading to .....	ad. 2011 No. 77
Subpart 171.B	
r. 171.020 .....	ad. 2002 No. 167 am. 2003 No. 75; 2011 No. 77
Note to r. 171.020.....	ad. 2011 No. 77
r. 171.022 (formerly r. 171.165) .....	2011 No. 77
r. 171.025 .....	ad. 2002 No. 167 am. 2011 No. 77
r. 171.026 .....	ad. 2011 No. 77
r. 171.027 .....	ad. 2011 No. 77
r. 171.028 .....	ad. 2011 No. 77
r. 121.029 .....	ad. 2011 No. 77
<b>Subpart 171.C</b>	
Subpart C of Part 171	
Renumbered .....	2004 No. 345
Subpart 171.C	
r. 171.030 .....	ad. 2002 No. 167
r. 171.035 .....	ad. 2002 No. 167 am. 2006 No. 124; 2011 No. 77
r. 171.040 .....	ad. 2002 No. 167
r. 171.045 .....	ad. 2002 No. 167 rs. 2003 No. 75 rep. 2006 No. 124
r. 171.050 .....	ad. 2002 No. 167
r. 171.055 .....	ad. 2002 No. 167

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2006 No. 124
r. 171.060 .....	ad. 2002 No. 167
	rep. 2006 No. 124
r. 171.065 .....	ad. 2002 No. 167
r. 171.070 .....	ad. 2002 No. 167
r. 171.075 .....	ad. 2002 No. 167
r. 171.080 .....	ad. 2002 No. 167
r. 171.085 .....	ad. 2002 No. 167
r. 171.086 .....	ad. 2006 No. 124
<b>Subpart 171.D</b>	
Heading to Subpart D of Part 171	
Renumbered .....	2004 No. 345
Subpart 171.D	
r. 171.090 .....	ad. 2002 No. 167
r. 171.095 .....	ad. 2002 No. 167
r. 171.100 .....	ad. 2002 No. 167
r. 171.105 .....	ad. 2002 No. 167
	am. 2003 No. 75
r. 171.110 .....	ad. 2002 No. 167
r. 171.115 .....	ad. 2002 No. 167
r. 171.120 .....	ad. 2002 No. 167
r. 171.125 .....	ad. 2002 No. 167
	rs. 2006 No. 124
r. 171.130 .....	ad. 2002 No. 167
	rep. 2006 No. 124
r. 171.135 .....	ad. 2002 No. 167
	rep. 2006 No. 124
r. 171.140 .....	ad. 2002 No. 167
r. 171.145 .....	ad. 2002 No. 167
r. 171.150 .....	ad. 2002 No. 167
r. 171.155 .....	ad. 2002 No. 167
r. 171.160 .....	ad. 2002 No. 167

## Endnote 4—Amendment history

Provision affected	How affected
<b>Subpart 171.E</b>	
Heading to Subpart E of Part 171	
Renumbered .....	2004 No. 345
Subpart 171.E	
Heading to Subpart 171.E.....	rs. 2011 No. 77
Note to Subpart E of.....	ad. 2002 No. 167
Part 171	rep. 2011 No. 77
r. 171.165 .....	ad. 2002 No. 167
Relocated and renumbered	
r. 171.022 .....	2011 No. 77
r. 171.170 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.175 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.180 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.185 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.190 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.195 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.200 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.205 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rep. 2011 No. 77
r. 171.210 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.215 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.220 .....	ad. 2002 No. 167

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Note to r. 171.220(1) .....	am. 2004 No. 345
r. 171.225 .....	ad. 2002 No. 167
r. 171.230 .....	ad. 2002 No. 167
Note to r. 171.230 .....	am. 2004 No. 345
r. 171.235 .....	ad. 2002 No. 167
r. 171.237 .....	ad. 2003 No. 75
r. 171.240 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 171.245 .....	ad. 2002 No. 167
r. 171.250 .....	ad. 2002 No. 167
	am. 2006 No. 124
	rep. 2011 No. 77
r. 171.255 .....	ad. 2002 No. 167
	rep. 2011 No. 77
<b>Part 172</b>	
Part 172 .....	ad. 2000 No. 204
	rs. 2002 No. 167
Table of Contents to .....	ad. 2004 No. 345
Part 172 .....	am. No. 80, 2013
<b>Subpart 172.A</b>	
Subpart A of Part 172	
Renumbered .....	2004 No. 345
Subpart 172.A	
r. 172.000 .....	ad. 2002 No. 167
	am. 2003 No. 75
	rep. 2004 No. 345
r. 172.005 .....	ad. 2002 No. 167
	rs. 2003 No. 75
r. 172.010 .....	ad. 2002 No. 167
	am. 2003 No. 75; 2007 No. 172
r. 172.015 .....	ad. 2002 No. 167
r. 172.020 .....	ad. 2002 No. 167
r. 172.022 .....	ad. 2003 No. 75

## Endnote 4—Amendment history

Provision affected	How affected
	am. 2004 No. 345; No. 80, 2013
Note to r. 172.022(1) .....	rs. 2005 No. 323
r. 172.022A.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022B.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022C.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022D.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022E.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022F .....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022G.....	ad. 2003 No. 75
	rep. 2004 No. 345
r. 172.022H.....	ad. 2003 No. 75
	rep. 2004 No. 345
<b>Subpart 172.B</b>	
Subpart B of Part 172	
Renumbered .....	2004 No. 345
Subpart 172.B	
r. 172.024 .....	ad. 2003 No. 75
r. 172.025 .....	ad. 2002 No. 167
	am. 2004 No. 345
	rep. 2011 No. 77
r. 172.030 .....	ad. 2002 No. 167
	am. 2004 No. 345
r. 172.035 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.040 .....	ad. 2002 No. 167
	rep. No. 80, 2013
r. 172.045 .....	ad. 2002 No. 167

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2004 No. 345
	rep. 2011 No. 77
r. 172.050 .....	ad. 2002 No. 167
	am. 2004 No. 345; 2011 No. 77
r. 172.055 .....	ad. 2002 No. 167
	am. 2004 No. 345
<b>Subpart 172.C</b>	
Subpart C of Part 172	
Renumbered .....	2004 No. 345
Subpart 172.C	
<b>Division 172.C.1</b>	
Div. 1 of Subpart C of Part 172	
Renumbered Div. 172.C.1 .....	2004 No. 345
r. 172.060 .....	ad. 2002 No. 167
<b>Division 172.C.2</b>	
Div. 2 of Subpart C of Part 172	
Renumbered Div. 172.C.2 .....	2004 No. 345
r. 172.065 .....	ad. 2002 No. 167
r. 172.070 .....	ad. 2002 No. 167
r. 172.075 .....	ad. 2002 No. 167
r. 172.080 .....	ad. 2002 No. 167
r. 172.085 .....	ad. 2002 No. 167
r. 172.090 .....	ad. 2002 No. 167
<b>Division 172.C.3</b>	
Div. 3 of Subpart C of Part 172	
Renumbered Div. 172.C.3 .....	2004 No. 345
r. 172.095 .....	ad. 2002 No. 167
<b>Division 172.C.4</b>	
Div. 4 of Subpart C of .....	
Part 172	
	ad. 2002 No. 167

## Endnote 4—Amendment history

Provision affected	How affected
Renumbered Div. 172.C.4 .....	2004 No. 345
r. 172.100 .....	ad. 2002 No. 167
r. 172.105 .....	ad. 2002 No. 167
r. 172.110 .....	ad. 2002 No. 167
r. 172.115 .....	ad. 2002 No. 167
r. 172.120 .....	ad. 2002 No. 167
<b>Division 172.C.5</b>	
Div. 5 of Subpart C of Part 172	
Renumbered Div. 172.C.5 .....	2004 No. 345
r. 172.125 .....	ad. 2002 No. 167
r. 172.130 .....	ad. 2002 No. 167
r. 172.135 .....	ad. 2002 No. 167
<b>Division 172.C.6</b>	
Div. 6 of Subpart C of Part 172	
Renumbered Div. 172.C.6 .....	2004 No. 345
r. 172.140 .....	ad. 2002 No. 167
r. 172.145 .....	ad. 2002 No. 167
r. 172.150 .....	ad. 2002 No. 167
r. 172.155 .....	ad. 2002 No. 167
<b>Division 172.C.7</b>	
Div. 7 of Subpart C of Part 172	
Renumbered Div. 172.C.7 .....	2004 No. 345
r. 172.160 .....	ad. 2002 No. 167
r. 172.165 .....	ad. 2002 No. 167
r. 172.170 .....	ad. 2002 No. 167
r. 172.175 .....	ad. 2002 No. 167
<b>Division 172.C.8</b>	
Div. 8 of Subpart C of Part 172	
Renumbered Div. 172.C.8 .....	2004 No. 345

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 172.180 .....	ad. 2002 No. 167 am. 2011 No. 265
<b>Subpart 172.D</b>	
Subpart D of Part 172	
Renumbered .....	2004 No. 345
Subpart 172.D	
r. 172.185 .....	ad. 2002 No. 167
r. 172.190 .....	ad. 2002 No. 167
<b>Subpart 172.E</b>	
Subpart E of Part 172	
Renumbered .....	2004 No. 345
Subpart 172.E	
r. 172.195 .....	ad. 2002 No. 167
<b>Subpart 172.F</b>	
Subpart F of Part 172	
Renumbered .....	2004 No. 345
Subpart 172.F	
Heading to Subpart 172.F .....	rs. 2011 No. 77
Note to heading to Subpart F .... of Part 172	ad. 2002 No. 167
<b>Division 172.F.1</b>	
Div. 1 of Subpart F of Part 172	
Renumbered Div. 172.F.1 .....	2004 No. 345
r. 172.200 .....	ad. 2002 No. 167
<b>Division 172.F.2</b>	
Div. 2 of Subpart F of Part 172	
Renumbered Div. 172.F.2 .....	2004 No. 345
r. 172.202 .....	ad. 2011 No. 77
r. 172.205 .....	ad. 2002 No. 167
r. 172.210 .....	ad. 2002 No. 167 rep. 2011 No. 77
r. 172.215 .....	ad. 2002 No. 167

## Endnote 4—Amendment history

Provision affected	How affected
	rs. 2011 No. 77
r. 172.220 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.225 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.230 .....	ad. 2002 No. 167
	rs. 2011 No. 77
r. 172.235 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.240 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.245 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.250 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.255 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.260 .....	ad. 2002 No. 167
	rs. 2011 No. 77
r. 172.265 .....	ad. 2002 No. 167
	am. 2011 No. 77
r. 172.270 .....	ad. 2002 No. 167
	rs. 2011 No. 77
r. 172.275 .....	ad. 2002 No. 167
	rep. 2011 No. 77
r. 172.280 .....	ad. 2002 No. 167
	rep. 2011 No. 77
Division 172.F.3 .....	rep. 2011 No. 77
Div. 3 of Subpart F of Part 172	
Renumbered Div. 172.F.3 .....	2004 No. 345
r. 172.285 .....	ad. 2002 No. 167
	rep. 2011 No. 77

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 172.290 .....	ad. 2002 No. 167 am. 2004 No. 345 rep. 2011 No. 77
r. 172.295 .....	ad. 2002 No. 167 am. 2003 No. 75 rep. 2011 No. 77
<b>Division 172.F.4</b>	
Div. 4 of Subpart F of Part 172	
Renumbered Div. 172.F.4.....	2004 No. 345
r. 172.300 .....	ad. 2002 No. 167
<b>Division 172.F.5</b>	
Div. 5 of Subpart F of Part 172	
Renumbered Div. 172.F.5.....	2004 No. 345
r. 172.305 .....	ad. 2002 No. 167
r. 172.310 .....	ad. 2002 No. 167
Note to r. 172.310(1) .....	am. 2004 No. 345
r. 172.315 .....	ad. 2002 No. 167
Note to r. 172.315 .....	am. 2004 No. 345
r. 172.320 .....	ad. 2002 No. 167
r. 172.325 .....	ad. 2002 No. 167
r. 172.327 .....	ad. 2003 No. 75
r. 172.330 .....	ad. 2002 No. 167 rep. 2011 No. 77
<b>Part 173</b>	
Part 173 .....	ad. 2000 No. 204 rs. 2003 No. 189
Table of Contents to .....	ad. 2004 No. 345
Part 173 .....	am. No. 80, 2013
<b>Subpart 173.A</b>	
r. 173.000 .....	ad. 2003 No. 189 rep. 2004 No. 345

## Endnote 4—Amendment history

Provision affected	How affected
r. 173.005 .....	ad. 2003 No. 189
r. 173.010 .....	ad. 2003 No. 189
	am. 2011 No. 265
Note to r. 173.010 .....	rs. 2011 No. 265
r. 173.015 .....	ad. 2003 No. 189
r. 173.020 .....	ad. 2003 No. 189
r. 173.025 .....	ad. 2003 No. 189
r. 173.030 .....	ad. 2003 No. 189
	am. No. 80, 2013
r. 173.035 .....	ad. 2003 No. 189
	rs. 2011 No. 265
r. 173.040 .....	ad. 2003 No. 189
<b>Subpart 173.B</b>	
<b>Division 173.B.1</b>	
Heading to Div. 173.B.1 .....	rs. 2011 No. 77
Note to heading to .....	ad. 2011 No. 77
Div. 173.B.1	
r. 173.045 .....	ad. 2003 No. 189
	am. 2011 No. 77
Note to r. 173.045(2) .....	ad. 2011 No. 77
r. 173.050 .....	ad. 2003 No. 189
r. 173.055 .....	ad. 2003 No. 189
	am. 2011 No. 77
r. 173.060 .....	ad. 2003 No. 189
	rep. 2011 No. 77
r. 173.065 .....	ad. 2003 No. 189
	rs. 2011 No. 77
r. 173.070 .....	ad. 2003 No. 189
	rs. 2011 No. 77
<b>Division 173.B.2</b>	
r. 173.075 .....	ad. 2003 No. 189
r. 173.080 .....	ad. 2003 No. 189
r. 173.085 .....	ad. 2003 No. 189

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 173.090 .....	ad. 2003 No. 189
r. 173.095 .....	ad. 2003 No. 189
r. 173.100 .....	ad. 2003 No. 189
r. 173.105 .....	ad. 2003 No. 189
r. 173.110 .....	ad. 2003 No. 189
r. 173.115 .....	ad. 2003 No. 189
r. 173.120 .....	ad. 2003 No. 189
r. 173.125 .....	ad. 2003 No. 189
r. 173.130 .....	ad. 2003 No. 189
r. 173.135 .....	ad. 2003 No. 189
r. 173.140 .....	ad. 2003 No. 189
r. 173.145 .....	ad. 2003 No. 189
r. 173.150 .....	ad. 2003 No. 189
r. 173.155 .....	ad. 2003 No. 189
r. 173.160 .....	ad. 2003 No. 189
<b>Division 173.B.3</b>	
r. 173.165 .....	ad. 2003 No. 189
r. 173.170 .....	ad. 2003 No. 189
r. 173.175 .....	ad. 2003 No. 189
r. 173.180 .....	ad. 2003 No. 189
r. 173.185 .....	ad. 2003 No. 189
r. 173.190 .....	ad. 2003 No. 189
<b>Division 173.B.4</b>	
r. 173.195 .....	ad. 2003 No. 189
	am. 2011 No. 265
r. 173.200 .....	ad. 2003 No. 189
r. 173.205 .....	ad. 2003 No. 189
r. 173.210 .....	ad. 2003 No. 189
r. 173.215 .....	ad. 2003 No. 189
<b>Subpart 173.C</b>	
<b>Division 173.C.1</b>	
Heading to Div. 173.C.1 .....	rs. 2011 No. 77

## Endnote 4—Amendment history

Provision affected	How affected
Note to heading to ..... Div. 173.C.1	ad. 2011 No. 77
r. 173.220 .....	ad. 2003 No. 189 am. 2011 No. 77
Note to r. 173.220(2) .....	ad. 2011 No. 77
r. 173.225 .....	ad. 2003 No. 189
r. 173.230 .....	ad. 2003 No. 189 rep. 2011 No. 77
r. 173.235 .....	ad. 2003 No. 189 rep. 2011 No. 77
r. 173.240 .....	ad. 2003 No. 189 rs. 2011 No. 77
r. 173.245 .....	ad. 2003 No. 189 rs. 2011 No. 77
<b>Division 173.C.2</b>	
r. 173.250 .....	ad. 2003 No. 189
r. 173.255 .....	ad. 2003 No. 189
r. 173.260 .....	ad. 2003 No. 189
r. 173.265 .....	ad. 2003 No. 189
r. 173.270 .....	ad. 2003 No. 189
r. 173.275 .....	ad. 2003 No. 189
r. 173.280 .....	ad. 2003 No. 189
r. 173.285 .....	ad. 2003 No. 189
r. 173.290 .....	ad. 2003 No. 189 am. 2011 No. 265
<b>Division 173.C.3</b>	
r. 173.295 .....	ad. 2003 No. 189
r. 173.300 .....	ad. 2003 No. 189
r. 173.305 .....	ad. 2003 No. 189
<b>Subpart 173.D</b>	
r. 173.310 .....	ad. 2003 No. 189
r. 173.315 .....	ad. 2003 No. 189
<b>Subpart 173.E</b>	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Heading to Subpart 173.E.....	rs. 2011 No. 77
Note to heading to ..... Subpart 173.E	rs. 2011 No. 77
<b>Division 173.E.1</b>	
Heading to Div. 173.E.1 .....	rs. 2011 No. 77
Note to heading to .....	ad. 2011 No. 77
Div. 173.E.1	
r. 173.320 .....	ad. 2003 No. 189
	rep. 2011 No. 77
r. 173.325 .....	ad. 2003 No. 189
	rep. 2011 No. 77
r. 173.330 .....	ad. 2003 No. 189
	rs. 2011 No. 77
r. 173.335 .....	ad. 2003 No. 189
	rs. 2011 No. 77
r. 173.340 .....	ad. 2003 No. 189
	rep. 2011 No. 77
r. 173.345 .....	ad. 2003 No. 189
	am. 2011 No. 77
r. 173.350 .....	ad. 2003 No. 189
	am. 2011 No. 77
r. 173.355 .....	ad. 2003 No. 189
	rep. 2011 No. 77
r. 173.360 .....	ad. 2003 No. 189
	rep. 2011 No. 77
Division 173.E.2.....	rep. 2011 No. 77
r. 173.365 .....	ad. 2003 No. 189
	rep. 2011 No. 77
r. 173.370 .....	ad. 2003 No. 189
	rep. 2011 No. 77
<b>Division 173.E.3</b>	
r. 173.375 .....	ad. 2003 No. 189
<b>Division 173.E.4</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
r. 173.380 .....	ad. 2003 No. 189
r. 173.385 .....	ad. 2003 No. 189
	rep. 2011 No. 77
<b>Division 173.E.5</b>	
r. 173.390 .....	ad. 2003 No. 189
r. 173.395 .....	ad. 2003 No. 189
r. 173.400 .....	ad. 2003 No. 189
	am. 2011 No. 265
Part 183 .....	ad. 2000 No. 204
	rep. 2011 No. 77
<b>Part 200</b>	
Heading to Part 200 .....	rs. 2004 No. 345
Table of Contents to .....	ad. 2004 No. 345
Part 200 .....	am. No. 80, 2013
Subpart A of Part 200 .....	ad. 2000 No. 204
Renumbered .....	2002 No. 350
Subpart 200.A	
Subpart 200.A .....	rep. 2004 No. 345
r. 200.0 .....	ad. 2000 No. 204
Renumbered r. 200.000 .....	2002 No. 350
r. 200.000 .....	rep. 2004 No. 345
Heading to Div. 1 of .....	rep. 2000 No. 204
Part 200	
<b>Subpart 200.B</b>	
Heading to Subpart B of .....	ad. 2000 No. 204
Part 200	
Renumbered .....	2002 No. 350
Subpart 200.B	
r. 200.1 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.001 .....	2002 No. 350
r. 200.2 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.002 .....	2002 No. 350
r. 200.002 .....	am. 2004 No. 216

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 200.3 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.003 .....	2002 No. 350
r. 200.003 .....	rs. 2007 No. 226
r. 200.4 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.004 .....	2002 No. 350
r. 200.004 .....	rs. 2005 No. 321
r. 200.5 .....	am. 2000 No. 227
	rs. 2001 No. 349
Renumbered r. 200.005 .....	2002 No. 350
r. 200.005 .....	am. 2002 No. 350
r. 200.6 .....	am. 2000 No. 227
	rep. 2001 No. 349
r. 200.7 .....	rep. 2000 No. 7
r. 200.8 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.008 .....	2002 No. 350
r. 200.9 .....	am. 2000 No. 227
	rep. 2001 No. 349
r. 200.10 .....	rs. 2000 No. 7
	am. 2002 No. 350
Renumbered r. 200.010 .....	2002 No. 350
rr. 200.11, 200.12 .....	rep. 2000 No. 7
r. 200.13 .....	am. 1999 No. 166; 2000 No. 227; 2002 No. 350
Renumbered r. 200.013 .....	2002 No. 350
r. 200.013 .....	am. 2004 No. 216
	rs. 2005 No. 321
r. 200.14 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.014 .....	2002 No. 350
r. 200.014 .....	rs. 2005 No. 321
Heading to Div. 2 of .....	rep. 2000 No. 204
Part 200	
<b>Subpart 200.C</b>	
Heading to Subpart C of .....	ad. 2000 No. 204
Part 200	

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## Endnote 4—Amendment history

Provision affected	How affected
Renumbered .....	2002 No. 350
Subpart 200.C	
r. 200.20 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 200.020 .....	2002 No. 350
<b>Part 201</b>	
Table of Contents to .....	ad. 2004 No. 345
Part 201	am. No. 80, 2013
r. 201.0 .....	ad. 2000 No. 204
Renumbered r. 201.000 .....	2002 No. 350
r. 201.000 .....	rep. 2004 No. 345
r. 201.004 .....	rs. No. 80, 2013
	am No 275, 2013
r. 201.005 .....	rep. No. 80, 2013
r. 201.010 .....	rep. No. 80, 2013
r. 201.1 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 201.001 .....	2002 No. 350
r. 201.2 .....	am. 2000 No. 227; 2002 No. 350
Renumbered r. 201.002 .....	2002 No. 350
r. 201.002 .....	rep. 2004 No. 345
r. 201.3	
Renumbered r. 201.003 .....	2002 No. 350
r. 201.4 .....	am. 1999 Nos. 166 and 262; 2000 Nos. 204 and 227; 2002 No. 350
Renumbered r. 201.004 .....	2002 No. 350
r. 201.004 .....	am. 2004 No. 345; 2007 No. 41; 2009 No. 64; 2010 Nos. 277 and 328; 2011 Nos. 77 and 265
	rs. No. 80, 2013
r. 201.005 .....	ad. 2004 No. 345
	rep. No. 80, 2013
r. 201.010 .....	ad. 2004 No. 345
	rep. No. 80, 2013
r. 201.015 .....	ad. 2004 No. 345
	rep. 2011 No. 77
r. 201.016 .....	ad. 2005 No. 258

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	am. 2008 No. 192
Note to r. 201.016(2) .....	rep. 2008 No. 192
r. 201.020 .....	ad. 2004 No. 345
	rs. 2011 No. 77
<b>Part 202</b>	
Part 202 .....	ad. 1999 No. 262
Table of Contents to .....	ad. 2004 No. 345
Part 202 .....	am No 80, 188 and 275, 2013; No 40, 2014
Heading to Subpart 202.AA .....	ad. 2002 No. 321
	rep. 2004 No. 345
Subpart 202.AA .....	rep. 2004 No. 345
r. 202.0 .....	ad. 2000 No. 204
	rep. 2002 No. 321
r. 202.000 .....	ad. 2002 No. 321
	am. 2003 Nos. 58, 75 and 240
	rep. 2004 No. 345
<b>Subpart 202.AB</b>	
Subpart 202.AB .....	ad. 2002 No. 321
	rs. 2011 No. 77
Note to heading to .....	rs. 2011 No. 77
Subpart 202.AB .....	
<b>Subpart 202.AD</b>	
Subpart 202.AD .....	ad. 2002 No. 321
	rs. 2004 No. 345
r. 202.010 .....	ad. 2004 No. 345
	am. 2011 No. 77
Heading to r. 202.011 .....	rs. 2011 No. 77
r. 202.011 .....	ad. 2004 No. 345
	am. 2011 No. 77; No. 80, 2013
r. 202.011A .....	ad. 2011 No. 77
r. 202.011B .....	ad. 2011 No. 77
r. 202.011C .....	ad. 2011 No. 77
r. 202.011D .....	ad. 2011 No. 77

## Endnote 4—Amendment history

Provision affected	How affected
r. 202.011E.....	ad. 2011 No. 77
	am. No. 80, 2013
r. 202.011F .....	ad. 2011 No. 77
	am. No. 80, 2013
r. 202.011G.....	ad. 2011 No. 77
r. 202.012 .....	ad. 2004 No. 345
r. 202.013 .....	ad. 2011 No. 77
<b>Subpart 202.AF</b>	
Subpart 202.AF of Part 202 .....	ad. 2002 No. 321
<b>Subpart 202.AJ</b>	
Heading to Subpart 202.AJ .....	ad. 2002 No. 321
<b>Division 202.AJ.1</b>	
Heading to Div. 202.AJ.1 .....	ad. 2011 No. 76
<b>Sdiv 202.AJ.1.A</b>	
hdg to Sdiv 202.AJ.1.A .....	ad No 188, 2013
r. 202.049A.....	ad. 2011 No. 76
<b>Sdiv 202.AJ.1.B</b>	
hdg to Sdiv 202.AJ.1.B.....	ad No 188, 2013
r. 202.1 .....	ad. 1999 No. 262
Renumbered r. 202.050 .....	2002 No. 321
r. 202.2 .....	ad. 1999 No. 262
Renumbered r. 202.051 .....	2002 No. 321
r. 202.3 .....	ad. 1999 No. 262
Renumbered r. 202.052 .....	2002 No. 321
<b>Sdiv 202.AJ.1.C</b>	
Sdiv 202.AJ.1.C.....	ad No 188, 2013
r 202.052A.....	ad No 188, 2013
<b>Division 202.AJ.2</b>	
Division 202.AJ.2.....	ad. 2011 No. 76
<b>Sdiv 202.AJ.2.A</b>	
hdg to Sdiv 202.AJ.2.A .....	ad No 40, 2014
r. 202.053 .....	ad. 2011 No. 76

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r. 202.054 .....	ad. 2011 No. 76
r. 202.055 .....	ad. 2011 No. 76
r. 202.056 .....	ad. 2011.No. 76
r. 202.057 .....	ad. 2011 No. 76
	rep No 40, 2014
r. 202.058 .....	ad. 2011 No. 76
<b>Sdiv 202.AJ.2.B</b>	
Sdiv 202.AJ.2.B.....	ad No 40, 2014
r 202.058A.....	ad No 40, 2014
<b>Division 202.AJ.3</b>	
Heading to Div. 202.AJ.3 .....	ad. 2011 No. 76
<b>Sdiv 202.AJ.3.A</b>	
hdg to Sdiv 202.AJ.3.A .....	ad No 40, 2014
r. 202.059 .....	ad. 2011. No. 76
<b>Subpart 202.AK</b>	
Subpart 202.AK of.....	ad. 2002 No. 321
Part 202	rs. 2009 No. 147
r. 202.060 .....	ad. 2009 No. 147
<b>Subpart 202.AL</b>	
Subpart 202.AL of Part 202.....	ad. 2002 No. 321
	rs. 2009 No. 147
r. 202.070 .....	ad. 2009 No. 147
Subpart 202.AM of.....	ad. 2002 No. 321
Part 202	rep. 2004 No. 345
<b>Subpart 202.AN</b>	
Subpart 202.AN of.....	ad. 2002 No. 321
Part 202	rs. 2009 No. 147
r. 202.090 .....	ad. 2009 No. 147
<b>Subpart 202.AO</b>	
Subpart 202.AO of.....	ad. 2002 No. 321
Part 202	
<b>Subpart 202.AP</b>	
Subpart 202.AP of Part 202 .....	ad. 2002 No. 321

## Endnote 4—Amendment history

Provision affected	How affected
<b>Subpart 202.AR</b>	
Subpart 202.AR of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.AT</b>	
Subpart 202.AT ..... of Part 202	ad. 2002 No. 321
<b>Subpart 202.AU</b>	
Subpart 202.AU of..... Part 202	ad. 2002 No. 321 rs. 2009 No. 147
r. 202.140 .....	ad. 2009 No. 147
<b>Subpart 202.AV</b>	
Subpart 202.AV of..... Part 202	ad. 2002 No. 321
<b>Subpart 202.AX</b>	
Subpart 202.AX of..... Part 202	ad. 2002 No. 321
<b>Subpart 202.AZ</b>	
Heading to Subpart 202.AZ.....	ad. 2002 No. 321 rs. 2004 No. 345
Subpart 202.AZ of Part 202.....	rs. 2004 No. 345
r. 202.4 .....	ad. 1999 No. 262
Renumbered r. 202.170 .....	2002 No. 321
r. 202.170 .....	rs. 2004 No. 345
r. 202.5 .....	ad. 1999 No. 262
Renumbered r. 202.171 .....	2002 No. 321
r. 202.171 .....	rs. 2004 No. 345
r. 202.6 .....	ad. 1999 No. 262
Renumbered r. 202.172 .....	2002 No. 321
r. 202.172 .....	rs. 2004 No. 345
<b>Subpart 202.BA</b>	
Subpart 202.BA of Part 202.....	ad. 2010 No. 328
r. 202.180 .....	ad. 2010 No. 328 rs No 275, 2013
r. 202.181 .....	ad. 2010 No. 328

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
	rs No 275, 2013
r. 202.182 .....	ad. 2010 No. 328
	rep No 275, 2013
r. 202.183 .....	ad. 2010 No. 328
r. 202.184 .....	ad. 2010 No. 328
	am. 2012 No. 107
	rep No 275, 2013
r. 202.185 .....	ad. 2010 No. 328
r. 202.186 .....	ad. 2010 No. 328
hdg to r 202.187.....	rs No 275, 2013
r. 202.187 .....	ad. 2010 No. 328
	am No 275, 2013
r. 202.188 .....	ad. 2010 No. 328
	rs. No. 80, 2013
r. 202.189 .....	ad. 2010 No. 328
	rep No 275, 2013
r. 202.190 .....	ad. 2010 No. 328
	rep No 275, 2013
r. 202.191 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 202.192 .....	ad. 2010 No. 328
	rep No 275, 2013
r. 202.193 .....	ad. 2010 No. 328
	am. No. 80, 2013
r. 202.194 .....	ad. 2010 No. 328
Subpart 202.BB of Part 202.....	ad. 2002 No. 321
	rep. 2010 No. 328
<b>Subpart 202.BD</b>	
Subpart 202.BD of Part 202.....	ad. 2002 No. 321
	rs. 2004 No. 345
r. 202.200 .....	ad. 2004 No. 345
<b>Subpart 202.BF</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
Subpart 202.BF of Part 202 .....	ad. 2002 No. 321 rs. 2004 No. 134
r. 202.220 .....	ad. 2004 No. 134
r. 202.221 .....	ad. 2004 No. 134
r. 202.222 .....	ad. 2004 No. 134
r. 202.223 .....	ad. 2004 No. 134 am. 2004 No. 345; 2005 No. 242
r. 202.224 .....	ad. 2004 No. 134
r. 202.225 .....	ad. 2004 No. 134 am. 2005 No. 242
r. 202.226 .....	ad. 2004 No. 134 rep. 2005 No. 242
<b>Subpart 202.CA</b>	
Subpart 202.CA of Part 202.....	ad. 2002 No. 321 rs. 2003 No. 240
r. 202.240 .....	ad. 2003 No. 240 am. 2004 No. 345
r. 202.241 .....	ad. 2003 No. 240 am. 2004 No. 345
<b>Subpart 202.CB</b>	
Subpart 202.CB of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.CD</b>	
Subpart 202.CD of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.CE</b>	
Subpart 202.CE of .....	ad. 2002 No. 321
Part 202	
<b>Subpart 202.CF</b>	
Subpart 202.CF of Part 202 .....	ad. 2002 No. 321 rs. 2003 No. 75
r. 202.320 .....	ad. 2003 No. 75 am. 2004 No. 345
r. 202.321 .....	ad. 2004 No. 345
<b>Subpart 202.CG</b>	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
Subpart 202.CG .....	ad. 2002 No. 321
	rs. 2010 No. 328
Note to heading to ..... Subpart 202.CG	rs. 2010 No. 328
r. 202.340 .....	ad. 2010 No. 328
r. 202.341 .....	ad. 2010 No. 328
r. 202.342 .....	ad. 2010 No. 328
r. 202.343 .....	ad. 2010 No. 328
r. 202.344 .....	ad. 2010 No. 328
	am 2012 No 107; No 80 and No 275, 2013
r. 202.345 .....	ad. 2010 No. 328
r. 202.345A.....	ad. No. 80, 2013
	am No 275, 2013
r. 202.345B.....	ad. No. 80, 2013
	am No 275, 2013
r. 202.345C.....	ad. No. 80, 2013
	am No 275, 2013
r. 202.346 .....	ad. 2010 No. 328
	rs. No. 80, 2013
r. 202.347 .....	ad. 2010 No. 328
r. 202.348 .....	ad. No. 80, 2013
<b>Subpart 202.CH</b>	
Subpart 202.CH .....	ad. 2002 No. 321
	rs. 2003 No. 232
r. 202.360 .....	ad. 2003 No. 232
	am. 2004 No. 345
r. 202.361 .....	ad. 2003 No. 232
	am. 2004 No. 345
r. 202.362 .....	ad. 2003 No. 232
	am. 2004 No. 345
r. 202.363 .....	ad. 2003 No. 232
	rs. 2004 No. 345
<b>Subpart 202.DA</b>	

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## Endnote 4—Amendment history

Provision affected	How affected
Subpart 202.DA of..... Part 202	ad. 2002 No. 321
<b>Subpart 202.EA</b>	
Subpart 202.EA of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.EB</b>	
Subpart 202.EB of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.EC</b>	
Subpart 202.EC of Part 202.....	ad. 2002 No. 321 rs. 2003 No. 365
r. 202.440 .....	ad. 2003 No. 365 am No 275, 2013
Note to r. 202.440 .....	ad. 2003 No. 365 rs. 2003 No. 365 am. 2004 No. 345 rep No 275, 2013
<b>Subpart 202.FA</b>	
Subpart 202.FA of Part 202.....	ad. 2002 No. 321 rs. 2004 No. 345
r. 202.460 .....	ad. 2004 No. 345
<b>Subpart 202.FC</b>	
Subpart 202.FC of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.FE</b>	
Subpart 202.FE of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.FJ</b>	
Subpart 202.FJ of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.FL</b>	
Subpart 202.FL of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.FN</b>	
Subpart 202.FN of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.FO</b>	
Subpart 202.FO of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.FR</b>	
Subpart 202.FR of Part 202.....	ad. 2002 No. 321

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
<b>Subpart 202.FT</b>	
Subpart 202.FT of Part 202 .....	ad. 2002 No. 321
<b>Subpart 202.FV</b>	
Subpart 202.FV of Part 202 .....	ad. 2002 No. 321
<b>Subpart 202.FW</b>	
Subpart 202.FW of .....	ad. 2002 No. 321
Part 202	
<b>Subpart 202.FX</b>	
Subpart 202.FX of Part 202 .....	ad. 2002 No. 321
<b>Subpart 202.FY</b>	
Subpart 202.FY of Part 202 .....	ad. 2002 No. 321
	rs. 2003 No. 58
r. 202.700 .....	ad. 2003 No. 58
	am. 2004 No. 345
r. 202.701 .....	ad. 2003 No. 58
	rs. 2004 No. 345
r. 202.702 .....	ad. 2003 No. 58
	am. 2004 No. 345
r. 202.703 .....	ad. 2003 No. 58
	am. 2004 No. 345
r. 202.704 .....	ad. 2003 No. 58
	am. 2004 No. 345
r. 202.705 .....	ad. 2003 No. 58
	rs. 2004 No. 345
<b>Subpart 202.FYH</b>	
Subpart 202.FYH of .....	ad. 2003 No. 75
Part 202	
r. 202.710 .....	ad. 2003 No. 75
	am. 2004 No. 345
<b>Subpart 202.GA</b>	
Subpart 202.GA of.....	ad. 2002 No. 321
Part 202	
<b>Subpart 202.GB</b>	

## Endnote 4—Amendment history

Provision affected	How affected
Subpart 202.GB of Part 202.....	ad. 2002 No. 321
<b>Subpart 202.GC</b>	
Heading to Subpart 202.GC.....	rs. 2004 No. 345 of Part 202
Subpart 202.GC of Part 202.....	ad. 2002 No. 321 rs. 2003 No. 75
r. 202.760 .....	ad. 2003 No. 75 am. 2004 No. 345
<b>Subpart 202.GD</b>	
Subpart 202.GD of.....	ad. 2002 No. 321 Part 202
<b>Subpart 202.GE</b>	
Subpart 202.GE of Part 202.....	ad. 2002 No. 321 rs. 2010 No. 328
<b>Div 202.GE.1</b>	
hdg to Div 202.GE.1 of .....	ad No 275, 2013 SubPt 202.GE
r. 202.800 .....	ad. 2010 No. 328
<b>Div 202.GE.2</b>	
Div 202.GE.2 of .....	ad No 275, 2013 SubPt 202.GE
<b>Sdiv 202.GE.2.1</b>	
r 202.801 .....	ad No 275, 2013
r 202.802 .....	ad No 275, 2013
r 202.803 .....	ad No 275, 2013
r 202.804 .....	ad No 275, 2013
<b>Sdiv 202.GE.2.2</b>	
r 202.805 .....	ad No 275, 2013
r 202.806 .....	ad No 275, 2013
r 202.807 .....	ad No 275, 2013
r 202.808 .....	ad No 275, 2013
r 202.809 .....	ad No 275, 2013
<b>Sdiv 202.GE.2.3</b>	

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
r 202.810 .....	ad No 275, 2013
Subpart 202.GF of Part 202 .....	ad. 2002 No. 321
	rep. 2010 No. 328
<b>Subpart 202.GG</b>	
Subpart 202.GG of.....	ad. 2002 No. 321
Part 202	rs. 2010 No. 328
r. 202.840 .....	ad. 2010 No. 328
r. 202.841 .....	ad. 2010 No. 328
r. 202.842 .....	ad. 2010 No. 328
<b>Subpart 202.GI</b>	
Subpart 202.GI of Part 202 .....	ad. 2002 No. 321
<b>Subpart 202.HA</b>	
Subpart 202.HA of.....	ad. 2002 No. 321
Part 202	rs. 2003 No. 75
r. 202.880 .....	ad. 2003 No. 75
	am. 2004 No. 345
<b>Subpart 202.HB</b>	
Heading to Subpart 202.HB .....	rs. 2004 No. 345
of Part 202	
Subpart 202.HB of Part 202 .....	ad. 2002 No. 321
	rs. 2003 No. 75
r. 202.900 .....	ad. 2003 No. 75
	am. 2004 No. 345
<b>Subpart 202.HC</b>	
Subpart 202.HC of Part 202 .....	ad. 2002 No. 321
<b>Subpart 202.HD</b>	
Subpart 202.HD of.....	ad. 2002 No. 321
Part 202	
Subpart 202.HJ of Part 202 .....	ad. 2002 No. 321
	rep. 2011 No. 77
<b>Subpart 202.HL</b>	
Subpart 202.HL of Part 202 .....	ad. 2002 No. 321

## Endnote 4—Amendment history

Provision affected	How affected
<b>Subpart 202.HM</b>	
Subpart 202.HM of.....	ad. 2002 No. 321
Part 202	
<b>Dictionary</b>	
Dictionary.....	am. 1999 Nos. 166 and 262
<b>Part 1</b>	
Heading to Part 1 of.....	ad. 2000 No. 204
Dictionary	
Part 1 .....	am. 2000 Nos. 204 and 227; 2001 Nos. 34, 242 and 349; 2002 Nos. 167, 268, 321 and 350; 2003 Nos. 58, 189, 232, 240 and 365; 2004 Nos. 134, 222, 230 and 345; 2005 No. 321 and 323; 2007 No. 172; 2008 Nos. 192 and 274; 2009 Nos. 64 and 147; 2010 Nos. 277 and 328; 2011 Nos. 76, 77 and 265; 2012 No. 107; No 80 and 188, 2013
<b>Part 2</b>	
Part 2 .....	ad. 2000 No. 204
	am. 2001 No. 349; 2003 No. 75; 2004 No. 230
	rs. 2004 No. 345
	am. 2009 No. 147; 2010 Nos. 277 and 328; 2011 Nos. 76 and 77; No 275, 2013
<b>Part 3</b>	
Part 3 .....	ad. 2010 No. 328
	am 2011 No 77; No 80 and No 275, 2013

**Endnote 5—Uncommenced amendments**

**Civil Aviation Safety Amendment Regulations 2010 (No. 2) (No. 277, 2010)**

**Schedule 3**

**1 Subregulation 90.255(1), including the note**

*substitute*

- (1) This regulation applies to:
  - (a) a transport category aeroplane that:
    - (i) is an aeroplane to which this Subpart applies; and
    - (ii) was originally certificated on or after 1 January 1958; and
  - (b) a non-transport category aeroplane that:
    - (i) is an aeroplane to which this Subpart applies; and
    - (ii) was originally certificated on or after 1 January 1965.

**Civil Aviation Legislation Amendment Regulation 2013 (No. 1) (No. 5, 2013)**

**(as amended by Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013 (No. 254, 2013))**

**Schedule 1**

**1 After regulation 11.025**

*insert*

**11.028 Application of Part 11 to examiners, instructors and approval holders**

If these Regulations allow an application for an authorisation to be made to an examiner or instructor, or the holder of an approval under regulation 61.040, 141.035 or 142.040, a reference in this Part to CASA includes, in relation to such an application, a reference to the examiner, instructor or approval holder to whom the application is made.

**2 Table 13.375, item 5, column 2***omit*

paragraph 5.08 (a)

*insert*

paragraph 5.08 (b)

**3 Table 13.375, item 6, column 2***omit*

paragraphs 5.08 (b) to (m) of CAR

*insert*

paragraph 5.08 (a) of CAR or a pilot licence

**4 Table 13.375, item 7, column 2***omit*

licence referred to in paragraph 5.08 (o) or (p) of CAR

*insert*

flight engineer licence

**5 Regulation 21.037***substitute***21.037 Flight test pilot**

Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must provide a person holding an appropriate:

- (a) class rating; or
- (b) type rating; or
- (c) balloon class endorsement within the meaning of subregulation 5.01 (1) of CAR; or
- (d) authorisation under regulation 61.140; or
- (e) authorisation under regulation 5.50 of CAR;

to make the flight tests required by this Part.

*Source* FARs section 21.37 modified.

## Endnotes

### Endnote 5—Uncommenced amendments

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**6 Table 42.300, item 3, column 3, paragraph (c)**

*omit*

under Part 5 of CAR,

*insert*

under Part 61,

**7 Table 42.300, item 4, column 3, paragraph (b)**

*omit*

under Part 5 of CAR,

*insert*

under Part 61,

**8 Table 42.300, item 5, column 3, paragraph (b)**

*omit*

under Part 5 of CAR,

*insert*

under Part 61,

**9 Subparagraph 42.335 (c) (ii)**

*omit*

under Part 5 of CAR

*insert*

under Part 61

**10 Paragraph 42.630 (2) (c)**

*omit each mention of*

under Part 5 of CAR,

*insert*

under Part 61,

**11 Regulation 60.055, heading**

*substitute*

**60.055 Flight simulator and flight training device approvals—  
persons other than Part 141 operators and Part 142  
operators**

**12 Subregulation 60.055 (1), except the notes**

*substitute*

- (1) This regulation applies to a person, other than a Part 141 operator or a Part 142 operator, who proposes to be the user of a qualified flight simulator or a qualified flight training device.
- (1AA) The person must apply to CASA, in writing, for approval to use the simulator or device.

**13 Regulation 60.060, heading**

*substitute*

**60.060 Quality system—operators other than Part 141 operators  
and Part 142 operators**

**14 Subregulation 60.060 (1)**

*substitute*

- (1) This regulation applies to the operator of a qualified flight simulator or a qualified flight training device, other than a Part 141 operator or a Part 142 operator.
- (1A) The operator must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.

**15 Parts 61 to 64**

*substitute*

**Part 61—Flight crew licensing**

**Note:**      *This Part is made up as follows:*

<b>Subpart 61.A</b>	<b>Preliminary</b>
<b>Division 61.A.1</b>	<b>General</b>
61.005	What Part 61 is about
61.010	Definitions for Part 61
61.015	Definition of <i>category</i> of aircraft for Part 61
61.020	Definition of <i>class</i> of aircraft for Part 61
61.025	Definition of <i>aeroplane</i> for Part 61
61.030	Definition of <i>modified Austroads medical standards</i> for Part 61
61.035	Issue of Manual of Standards for Part 61
61.040	Approvals by CASA for Part 61
61.045	Prescription of qualification standards for flight simulation training devices
61.047	Prescription of recognised foreign States
61.050	Prescription of multi-engine aeroplanes included in single-engine aeroplane class
61.055	Prescription of type ratings and variants—multi-crew aircraft
61.060	Prescription of type ratings—single-pilot aircraft
61.065	Conduct of unauthorised activities—holders of flight crew licences
<b>Division 61.A.2</b>	<b>Flight time and other aeronautical experience</b>
61.070	Flight to which Division 61.A.2 applies
61.075	Definition of <i>aeronautical experience</i> for Part 61
61.080	Definition of <i>flight time</i> as pilot for Part 61
61.085	Definition of <i>flight time</i> as co-pilot for Part 61
61.090	Definition of <i>flight time</i> as pilot in command for Part 61
61.095	Definition of <i>flight time</i> as pilot in command under supervision for Part 61
61.100	Definition of <i>flight time</i> as flight engineer for Part 61

## Endnote 5—Uncommenced amendments

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61.105	Definition of <i>instrument flight time</i> for Part 61
61.110	Definition of <i>instrument ground time</i> for Part 61
<b>Division 61.A.3</b>	<b>Performing flight crew duties without licence, rating or endorsement</b>
61.115	Flying without licence
61.120	Operation of aircraft radio without licence
61.125	Conducting flight activities without rating or endorsement
61.130	Operation of helicopter using auto flight control system without licence or rating
61.135	Authorisation to conduct flight training or flight test without holding type rating
61.140	Authorisation to test aircraft without holding type rating
61.145	Piloting glider without holding glider pilot licence
<b>Subpart 61.B</b>	<b>Grant of flight crew licences, ratings and endorsements</b>
<b>Division 61.B.1</b>	<b>General</b>
61.150	People who may grant flight crew licences, ratings and endorsements
61.155	Applications for flight crew licences, ratings and endorsements
61.160	Grant of flight crew licences
61.165	Grant of flight crew ratings
61.170	Grant of flight crew endorsements
61.175	How CASA issues flight crew licences, ratings and endorsements
61.180	How examiner, instructor or approval holder issues rating or endorsement
61.185	New licence document if licence, rating or endorsement cancelled
61.190	Licence holder to comply with limitations and requirements of Part 61

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<b>Division 61.B.2</b>	<b>Flight training and other training</b>
61.195	Flight training requirements
61.200	Differences training requirements
61.205	When training must not be conducted in aircraft
61.210	Other approved courses of training or professional development
<b>Division 61.B.3</b>	<b>Aeronautical knowledge examinations</b>
61.215	Aeronautical knowledge examinations—general
61.220	Aeronautical knowledge examinations—air transport pilot licence
61.225	Aeronautical knowledge examinations—pass standards
61.230	Aeronautical knowledge examinations—knowledge deficiency reports
<b>Division 61.B.4</b>	<b>Flight tests</b>
61.235	Flight tests for flight crew licences and ratings—prerequisites
61.240	Consequences of taking flight test when ineligible
61.245	Conduct of flight tests for flight crew licences, ratings and endorsements
61.250	Pass standards for flight tests
<b>Division 61.B.5</b>	<b>English language proficiency</b>
61.255	Aviation English language proficiency assessments
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<b>Division 61.N.1</b>	<b>Privileges and requirements for grant of private instrument ratings</b>
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61.1035	Requirements for grant of night vision imaging system endorsements
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61.1100	Limitations on exercise of privileges of aerial application ratings—endorsements
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<b>Division 61.R.2</b>	<b>Privileges and requirements for grant of aerial application endorsements</b>
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61.1130	Limitations on exercise of privileges of aerial application endorsements—supervision
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61.1140	Requirements for grant of aerial application endorsements
<b>Subpart 61.S</b>	<b>Flight activity endorsements</b>
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<b>Subpart 61.T</b>	<b>Pilot instructor ratings</b>
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61.1170	Limitations on exercise of privileges of flight instructor ratings—general
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<b>Division 61.T.4</b>	<b>Privileges and requirements for grant of training endorsements</b>
61.1235	Kinds of training endorsement
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61.1245	Limitations on exercise of privileges of training endorsements
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<b>Subpart 61.U</b>	<b>Flight examiner ratings</b>
<b>Division 61.U.1</b>	<b>Privileges and requirements for grant of flight examiner ratings</b>
61.1255	Privileges of flight examiner ratings
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<b>Division 61.U.2</b>	<b>Obligations of flight examiners</b>
61.1295	Obligations of flight examiners—flight tests: strict liability offences
61.1300	Obligations of flight examiners—flight tests: other offences
61.1305	Obligations of flight examiners—proficiency checks
<b>Division 61.U.3</b>	<b>Privileges and requirements for grant of flight examiner endorsements</b>
61.1310	Kinds of flight examiner endorsement
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61.1320	Requirements for grant of flight examiner endorsements
<b>Subpart 61.V</b>	<b>Flight engineer licences</b>
61.1325	Privileges of flight engineer licences
61.1330	Limitations on exercise of privileges of flight engineer licences—ratings
61.1335	Limitations on exercise of privileges of flight engineer licences—recent experience
61.1340	Limitations on exercise of privileges of flight engineer licences—flight review
61.1345	Limitations on exercise of privileges of flight engineer licences—current medical certificates
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61.1360	Requirements for grant of flight engineer licences

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<b>Subpart 61.W</b>	<b>Flight engineer type ratings</b>
61.1365	Privileges of flight engineer type ratings
61.1370	Limitations on exercise of privileges of flight engineer type ratings—general
61.1375	Limitations on exercise of privileges of flight engineer type ratings—recent experience on variant
61.1380	Limitations on exercise of privileges of flight engineer type ratings—flight review
61.1385	Requirements for grant of flight engineer type ratings
61.1390	Person taken to meet requirements for grant of flight engineer type rating—new type rating
<b>Subpart 61.X</b>	<b>Flight engineer instructor ratings</b>
<b>Division 61.X.1</b>	<b>Privileges and requirements for grant of flight engineer instructor ratings</b>
61.1395	Privileges of flight engineer instructor ratings
61.1400	Limitations on exercise of privileges of flight engineer instructor ratings—general
61.1405	Limitations on exercise of privileges of flight engineer instructor ratings—endorsements
61.1410	Limitations on exercise of privileges of flight engineer instructor ratings—instructor proficiency check
61.1415	Requirements for grant of flight engineer instructor ratings
<b>Division 61.X.2</b>	<b>Obligations of flight engineer instructors</b>
61.1420	Obligations of flight engineer instructors—training
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<b>Division 61.X.3</b>	<b>Privileges and requirements for grant of flight engineer training endorsements</b>
61.1430	Kinds of flight engineer training endorsement
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61.1440	Requirements for grant of flight engineer training endorsements
<b>Subpart 61.Y</b>	<b>Flight engineer examiner ratings</b>
<b>Division 61.Y.1</b>	<b>Privileges and requirements for grant of flight engineer examiner ratings</b>
61.1445	Privileges of flight engineer examiner ratings
61.1450	Limitations on exercise of privileges of flight engineer examiner ratings—general
61.1455	Limitations on exercise of privileges of flight engineer examiner ratings—endorsements
61.1460	Limitations on exercise of privileges of flight engineer examiner ratings—professional development
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61.1470	Limitations on exercise of privileges of flight engineer examiner ratings—examiner proficiency check
61.1475	Requirements for grant of flight engineer examiner ratings
<b>Division 61.Y.2</b>	<b>Obligations of flight engineer examiners</b>
61.1480	Obligations of flight engineer examiners—flight tests: strict liability offences
61.1485	Obligations of flight engineer examiners—flight tests: other offences
61.1490	Obligations of flight engineer examiners—proficiency checks
<b>Division 61.Y.3</b>	<b>Privileges and requirements for grant of flight engineer examiner endorsements</b>
61.1495	Kinds of flight engineer examiner endorsement
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<b>Subpart 61.Z</b>	<b>Glider pilot licences</b>
61.1510	Privileges of glider pilot licences
61.1515	Limitations on exercise of privileges of glider pilot licences—general
61.1520	Limitations on exercise of privileges of glider pilot licences—recent experience
61.1525	Limitations on exercise of privileges of glider pilot licences—flight review
61.1530	Limitations on exercise of privileges of glider pilot licences—medical certificates
61.1535	Limitations on exercise of privileges of glider pilot licences—carriage of documents
61.1540	Requirements for grant of glider pilot licences

**Subpart 61.A—Preliminary****Division 61.A.1—General****61.005 What Part 61 is about**

- (1) This Part sets out the licensing scheme for pilots and flight engineers of registered aircraft.
- (2) Subpart 61.A sets out:
  - (a) preliminary matters; and
  - (b) when a flight crew licence, rating or endorsement is not required.
- (3) Subpart 61.B sets out:
  - (a) the general requirements for the grant of a flight crew licence, rating or endorsement; and
  - (b) the requirements for the grant of a flight crew licence, rating or endorsement in recognition of an overseas or military qualification.

Note: A reference to a flight crew licence includes a glider pilot licence: see the definition of *flight crew licence* in regulation 61.010.

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- (4) Subpart 61.C sets out rules relating to a certificate of validation of an overseas qualification, including:
    - (a) requirements for the grant of a certificate of validation; and
    - (b) the effect of a certificate of validation.
  - (5) Subpart 61.D sets out obligations that apply to all holders of flight crew licences, ratings and endorsements.
  - (6) Subpart 61.E:
    - (a) sets out limitations that apply to the exercise of the privileges of all pilot licences; and
    - (b) provides for the authorisations to taxi an aircraft and to operate an aircraft radio.
- Note: A reference to a pilot licence does not include a glider pilot licence: see the definition of *pilot licence* in regulation 61.010.
- (7) Subparts 61.F to 61.K make particular provision for each kind of pilot licence, including:
    - (a) the privileges of the licence; and
    - (b) limitations on the exercise of the privileges; and
    - (c) the requirements for the grant of the licence.
  - (8) Subparts 61.L to 61.U provide for ratings and endorsements on pilot licences, setting out:
    - (a) the privileges of each rating or endorsement; and
    - (b) limitations on the exercise of the privileges of the rating or endorsement; and
    - (c) the requirements for the grant of the rating or endorsement; and
    - (d) for the flight instructor, simulator instructor and flight examiner ratings—obligations that apply to the holder of the rating.
  - (9) Subparts 61.V to 61.Y provide for flight engineer licences, and ratings and endorsements on flight engineer licences.
  - (10) Subpart 61.Z makes particular provision for glider pilot licences.

**61.010 Definitions for Part 61**

In this Part:

***aerial application endorsement*** means an endorsement mentioned in column 1 of table 61.1120.

***aerial application operation*** means a flight that is carried out by an aircraft to apply application material.

***aerial application proficiency check*** means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to exercise the privileges of an aerial application rating.

***aeronautical experience***: see regulation 61.075.

***aeronautical knowledge examination***, for a flight crew licence, rating or endorsement, means an examination set under regulation 61.215 for the grant of the licence, rating or endorsement.

***aeroplane***: see regulation 61.025.

***approved course of professional development***, for a provision of this Part, means a course of professional development for which the provider holds an approval under regulation 61.040 for the provision.

***approved course of training***, for a provision of this Part, means a course of training:

- (a) for which the provider holds an approval under regulation 61.040 for the provision; or
- (b) that a Part 141 or 142 operator is authorised to conduct; or
- (c) that a person holds an approval under regulation 141.035 or 142.040 to conduct.

***approved cyclic training and proficiency program***, for an operator, means a cyclic training and proficiency program for which the operator holds an approval under regulation 217 of CAR.

***approved flight simulation training device***: a flight simulation training device is an ***approved flight simulation training device*** for a purpose if:

- (a) a Part 141 or 142 operator's exposition states that the device may be used for the purpose; or
- (b) the operator of the device holds an approval under regulation 60.055 to use the device for the purpose; or
- (c) the device is:
  - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
  - (ii) appropriate for the purpose.

***approved flight simulator***: a flight simulator is an ***approved flight simulator*** for a purpose if:

- (a) a Part 141 or 142 operator's exposition states that the simulator may be used for the purpose; or
- (b) the operator of the simulator holds an approval under regulation 60.055 to use the simulator for the purpose; or
- (c) the simulator is:
  - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
  - (ii) appropriate for the purpose.

***associated***: an aircraft category rating is ***associated*** with a pilot licence if:

- (a) for an application for the pilot licence—the application includes an application for the rating; or
- (b) in any other case—the rating was granted on the basis of the applicant having met the requirements for the grant of the pilot licence with the rating.

Note: An aircraft category rating has effect only for the pilot licence with which it is associated: see regulation 61.725.

***aviation English language proficiency assessment*** means an aviation English language proficiency assessment conducted under regulation 61.255.

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**aviation English language proficiency assessor** means the holder of an approval under regulation 61.270 to conduct an aviation English language proficiency assessment.

**azimuth guidance procedure** means an instrument approach procedure that uses azimuth bearings for lateral navigation guidance.

**category** of aircraft: see regulation 61.015.

**category specific**: a rating or endorsement is **category specific** if the rating or endorsement applies only to an aircraft category that is specified on the rating or endorsement.

**Certificate IV in Training and Assessment** means a Certificate IV in Training and Assessment issued by a registered training organisation under the Australian Qualifications Framework.

Note: See [www.aqf.edu.au/](http://www.aqf.edu.au/).

**certificate of validation** means a certificate of validation granted under Subpart 61.C.

**circling approach**, for the landing of an aeroplane, means an instrument approach that includes a visual circling manoeuvre requiring a change of heading of greater than 90° to position the aeroplane on the centreline of the runway used for the landing.

**class** of aircraft: see regulation 61.020.

**conduct**, as a verb, means:

- (a) in relation to a flight operation—to occupy a flight control seat in an aircraft while the operation takes place; or
- (b) in relation to a simulated flight operation—to occupy a flight control seat in a flight simulation training device while the simulated operation takes place; or
- (c) in relation to an operation of a tethered helicopter—to occupy a flight control seat in the tethered helicopter while the operation takes place.

**course deviation indicator procedure** means an instrument approach procedure that uses a course deviation indicator for lateral guidance.

***cross-country flight*** means a flight along a pre-planned route during which the pilot uses geometry, topography or radio navigation aids to determine the aircraft's position and course.

***cross-country flight time*** means flight time accrued during a cross-country flight.

***cruise relief type rating*** means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

***current:***

- (a) for an aviation English language proficiency assessment: see regulation 61.260; and
- (b) for a recreational aviation medical practitioner's certificate—see subregulation 61.405 (3); and
- (c) for a certificate of validation or medical certificate—means a certificate that is in force.

***differences training***, for a variant, means the training mentioned in regulation 61.200 for the variant.

***dual cross-country flight time*** means cross-country flight time that is conducted in dual flight.

***dual flight*** means flight conducted while receiving training from a pilot instructor occupying a flight control seat in an aircraft that is fitted with fully functional dual controls.

***dual flight check*** means an in-flight assessment by a flight instructor of a student pilot licence holder's competency to conduct a solo training flight.

***dual instrument flight time*** means instrument flight time that is conducted in dual flight.

***dual instrument ground time*** means instrument ground time that is conducted in dual simulated flight.

***dual instrument time*** means:

- (a) dual instrument flight time; or
- (b) dual instrument ground time.

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***dual simulated flight*** means simulated flight conducted while receiving training from a pilot instructor occupying a flight control seat in a flight simulation training device that is fitted with fully functional dual controls.

***duration***, of a flight, means:

- (a) for a flight in an aeroplane or gyroplane—the time from the moment the aircraft begins moving, whether or not under its own power, in preparation for flight until the moment it comes to rest at the end of the flight; or
- (b) for a flight in a helicopter or powered-lift aircraft—the time from the moment the aircraft's rotor blades start turning until the moment the rotor blades stop turning after the aircraft comes to rest at the end of the flight; or
- (c) for a flight in an airship—the time from the moment the airship is released from its mooring until the moment it is tethered at the end of the flight; or
- (d) for a flight in a glider—the time from the moment the glider first begins moving in preparation for flight, whether being towed or not, until the moment it comes to rest at the end of the flight.

***endorsement*** means a flight crew endorsement.

***equivalent***, for an overseas flight crew licence, rating or endorsement: an overseas flight crew licence, rating or endorsement (however described) is ***equivalent*** to a flight crew licence, rating or endorsement granted under this Part (an ***Australian authorisation***) if it allows the holder to conduct substantially the same activities as the Australian authorisation.

***examiner*** means:

- (a) a flight examiner; or
- (b) a flight engineer examiner.

***examiner rating*** means:

- (a) a flight examiner rating; or
- (b) a flight engineer examiner rating.

***flight*** means flight in:

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- (a) an aeroplane; or
- (b) a helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

***flight activity endorsement*** means an endorsement mentioned in column 1 of table 61.1145.

***flight crew endorsement*** means an endorsement granted under this Part on a flight crew licence.

***flight crew licence*** means:

- (a) a pilot licence; or
- (b) a flight engineer licence; or
- (c) a glider pilot licence.

***flight crew rating*** means a rating granted under this Part on a flight crew licence.

***flight engineer examiner*** means the holder of a flight engineer examiner rating.

***flight engineer examiner endorsement*** means an endorsement mentioned in column 1 of table 61.1495.

***flight engineer flight test endorsement*** means an endorsement mentioned in column 1 of Part 1 of table 61.1495.

***flight engineer instructor*** means the holder of a flight engineer instructor rating.

***flight engineer training endorsement*** means an endorsement mentioned in column 1 of table 61.1430.

***flight examiner*** means the holder of a flight examiner rating.

***flight examiner endorsement*** means an endorsement mentioned in column 1 of table 61.1310.

***flight instructor*** means the holder of a flight instructor rating.

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***flight review*** means an assessment of the competency of a flight crew member to perform:

- (a) for the holder of a pilot licence or flight engineer licence—an activity authorised by a flight crew rating that the crew member holds; or
- (b) for the holder of a glider pilot licence—an activity authorised by the licence.

***flight simulation training device*** means:

- (a) a qualified flight simulator; or
- (b) a qualified flight training device; or
- (c) a synthetic trainer that is approved under Civil Aviation Order 45.0; or
- (d) a device that meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
- (e) a device that is qualified (however described) by the national aviation authority of a recognised foreign State.

***flight test***, for a flight crew licence, rating or endorsement, means a test conducted under regulation 61.245 for the licence, rating or endorsement.

***flight test endorsement*** means an endorsement mentioned in column 1 of Part 1 of table 61.1310.

***flight time*** as:

- (a) a pilot: see regulation 61.080; and
- (b) a co-pilot: see regulation 61.085; and
- (c) a pilot in command: see regulation 61.090; and
- (d) a pilot in command under supervision: see regulation 61.095; and
- (e) a flight engineer: see regulation 61.100.

***flight training***, for a flight crew licence, rating or endorsement, means the training mentioned in regulation 61.195 for the licence, rating or endorsement.

***instructor*** means:

- (a) a flight instructor; or

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- (b) a simulator instructor; or
- (c) a flight engineer instructor.

***instructor proficiency check*** means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of an instructor's competency to conduct flight training.

***instructor rating*** means:

- (a) a flight instructor rating; or
- (b) a simulator instructor rating; or
- (c) a flight engineer instructor rating.

***instrument approach*** means an approach conducted in accordance with an instrument approach procedure.

***instrument endorsement*** means an endorsement mentioned in column 1 of table 61.890.

***instrument flight time***: see regulation 61.105.

***instrument ground time***: see regulation 61.110.

***instrument proficiency check*** means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot an aircraft under the IFR.

***instrument time*** means:

- (a) instrument flight time; or
- (b) instrument ground time.

***knowledge deficiency report*** means a report prepared, and given to a person, under regulation 61.230.

***licence*** means a flight crew licence.

***licence document***: see regulation 61.175.

***low-level endorsement*** means an endorsement mentioned in column 1 of table 61.1075.

***low-level operation*** means an operation below 500 ft AGL, other than the following:

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- (a) climbing from take-off;
- (b) descending for the purpose of landing;
- (c) an aerial application operation.

***maximum certificated passenger seating capacity***, for an aircraft, means the maximum passenger seating capacity stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

***maximum certificated take-off weight***, for an aircraft, means the maximum take-off weight stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

***medical exemption***, for the exercise of the privileges of a flight crew licence or rating, means an approval under regulation 61.040 to exercise the privileges of the licence or rating without holding a current:

- (a) medical certificate; or
- (b) recreational aviation medical practitioner's certificate.

***medical practitioner*** means a person entitled to practise as a medical practitioner under a law of a State or Territory.

***modified Austroads medical standards***: see regulation 61.030.

***multi-crew***, in relation to an aircraft, means that the aircraft is certificated for operation by a crew of at least 2 pilots.

***multi-crew operation*** means an operation that requires at least 2 pilots in:

- (a) a multi-crew aircraft; or
- (b) an aircraft that is equipped, and required by these Regulations, to be operated by a crew of at least 2 pilots.

***multi-crew pilot licence training course*** means a course of training for the grant of a multi-crew pilot licence conducted by a Part 142 operator.

***multi-crew type rating*** means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a multi-crew operation.

***multi-engine aeroplane*** means an aeroplane that has 2 or more engines, other than:

- (a) a multi-engine centre-line thrust aeroplane; or
- (b) an aeroplane that is prescribed by a legislative instrument under regulation 61.050 as an aeroplane that is included in the single-engine aeroplane class.

***multi-engine centre-line thrust aeroplane*** means an aeroplane with 2 or more engines that:

- (a) has the thrust line along the longitudinal axis of the aeroplane; and
- (b) has no asymmetric handling effect about the normal axis in the event of an engine failure.

***night VFR endorsement*** means an endorsement mentioned in column 1 of table 61.980.

***night vision goggles*** means a self-contained binocular night vision enhancement device that:

- (a) is helmet-mounted or otherwise worn by a person; and
- (b) can detect and amplify light in both the visual and near infra-red bands of the electromagnetic spectrum.

***night vision imaging system endorsement*** means an endorsement mentioned in column 1 of table 61.1025.

***night vision imaging system proficiency check*** means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot a helicopter using a night vision imaging system.

***operational endorsement*** means any of the following endorsements:

- (a) an aerial application endorsement;
- (b) a flight activity endorsement;
- (c) a flight examiner endorsement;

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- (d) an instrument endorsement;
- (e) a low-level endorsement;
- (f) a night VFR endorsement;
- (g) a night vision imaging system endorsement;
- (h) a private instrument endorsement;
- (i) a training endorsement;
- (j) a flight engineer examiner endorsement;
- (k) a flight engineer training endorsement.

***operational rating*** means any of the following ratings:

- (a) an aerial application rating;
- (b) an examiner rating;
- (c) an instructor rating;
- (d) an instrument rating;
- (e) a low-level rating;
- (f) a night VFR rating;
- (g) a night vision imaging system rating;
- (h) a private instrument rating.

***operator proficiency check*** means an assessment conducted by an operator in accordance with its training and checking responsibilities under these Regulations of whether a person has the aeronautical skills and knowledge required by the operator.

***overseas endorsement*** means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew endorsement.

***overseas flight crew licence*** means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew licence.

***overseas medical certificate*** means a medical certificate (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a medical certificate.

***overseas rating*** means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew rating.

***pilot***, used as a noun, means a person authorised under this Part to manipulate the flight controls of an aircraft during flight.

***pilot***, used as a verb, means:

- (a) to manipulate the flight controls of an aircraft during flight;  
or
- (b) to occupy a flight control seat in an aircraft during flight.

***pilot in command under supervision*** means a pilot, other than a student pilot, who performs the duties and functions of the pilot in command of an aircraft under the supervision of a pilot who is authorised by the operator of the aircraft to conduct the supervision.

***pilot instructor*** means:

- (a) a flight instructor; or
- (b) a simulator instructor.

***pilot licence*** means any of the following licences:

- (a) an air transport pilot licence;
- (b) a commercial pilot licence;
- (c) a multi-crew pilot licence;
- (d) a private pilot licence;
- (e) a recreational pilot licence;
- (f) a student pilot licence.

***private instrument endorsement*** means an endorsement mentioned in column 1 of table 61.935.

***privilege***, in relation to a flight crew licence, rating or endorsement, means an activity that the holder of the licence, rating or endorsement is authorised, under this Part, to conduct.

***rating*** means a flight crew rating.

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**recent photograph**, at a particular time, means a photograph taken within 6 months before that time.

**recognised aeroplane** means an aeroplane:

- (a) that is on the register of aircraft kept by a Contracting State;  
or
- (b) that is a State aircraft.

**recognised foreign State** means any of the following:

- (a) Canada;
- (b) Hong Kong;
- (c) New Zealand;
- (d) United States of America;
- (e) the following EASA member States:
  - (i) Belgium;
  - (ii) Czech Republic;
  - (iii) Denmark;
  - (iv) Finland;
  - (v) France;
  - (vi) Germany;
  - (vii) Ireland;
  - (viii) Italy;
  - (ix) Netherlands;
  - (x) Norway;
  - (xi) Portugal;
  - (xii) Spain;
  - (xiii) Sweden;
  - (xiv) Switzerland;
  - (xv) United Kingdom;
- (f) any other foreign country prescribed by a legislative instrument under regulation 61.047.

**recognised gyroplane** means a gyroplane:

- (a) that is on the register of aircraft kept by a Contracting State;  
or
- (b) that is a State aircraft.

***recognised helicopter*** means a helicopter:

- (a) that is on the register of aircraft kept by a Contracting State;  
or
- (b) that is a State aircraft.

***recognised powered-lift aircraft*** means a powered-lift aircraft:

- (a) that is on the register of aircraft kept by a Contracting State;  
or
- (b) that is a State aircraft.

***recreational aviation administration organisation*** means:

- (a) Recreational Aviation Australia Inc; or
- (b) Australian Sport Rotorcraft Association Inc; or
- (c) The Gliding Federation of Australia Inc.

***recreational aviation medical practitioner's certificate*** means a certificate from a medical practitioner to the effect that the holder meets the modified Austroads medical standards.

***recreational pilot licence endorsement*** means an endorsement mentioned in regulation 61.485.

***simulated flight engineer time*** means time spent in a flight simulation training device during which a flight engineer is performing the duties of a flight engineer.

***simulated flight time*** means time spent in a flight simulation training device during which a pilot is performing the duties of a pilot.

***simulated IMC*** means flight in an aircraft or flight simulation training device during which the pilot is prevented from viewing the external horizon.

***simulator instructor*** means the holder of a simulator instructor rating.

***single-pilot operation*** means an operation in an aircraft, other than a multi-crew operation.

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***single-pilot type rating*** means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a single-pilot operation.

***solo***, in relation to a flight of an aircraft, means a flight in which the pilot is the sole occupant of the aircraft.

***standard instrument departure*** means a departure under the IFR in accordance with an instrument departure procedure.

***successfully participating*** in an operator's approved cyclic training and proficiency program: a person is ***successfully participating***, at a particular time, in an operator's approved cyclic training and proficiency program that covers operations of a particular kind if:

- (a) the person is employed by the operator; and
- (b) the operator has an approved cyclic training and proficiency program; and
- (c) the person has met the requirements under the program for entry into the program; and
- (d) at that time, the person is permitted under the program to be assigned by the operator for unsupervised duty in an operation of that kind.

***tethered flight time*** means the duration of a flight in a tethered helicopter.

***tethered helicopter*** means a helicopter tethered to a base that allows hovering but not free flight.

***training endorsement*** means an endorsement mentioned in column 1 of table 61.1235.

***training provider***, for a person undertaking flight training, means:

- (a) the Part 141 or 142 operator conducting the training; or
- (b) the person conducting the training who holds an approval under regulation 141.035 or 142.040 to conduct the training.

***type rating*** means:

- (a) a pilot type rating; or
- (b) a flight engineer type rating; or
- (c) a cruise relief type rating.

***type specific***: a rating or endorsement is ***type specific*** if the rating or endorsement applies only to an aircraft type that is specified on the rating or endorsement.

***variant***, in relation to an aircraft model (the ***first model***), means another aircraft model that CASA has prescribed by a legislative instrument under regulation 61.055 as a variant of the first model.

#### **61.015 Definition of *category* of aircraft for Part 61**

Each of the following is a ***category*** of aircraft:

- (a) aeroplane;
- (b) helicopter;
- (c) powered-lift aircraft;
- (d) gyroplane;
- (e) airship.

#### **61.020 Definition of *class* of aircraft for Part 61**

(1) Each of the following is a ***class*** of aircraft:

- (a) single-engine aeroplane;
- (b) multi-engine aeroplane;
- (c) single-engine helicopter;
- (d) single-engine gyroplane;
- (e) airship.

(2) For this Part, the single-engine aeroplane class includes:

- (a) multi-engine centre-line thrust aeroplanes; and
- (b) multi-engine aeroplanes that are prescribed by a legislative instrument under regulation 61.050 (Prescription of multi-engine aeroplanes included in single-engine aeroplane class).

#### **61.025 Definition of *aeroplane* for Part 61**

***Aeroplane*** means an aeroplane that has flight controls providing control of the aeroplane in 3 axes.

**61.030 Definition of *modified Austroads medical standards* for Part 61**

- (1) ***Modified Austroads medical standards***, in relation to the exercise of the privileges of a pilot licence, means the Austroads medical standards modified to provide that a person with any of the following medical histories or conditions does not meet the standards:
- (a) subject to subregulation (2)—a history of cancer within the 5-year period before the day the privileges of the licence are exercised;
  - (b) a history of ECG changes, with or without symptoms;
  - (c) subject to subregulation (3)—a history of heart failure;
  - (d) inability to hear a conversational speaking voice at a distance of 2 metres, whether unaided or with the assistance of a medically prescribed hearing aid;
  - (e) any musculoskeletal disability, disorder or disease of the bones, joints, muscles or tendons that would limit or restrict the normal manipulation of aircraft controls, or would require physical modifications to the aircraft to enable appropriate manipulation of the controls;
  - (f) a history of transient ischaemic attack;
  - (g) a history of multiple sclerosis, cerebral palsy or Parkinson's disease;
  - (h) a history of one or more of the following in relation to a head injury:
    - (i) loss of consciousness;
    - (ii) post-traumatic amnesia;
    - (iii) abnormal findings on head CT or MRI investigation;
  - (i) a history of renal colic or calculi;
  - (j) active vertigo or a history of benign paroxysmal positional vertigo.
- (2) For paragraph (1) (a), a history of cancer for a person does not include a history of basal cell skin cancers if:
- (a) each basal cell skin cancer has been treated by excision with no metastasized sequelae; and
  - (b) since at least the last occurrence of a basal cell skin cancer, the person has been under active and continuous case

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management by a medical practitioner who is a specialist oncology physician or surgeon (the *treating practitioner*); and

- (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's basal cell skin cancer history.
- (3) For paragraph (1) (c), a history of heart failure for a person does not include a history in which the person meets all of the following requirements:
- (a) the person has not had an episode of heart failure for at least the previous 3 years;
  - (b) since at least the last episode of heart failure, the person has been under active and continuous case management by a medical practitioner who is a specialist cardiovascular physician or surgeon (the *treating practitioner*);
  - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's history of heart failure.
- (4) In this regulation:

*Austroads medical standards* means the medical standards for the issue of an unconditional private motor vehicle driver's licence, set out in the publication *Assessing fitness to drive for commercial and private vehicle drivers*, published by Austroads in March 2012, or any later version as in force from time to time.

Note: See [www.austroads.com.au/assessing-fitness-to-drive/](http://www.austroads.com.au/assessing-fitness-to-drive/).

### 61.035 Issue of Manual of Standards for Part 61

- (1) For paragraph 98 (5A) (a) of the Act, CASA may issue a Manual of Standards for this Part that sets out matters relating to flight crew licences.

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- (2) In particular, the Manual of Standards may set out standards for the following:
- (a) approvals under regulation 61.040;
  - (b) aeronautical and other knowledge required by this Part for the grant of a licence, rating or endorsement;
  - (c) flight training;
  - (d) other training and development requirements;
  - (e) flight tests;
  - (f) aviation and general English language proficiency;
  - (g) general operating competencies for aircraft of a particular class or type;
  - (h) competency in the use of an airborne collision avoidance system;
  - (i) flight reviews;
  - (j) competencies for solo flight;
  - (k) instrument proficiency checks;
  - (l) night vision imaging system proficiency checks;
  - (m) aerial application proficiency checks;
  - (n) instructor proficiency checks;
  - (o) competencies for glider pilot licences.

**61.040 Approvals by CASA for Part 61**

- (1) If a provision of this Part refers to a person or organisation holding an approval under this regulation, the person or organisation may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval if the following requirements are met:
- (a) if the approval relates to a course or program:
    - (i) the course or program covers all the units of competency mentioned in the Part 61 Manual of Standards for the course or program; and
    - (ii) the course or program meets the standards (if any) mentioned in the Part 61 Manual of Standards for the course or program;

- (b) if the approval relates to any other thing for which there are standards in the Part 61 Manual of Standards—the thing meets the standards;
  - (c) for any other approval—the applicant meets the requirements (if any) for the approval mentioned in the provision.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval mentioned in paragraph 61.1515 (1) (b) (Limitations on exercise of privileges of glider pilot licences—general).

**61.045 Prescription of qualification standards for flight simulation training devices**

For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe qualification standards for flight simulation training devices.

**61.047 Prescription of recognised foreign States**

For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe foreign countries as recognised foreign States.

**61.050 Prescription of multi-engine aeroplanes included in single-engine aeroplane class**

For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe aeroplanes that are included in the single-engine aeroplane class.

**61.055 Prescription of type ratings and variants—multi-crew aircraft**

- (1) For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe, for multi-crew aircraft:
  - (a) the type ratings that may be granted for multi-crew operation; and
  - (b) the aircraft models that are variants of each other; and
  - (c) in relation to each variant—the variants for which differences training is required; and

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- (d) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
  - (e) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) For paragraph 98 (5A) (a) of the Act, if 2 or more aircraft models are variants of each other, CASA may, by legislative instrument, prescribe that the models are no longer variants of each other only if satisfied that:
  - (a) the complexity of one of the models' systems; or
  - (b) a difference in their performance or handling characteristics; requires the provision of additional flight training to enable a person to pilot an aircraft of that model safely.

**61.060 Prescription of type ratings—single-pilot aircraft**

- (1) For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe:
  - (a) for a type of aircraft that is certificated for single-pilot operation—whether a single-pilot type rating is required; and
  - (b) for aircraft for which single-pilot type ratings are required:
    - (i) the type ratings that may be granted for single-pilot operation; and
    - (ii) the aircraft models that are variants of each other; and
    - (iii) in relation to each variant—the variants for which differences training is required; and
  - (c) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
  - (d) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) However, CASA may prescribe that a single-pilot type rating is required for an aircraft only if satisfied that:
  - (a) the complexity of the aircraft's systems; or

- (b) its performance or handling characteristics;  
requires the provision of additional flight training to enable a person to pilot an aircraft of that type safely.

**61.065 Conduct of unauthorised activities—holders of flight crew licences**

- (1) The holder of a flight crew licence commits an offence if:
  - (a) the holder conducts an activity mentioned in this Part while:
    - (i) piloting a registered aircraft; or
    - (ii) acting as flight engineer of a registered aircraft; or
    - (iii) acting as an instructor or examiner; and
  - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence for a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

**Division 61.A.2—Flight time and other aeronautical experience**

**61.070 Flight to which Division 61.A.2 applies**

For this Division:

*flight* means flight in:

- (a) an aeroplane; or
- (b) a helicopter, other than a tethered helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider; or
- (e) a gyroplane; or

- (f) a powered-lift aircraft.

**61.075 Definition of *aeronautical experience* for Part 61**

A person's *aeronautical experience* is as follows:

- (a) for a pilot—the total of:
  - (i) the person's flight time as a pilot; and
  - (ii) the person's simulated flight time; and
  - (iii) the person's tethered flight time;
- (b) for a flight engineer—the total of:
  - (i) the person's flight time as a flight engineer; and
  - (ii) the person's simulated flight engineer time.

**61.080 Definition of *flight time as pilot* for Part 61**

A person's *flight time* as a pilot is:

- (a) the duration of the following flights:
  - (i) a solo flight by the person;
  - (ii) a flight in which the person receives flight training;
  - (iii) if the person is a flight instructor—a flight during which the person exercises the privileges of his or her flight instructor rating;
  - (iv) if the person is a flight examiner—a flight during which the person exercises the privileges of his or her flight examiner rating; and
- (b) the person's flight time as pilot in command; and
- (c) the person's flight time as pilot in command under supervision; and
- (d) the person's flight time as a co-pilot.

**61.085 Definition of *flight time as co-pilot* for Part 61**

A person's *flight time* as a co-pilot is any period, during flight in an aircraft that, under these Regulations, must be flown with a flight crew of at least 2 pilots, in which the person is performing co-pilot duties other than as pilot in command under supervision.

Note: A co-pilot is a pilot on board an aircraft in a piloting capacity other than the pilot in command or a pilot who is on board the aircraft for

the sole purpose of receiving flight training: see the definition of *co-pilot* in Part 1 of the Dictionary.

**61.090 Definition of *flight time* as pilot in command for Part 61**

A person's *flight time* as pilot in command of an aircraft is the duration of a flight for which the person is the pilot in command of the aircraft.

**61.095 Definition of *flight time* as pilot in command under supervision for Part 61**

- (1) A person's *flight time* as pilot in command under supervision is the duration of a flight if:
  - (a) the person holds a pilot licence, other than a student pilot licence; and
  - (b) the person performs all the duties of the pilot in command for the flight; and
  - (c) subregulation (2) or (3) applies to the flight.
- (2) For paragraph (1) (c), this subregulation applies to the flight if:
  - (a) the flight is conducted by an operator that has training and checking responsibilities; and
  - (b) the pilot in command of the flight is authorised by the operator or the operator's Part 142 operator to conduct the supervision of the person.
- (3) For paragraph (1) (c), this subregulation applies to the flight if:
  - (a) the person is supervised by a flight instructor or flight examiner; and
  - (b) the person is not receiving flight training or taking a flight test.

**61.100 Definition of *flight time* as flight engineer for Part 61**

A person's *flight time* as a flight engineer is:

- (a) if the person is a flight engineer—the duration of a flight during which the person performs the duties of a flight engineer; and

- (b) if the person is a flight engineer instructor—the duration of a flight during which the person exercises the privileges of his or her flight engineer instructor rating; and
- (c) if the person is a flight engineer examiner—the duration of a flight during which the person exercises the privileges of his or her flight engineer examiner rating; and
- (d) if the person is the holder of a cruise relief flight engineer type rating—any time spent performing the duties of a flight engineer during flight.

#### **61.105 Definition of *instrument flight time* for Part 61**

- (1) A person's *instrument flight time* is:
  - (a) for the holder of an authorisation mentioned in subregulation (2) other than a flight instructor or flight examiner—any time spent piloting an aircraft solely by reference to instruments and without external visual reference points in IMC or simulated IMC; and
  - (b) for a person who does not hold an authorisation mentioned in subregulation (2)—any dual instrument flight time; and
  - (c) for a flight instructor—any time spent conducting training mentioned in regulation 61.1165, or a flight review, during dual instrument flight time in IMC; and
  - (d) for a flight examiner—any time spent conducting a flight test or proficiency check during dual instrument flight time in IMC.
- (2) For paragraph (1) (a), the authorisations are as follows:
  - (a) an instrument rating;
  - (b) a private instrument rating;
  - (c) for flight in an aeroplane or powered-lift aircraft—an air transport pilot licence;
  - (d) for flight in an aeroplane—a multi-crew pilot licence.

#### **61.110 Definition of *instrument ground time* for Part 61**

- A person's *instrument ground time* is:
- (a) for the holder of an authorisation mentioned in subregulation 61.105 (2) other than a simulator instructor or

flight examiner—any time spent conducting simulated flight in a flight simulation training device solely by reference to instruments and without simulated external visual reference points; and

- (b) for a person who does not hold an authorisation mentioned in subregulation 61.105 (2)—any dual instrument ground time; and
- (c) for a simulator instructor—any time spent conducting training mentioned in regulation 61.1190, or a flight review, during dual instrument ground time; and
- (d) for a flight examiner—any time spent conducting a flight test or proficiency check during dual instrument ground time.

### **Division 61.A.3—Performing flight crew duties without licence, rating or endorsement**

#### **61.115 Flying without licence**

- (1) A person who does not hold a pilot licence is authorised to pilot a registered aircraft if:
  - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of receiving flight training; or
  - (b) the flight is for a flight test for a pilot licence or a flight crew rating or endorsement on a pilot licence.
- (2) A person who does not hold a flight engineer licence is authorised to perform the duties of a flight engineer in a registered aircraft while:
  - (a) receiving flight training from a flight engineer instructor; or
  - (b) taking a flight test for a flight engineer licence or a flight crew rating or endorsement on a flight engineer licence.

#### **61.120 Operation of aircraft radio without licence**

A person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if:

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- (a) the transmission is made while receiving training for a flight crew licence; and
- (b) the transmission is approved and supervised by an instructor; and
- (c) the transmission is for the purpose of:
  - (i) safely conducting a flight that is approved by a flight instructor; or
  - (ii) receiving training in the use of an aircraft radio.

Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

**61.125 Conducting flight activities without rating or endorsement**

- (1) A person who holds a pilot licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
  - (a) the activity is conducted while:
    - (i) receiving flight training for the rating or endorsement; or
    - (ii) taking a flight test for the rating or endorsement; or
    - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and
  - (b) the activity is approved by, and conducted under the supervision of, a flight instructor.
- (2) A person who holds a flight engineer licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
  - (a) the activity is conducted while:
    - (i) receiving flight training for the rating or endorsement; or
    - (ii) taking a flight test for the rating or endorsement; or
    - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and

- (b) the activity is approved by, and conducted under the supervision of, a flight engineer instructor.

**61.130 Operation of helicopter using auto flight control system without licence or rating**

- (1) This regulation applies to a person who, apart from this regulation, would not be authorised under this Part to pilot a helicopter.
- (2) The person is authorised to pilot the helicopter using the helicopter's auto flight control system if:
  - (a) the person is approved to do so by the helicopter's:
    - (i) operator; and
    - (ii) pilot in command; and
  - (b) the person does so under the supervision of the pilot in command.

**61.135 Authorisation to conduct flight training or flight test without holding type rating**

- (1) An instructor may apply to CASA, in writing, for authorisation to conduct training for the grant of a pilot type rating or flight engineer type rating in an aircraft for which the instructor does not hold the rating.
- (2) An examiner may apply to CASA, in writing, for authorisation to conduct a flight test required for the grant of a pilot type rating or flight engineer type rating for an aircraft for which the examiner does not hold:
  - (a) the pilot type rating or flight engineer type rating; or
  - (b) a training endorsement; or
  - (c) a flight test endorsement.
- (3) Subject to regulation 11.055, CASA must grant the authorisation.
- (4) Subject to regulations 141.050 and 142.050, if CASA grants the authorisation, the person is authorised to conduct the training or flight test in accordance with the authorisation.

**61.140 Authorisation to test aircraft without holding type rating**

- (1) The holder of a flight crew licence may apply to CASA, in writing, for authorisation to act as a flight crew member of an aircraft for which the person does not hold a pilot type rating or flight engineer type rating during a flight conducted for the purpose of:
  - (a) testing the aircraft; or
  - (b) conducting an experiment in relation to the aircraft.
- (2) Subject to regulation 11.055, CASA must grant the authorisation.
- (3) If CASA grants the authorisation, the person is authorised to act as a flight crew member during the flight in accordance with the authorisation.

**61.145 Piloting glider without holding glider pilot licence**

A person is authorised to pilot a glider without holding a glider pilot licence if the person:

- (a) holds a pilot certificate, granted by a recreational aviation administration organisation that administers glider activities, that permits the holder to pilot a glider or motorised glider as pilot in command; and
- (b) operates the glider in accordance with the organisation's operations manual.

**Subpart 61.B—Grant of flight crew licences, ratings and endorsements****Division 61.B.1—General****61.150 People who may grant flight crew licences, ratings and endorsements**

- (1) CASA may grant any flight crew licence, rating or endorsement.
- (2) Subject to subregulation (8) and regulation 61.1265, a flight examiner may grant the following:
  - (a) a rating on a pilot licence, other than:

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- (i) an aircraft category rating; or
    - (ii) a flight examiner rating; or
    - (iii) a cruise relief flight engineer type rating;
  - (b) an endorsement on a pilot licence, other than a flight test endorsement.
- (3) Subject to subregulation (8) and regulations 61.1175 and 61.1200, a pilot instructor may grant an endorsement on a pilot licence, other than:
- (a) a flight examiner endorsement; or
  - (b) a training endorsement mentioned in Part 1 or 2 of table 61.1235; or
  - (c) an endorsement for which a flight test is required under this Part.
- (4) Subject to subregulation (8) and regulation 61.1455, a flight engineer examiner may grant the following:
- (a) a rating on a flight engineer licence, other than a flight engineer examiner rating;
  - (b) an endorsement on a flight engineer licence, other than a flight engineer flight test endorsement;
  - (c) a cruise relief flight engineer type rating.
- (5) Subject to subregulation (8) and regulation 61.1405, a flight engineer instructor may grant a flight engineer training endorsement.
- (6) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 141.035 or 142.040 (an **approval holder**) may grant a flight crew endorsement for which the holder is approved to conduct flight training.
- (7) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 61.040 (also an **approval holder**) may grant the following:
- (a) a flight crew rating, other than an examiner rating;
  - (b) a flight crew endorsement, other than a flight test endorsement or a flight engineer flight test endorsement.

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- (8) An examiner, instructor or approval holder cannot grant a flight crew rating or endorsement to a person if the person is taken to meet the requirements for the rating or endorsement under:
- (a) regulation 61.275 (Overseas flight crew authorisations—recognition); or
  - (b) regulation 61.285 (Australian Defence Force qualifications—recognition).

Note: A flight crew licence, rating or endorsement granted under a bilateral agreement may only be granted by CASA: see regulation 61.280.

### 61.155 Applications for flight crew licences, ratings and endorsements

- (1) An application for a flight crew licence, rating or endorsement must be made to a person who may grant the licence, rating or endorsement.

Note: See Subpart 11.B, in particular, regulation 11.030, about applications for authorisations.

- (2) The application must:
- (a) be in writing; and
  - (b) if the application is for a flight crew licence—be accompanied by a recent photograph of the applicant, showing the applicant's full face and his or her head and shoulders; and
  - (c) if the application is for a pilot licence, other than a student pilot licence—include an application for an aircraft category rating.
- (3) If the requirements for the grant of a flight crew licence, rating or endorsement (the ***second authorisation***) include a requirement that the applicant hold, or be eligible for, another flight crew licence, rating or endorsement (the ***first authorisation***), a person may:
- (a) apply for the first and second authorisations at the same time; or
  - (b) apply for the second authorisation at any time after applying for the first authorisation, whether or not the first authorisation has been granted before the person applies for the second authorisation.

### **61.160 Grant of flight crew licences**

Subject to regulation 11.055, CASA must grant a flight crew licence to an applicant for the licence if:

- (a) the application complies with regulation 61.155; and
- (b) the applicant:
  - (i) meets the requirements mentioned in this Part for the grant of the licence; and
  - (ii) for a flight crew licence other than a recreational or student pilot licence—has a current aviation English language proficiency assessment; and
  - (iii) for a recreational or student pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

### **61.165 Grant of flight crew ratings**

Subject to regulation 11.055, CASA, or an examiner or approval holder, must grant a flight crew rating to an applicant for the rating if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner or approval holder—the examiner or approval holder may, under regulation 61.150, grant the rating; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the rating.

### **61.170 Grant of flight crew endorsements**

Subject to regulation 11.055, CASA, or an examiner, instructor or approval holder, must grant a flight crew endorsement to an applicant for the endorsement if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner, instructor or approval holder—the examiner, instructor or approval holder may, under regulation 61.150, grant the endorsement; and

- (c) the applicant meets the requirements mentioned in this Part for the grant of the endorsement.

**61.175 How CASA issues flight crew licences, ratings and endorsements**

- (1) Subregulation (2) applies if:
  - (a) CASA grants a flight crew licence to a person under regulation 61.160; and
  - (b) the person does not already hold a flight crew licence.
- (2) For subregulation (1), CASA must issue to the person a document (the *licence document*) indicating that the person is authorised to exercise the privileges of:
  - (a) the flight crew licence; and
  - (b) if, at the same time, CASA also grants a flight crew rating or endorsement to the person under regulation 61.165 or 61.170—the rating or endorsement.
- (3) Subregulation (4) applies if:
  - (a) CASA grants a flight crew licence (the *new licence*) to a person under regulation 61.160; and
  - (b) the person already holds a flight crew licence (the *existing licence*).
- (4) For subregulation (3), CASA must issue to the person a new licence document indicating that the person is authorised to exercise the privileges of:
  - (a) the new licence; and
  - (b) the existing licence; and
  - (c) any flight crew ratings and endorsements that the person already holds or that CASA grants at the same time as the new licence.
- (5) Subregulation (6) applies if:
  - (a) CASA grants a flight crew rating or endorsement to a person under regulation 61.165 or 61.170, other than a rating or endorsement granted at the same time as a flight crew licence; and

- (b) the person already holds a flight crew licence.
- (6) For subregulation (5), CASA must endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating or endorsement.

**61.180 How examiner, instructor or approval holder issues rating or endorsement**

- (1) If an examiner or approval holder grants a flight crew rating to a person under regulation 61.165, the examiner or approval holder must:
  - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating; and
  - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the rating.
- (2) If an examiner, instructor or approval holder grants a flight crew endorsement to a person under regulation 61.170, the examiner, instructor or approval holder must:
  - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the endorsement; and
  - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the endorsement.
- (3) An examiner, instructor or approval holder commits an offence if he or she contravenes subregulation (1) or (2).

Penalty: 50 penalty units.
- (4) If CASA is satisfied that the rating or endorsement was issued in error, CASA must cancel the rating or endorsement.
- (5) An offence against this regulation is an offence of strict liability.

**61.185 New licence document if licence, rating or endorsement cancelled**

- (1) This regulation applies if:
  - (a) a flight crew licence, rating or endorsement is cancelled under Part 16 of CAR or Subpart 11.D; and
  - (b) the holder of the licence, rating or endorsement holds a licence that is not cancelled (the *continuing licence*).
- (2) CASA must issue to the holder a new licence document indicating that the holder is authorised to exercise the privileges of:
  - (a) the continuing licence; and
  - (b) any ratings or endorsements that the holder continues to hold.

**61.190 Licence holder to comply with limitations and requirements of Part 61**

It is a condition of a flight crew licence, rating or endorsement that the holder must comply with:

- (a) the limitations on the exercise of the privileges of the licence, rating or endorsement set out in this Part; and
- (b) the requirements set out in this Part that apply to the holder.

**Division 61.B.2—Flight training and other training****61.195 Flight training requirements**

- (1) Subregulation (2) applies to flight training for:
  - (a) a flight crew licence; or
  - (b) a flight crew rating; or
  - (c) a flight crew endorsement, other than a design feature endorsement or a flight activity endorsement.

Note: For training, other than flight training, see regulation 61.210.

- (2) For subregulation (1), a requirement in this Part for an applicant for a flight crew licence, rating or endorsement to have completed flight training for the licence, rating or endorsement is met only if:

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- (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement; and
  - (b) the training is conducted by:
    - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement; or
    - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
  - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder; and
  - (d) for flight training for the grant of an aircraft class rating or type rating—the training is conducted in accordance with regulation 61.205; and
  - (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.
- (3) Subregulation (4) applies to flight training for a design feature endorsement or a flight activity endorsement.
- (4) For subregulation (3), a requirement in this Part for an applicant for a flight crew endorsement to have completed flight training for the endorsement is met only if:
- (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the endorsement; and
  - (b) the training is conducted by:
    - (i) an instructor; or
    - (ii) the holder of an approval under regulation 61.040 to conduct the training; and
  - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder.
- (5) For paragraphs (2) (c) and (4) (c), the assessment must be conducted against the standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.

**61.200 Differences training requirements**

A requirement in this Part for the holder of a type rating to have completed differences training for a variant of the aircraft type covered by the rating is met only if:

- (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the rating that are necessary to ensure that the holder is able to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (b) the training is conducted by:
  - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct differences training for the variant; or
  - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
- (c) the holder has been assessed by the instructor or approval holder as competent to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (d) the training is conducted in accordance with regulation 61.205; and
- (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.

**61.205 When training must not be conducted in aircraft**

- (1) For paragraphs 61.195 (2) (d) and 61.200 (d), the training must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
  - (a) there is an approved flight simulator for the training available in Australia; or
  - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the training available outside Australia.

- (2) In this regulation:

*available*, for training, means able to be used for the training.

**61.210 Other approved courses of training or professional development**

- (1) A requirement in this Part for an applicant for a flight crew licence, rating or endorsement to have completed an approved course of training or professional development is met only if:
- (a) for a course that is approved under regulation 61.040—the applicant:
    - (i) has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the course; and
    - (ii) has been assessed as competent by the person conducting the course against the standards mentioned in the Part 61 Manual of Standards for the course; or
  - (b) for a course that is conducted by a Part 141 or 142 operator—the applicant:
    - (i) has received training in all the units of competency mentioned in the course's syllabus; and
    - (ii) has been assessed by a person mentioned in subregulation (2) as competent against the standards mentioned in the course's syllabus.
- (2) For subparagraph (1) (b) (ii), the persons are as follows:
- (a) the head of operations of the Part 141 or 142 operator that conducted the training;
  - (b) an instructor who is authorised by the head of operations to conduct the assessment;
  - (c) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

**Division 61.B.3—Aeronautical knowledge examinations****61.215 Aeronautical knowledge examinations—general**

- (1) CASA may set aeronautical knowledge examinations for the grant of a flight crew licence, rating or endorsement in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.
- (2) A Part 141 or 142 operator may set aeronautical knowledge examinations for the grant of:
  - (a) a flight crew rating other than an instrument rating; or
  - (b) a flight crew endorsement.
- (3) However, a Part 141 or 142 operator may set an aeronautical knowledge examination only if:
  - (a) the examination is set in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the rating or endorsement; and
  - (b) the operator holds an approval under regulation 61.040 for the examination.
- (4) The examinations may be conducted at the times and places, and in accordance with arrangements, decided by the body setting the examination.

**61.220 Aeronautical knowledge examinations—air transport pilot licence**

To be eligible to sit the aeronautical knowledge examination for an air transport pilot licence with a particular aircraft category rating, an applicant must:

- (a) hold a commercial pilot licence with that rating; or
- (b) have passed the aeronautical knowledge examination for a commercial pilot licence with that rating; or
- (c) hold an approval under regulation 61.040 to sit the examination.

**61.225 Aeronautical knowledge examinations—pass standards**

- (1) A requirement in this Part for a person to have passed an aeronautical examination for a flight crew licence, rating or endorsement is met if the person meets the standards mentioned in the Part 61 Manual of Standards for the examination.
- (2) However, a person is taken to have passed an aeronautical knowledge examination only if the person passes all parts of the examination within a period of 2 years.
- (3) If on 3 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt the examination or part again within 3 months beginning on the day the person attempts the examination or part for the third time.
- (4) If on 4 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt the examination or part again until CASA is satisfied that the person has completed appropriate training.

**61.230 Aeronautical knowledge examinations—knowledge deficiency reports**

- (1) This regulation applies if a candidate for an aeronautical knowledge examination:
  - (a) passes the examination with a score of less than 100%; or
  - (b) fails the examination with a score of at least 51%.
- (2) The body that conducts the examination must:
  - (a) prepare a report about the competency standards in which the candidate's knowledge is deficient; and
  - (b) give a copy of the report to the candidate; and
  - (c) if the examination was not conducted by the candidate's training provider—give a copy of the report to the candidate's training provider.

**Division 61.B.4—Flight tests****61.235 Flight tests for flight crew licences and ratings—prerequisites***Flight crew licence prerequisites*

- (1) Subregulation (2) applies to an applicant for a flight crew licence, other than an applicant who is eligible for the licence under subregulation 61.275 (1).
- (2) For subregulation (1), the applicant is eligible to take a flight test for the licence only if:
  - (a) a person mentioned in subregulation (5) has certified in writing that the applicant:
    - (i) is at least the minimum age to hold the licence; and
    - (ii) has passed the aeronautical knowledge examination for the licence; and
    - (iii) has met the flight training requirements for the grant of the licence; and
    - (iv) has met the aeronautical experience requirements for the licence; and
    - (v) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment; and
    - (vi) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
  - (b) if the applicant passed the aeronautical knowledge examination for the licence with a score of less than 100%:
    - (i) the applicant's training provider has given the examiner who is to conduct the applicant's flight test a copy of the applicant's knowledge deficiency report; and
    - (ii) the applicant satisfies the examiner that the applicant has sufficient knowledge in any competency standard mentioned in the knowledge deficiency report to safely exercise the privileges of the licence; and
  - (c) if the flight test is to be conducted in an aircraft:

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- (i) the applicant holds a current medical certificate of the class required for the grant of the licence; or
- (ii) if the test is for a recreational pilot licence—the applicant holds a current recreational aviation medical practitioner's certificate; or
- (iii) the applicant holds a medical exemption for the exercise of the privileges of the licence.

*Flight crew rating prerequisites*

- (3) Subregulation (4) applies to an applicant for a flight crew rating, other than an applicant who is eligible for the rating under subregulation 61.275 (2) or (3).
- (4) For subregulation (3), the applicant is eligible to take a flight test for the rating only if:
  - (a) a person mentioned in subregulation (5) has certified in writing that the applicant:
    - (i) has passed the aeronautical knowledge examination for the rating; and
    - (ii) has met the flight training requirements for the grant of the rating; and
    - (iii) has met the aeronautical experience requirements for the rating; and
  - (b) if the test is to be conducted in an aircraft:
    - (i) the applicant holds a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
    - (ii) the applicant holds a medical exemption for the exercise of the privileges of the licence.

*People who may certify*

- (5) For paragraphs (2) (a) and (4) (a), the persons are as follows:
  - (a) if the applicant's training provider is a Part 141 or 142 operator:
    - (i) the operator's head of operations; or

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- (ii) a person named in the operator's exposition as responsible for the flight training to which the flight test relates;
- (b) if the applicant's training provider is the holder of an approval under regulation 141.035 or 142.040 to conduct the training—the approval holder.

**61.240 Consequences of taking flight test when ineligible**

An applicant for a flight crew licence or rating is taken not to have passed a flight test if, when the applicant took the flight test, the applicant was not eligible under regulation 61.235 to take the flight test.

**61.245 Conduct of flight tests for flight crew licences, ratings and endorsements**

- (1) The flight test for a flight crew licence, rating or endorsement must be conducted in:
  - (a) an aircraft or an approved flight simulator for the purpose; and
  - (b) if the flight test is for a rating or endorsement that is limited to a particular category, class or type of aircraft:
    - (i) an aircraft of that category, class or type; or
    - (ii) an approved flight simulator for that category, class or type of aircraft.
- (2) However, the flight test for an aircraft class rating or type rating must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
  - (a) there is an approved flight simulator for the flight test available in Australia; or
  - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the flight test available outside Australia.

- (3) The flight test must be conducted by an examiner or the holder of an approval under regulation 61.040 to conduct the flight test (the **Part 61 approval holder**) who:
  - (a) is nominated by the applicant's training provider; and
  - (b) for a flight test for a flight crew licence—is not the person who provided the certification under paragraph 61.235 (2) (a) (Flight tests for flight crew licences and ratings—prerequisites) for the applicant.
- (4) However, at any time before the test begins, CASA may, by written notice to the training provider and, if the training provider has nominated an examiner or Part 61 approval holder to conduct the flight test, the examiner or Part 61 approval holder:
  - (a) nominate a different examiner or Part 61 approval holder to conduct the flight test; or
  - (b) require that CASA will conduct the flight test.
- (5) In this regulation:  
*available*, for a flight test, means able to be used for the flight test.

#### **61.250 Pass standards for flight tests**

An applicant for a flight crew licence, rating or endorsement passes the flight test for the licence, rating or endorsement if the examiner assesses the applicant's performance in the flight test as meeting the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

### **Division 61.B.5—English language proficiency**

#### **61.255 Aviation English language proficiency assessments**

- (1) A person may apply, in writing, to CASA or an examiner for an assessment of the person's aviation English language proficiency.
- (2) The applicant passes the assessment if CASA or the examiner is satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

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- (3) If CASA or the examiner is not satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards, CASA or the examiner must refer the application to an aviation English language proficiency assessor.
- (4) The applicant passes the assessment if the assessor is satisfied that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

**61.260 Duration of English language proficiency assessments**

A person's aviation English language proficiency assessment is **current** as follows:

- (a) if the person was assessed as meeting the ICAO level 6 aviation English language proficiency standards—  
indefinitely;
- (b) if the person was assessed as meeting the ICAO level 5 aviation English language proficiency standards—for 6 years beginning on the day the assessment is conducted;
- (c) if the person was assessed as meeting the ICAO level 4 aviation English language proficiency standards—for 3 years beginning on the day the assessment is conducted.

**61.265 Recreational and student pilot licences—general English language proficiency**

- (1) For subparagraph 61.160 (b) (iii), an applicant for a recreational or student pilot licence must:
  - (a) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
  - (b) satisfy a person mentioned in subregulation (2) that the applicant:
    - (i) has successfully completed one of the general English language proficiency tests mentioned in the Part 61 Manual of Standards; and

- (ii) has sufficient general English language proficiency to safely exercise the privileges of the licence.
- (2) For paragraph (1) (b), the persons are as follows:
  - (a) the head of operations of a Part 141 or 142 operator;
  - (b) an instructor who is authorised by the head of operations to assess the applicant's English language proficiency.

#### **61.270 Approval of language proficiency assessors**

- (1) A person may apply to CASA, in writing, for approval to conduct aviation English language proficiency assessments.
- (2) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that the person has successfully completed an approved course of training in assessment of aviation English language.

### **Division 61.B.6—Recognition of overseas flight crew authorisations**

#### **61.275 Overseas flight crew authorisations—recognition**

- (1) Despite anything else in this Part, the holder of an overseas flight crew licence (the *applicant*) is taken to meet the requirements under this Part for the grant of a flight crew licence (an *Australian licence*) with an aircraft category rating if:
  - (a) CASA is satisfied that the overseas flight crew licence and any ratings on that licence are at least equivalent to the Australian licence with that aircraft category rating; and
  - (b) the applicant is at least the minimum age for the grant of the Australian licence; and
  - (c) the applicant holds an authorisation to operate an aircraft radio granted by the national aviation authority of a Contracting State; and
  - (d) either:
    - (i) the applicant's overseas licence states that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards; or

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- (ii) the applicant has a current aviation English language proficiency assessment; and
- (e) for an application for a commercial pilot licence, multi-crew pilot licence or air transport pilot licence:
  - (i) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian licence; and
  - (ii) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and
- (f) the applicant has passed the overseas conversion aeronautical knowledge examination mentioned in the Part 61 Manual of Standards for the Australian licence and aircraft category rating.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

- (2) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an aircraft class rating, pilot type rating or flight engineer type rating (an **Australian rating**) if:
  - (a) the applicant holds, or has held, an overseas rating; and
  - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating.
- (3) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an operational rating (an **Australian rating**) if:
  - (a) the applicant holds, or has held, an overseas rating; and
  - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating; and
  - (c) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian rating; and

- (d) the applicant passes the aeronautical knowledge examination for the Australian rating; and
  - (e) CASA is satisfied that the applicant has completed the aeronautical experience required for the grant of the Australian rating; and
  - (f) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian rating.
- (4) Despite anything else in this Part, the holder of an overseas flight crew licence (the *applicant*) is taken to meet the requirements under this Part for the grant of a flight crew endorsement (an *Australian endorsement*) if:
  - (a) the applicant holds, or has held, an overseas endorsement; and
  - (b) CASA is satisfied that the overseas endorsement is at least equivalent to the Australian endorsement; and
  - (c) if the requirements for the grant of the endorsement include passing a flight test—the applicant passes the flight test.
- (5) For subparagraph (1) (e) (i) and paragraph (3) (c), the persons are as follows:
  - (a) the head of operations of a Part 141 or 142 operator that is authorised to conduct flight training for the Australian licence or rating;
  - (b) a person named in the operator's exposition as responsible for flight training for the licence or rating.

**61.280 Grant of flight crew licences, ratings or endorsements under bilateral agreements**

CASA may grant a flight crew licence, rating or endorsement to the holder of an overseas flight crew licence in accordance with a bilateral agreement between Australia and the Contracting State whose licensing authority granted the overseas licence.

Note: The holder of a commercial pilot licence or an airline transport pilot licence granted by the Civil Aviation Authority of New Zealand is eligible for an equivalent Australian licence and equivalent ratings and other endorsements: see the *Trans-Tasman Mutual Recognition Act 1997*.

**Division 61.B.7—Recognition of Australian Defence Force qualifications****61.285 Australian Defence Force qualifications—recognition**

Despite anything else in this Part, a member or former member of the Australian Defence Force is taken to meet the requirements under this Part for the grant of a flight crew licence, rating or endorsement if the member:

- (a) holds, or has held, a flight crew qualification granted by the Australian Defence Force that CASA is satisfied is at least equivalent to the licence, rating or endorsement; and
- (b) for a flight crew licence—is at least the minimum age for the grant of the licence; and
- (c) meets the aeronautical experience requirements for the licence, rating or endorsement; and
- (d) for a flight crew licence other than a student pilot licence—has a current aviation English language proficiency assessment; and
- (e) for a student pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
- (f) for an air transport pilot licence:
  - (i) passes the Australian Defence Force conversion aeronautical knowledge examination for the air transport pilot licence mentioned in the Part 61 Manual of Standards; and
  - (ii) completes an approved course of training in multi-crew cooperation; and
  - (iii) passes the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence; and
- (g) for an instrument rating—passes:
  - (i) the aeronautical knowledge examination for the rating; and
  - (ii) the flight test mentioned in the Part 61 Manual of Standards for the rating; and
- (h) for an instructor rating—passes the flight test mentioned in the Part 61 Manual of Standards for the rating.

## Subpart 61.C—Certificates of validation

### 61.290 Grant of certificates of validation

- (1) The holder of an overseas flight crew licence may apply to CASA for the grant of a certificate of validation of the licence and any overseas rating or endorsement attached to the licence.
- (2) Subject to regulation 11.055, CASA must grant the certificate of validation if:
  - (a) the applicant is authorised (however described) to exercise the privileges of the overseas flight crew licence and any rating or endorsement attached to the licence; and
  - (b) the applicant has passed any examination or flight test that CASA has, under subregulation (4), determined is required for the applicant.
- (3) For paragraph (2) (a), if the overseas flight crew licence is equivalent to a commercial pilot licence, multi-crew pilot licence or air transport pilot licence, CASA must verify with the issuing authority for the licence that the licence holder is authorised (however described) to exercise the privileges of the licence and any rating or endorsement attached to the licence.
- (4) For paragraph (2) (b), if it is necessary for an applicant to pass an examination or flight test to satisfy CASA that the applicant can safely exercise the privileges of the certificate of validation, CASA may determine that the examination or flight test is required for the applicant.
- (5) If the applicant does not have a current aviation security status check, within the meaning given by the *Aviation Transport Security Regulations 2005*, CASA must impose on the certificate a condition that the holder must not conduct any activity authorised by the certificate in Australian territory.

### 61.295 Privileges of certificates of validation

Subject to regulations 61.300 and 61.305, the holder of a certificate of validation of an overseas flight crew licence, rating or

endorsement that is equivalent to an Australian flight crew licence, rating or endorsement is authorised to conduct any activity that the holder of the equivalent Australian flight crew licence, rating or endorsement is authorised to conduct.

**61.300 Limitations on exercise of privileges of certificates of validation—medical certificate**

The holder of a certificate of validation of an overseas flight crew licence is authorised to conduct an activity mentioned in regulation 61.295 only if the holder also holds an overseas medical certificate of at least the class required for the grant of the overseas flight crew licence by the Contracting State whose national aviation authority granted the licence.

**61.305 Limitations on exercise of privileges of certificates of validation—recent experience, flight review and proficiency check**

- (1) The holder of a certificate of validation for an overseas flight crew licence that is equivalent to an Australian pilot licence is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in regulation 61.395 for the exercise of the privileges of the Australian pilot licence.
- (2) The holder of a certificate of validation for an overseas rating that is equivalent to an Australian rating is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in this Part for the exercise of the privileges of the Australian rating.

**61.310 Limitations on exercise of privileges of certificates of validation—carriage of documents**

The holder of a certificate of validation is authorised to exercise the privileges of the certificate on a flight only if the holder carries the following documents on the flight:

- (a) his or her certificate of validation;
- (b) his or her overseas flight crew licence;
- (c) his or her overseas medical certificate;

- (d) a document that:
  - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
  - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
    - (A) the Commonwealth or a State or Territory;
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (iii) has not expired or been cancelled.

**61.315 Conduct of unauthorised activities by holders of certificates of validation**

- (1) The holder of a certificate of validation commits an offence if:
  - (a) the holder conducts an activity while:
    - (i) piloting an aircraft; or
    - (ii) acting as flight engineer of an aircraft; or
    - (iii) operating a flight simulation training device; and
  - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence relating to a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

- (3) It is a condition of a certificate of validation that the holder must comply with:
  - (a) the limitations on the exercise of the privileges of the certificate of validation set out in this Subpart; and
  - (b) the requirements set out in this Part that apply to the holder.

**61.320 Certificates of validation—period of validity**

- (1) A certificate of validation must:
  - (a) not be granted for a period of more than one year; and
  - (b) state the date on which it expires.
- (2) However, a certificate of validation ends on the earliest of the following events:
  - (a) the end of the day stated in the certificate as the date on which it expires;
  - (b) when the holder ceases to be authorised (however described) to exercise the privileges of the overseas flight crew licence, or any rating or endorsement on the licence, to which the certificate relates;
  - (c) when the holder's overseas medical certificate expires.

**61.325 Certificates of validation—renewal**

- (1) CASA may renew a certificate of validation only if:
  - (a) the person has passed the aeronautical knowledge examination for a flight crew licence under this Part that is equivalent to the overseas flight crew licence to which the certificate relates; or
  - (b) CASA is satisfied that exceptional circumstances justify the renewal.
- (2) In this regulation:

**renew**, a certificate of validation, includes grant a new certificate of validation to the holder of:

  - (a) a current certificate of validation; or
  - (b) a certificate of validation that has expired within the previous 3 months;

in respect of the same overseas flight crew licence, rating or endorsement.

## **Subpart 61.D—General obligations of flight crew licence holders**

### **61.330 Maintenance of aviation English language proficiency—conducting flight activities outside Australia**

The holder of a flight crew licence is authorised to exercise the privileges of the licence outside Australia only if the holder has a current aviation English language proficiency assessment.

### **61.335 Identity checks**

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to provide evidence of his or her identity in accordance with paragraph 6.57 (1) (a) of the *Aviation Transport Security Regulations 2005*.
- (2) The holder commits an offence if:
  - (a) CASA has not told the holder, in writing, that he or she has complied with the requirement; and
  - (b) the holder exercises the privileges of the licence or certificate.

Penalty: 50 penalty units.

- (3) For subregulation (2), CASA is taken to have told the holder that he or she has complied with the requirement if CASA issues a new licence document or certificate of validation to the holder after giving the holder the notice.
- (4) An offence against this regulation is an offence of strict liability.

### **61.340 Production of licence documents, medical certificates and identification**

- (1) CASA may direct the holder of a flight crew licence to produce any or all of the following documents for inspection by CASA:
  - (a) the holder's licence document;

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- (b) unless the holder also holds a medical exemption for the exercise of the privileges of the licence—the holder's medical certificate or recreational aviation medical practitioner's certificate;
- (c) if the holder's licence document was issued more than 10 years before the direction is given—a document that:
  - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
  - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
    - (A) the Commonwealth or a State or Territory;
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (iii) has not expired or been cancelled.
- (2) CASA may direct the holder of a certificate of validation to produce any or all of the following documents for inspection by CASA:
  - (a) the holder's certificate of validation;
  - (b) the holder's overseas medical certificate;
  - (c) the holder's overseas flight crew licence;
  - (d) a document that:
    - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
    - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
      - (A) the Commonwealth or a State or Territory;
      - (B) a foreign country, or a state or province (however described) of a foreign country; and
    - (iii) has not expired or been cancelled.
- (3) The holder of a flight crew licence or certificate of validation commits an offence if:
  - (a) CASA directs the holder to produce a document under subregulation (1) or (2); and

- (b) the holder does not produce the document within the period mentioned in subregulation (4).

Penalty: 50 penalty units.

- (4) For paragraph (3) (b), the period is as follows:
  - (a) if, when the direction was given, the holder was exercising, had just finished exercising, or was about to exercise, the privileges of the licence or certificate of validation—immediately;
  - (b) in any other case—7 days after the day the direction is given.
- (5) An offence against this regulation is an offence of strict liability.

### **61.345 Personal logbooks—pilots**

- (1) A person who holds a pilot licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence, commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
  - (a) the date the flight began;
  - (b) the type of aircraft;
  - (c) whether it was a single-engine or multi-engine aircraft;
  - (d) the aircraft's nationality and registration marks;
  - (e) the take-off and landing points for the flight, and for each segment of the flight;
  - (f) the flight time (if any) flown in each of the following capacities:
    - (i) pilot in command;
    - (ii) co-pilot;
    - (iii) pilot in command under supervision;

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- (iv) pilot receiving flight training;
  - (g) if the person is a flight instructor—any flight time spent exercising the privileges of his or her flight instructor rating;
  - (h) if the person is a flight examiner—any flight time spent exercising the privileges of his or her flight examiner rating;
  - (i) whether the flight was by day or night, or both;
  - (j) any instrument flight time;
  - (k) whether an instrument approach was conducted and, if so, the type of instrument approach procedure.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in the person's logbook for the simulated flight:
- (a) the date the simulated flight began;
  - (b) the type of aircraft represented by the device;
  - (c) the simulated flight time (if any) performed in each of the following capacities:
    - (i) pilot in command;
    - (ii) co-pilot;
    - (iii) pilot in command under supervision;
    - (iv) pilot receiving flight training;
  - (d) if the person is a flight instructor or simulator instructor—any time spent exercising the privileges of his or her instructor rating;
  - (e) whether the flight was conducted in simulated day or night conditions, or both;
  - (f) a description of the simulated flight activity.

**61.350 Personal logbooks—flight engineers**

- (1) A person who holds a flight engineer licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence, commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

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- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
  - (a) the date the flight began;
  - (b) the type of aircraft;
  - (c) the aircraft's nationality and registration marks;
  - (d) the name of the pilot in command;
  - (e) the take-off and landing points for the flight;
  - (f) whether the holder was operating under training or supervision, or was conducting training or supervision;
  - (g) the amount of flight time for which the holder performed the duties of a flight engineer;
  - (h) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in his or her personal logbook for the simulated flight:
  - (a) the date the simulated flight began;
  - (b) the type of aircraft represented by the device;
  - (c) if a person acted as pilot in command for the simulated flight—that person's name;
  - (d) a description of the activities conducted during the simulated flight;
  - (e) whether the holder was operating under training or supervision, or was conducting training or supervision;
  - (f) the amount of time for which the holder performed the duties of flight engineer;
  - (g) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.

**61.355 Retention of personal logbooks**

- (1) A person commits an offence if:
  - (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
  - (b) the person does not retain the logbook for 7 years after the day the last entry is made in it.

Penalty: 50 penalty units.

- (2) A person commits an offence if:
  - (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
  - (b) the person does not ensure that each entry in the logbook is retained unaltered throughout the period mentioned in subregulation (1).

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**61.360 False entries in personal logbooks**

- (1) The holder of a flight crew licence or certificate of validation commits an offence if:
  - (a) the holder makes an entry in his or her personal logbook; and
  - (b) the entry is false or misleading.

Penalty: 50 penalty units.

- (2) Paragraph (1) (b) does not apply if the entry is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (2): see subsection 13.3 (3) of the *Criminal Code*.

- (3) CASA may give the holder of a flight crew licence or certificate of validation a written direction to correct an entry in his or her personal logbook in accordance with the direction.

- (4) The holder commits an offence if the holder does not comply with the direction within 14 days after the day the direction is given to the person.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

#### **61.365 Production of personal logbooks**

- (1) CASA may direct the holder of a flight crew licence or certificate of validation to produce the holder's personal logbook for inspection by CASA.
- (2) The holder of a flight crew licence or certificate of validation commits an offence if:
  - (a) CASA directs the holder to produce his or her personal logbook under subregulation (1); and
  - (b) the holder does not produce an up to date version of the personal logbook within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) If the holder's personal logbook is kept in electronic form, a requirement to produce the logbook is met if:
  - (a) the holder produces a printed copy of the logbook; and
  - (b) each page is certified by the holder as a true copy of the logbook records set out on the page.
- (4) An offence against this regulation is an offence of strict liability.

#### **61.370 Provision of photograph**

- (1) The holder of a flight crew licence commits an offence if:
  - (a) the holder exercises the privileges of the licence after the end of 10 years beginning:
    - (i) when the licence was granted; or
    - (ii) if the holder holds more than one flight crew licence—when the holder's most recent licence was granted; and

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- (b) the holder has not, before the exercise of the privileges, given CASA a photograph of the holder:
  - (i) showing the holder's full face and his or her head and shoulders; and
  - (ii) taken not earlier than 6 months before the end of the period mentioned in paragraph (a).

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

### **Subpart 61.E—Pilot licensing—general limitations and authorisations**

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010. Subpart 61.Z deals with glider pilot licences.

### **Division 61.E.1—General limitations on exercise of pilot licence privileges**

#### **61.375 Limitations on exercise of privileges of pilot licences—ratings**

- (1) This regulation applies to the holder of a pilot licence, other than a student pilot licence.
- (2) The holder is authorised to exercise the privileges of the licence in an aircraft of a particular category only if the holder also holds, as the associated aircraft category rating for the licence, the aircraft category rating for that category of aircraft.

Note: An aircraft category rating has effect only in conjunction with the licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

- (3) The holder is authorised to exercise the privileges of the licence in an aircraft, other than an aircraft mentioned in subregulation (5), only if the holder also holds an appropriate aircraft class rating for the aircraft.

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- (4) For subregulation (3), either of the following is an appropriate aircraft class rating for an aeroplane in the single-engine aeroplane class:
  - (a) the single-engine aeroplane class rating;
  - (b) the multi-engine aeroplane class rating.
- (5) The holder is authorised to exercise the privileges of the licence in:
  - (a) a multi-crew aircraft; or
  - (b) an aircraft:
    - (i) that is certificated for single-pilot operation; and
    - (ii) for which a single-pilot type rating is required by a legislative instrument under regulation 61.060;only if the holder also holds the appropriate pilot type rating for the aircraft type.
- (6) However, the holder is not required to hold the pilot type rating for the aircraft if:
  - (a) the person is acting as a cruise relief co-pilot for the aircraft; and
  - (b) the person holds a cruise relief co-pilot type rating for the aircraft type.
- (7) The holder is authorised to conduct an activity mentioned in column 1 of an item in table 61.375 in the exercise of the privileges of the licence only if the holder also holds the rating mentioned in column 2 of the item.
- (8) However:
  - (a) the holder of a multi-crew pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane in a multi-crew operation:
    - (i) under the IFR; or
    - (ii) at night under the VFR; and
  - (b) the holder of an air transport pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane:
    - (i) under the IFR; or
    - (ii) at night under the VFR; and

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- (c) the holder of an air transport pilot licence with a powered-lift category rating is authorised, without holding an instrument rating, to pilot a powered-lift aircraft:
- (i) under the IFR; or
  - (ii) at night under the VFR.

**Table 61.375 Activities for which ratings are required**

<b>Item</b>	<b>Column 1 Activity</b>	<b>Column 2 Rating</b>
1	An operation under the IFR, other than an operation mentioned in item 2	Instrument rating
2	A private operation under the IFR	Either: (a) instrument rating; or (b) private instrument rating
3	An operation at night under the VFR, other than: (a) an operation using a night vision imaging system; or (b) a night aerial application operation below 500 ft AGL	Either: (a) night VFR rating; or (b) instrument rating
4	An operation at night under the VFR using a night vision imaging system	Night vision imaging system rating
5	A low-level operation	Either: (a) low-level rating; or (b) aerial application rating
6	An aerial application operation below 500 ft AGL	Aerial application rating
7	An activity mentioned in paragraph 61.1165 (a), (c), (d), (e) or (f) in an aircraft  An activity mentioned in paragraph 61.1165 (g), (h) or (i)	Flight instructor rating

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**Table 61.375 Activities for which ratings are required**

<b>Item</b>	<b>Column 1 Activity</b>	<b>Column 2 Rating</b>
8	An activity mentioned in paragraph 61.1190 (a), (c), (d), (e) or (f) in a flight simulation training device An activity mentioned in paragraph 61.1165 (b), (j) or (k) or 61.1190 (b), (g) or (h)	Either: (a) flight instructor rating; or (b) simulator instructor rating
9	An activity mentioned in regulation 61.1255	Flight examiner rating

#### **61.380 Limitations on exercise of privileges of pilot licences—flight activity endorsements**

The holder of a pilot licence is authorised to conduct a flight activity mentioned in column 2 of an item in table 61.1145 only if the holder also holds the endorsement mentioned in column 1 of the item.

#### **61.385 Limitations on exercise of privileges of pilot licences—general competency requirement**

- (1) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft of a particular class or type only if the holder is competent in operating the aircraft to the standards mentioned in the Part 61 Manual of Standards for the class or type, including in all of the following areas:
  - (a) operating the aircraft's navigation and operating systems;
  - (b) conducting all normal, abnormal and emergency flight procedures for the aircraft;
  - (c) applying operating limitations;
  - (d) flight planning procedures;
  - (e) weight and balance requirements;
  - (f) applying aircraft performance data, including take-off and landing performance data, for the aircraft.

- (2) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft that has an operative airborne collision avoidance system only if the holder is competent in the use of an airborne collision avoidance system to the standards mentioned in the Part 61 Manual of Standards.

**61.390 Limitations on exercise of privileges of pilot licences—  
operating requirements and limitations**

- (1) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence in an aircraft if:
  - (a) engaging in the activity is a prescribed purpose for subsection 27 (9) of the Act; and
  - (b) the operator of the aircraft does not hold an AOC that authorises the conduct of the activity.
- (2) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence if the conduct of the activity would be an offence against the Act or another provision of these Regulations.

**61.395 Limitations on exercise of privileges of pilot licences—recent  
experience**

- (1) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger by day only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, by day or night:
  - (a) at least 3 take-offs; and
  - (b) at least 3 landings;while controlling the aircraft or flight simulator.
- (2) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger at night only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, at night:
  - (a) at least 3 take-offs; and

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- (b) at least 3 landings;  
while controlling the aircraft or flight simulator.
- (3) For paragraphs (1) (a) and (2) (a), each take-off must be followed by a climb to at least 500 ft AGL.
- (4) The holder is taken to meet the requirements of subregulation (1) if:
  - (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
    - (i) successfully completed a relevant check or review; or
    - (ii) passed a flight test for a pilot licence or a rating on a pilot licence;  
that includes at least one take-off and at least one landing; or
  - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in an aircraft of that category.
- (5) Also, the holder is taken to meet the requirements of subregulation (2) if:
  - (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
    - (i) successfully completed a relevant check or review; or
    - (ii) passed a flight test for a pilot licence or a rating on a pilot licence;  
that includes at least one take-off, and at least one landing, at night; or
  - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations at night in an aircraft of that category.
- (6) In this regulation:
  - relevant check or review** means any of the following:
    - (a) an instrument proficiency check;
    - (b) a night vision imaging system proficiency check;
    - (c) an instructor proficiency check;
    - (d) an operator proficiency check;
    - (e) a flight review.

**61.400 Limitations on exercise of privileges of pilot licences—flight review**

- (1) For this Part, successful completion of a flight review for a rating on a pilot licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
  - (a) CASA;
  - (b) the holder of an approval under regulation 61.040 for this regulation;
  - (c) a pilot instructor who holds a training endorsement that authorises the person to conduct flight training for the rating.
- (3) The flight review must be conducted in:
  - (a) an aircraft that can be flown under the rating; or
  - (b) an approved flight simulator for the flight review.

**61.405 Limitations on exercise of privileges of pilot licences—medical certificates: student and recreational pilot licence holders**

- (1) The holder of a student pilot licence or recreational pilot licence is authorised to exercise the privileges of the licence only if:
  - (a) the holder also holds a current class 1 or 2 medical certificate; or
  - (b) the holder:
    - (i) also holds a current recreational aviation medical practitioner's certificate; and
    - (ii) meets the requirements mentioned in subregulation (2); or
  - (c) the holder also holds a medical exemption for the exercise of the privileges of the licence.
- (2) For subparagraph (1) (b) (ii), the requirements are as follows:
  - (a) the holder must have:

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- (i) given CASA a copy of the holder's recreational aviation medical practitioner's certificate; and
    - (ii) received from CASA a written acknowledgement of the receipt of the copy;
  - (b) while exercising the privileges of the licence in an aircraft, the holder must carry both of the following on the aircraft:
    - (i) the certificate;
    - (ii) the acknowledgement mentioned in subparagraph (a) (ii);
  - (c) the holder must comply with any limitations stated on the certificate;
  - (d) the holder must meet the modified Austroads medical standards.
- (3) In this regulation:

**current:** a recreational aviation medical practitioner's certificate for the holder of a student pilot licence or recreational pilot licence is **current** for the shortest of the following periods:

- (a) the period beginning on the day the certificate was signed by the medical practitioner and ending 24 months after that day;
- (b) if, when the holder exercises the privileges of the licence, the holder is at least 65—the period beginning on the day the certificate was signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate was signed by the medical practitioner and ending at the end of the stated period.

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.410 Limitations on exercise of privileges of pilot licences—  
medical certificates: private pilot licence holders**

- (1) The holder of a private pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:

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- (a) a current class 1 or 2 medical certificate; or
  - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, the holder of a private pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a recreational pilot licence if the holder:
  - (a) also holds a current recreational aviation medical practitioner's certificate; and
  - (b) meets the requirements mentioned in subregulation 61.405 (2).

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.415 Limitations on exercise of privileges of pilot licences—  
medical certificates: commercial, multi-crew and air  
transport pilot licence holders**

- (1) The holder of a commercial pilot licence, multi-crew pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
  - (a) a current class 1 medical certificate; or
  - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a private pilot licence if the holder also holds a current class 2 medical certificate.
- (3) Also, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a recreational pilot licence if the holder:
  - (a) also holds a current recreational aviation medical practitioner's certificate; and
  - (b) meets the requirements mentioned in subregulation 61.405 (2).

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Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.420 Limitations on exercise of privileges of pilot licences—  
carriage of documents**

The holder of a pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) if the holder holds a current class 1 or 2 medical certificate—the medical certificate;
- (c) if the holder holds a recreational aviation medical practitioner's certificate:
  - (i) the medical practitioner's certificate; and
  - (ii) the acknowledgement of receipt mentioned in paragraph 61.405 (2) (a);
- (d) if the licence document was issued more than 10 years before the commencement of the flight—a document that:
  - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
  - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
    - (A) the Commonwealth or a State or Territory;
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (iii) has not expired or been cancelled.

**61.425 Limitations on exercise of privileges of pilot licences—  
unregistered aircraft**

The holder of a pilot licence is authorised to pilot an aircraft only if the aircraft is registered.

**61.427 Removal of certain pilot licence conditions about airspace**

- (1) Subregulation (2) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations are limited to:
  - (a) flight within 25 nautical miles of the departure aerodrome; or
  - (b) flight within a flight training area; or
  - (c) flight direct between the departure aerodrome and a flight training area.
- (2) CASA must remove the condition if:
  - (a) the licence holder applies to CASA for the removal of the condition; and
  - (b) the licence holder meets the requirements under this Part for the grant of a private pilot licence or a commercial pilot licence.
- (3) Subregulation (4) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations as pilot in command are limited to uncontrolled airspace and any other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.
- (4) CASA must remove the condition if:
  - (a) the licence holder applies to CASA for the removal of the condition; and
  - (b) the licence holder meets the requirements under this Part for the grant of any of the following:
    - (i) a controlled airspace endorsement;
    - (ii) a private pilot licence;
    - (iii) a commercial pilot licence.

**Division 61.E.2—General authorisations for pilot licences****61.430 Holders of pilot licences authorised to taxi aircraft**

- (1) A person is authorised to taxi an aircraft of a particular class or type if:

- (a) the person holds:
    - (i) a pilot licence, other than a student pilot licence; and
    - (ii) the category rating for the category to which aircraft of that class or type belong; and
    - (iii) the class rating or type rating for aircraft of that class or type; or
  - (b) the person:
    - (i) holds a student pilot licence; and
    - (ii) is approved to taxi the aircraft by a flight instructor.
- (2) For regulations 61.405 to 61.415, taxiing an aircraft does not constitute the exercise of the privileges of a licence.

Note: See regulation 229 of CAR for an offence relating to taxiing aircraft without being authorised to do so.

**61.435 When holders of pilot licences authorised to operate aircraft radio**

- (1) A person is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the person:
- (a) holds a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence; or
  - (b) holds a recreational pilot licence with a flight radio endorsement; or
  - (c) holds a student pilot licence and is approved to operate the radio by a pilot instructor.
- (2) However, the holder of a student pilot licence is authorised to transmit on a radio frequency of a kind used for ensuring the safety of air navigation only if the transmission is for the purpose of:
- (a) safely conducting a flight that is approved by a flight instructor; or
  - (b) receiving training in the use of an aircraft radio.
- (3) For regulations 61.405 to 61.415, transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation does not constitute the exercise of the privileges of a licence.

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Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

**Subpart 61.F—Student pilot licences****61.440 Privileges of student pilot licences**

Subject to Subpart 61.E and regulations 61.445 and 61.450, the holder of a student pilot licence is authorised to pilot an aircraft when receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a student pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a student pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation in certain circumstances: see regulation 61.435.

**61.445 Limitations on exercise of privileges of student pilot licences—general**

- (1) The holder of a student pilot licence is authorised to pilot an aircraft only if the flight is:
  - (a) approved by, and conducted under the supervision of, a flight instructor; and
  - (b) conducted under the VFR; and
  - (c) conducted in accordance with the flight instructor's approval.
- (2) For paragraph (1) (a), a flight is conducted under the supervision of a flight instructor if the instructor:
  - (a) provides guidance to the pilot in relation to the flight; and
  - (b) during the flight:
    - (i) is present:
      - (A) on board the aircraft; or
      - (B) at the aerodrome from which the flight began; or
    - (ii) is flying within 15 nautical miles of the aerodrome reference point for the aerodrome; and

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- (c) can be contacted during the flight by radio or other electronic means.
- (3) The holder of a student pilot licence is not authorised to pilot an aircraft carrying passengers.
- (4) The holder of a student pilot licence is authorised to pilot an aircraft on a solo flight in a Contracting State's airspace only if the holder has the permission (however described) of the Contracting State.

**61.450 Limitations on exercise of privileges of student pilot licences—recent experience**

- (1) The holder of a student pilot licence is authorised to conduct a solo flight in an aircraft only if:
  - (a) the holder has, within the previous 14 days and in the same type of aircraft, conducted a dual flight; and
  - (b) as a result of the flight, his or her accumulated solo flight time since last conducting a dual flight would not exceed 3 hours.
- (2) The holder is taken to meet the requirements of paragraph (1) (b) if the holder is enrolled in an integrated training course.

**61.455 Requirement for grant of student pilot licences**

An applicant for a student pilot licence must be at least 15.

**Subpart 61.G—Recreational pilot licences**

**Division 61.G.1—Privileges and grant of licences**

**61.460 Privileges of recreational pilot licences**

Subject to Subpart 61.E and regulations 61.465 and 61.470, the holder of a recreational pilot licence is authorised to pilot a single-engine aircraft as pilot in command or co-pilot if:

- (a) the aircraft is certificated for single-pilot operation; and

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- (b) the aircraft has a maximum certificated take-off weight of not more than 1 500 kg; and
- (c) the aircraft is not rocket-powered or turbine-powered; and
- (d) the flight is conducted by day under the VFR; and
- (e) either:
  - (i) the aircraft is engaged in a private operation; or
  - (ii) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a recreational pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a recreational pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the holder also holds a flight radio endorsement: see regulation 61.435.

#### **61.465 Limitations on exercise of privileges of recreational pilot licences—general**

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft in a Contracting State's airspace only if the holder has the permission (however described) of the Contracting State to do so.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft carrying more than one passenger only if the holder:
  - (a) also holds a current class 1 or 2 medical certificate; or
  - (b) is accompanied by another pilot who:
    - (i) holds a current class 1 or 2 medical certificate; and
    - (ii) occupies a flight control seat in the aircraft; and
    - (iii) is authorised to pilot the aircraft.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft above 10 000 ft above mean sea level only if the holder:
  - (a) also holds a current class 1 or 2 medical certificate; or
  - (b) is accompanied by another pilot who:
    - (i) holds a current class 1 or 2 medical certificate; and
    - (ii) occupies a flight control seat in the aircraft; and
    - (iii) is authorised to pilot the aircraft.

**61.470 Limitations on exercise of privileges of recreational pilot licences—endorsements**

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft in an area that is not:
  - (a) within:
    - (i) a 25 nautical mile radius of the aerodrome from which the flight began; or
    - (ii) a flight training area for the aerodrome; or
  - (b) along a route between the aerodrome and the flight training area;only if the holder also holds a recreational navigation endorsement.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft in controlled airspace only if the holder also holds a controlled airspace endorsement.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft at a controlled aerodrome only if the holder also holds a controlled aerodrome endorsement.

**61.475 Requirements for grant of recreational pilot licences**

- (1) An applicant for a recreational pilot licence must be at least 16.
- (2) Subject to regulation 61.480, the applicant must also have:
  - (a) passed the aeronautical knowledge examination for a recreational pilot licence and the associated aircraft category rating; and
  - (b) completed flight training for a recreational pilot licence and the associated aircraft category rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for a recreational pilot licence and the associated aircraft category rating; and
  - (d) completed at least 25 hours of flight time as pilot of an aircraft of the category for which the associated aircraft category rating is sought, including:
    - (i) at least 20 hours of dual flight; and
    - (ii) at least 5 hours of flight time as pilot in command.

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- Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- (3) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
- (4) The applicant is taken to meet the requirements of subregulation (2) if the applicant holds a private pilot licence, commercial pilot licence or air transport pilot licence.

**61.480 Grant of recreational pilot licences in recognition of pilot certificates granted by certain organisations**

- (1) This regulation applies to an applicant for a recreational pilot licence if:
- (a) the applicant holds a pilot certificate, granted by a recreational aviation administration organisation that administers activities involving aircraft of a particular category; and
  - (b) the certificate permits the holder to act as the pilot in command of an aircraft of that category.
- (2) For subregulation 61.475 (2), the applicant is taken to have passed:
- (a) the aeronautical knowledge examination; and
  - (b) the flight test;
- for the licence and the associated aircraft category rating.
- (3) The applicant is also taken to have met the requirements for the grant of:
- (a) the aircraft category rating for each category of aircraft in which the person is permitted by the certificate to act as pilot in command; and
  - (b) the aircraft class rating for each class of aircraft in which the person is permitted by the certificate to act as pilot in command; and

- (c) the design feature endorsement for each design feature of an aircraft in which the applicant is permitted by the certificate to act as pilot in command.

Note: The holder of an aircraft class rating must successfully complete a flight review for the rating to be authorised to exercise the privileges of the rating, and is not taken to have met the flight review requirement on the basis of being taken to have met the requirements for the grant of the rating under subregulation (3): see subregulation 61.745 (4).

## **Division 61.G.2—Recreational pilot licence endorsements**

### **61.485 Kinds of recreational pilot licence endorsements**

The following are recreational pilot licence endorsements:

- (a) a controlled aerodrome endorsement;
- (b) a controlled airspace endorsement;
- (c) a flight radio endorsement;
- (d) a recreational navigation endorsement.

### **61.490 Privileges of recreational pilot licence endorsements**

- (1) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled aerodrome endorsement is authorised to pilot an aircraft, as pilot in command, at a controlled aerodrome.
- (2) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled airspace endorsement is authorised to pilot an aircraft, as pilot in command, in controlled airspace.
- (3) Subject to Subpart 61.E, the holder of a recreational pilot licence with a flight radio endorsement is authorised to operate an aircraft radio on the ground or in flight to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation.
- (4) Subject to Subpart 61.E, the holder of a recreational pilot licence with a recreational navigation endorsement is authorised to pilot an aircraft, as pilot in command, on a cross-country flight.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.495 Requirements for grant of recreational pilot licence endorsements**

- (1) This regulation applies to a person other than a person who is eligible to be granted a recreational pilot licence endorsement under regulation 61.500.
- (2) An applicant for a recreational pilot licence endorsement must:
  - (a) have passed the aeronautical knowledge examination for the endorsement; and
  - (b) have completed flight training for the endorsement; and
  - (c) if the endorsement is a recreational navigation endorsement—have completed, in addition to the flight time mentioned in paragraph 61.475 (2) (d), at least 5 hours of solo cross-country flight time; and
  - (d) if the endorsement is a flight radio endorsement—have a current aviation English language proficiency assessment.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

- (3) The cross-country flight time required by paragraph (2) (c) must include a flight of at least 100 nautical miles, during which a full-stop landing is made at each of 2 aerodromes or landing areas, other than the one from which the flight began.

**61.500 Grant of endorsement in recognition of other qualifications**

- (1) An applicant for a recreational pilot licence endorsement is eligible to be granted the endorsement if the applicant:
  - (a) holds a recreational pilot licence; and
  - (b) holds another flight crew licence that authorises the exercise of the privileges of the endorsement.
- (2) An applicant for a controlled aerodrome endorsement is eligible to be granted the endorsement if:
  - (a) regulation 61.480 applies to the applicant; and

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- (b) the applicant holds an approval from the recreational aviation administration organisation to pilot an aircraft at a controlled aerodrome.
- (3) An applicant for a controlled airspace endorsement is eligible to be granted the endorsement if:
  - (a) regulation 61.480 applies to the applicant; and
  - (b) the applicant holds an approval from the recreational aviation administration organisation to pilot an aircraft in controlled airspace.
- (4) An applicant for a flight radio endorsement is eligible to be granted the endorsement if:
  - (a) regulation 61.480 applies to the applicant; and
  - (b) the applicant holds an approval from the recreational aviation administration organisation to operate an aircraft radio; and
  - (c) the applicant has a current aviation English language proficiency assessment.
- (5) An applicant for a recreational navigation endorsement is eligible to be granted the endorsement if:
  - (a) regulation 61.480 applies to the applicant; and
  - (b) the applicant holds a cross-country navigation approval from the recreational aviation administration organisation; and
  - (c) the applicant has completed at least 5 hours of solo cross-country flight time that complies with subregulation 61.495 (3).

## Subpart 61.H—Private pilot licences

### Division 61.H.1—General

#### 61.505 Privileges of private pilot licences

Subject to Subpart 61.E and regulation 61.510, the holder of a private pilot licence is authorised to pilot an aircraft as pilot in command or co-pilot if:

- (a) the aircraft is engaged in a private operation; or
- (b) the holder is receiving flight training.

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- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The holder of a private pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.
- Note 3: The holder of a private pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

**61.510 Limitations on exercise of privileges of private pilot licences—multi-crew operations**

The holder of a private pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.

**61.515 Requirements for grant of private pilot licences—general**

- (1) An applicant for a private pilot licence must be at least 17.
- (2) The applicant must also have:
  - (a) passed the aeronautical knowledge examination for the private pilot licence and the associated aircraft category rating; and
  - (b) completed flight training for the private pilot licence and the associated aircraft category rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private pilot licence and the associated aircraft category rating; and
  - (d) met the aeronautical experience requirements mentioned in Division 61.H.2 or 61.H.3.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
- (4) An applicant who meets the requirements for the grant of a commercial pilot licence is taken to meet the requirements for the grant of a private pilot licence.

**Division 61.H.2—Aeronautical experience requirements for private pilot licences—applicants who have completed integrated training courses**

**61.520 Application of Division 61.H.2**

This Division applies to an applicant for a private pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

**61.525 Aeronautical experience requirements for grant of private pilot licences—aeroplane category**

- (1) An applicant for a private pilot licence with the aeroplane category rating must have at least 35 hours of aeronautical experience that includes:
  - (a) at least 30 hours of flight time as a pilot; and
  - (b) at least 20 hours of flight time as pilot of an aeroplane; and
  - (c) at least 10 hours of solo flight time in an aeroplane; and
  - (d) at least 5 hours of solo cross-country flight time in an aeroplane; and
  - (e) at least 2 hours of dual instrument time; and
  - (f) at least one hour of dual instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 150 nautical miles during which a

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full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

- (4) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

**61.530 Aeronautical experience requirements for grant of private pilot licences—helicopter category**

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 35 hours of aeronautical experience that includes:
- (a) at least 30 hours of flight time as pilot of a helicopter; and
  - (b) at least 10 hours of solo flight time in a helicopter; and
  - (c) at least 5 hours of solo cross-country flight time in a helicopter; and
  - (d) at least 2 hours of dual instrument time; and
  - (e) at least one hour of dual instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 100 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

**61.535 Aeronautical experience requirements for grant of private pilot licences—gyroplane category**

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 35 hours of aeronautical experience that includes:

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- (a) at least 30 hours of flight time as a pilot; and
  - (b) at least 20 hours of flight time as pilot of a gyroplane; and
  - (c) at least 10 hours of solo flight time in a powered aircraft; and
  - (d) at least 5 hours of solo flight time in a gyroplane; and
  - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a gyroplane required by subregulation (1) must be completed in a registered or recognised gyroplane.

**Division 61.H.3—Aeronautical experience requirements for private pilot licences—applicants who have not completed integrated training courses**

**61.540 Application of Division 61.H.3**

This Division applies to an applicant for a private pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

**61.545 Aeronautical experience requirements for grant of private pilot licences—aeroplane category**

- (1) An applicant for a private pilot licence with the aeroplane category rating must have at least 40 hours of aeronautical experience that includes:
- (a) at least 35 hours of flight time as a pilot; and
  - (b) at least 20 hours of flight time as pilot of an aeroplane; and
  - (c) at least 10 hours of solo flight time in an aeroplane; and

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- (d) at least 5 hours of solo cross-country flight time in an aeroplane; and
  - (e) at least 2 hours of dual instrument time; and
  - (f) at least one hour of dual instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

**61.550 Aeronautical experience requirements for grant of private pilot licences—helicopter category**

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 40 hours of aeronautical experience that includes:
- (a) at least 35 hours of flight time as a pilot; and
  - (b) at least 30 hours of flight time as pilot of a helicopter; and
  - (c) at least 10 hours of solo flight time in a helicopter; and
  - (d) at least 5 hours of solo cross-country flight time in a helicopter; and
  - (e) at least 2 hours of dual instrument time; and
  - (f) at least one hour of dual instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 100 nautical miles during which a

landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.555 Aeronautical experience requirements for grant of private pilot licences—powered-lift aircraft category**

- (1) An applicant for a private pilot licence with the powered-lift aircraft category rating must have at least 40 hours of aeronautical experience that includes:
  - (a) at least 35 hours of flight time as a pilot; and
  - (b) at least 30 hours of flight time as pilot of a powered-lift aircraft or helicopter; and
  - (c) at least 20 hours of flight time as pilot of a powered-lift aircraft; and
  - (d) at least 10 hours of solo flight time in a powered-lift aircraft; and
  - (e) at least 5 hours of solo cross-country flight time in a powered-lift aircraft; and
  - (f) at least 2 hours of dual instrument time; and
  - (g) at least one hour of dual instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
  - (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.560 Aeronautical experience requirements for grant of private pilot licences—gyroplane category**

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 40 hours of aeronautical experience that includes:

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- (a) at least 35 hours of flight time as a pilot; and
  - (b) at least 20 hours of flight time as pilot of a gyroplane; and
  - (c) at least 10 hours of solo flight time in a powered aircraft; and
  - (d) at least 5 hours of solo flight time in a gyroplane; and
  - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.565 Aeronautical experience requirements for grant of private pilot licences—airship category**

- (1) An applicant for a private pilot licence with the airship category rating must have completed at least 25 hours of flight time as pilot of an airship that includes:
- (a) at least 3 hours of cross-country flight time; and
  - (b) at least 3 hours of dual instrument flight time; and
  - (c) at least 5 hours of flight time as pilot in command under supervision.
- (2) The cross-country flight time required by paragraph (1) (a) must include a flight of at least 25 nautical miles.
- (3) The applicant must have completed, at an aerodrome:
- (a) at least 5 take-offs; and
  - (b) at least 5 full-stop landings.
- (4) For paragraph (3) (b), each landing must involve a flight in traffic patterns at the aerodrome.

## **Subpart 61.I—Commercial pilot licences**

### **Division 61.I.1—General**

#### **61.570 Privileges of commercial pilot licences**

Subject to Subpart 61.E and regulation 61.575, the holder of a commercial pilot licence is authorised:

- (a) to pilot, as pilot in command, any aircraft in any operation, other than:
  - (i) a multi-crew aircraft in a charter or regular public transport operation; or
  - (ii) a single-pilot multi-engine aircraft with more than 9 adult passengers in a regular public transport operation; or
  - (iii) a turbojet aeroplane with a maximum take-off weight of more than 3 500 kg in a regular public transport operation; and
- (b) to pilot, as co-pilot, any aircraft in any operation.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a commercial pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a commercial pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

#### **61.575 Limitations on exercise of privileges of commercial pilot licences—multi-crew operations**

- (1) The holder of a commercial pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a commercial pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2014, the holder conducted a multi-crew operation.

**61.580 Requirements for grant of commercial pilot licences—  
general**

- (1) An applicant for a commercial pilot licence must be at least 18.
  - (2) The applicant must also have:
    - (a) passed the aeronautical knowledge examination for the commercial pilot licence and the associated aircraft category rating; and
    - (b) completed flight training for the commercial pilot licence and the associated aircraft category rating; and
    - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the commercial pilot licence and the associated aircraft category rating; and
    - (d) met the aeronautical experience requirements mentioned in Division 61.I.2 or 61.I.3.
- Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- (3) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
  - (4) The applicant is taken to meet the requirements of paragraph (2) (b) if the applicant holds an air transport pilot licence with the associated aircraft category rating.

**Division 61.I.2—Aeronautical experience requirements for  
commercial pilot licences—applicants who have  
completed integrated training courses****61.585 Application of Division 61.I.2**

This Division applies to an applicant for a commercial pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

**61.590 Aeronautical experience requirements for grant of commercial pilot licences—airplane category**

- (1) An applicant for a commercial pilot licence with the airplane category rating must have at least 150 hours of aeronautical experience that includes:
  - (a) at least 140 hours of flight time as pilot of an airplane; and
  - (b) at least 70 hours of flight time as pilot in command of an airplane; and
  - (c) at least 20 hours of cross-country flight time as pilot in command of an airplane; and
  - (d) at least 10 hours of instrument time; and
  - (e) at least 5 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

**61.595 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category**

- (1) An applicant for a commercial pilot licence with the helicopter category rating must have at least 100 hours of aeronautical experience that includes:
  - (a) at least 90 hours of flight time as pilot of a helicopter; and
  - (b) at least 35 hours of flight time as pilot in command of a helicopter; and
  - (c) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
  - (d) at least 10 hours of instrument time; and
  - (e) at least 5 hours of instrument flight time in a helicopter.

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- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
  - (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (5) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

**61.600 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category**

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 150 hours of aeronautical experience that includes:
  - (a) at least 140 hours of flight time as pilot of a powered-lift aircraft; and
  - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
  - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
  - (d) at least 10 hours of instrument time; and
  - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
  - (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.

- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (5) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

**Division 61.I.3—Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses**

**61.605 Application of Division 61.I.3**

This Division applies to an applicant for a commercial pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

**61.610 Aeronautical experience requirements for grant of commercial pilot licences—aeroplane category**

- (1) An applicant for a commercial pilot licence with the aeroplane category rating must have at least 200 hours of aeronautical experience that includes:
  - (a) at least 190 hours of flight time as a pilot; and
  - (b) at least 100 hours of flight time as pilot in command of an aeroplane; and
  - (c) at least 20 hours of cross-country flight time as pilot in command of an aeroplane; and
  - (d) at least 10 hours of instrument time; and
  - (e) at least 5 hours of instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.

- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

**61.615 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category**

- (1) An applicant for a commercial pilot licence with the helicopter category rating must have at least 150 hours of aeronautical experience that includes:
  - (a) at least 140 hours of flight time as a pilot; and
  - (b) at least 70 hours of flight time as pilot of a helicopter; and
  - (c) at least 35 hours of flight time as pilot in command of a helicopter; and
  - (d) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
  - (e) at least 10 hours of instrument time; and
  - (f) at least 5 hours of instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
  - (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.620 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category**

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 200 hours of aeronautical experience that includes:
  - (a) at least 190 hours of flight time as a pilot; and
  - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
  - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
  - (d) at least 10 hours of instrument time; and
  - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
  - (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.625 Aeronautical experience requirements for grant of commercial pilot licences—gyroplane category**

- (1) An applicant for a commercial pilot licence with the gyroplane category rating must have completed at least 150 hours of aeronautical experience that includes:
  - (a) at least 75 hours of flight time as pilot of a gyroplane; and
  - (b) at least 35 hours of flight time as pilot in command of a gyroplane; and
  - (c) at least 20 hours of dual flight in a gyroplane; and

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- (d) at least 20 hours of cross-country flight time as pilot in command of a powered aircraft; and
  - (e) at least 10 hours of cross-country flight time as pilot in command of a gyroplane; and
  - (f) at least 10 hours of dual instrument time in an aircraft or approved flight simulation training device for the purpose.
- (2) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

**61.630 Aeronautical experience requirements for grant of commercial pilot licences—airship category**

- (1) An applicant for a commercial pilot licence with the airship category rating must have at least 200 hours of aeronautical experience that includes:
- (a) at least 180 hours of flight time as a pilot; and
  - (b) at least 50 hours of flight time as pilot of an airship; and
  - (c) at least 30 hours of flight time as pilot in command, or pilot in command under supervision, of an airship; and
  - (d) at least 10 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airship; and
  - (e) at least 10 hours of flight time at night as pilot in command, or pilot in command under supervision, of an airship; and
  - (f) at least 40 hours of instrument time; and
  - (g) at least 20 hours of instrument flight time; and
  - (h) at least 10 hours of instrument flight time in an airship.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.

## **Subpart 61.J—Multi-crew pilot licences**

### **61.635 Privileges of multi-crew pilot licences**

Subject to Subpart 61.E and regulations 61.640 to 61.650, the holder of a multi-crew pilot licence is authorised to pilot an aeroplane, as co-pilot, in any operation.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a multi-crew pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a multi-crew pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

### **61.640 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: general**

- (1) The holder of a multi-crew pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
  - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
  - (b) the holder's most recent instrument proficiency check included a circling approach; or
  - (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes circling approaches.
- (2) For paragraph (1) (b), an instrument proficiency check includes an operator proficiency check:
  - (a) that covers IFR operations; and
  - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (3) The holder of a multi-crew pilot licence is authorised to conduct an instrument approach in an aircraft using a procedure of a particular kind only if the holder has:

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- (a) completed training in the conduct of instrument approaches using the procedure; and
  - (b) demonstrated, to a person mentioned in subregulation (4), his or her competence in the conduct of instrument approaches using the procedure.
- (4) For paragraph (3) (b), the persons are as follows:
  - (a) CASA;
  - (b) an examiner or instructor who is authorised under this Part to conduct an instrument approach using the same procedure;
  - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

**61.645 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: recent experience**

- (1) This regulation applies to the holder of a multi-crew pilot licence if the holder:
  - (a) has not successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; and
  - (b) is not successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approaches within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct an approach using a 2D instrument approach procedure only if the holder has conducted an approach using a 2D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (5) The holder is authorised to conduct an approach using a 3D instrument approach procedure only if the holder has conducted an approach using a 3D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an instrument approach using an azimuth guidance procedure only if the holder has conducted an instrument approach using an azimuth guidance procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct an instrument approach using a course deviation indicator procedure only if the holder has conducted an instrument approach using a course deviation indicator procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

**61.650 Limitations on exercise of privileges of multi-crew pilot licences—instrument proficiency check**

- (1) The holder of a multi-crew pilot licence is authorised to exercise the privileges of the licence under the IFR only if the holder has a valid instrument proficiency check for the aeroplane category.
- (2) However, the holder is authorised to exercise the privileges of the licence under the IFR in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes.
- (3) For subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the relevant aeroplane during the following periods:
  - (a) if the holder passes the flight test for the multi-crew pilot licence in a relevant aeroplane—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aeroplane, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from

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when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;

- (c) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in the relevant aeroplane—the period during which the holder is successfully participating in the program;
- (d) if the holder successfully completes an instrument proficiency check for the relevant aeroplane—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (e) if:
  - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aeroplane (the *existing check*); and
  - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aeroplane;

the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the relevant aeroplane, the holder is no longer taken to have a valid instrument proficiency check for the relevant aeroplane.
- (5) For paragraphs (3) (d) and (e), the holder successfully completes an instrument proficiency check for the relevant aeroplane if:
  - (a) CASA or a flight examiner:
    - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aeroplane as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aeroplane; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and

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- (iii) includes in the endorsement the matters mentioned in subregulation (8); or
  - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aeroplane, and CASA or a flight examiner:
    - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for IFR operations; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
  - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3) (d) and (e), the instrument proficiency check must be conducted in a relevant aeroplane or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
  - (b) whether the instrument proficiency check is for the aeroplane category or multi-engine aeroplanes.
- (9) In this regulation:
- relevant aeroplane***, for an instrument proficiency check, means:
- (a) if the instrument proficiency check is for the aeroplane category—a single-engine or multi-engine aeroplane; or
  - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane.

**61.655 Requirements for grant of multi-crew pilot licences**

- (1) An applicant for a multi-crew pilot licence must be at least 18.

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- (2) The applicant must also:
- (a) have passed the aeronautical knowledge examination for the multi-crew pilot licence and the aeroplane category rating; and
  - (b) have completed a multi-crew pilot licence training course; and
  - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the multi-crew pilot licence; and
  - (d) have met the aeronautical experience requirements mentioned in regulation 61.660; and
  - (e) hold a pilot type rating for a multi-crew aeroplane.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 3: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2) (c), the flight test must be conducted under the IFR in:
- (a) a multi-engine turbine-powered aeroplane for which a pilot type rating is prescribed by a legislative instrument under regulation 61.055; or
  - (b) an approved flight simulator for the flight test.

**61.660 Aeronautical experience requirements for grant of multi-crew pilot licences—aeroplane category**

- (1) An applicant for a multi-crew pilot licence with the aeroplane category rating must have at least 240 hours of aeronautical experience that includes:
- (a) at least 40 hours of flight time as pilot of an aeroplane; and
  - (b) at least 10 hours of solo flight time in an aeroplane; and
  - (c) at least 5 hours of cross-country flight time as pilot in command of an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.

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- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The applicant must have completed at least 12 take-offs, and at least 12 landings, in an aeroplane of the type used for the applicant's flight test.
- (5) The applicant is taken to meet the requirements of subregulation (4) if:
  - (a) the applicant holds an approval under regulation 61.040 for a number of take-offs and landings that is less than 12 but not less than 6; and
  - (b) the applicant has completed at least that number of take-offs, and at least that number of landings, in an aeroplane of the type used for the applicant's flight test.
- (6) CASA may grant an approval mentioned in paragraph (5) (a) only if:
  - (a) the lower number does not adversely affect the acquisition of the required skill by the applicant; and
  - (b) the Part 142 operator conducting the training course mentioned in paragraph 61.655 (2) (b) has made arrangements to ensure that corrective action can be taken if in-training or post-training evaluation indicates a need for corrective action.
- (7) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

**Subpart 61.K—Air transport pilot licences**

**61.665 Privileges of air transport pilot licences**

Subject to Subpart 61.E and regulations 61.670 to 61.695, the holder of an air transport pilot licence is authorised to pilot an aeroplane, helicopter or powered-lift aircraft as pilot in command or co-pilot.

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- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The holder of an air transport pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.
- Note 3: The holder of an air transport pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

**61.670 Limitations on exercise of privileges of air transport pilot licences—helicopter IFR flight**

The holder of an air transport pilot licence is authorised to pilot a helicopter under the IFR only if the holder also holds an instrument rating.

**61.675 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight**

The holder of an air transport pilot licence is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:

- (a) passed the flight test for an instrument rating in a single-pilot aircraft; or
- (b) completed an instrument proficiency check in a single-pilot aircraft.

**61.680 Limitations on exercise of privileges of air transport pilot licences—IFR flight: general**

- (1) The holder of an air transport pilot licence is authorised to conduct an instrument approach of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of approach.
- (2) The holder of an air transport pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
  - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
  - (b) the holder's most recent instrument proficiency check included a circling approach; or

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- (c) the holder is successfully participating in the aircraft operator's approved cyclic training and proficiency program that includes circling approaches.
- (3) For paragraph (2) (b), an instrument proficiency check includes an operator proficiency check:
  - (a) that covers IFR operations; and
  - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (4) The holder of an air transport pilot licence is authorised to conduct an instrument approach in an aircraft using a procedure of a particular kind only if the holder has:
  - (a) completed training in the conduct of instrument approaches using the procedure; and
  - (b) demonstrated, to a person mentioned in subregulation (5), his or her competence in the conduct of instrument approaches using the procedure.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) an examiner or instructor who is authorised under this Part to conduct an instrument approach using the same procedure;
  - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

**61.685 Limitations on exercise of privileges of air transport pilot licences—IFR flight: recent experience**

- (1) This regulation applies to the holder of an air transport pilot licence if the holder:
  - (a) has not successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; and
  - (b) is not successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approaches within

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the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct an approach using a 2D instrument approach procedure only if the holder has conducted an approach using a 2D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct an approach using a 3D instrument approach procedure only if the holder has conducted an approach using a 3D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an instrument approach using an azimuth guidance procedure only if the holder has conducted an instrument approach using an azimuth guidance procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct an instrument approach using a course deviation indicator procedure only if the holder has conducted an instrument approach using a course deviation indicator procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

**61.690 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight: recent experience**

- (1) The holder of an air transport pilot licence is authorised to pilot an aircraft under the IFR in a single-pilot operation only if the holder has conducted a flight under the IFR in a single-pilot operation within the previous 6 months.
- (2) For subregulation (1), the flight must:

- (a) have a flight time of at least one hour; and
- (b) include at least one instrument approach.

**61.695 Limitations on exercise of privileges of air transport pilot licences—instrument proficiency check**

- (1) The holder of an air transport pilot licence is authorised to exercise the privileges of the licence under the IFR in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
  - (a) the holder is authorised to exercise the privileges of the licence in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
  - (b) the holder is authorised to exercise the privileges of the licence in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.
- (3) For subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the relevant aircraft during the following periods:
  - (a) if the holder passes the flight test for the air transport pilot licence in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (c) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in the relevant aircraft—the period during which the holder is successfully participating in the program;

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- (d) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (e) if:
  - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aircraft (the *existing check*); and
  - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the relevant aircraft, the holder is no longer taken to have a valid instrument proficiency check for the relevant aircraft.
- (5) For paragraphs (3) (d) and (e), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
  - (a) CASA or a flight examiner:
    - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aircraft; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
    - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
  - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
    - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned

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- in the Part 61 Manual of Standards for IFR operations;  
and
  - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
  - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3) (d) and (e), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
  - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:
- relevant aircraft**, for an instrument proficiency check, means:
- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
  - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
  - (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

**61.700 Requirements for grant of air transport pilot licences—  
general**

- (1) An applicant for an air transport pilot licence must be at least 21.
- (2) The applicant must also hold a commercial pilot licence or multi-crew pilot licence with the same aircraft category rating.
- (3) The applicant must also have:

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- (a) passed the aeronautical knowledge examination for the air transport pilot licence and the associated aircraft category rating; and
- (b) completed flight training for the air transport pilot licence and the associated aircraft category rating; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence and the associated aircraft category rating; and
- (d) met the aeronautical experience requirements of this Subpart; and
- (e) completed an approved course of training in multi-crew cooperation.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (4) An applicant for an air transport pilot licence with the aeroplane category rating is taken to meet the requirements of paragraph (3) (a) if the applicant holds a multi-crew pilot licence.
- (5) For paragraph (3) (c), the flight test for the air transport pilot licence with the aeroplane category rating must be conducted under the IFR in:
  - (a) a multi-engine turbine-powered aeroplane that is configured for flight, and operated, with a co-pilot; or
  - (b) an approved flight simulator for the flight test.
- (6) For paragraph (3) (c), the flight test for the air transport pilot licence with the helicopter category rating must be conducted in:
  - (a) a turbine-powered helicopter that is:
    - (i) certificated for night VFR operations; and
    - (ii) configured for flight, and operated, with a co-pilot; or
  - (b) an approved flight simulator for the flight test.

- (7) For paragraph (3) (c), the flight test for the air transport pilot licence with the powered-lift aircraft category rating must be conducted in:
  - (a) a powered-lift aircraft operated and configured for flight with a co-pilot and equipped for IFR flight; or
  - (b) an approved flight simulator for the flight test.

**61.705 Aeronautical experience requirements for grant of air transport pilot licences—airplane category**

- (1) An applicant for an air transport pilot licence with the airplane category rating must have at least 1 500 hours of aeronautical experience that includes:
  - (a) at least 1 400 hours of flight time as a pilot; and
  - (b) at least 750 hours of flight time as pilot of an airplane; and
  - (c) either:
    - (i) at least 500 hours of flight time in an airplane as pilot in command under supervision; or
    - (ii) at least 250 hours of flight time in an airplane as pilot in command or pilot in command under supervision, of which at least 70 hours must be as pilot in command; and
  - (d) at least 200 hours of cross-country flight time in an airplane; and
  - (e) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airplane; and
  - (f) at least 100 hours of flight time at night as pilot of an airplane, other than dual flight; and
  - (g) at least 75 hours of instrument time; and
  - (h) at least 45 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) However, no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator.

- (4) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

**61.710 Aeronautical experience requirements for grant of air transport pilot licences—helicopter category**

- (1) An applicant for an air transport pilot licence with the helicopter category rating must have at least 1 000 hours of aeronautical experience that includes:
- (a) at least 900 hours of flight time as a pilot; and
  - (b) at least 750 hours of flight time as pilot of a helicopter; and
  - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
  - (d) at least 70 hours of flight time as pilot in command of a helicopter; and
  - (e) at least 200 hours of cross-country flight time in a helicopter; and
  - (f) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
  - (g) at least 50 hours of flight time at night as pilot of a helicopter; and
  - (h) at least 30 hours of instrument time; and
  - (i) at least 20 hours of instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
- (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) However:
- (a) no more than 25 hours of the required aeronautical experience may be completed in a flight simulation training device that is not a flight simulator; and
  - (b) no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.

- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

**61.715 Aeronautical experience requirements for grant of air transport pilot licences—powered-lift aircraft category**

- (1) An applicant for an air transport pilot licence with the powered-lift aircraft category rating must have at least 1 500 hours of aeronautical experience that includes:
  - (a) at least 1 400 hours of flight time as a pilot; and
  - (b) at least 750 hours of flight time as pilot of a powered-lift aircraft; and
  - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
  - (d) at least 70 hours of flight time as pilot in command of a powered-lift aircraft; and
  - (e) at least 100 hours of cross-country flight time in a powered-lift aircraft; and
  - (f) at least 50 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
  - (g) at least 25 hours of flight time at night as pilot of a powered-lift aircraft; and
  - (h) at least 75 hours of instrument time; and
  - (i) at least 45 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
  - (a) simulated flight time in an approved flight simulation training device for the purpose; or
  - (b) tethered flight time.
- (3) However:
  - (a) no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator; and
  - (b) no more than 5 hours may be completed as tethered flight time.

- (4) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

## **Subpart 61.L—Aircraft ratings and endorsements for pilot licences**

### **Division 61.L.1—Preliminary**

#### **61.720 What Subpart 61.L is about**

Subpart 61.L provides for ratings and endorsements that are required to authorise the holder of a pilot licence to exercise the privileges of the licence in an aircraft of a particular category, class or type.

Note 1: For the aircraft categories, see regulation 61.015.

Note 2: For the aircraft classes, see regulation 61.020.

Note 3: A design feature endorsement is required under regulation 61.740 to exercise the privileges of a pilot licence in an aircraft that:

- (a) is covered by an aircraft class rating; and
- (b) has the design feature to which the endorsement relates.

Note 4: A pilot type rating is required for the exercise of the privileges of a pilot licence in a multi-crew aircraft or an aircraft for which a single-pilot type rating is required by a legislative instrument under regulation 61.060: see subregulation 61.375 (3). The type ratings that may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

Note 5: However, the holder of a pilot licence may conduct some activities in an aircraft of a particular type without holding a pilot type rating if he or she holds a cruise relief type rating for the type of aircraft: see subregulation 61.375 (6). The cruise relief type ratings that may be granted are those set out in a legislative instrument under regulation 61.055.

Note 6: For ratings and endorsements to conduct particular operations in an aircraft, see Subparts 61.M to 61.U.

## **Division 61.L.2—Aircraft category ratings**

### **61.725 Privileges of aircraft category ratings**

Subject to Subpart 61.E, the holder of an aircraft category rating is authorised to exercise the privileges of the pilot licence with which the category rating is associated in an aircraft of that category.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: An aircraft category rating has effect only in conjunction with the pilot licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other pilot licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

### **61.730 Requirements for grant of aircraft category ratings**

- (1) An applicant for an aircraft category rating must be an applicant for, or the holder of, a pilot licence other than a student pilot licence.

Note: Subregulation (1) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence, other than a student pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) If the application for the aircraft category rating is made at the same time as an application for a pilot licence, the applicant meets the requirements for the grant of the category rating if the applicant meets the requirements for the grant of the pilot licence with the aircraft category rating.
- (3) An applicant for an aircraft category rating for an existing pilot licence must meet the requirements for the grant of the pilot licence with the aircraft category rating.

Note: The holder of a student pilot licence cannot be granted an aircraft category rating, and is permitted to conduct a solo flight only in an aircraft of a type approved by his or her flight instructor: see regulation 61.440.

**Division 61.L.3—Aircraft class ratings****61.735 Privileges of aircraft class ratings**

Subject to Subpart 61.E and regulations 61.740 and 61.745, the holder of an aircraft class rating is authorised to exercise the privileges of the holder's pilot licence in an aircraft of that class, other than an aircraft that:

- (a) is certificated for multi-crew operation; or
- (b) is of a type for which a single-pilot type rating is required by a legislative instrument under regulation 61.060 (Prescription of type ratings—single-pilot aircraft).

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.740 Limitations on exercise of privileges of aircraft class ratings—design feature endorsements**

The holder of an aircraft class rating is authorised to exercise the privileges of the rating in an aircraft that has a design feature mentioned for the aircraft in regulation 61.755 only if the holder also holds a design feature endorsement for the design feature.

Note: This regulation is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to a design feature endorsement: see item 36 of Part 2 of the Dictionary.

**61.745 Limitations on exercise of privileges of aircraft class ratings—flight review**

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) The flight review must be conducted in:
  - (a) an aircraft of the class covered by the rating; or
  - (b) an approved flight simulator for the flight review.

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- (3) For subregulation (1), the holder is taken to have successfully completed a flight review for an aircraft class rating within the previous 24 months if:
- (a) the holder has passed a flight test for the rating within the previous 24 months; or
  - (b) the holder has passed a flight test for an operational rating in an aircraft of the class covered by the aircraft class rating within the previous 24 months; or
  - (c) the holder has successfully completed an operator proficiency check that covers operations in the class within the previous 24 months; or
  - (d) the holder has successfully completed any of the following proficiency checks in an aircraft of the class covered by the rating or an approved flight simulation training device for the purpose within the previous 24 months:
    - (i) an instrument proficiency check;
    - (ii) a night vision imaging system proficiency check;
    - (iii) an aerial application proficiency check;
    - (iv) an instructor proficiency check;
    - (v) an examiner proficiency check; or
  - (e) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in the class.
- (4) However, paragraph (3) (a) does not apply if the holder was taken to have met the requirements for the grant of the rating under subregulation 61.480 (3).

Note: For general rules in relation to flight reviews, see regulation 61.400.

**61.750 Requirements for grant of aircraft class ratings**

- (1) An applicant for an aircraft class rating must hold:
- (a) a pilot licence, other than a student pilot licence; and
  - (b) the aircraft category rating for the aircraft category to which aircraft of that class belong.

Note: Subregulation (1) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas

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flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) However, an applicant for a multi-engine aeroplane class rating must hold a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence.
- (3) The applicant must also have:
  - (a) completed flight training for the rating; and
  - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the aircraft class rating in an aircraft of that class.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

## **Division 61.L.4—Design feature endorsements**

### **61.755 Design features that require design feature endorsement**

#### *Application*

- (1) This regulation applies to aircraft other than aircraft of a type for which a pilot type rating is required.

#### *Aeroplanes*

- (2) The following design features on an aeroplane require a design feature endorsement:
  - (a) tailwheel undercarriage;
  - (b) retractable undercarriage;
  - (c) manual propeller pitch control (piston engine);
  - (d) gas turbine engine;
  - (e) multi-engine centre-line thrust;
  - (f) pressurisation system;
  - (g) floatplane;
  - (h) floating hull.

*Helicopters*

- (3) The following design features on a helicopter require a design feature endorsement:
- (a) float alighting gear;
  - (b) retractable undercarriage;
  - (c) gas turbine engine.

*Gyroplanes*

- (4) The following design features on a gyroplane require a design feature endorsement:
- (a) retractable undercarriage;
  - (b) pressurisation system;
  - (c) gas turbine engine.

*Airships*

- (5) The following design features on an airship require a design feature endorsement:
- (a) pressurisation system;
  - (b) gas turbine engine.

**61.760 Privileges of design feature endorsements**

Subject to Subpart 61.E, the holder of an aircraft class rating and a design feature endorsement is authorised to exercise the privileges of his or her pilot licence in an aircraft of that class that has the design feature.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.765 Requirements for grant of design feature endorsements**

- (1) An applicant for a design feature endorsement must:
- (a) hold an aircraft class rating that covers an aircraft with the design feature; and
  - (b) either:

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- (i) have passed the flight test for the class rating in an aircraft with the design feature; or
- (ii) have completed flight training for the endorsement.

Note 1: for paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Note 2: for subparagraph (b) (i), for the conduct of flight tests, see Division 61.B.4.

Note 3: for subparagraph (b) (ii), for the requirements for flight training, see Division 61.B.2.

- (2) A pilot who holds a type rating for an aircraft that has a design feature mentioned for the aircraft in regulation 61.755 is taken to meet the requirements of subregulation (1) for that design feature.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

**Division 61.L.5—Pilot type ratings****61.770 Privileges of pilot type ratings**

Subject to Subpart 61.E and regulations 61.775 to 61.800, the holder of a pilot licence and a pilot type rating is authorised to exercise the privileges of the licence in an aircraft of the type covered by the rating.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The aircraft types for which pilot type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

**61.775 Limitations on exercise of privileges of pilot type ratings—  
flight test in flight simulator**

- (1) This regulation applies if the holder of a pilot type rating passed the flight test for the rating in a flight simulator.

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- (2) The holder is authorised to exercise the privileges of the rating as pilot in command only if the holder has at least 25 hours of flight time as pilot of an aircraft covered by the rating.
- (3) The holder is taken to meet the requirements of subregulation (2) if the holder has:
  - (a) for a type rating for a turbojet-powered aeroplane:
    - (i) at least 1 000 hours of flight time as pilot of a turbojet-powered aeroplane; or
    - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbojet-powered aeroplane; or
  - (b) for a type rating for a turboprop-powered aeroplane:
    - (i) at least 1 000 hours of flight time as pilot of a turboprop-powered aeroplane; or
    - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turboprop-powered aeroplane; or
  - (c) for a type rating for a turbine-powered helicopter:
    - (i) at least 1 000 hours of flight time as pilot of a turbine-powered helicopter; or
    - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbine-powered helicopter; or
  - (d) for a type rating for a powered-lift aircraft:
    - (i) at least 1 000 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft; or
    - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft.

**61.780 Limitations on exercise of privileges of pilot type ratings—variants**

- (1) This regulation applies if:
  - (a) the holder of a pilot type rating passed the flight test for the rating in:

- (i) an aircraft model covered by the rating (the *first variant*); or
    - (ii) an approved flight simulator for the first variant; and
  - (b) differences training is required by a legislative instrument under regulation 61.055 or 61.060 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in an aircraft of the second variant only if the holder has completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant.

**61.785 Limitations on exercise of privileges of pilot type ratings—single-pilot operation and multi-crew operation**

- (1) The holder of a single-pilot type rating is authorised to exercise the privileges of the rating in a multi-crew operation only if:
- (a) the holder also holds a multi-crew type rating; or
  - (b) the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a multi-crew type rating is authorised to exercise the privileges of the rating only in a multi-crew operation.

**61.790 Limitations on exercise of privileges of pilot type ratings—IFR operation**

The holder of a pilot type rating is authorised to pilot an aircraft under the IFR only if:

- (a) the flight test for the rating is conducted under the IFR; or
- (b) the holder has completed an instrument proficiency check in an aircraft covered by the rating.

**61.795 Limitations on exercise of privileges of pilot type ratings—recent experience on variant**

- (1) This regulation applies if:
- (a) the holder of a pilot type rating passed the flight test for the rating in:

- (i) an aircraft model covered by the rating (the *first variant*); or
    - (ii) an approved flight simulator for the first variant; and
  - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if:
- (a) within the previous 24 months, the holder has:
    - (i) exercised the privileges of the rating in an aircraft of the second variant; or
    - (ii) completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant; or
    - (iii) completed a recurrent training course for the second variant; or
  - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the second variant.

**61.800 Limitations on exercise of privileges of pilot type ratings—  
flight review**

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating as the pilot in command of an aircraft only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) For subregulation (1), the flight review must be conducted in:
  - (a) an aircraft of the type covered by the rating; or
  - (b) an approved flight simulator for that type of aircraft.
- (3) The holder is taken to meet the requirements of subregulation (1) if the holder:
  - (a) has passed a flight test for the rating within the previous 24 months; or

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- (b) has successfully completed an operator proficiency check that covers operations in the aircraft type within the previous 24 months; or
- (c) has successfully completed any of the following proficiency checks in an aircraft of the type covered by the rating or an approved flight simulation training device for the purpose within the previous 24 months:
  - (i) an instrument proficiency check;
  - (ii) a night vision imaging system proficiency check;
  - (iii) an aerial application proficiency check;
  - (iv) an instructor proficiency check;
  - (v) an examiner proficiency check; or
- (d) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the type covered by the rating.

Note: For general rules in relation to flight reviews, see regulation 61.400.

**61.805 Limitations on exercise of privileges of type ratings—  
instrument proficiency check**

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating under the IFR only if the holder has a valid instrument proficiency check for the aircraft type covered by the rating.
- (2) For subregulation (1), the holder is taken to have a valid instrument proficiency check for an aircraft type, other than a single-pilot turbojet aeroplane type, during the following periods:
  - (a) if the holder passes the flight test for the instrument rating, private IFR rating, multi-crew pilot licence or air transport pilot licence in an aircraft of that type—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

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- the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in aircraft of that type—the period during which the holder is successfully participating in the program;
  - (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (f) if:
    - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;
 the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) For subregulation (1), the holder is taken to have a valid instrument proficiency check for a single-pilot turbojet aeroplane type during the following periods:
- (a) if the holder passes the flight test for the instrument rating or private IFR rating that is conducted as a single-pilot operation in an aircraft of that type—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if:

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- (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
  - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;  
the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in aircraft of that type—the period during which the holder is successfully participating in the program;
  - (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (f) if:
    - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;  
the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the aircraft type, the holder is no longer taken to have a valid instrument proficiency check for the aircraft type.

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- (5) For paragraphs (2) (e) and (f) and (3) (e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
  - (a) CASA or a flight examiner:
    - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aircraft; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
    - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
  - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
    - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for IFR operations; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
    - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (2) (e) and (f) and (3) (e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
  - (a) the date on which the instrument proficiency check is conducted; and
  - (b) the aircraft type to which the instrument proficiency check relates.

**61.810 Requirements for grant of pilot type ratings**

- (1) This regulation applies to an applicant for a pilot type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.815 or 61.820.
- (2) The applicant must hold:
  - (a) a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
  - (b) an aircraft category rating for the category of aircraft that includes aircraft of the type covered by the pilot type rating.

Note: Subregulation (2) is satisfied, in relation to a licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
  - (a) completed an approved course of training for the rating that includes:
    - (i) at least 5 hours of flight training consisting of:
      - (A) dual flight in an aircraft of the type covered by the rating; or
      - (B) dual simulated flight in an approved flight simulator for the training; and
    - (ii) theory and technical training; and
  - (b) passed an examination, conducted by the operator or organisation that conducted the training mentioned in paragraph (a), testing the applicant's aeronautical knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: for paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3) (a), the approved course of training must be conducted by:

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- (a) a Part 141 or 142 operator that is authorised under Part 141 or 142 to conduct the course; or
  - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.
- (5) The applicant is taken to meet the requirements of subregulation (3) if CASA is satisfied that:
  - (a) the applicant has completed training, conducted by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct the training, for the grant of an overseas rating; and
  - (b) the applicant has been assessed, by a person who is authorised by the national aviation authority of the recognised foreign State to conduct the assessment, as meeting the flight test standard for the grant of the overseas rating; and
  - (c) the training meets the standards specified in the Part 61 Manual of Standards for training for the rating; and
  - (d) the overseas rating is at least equivalent to the rating.

**61.815 Person taken to meet requirements for grant of pilot type rating—multi-crew or air transport pilot licence holder**

A person is taken to meet the requirements for the grant of a pilot type rating for a type of aircraft if:

- (a) the person meets the requirements for the grant of a multi-crew pilot licence or air transport pilot licence; and
- (b) the flight test for the multi-crew pilot licence or air transport pilot licence is conducted in:
  - (i) an aircraft of that type; or
  - (ii) an approved flight simulator for the flight test.

**61.820 Person taken to meet requirements for grant of pilot type rating—new type rating**

- (1) A person is taken to meet the requirements for the grant of a pilot type rating (the *new type rating*) if:
  - (a) the person holds a pilot type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance

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- with a legislative instrument under regulation 61.055 or 61.060 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
    - (i) the models are no longer variants of each other; and
    - (ii) one or more of the models is covered by the new type rating; and
  - (c) one of the following applies:
    - (i) the person passed the flight test for the old type rating in:
      - (A) an aircraft model that is covered by the new type rating; or
      - (B) an approved flight simulator for an aircraft model covered by the new type rating;
    - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
    - (iii) both:
      - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
      - (B) the person has completed the differences training.
- (2) A person is taken to meet the requirements for the grant of a single-pilot type rating for a type of aircraft if:
- (a) a single-pilot type rating is required for that type of aircraft; and
  - (b) a single-pilot type rating was not previously required for that type of aircraft; and
  - (c) the person holds a class rating for the class that includes that type of aircraft; and
  - (d) the person has piloted an aircraft of that type; and
  - (e) a person who may grant the rating is satisfied that the person is competent to pilot an aircraft of that type.
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### 61.822 Removal of type rating condition about acting as pilot in command

- (1) This regulation applies to the holder of a type rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (2) CASA must remove the condition if:
  - (a) the holder applies to CASA for the removal of the condition; and
  - (b) the holder meets the requirements under this Part for the grant of the type rating.

## Division 61.L.6—Cruise relief type ratings

### 61.825 Kinds of cruise relief type rating

The kinds of cruise relief type rating are set out in column 1 of table 61.825.

**Table 61.825 Cruise relief type ratings**

Item	Column 1 Rating	Column 2 Activities authorised
1	Cruise relief co-pilot rating (type specific)	Act as co-pilot of an aircraft of the specified type
2	Cruise relief flight engineer rating (type specific)	Act as flight engineer of an aircraft of the specified type

### 61.830 Privileges of cruise relief type ratings

Subject to Subpart 61.E and regulations 61.835 and 61.840, the holder of a rating mentioned in an item in column 1 of table 61.825 is authorised to undertake the activity mentioned in column 2 of the item.

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- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The types for which cruise relief type ratings may be granted are set out in legislative instruments made under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

**61.835 Limitations on exercise of privileges of cruise relief type ratings—general**

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft:
  - (a) only if the aircraft is operated by an operator that has an approved cyclic training and proficiency program; and
  - (b) only while the aircraft is at flight level 200 or above.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as flight engineer of an aircraft only while the aircraft is at flight level 200 or above.
- (3) Subregulation (4) applies if:
  - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
    - (i) an aircraft model covered by the rating (the *first variant*); or
    - (ii) an approved flight simulator for the first variant; and
  - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant.

**61.840 Limitations on exercise of privileges of cruise relief type ratings—recent experience**

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft of a particular type only if the holder is

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successfully participating in an approved cyclic training and proficiency program that:

- (a) is conducted by the operator of the aircraft; and
  - (b) covers operations in an aircraft of that type.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as a cruise relief flight engineer of an aircraft of a particular type only if the holder:
  - (a) has acted as a cruise relief flight engineer of an aircraft of that type, or in an approved flight simulator for the purpose, for a period of at least one hour in the previous 90 days; or
  - (b) has successfully completed an operator proficiency check in an aircraft of that type or an approved flight simulator for the purpose in the previous 90 days; or
  - (c) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in an aircraft of that type; or
  - (d) is acting as a cruise relief flight engineer under the supervision of a flight engineer instructor.
- (3) Subregulation (4) applies if:
  - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
    - (i) an aircraft model covered by the rating (the *first variant*); or
    - (ii) an approved flight simulator for the first variant; and
  - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if:
  - (a) within the previous 24 months, the holder has:
    - (i) exercised the privileges of the rating in the second variant; or
    - (ii) completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant; or

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- (iii) completed a recurrent training course for the second variant; or
- (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in the second variant.

**61.845 Requirements for grant of cruise relief type ratings**

- (1) This regulation applies to an applicant for a cruise relief type rating for an aircraft of a particular type if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.850.
- (2) The applicant must hold:
  - (a) a commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
  - (b) the aircraft category rating for the aircraft category that includes aircraft of that type; and
  - (c) for a cruise relief flight engineer type rating for an aircraft type:
    - (i) the cruise relief co-pilot type rating for the aircraft type; or
    - (ii) the pilot type rating for the aircraft type.

Note: Subregulation (2) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
  - (a) completed an approved course of training for the rating that includes:
    - (i) at least one hour of flight training consisting of:
      - (A) dual flight in an aircraft of that type; or
      - (B) dual simulated flight in an approved flight simulator for the training; and
    - (ii) theory and technical training; and
  - (b) completed an approved course of training in multi-crew cooperation; and

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- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: for paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraphs (3) (a) and (b), the approved course of training must be conducted by:
  - (a) a Part 142 operator that is authorised under Part 142 to conduct the course; or
  - (b) the holder of an approval under regulation 142.040 to conduct the training.

**61.850 Person taken to meet requirements for grant of cruise relief type rating—new type rating**

A person is taken to meet the requirements for the grant of a cruise relief type rating (the *new type rating*) if:

- (a) the person holds a cruise relief type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
  - (i) the models are no longer variants of each other; and
  - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
  - (i) the person passed the flight test for the old type rating in:
    - (A) an aircraft model that is covered by the new type rating; or
    - (B) an approved flight simulator for an aircraft model covered by the new type rating;
  - (ii) differences training was not required by the old legislative instrument for the person to exercise the

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privileges of the old type rating in an aircraft covered by the new type rating;

(iii) both:

- (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
- (B) the person has completed the differences training.

## **Subpart 61.M—Instrument ratings**

### **Division 61.M.1—Privileges and requirements for grant of instrument ratings**

#### **61.855 Privileges of instrument ratings**

Subject to Subpart 61.E and regulations 61.860 to 61.880, the holder of an instrument rating is authorised to pilot an aircraft:

- (a) under the IFR; or
- (b) at night under the VFR.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.860 Limitations on exercise of privileges of instrument ratings—general**

- (1) The holder of an instrument rating is authorised to conduct an instrument approach of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of procedure.
- (2) The holder of an instrument rating is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:
  - (a) passed the flight test for the rating in a single-pilot aircraft; or
  - (b) completed an instrument proficiency check in a single-pilot aircraft.
- (3) The holder of an instrument rating is authorised to conduct a circling approach under the IFR on a flight only if:

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- (a) the holder passed the flight test for the rating within the previous 12 months, and the flight test included a circling approach; or
  - (b) the holder's most recent instrument proficiency check included a circling approach; or
  - (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes circling approaches.
- (4) For paragraph (3) (b), an instrument proficiency check includes an operator proficiency check:
  - (a) that covers IFR operations; and
  - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (5) The holder of an instrument rating is authorised to conduct an instrument approach in an aircraft using a procedure of a particular kind only if the holder has:
  - (a) completed training in the conduct of instrument approaches using the procedure; and
  - (b) demonstrated, to a person mentioned in subregulation (6), his or her competence in the conduct of instrument approaches using the procedure.
- (6) For paragraph (5) (b), the persons are as follows:
  - (a) CASA;
  - (b) an examiner or instructor who is authorised to conduct an instrument approach using the same procedure;
  - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

**61.865 Limitations on exercise of privileges of instrument ratings—endorsements**

- (1) The holder of an instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.890 under the IFR, or at night under the VFR, only if the holder also holds the endorsement mentioned in column 1 of the item.

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- (2) The holder of an instrument rating is authorised to conduct an instrument approach mentioned in column 2 of an item in Part 2 of table 61.890 only if the holder also holds the endorsement mentioned in column 1 of the item.

**61.870 Limitations on exercise of privileges of instrument ratings—recent experience: general**

- (1) This regulation applies to the holder of an instrument rating if the holder:
  - (a) has not successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; and
  - (b) is not successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approaches within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct an approach using a 2D instrument approach procedure only if the holder has conducted an approach using a 2D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct an approach using a 3D instrument approach procedure only if the holder has conducted an approach using a 3D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an instrument approach using an azimuth guidance procedure only if the holder has conducted an

instrument approach using an azimuth guidance procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (7) The holder is authorised to conduct an instrument approach using a course deviation indicator procedure only if the holder has conducted an instrument approach using a course deviation indicator procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

**61.875 Limitations on exercise of privileges of instrument ratings—recent experience: single pilot**

- (1) The holder of an instrument rating is authorised to pilot an aircraft under the IFR in a single-pilot operation only if the holder has conducted a flight or simulated flight under the IFR in a single-pilot operation within the previous 6 months.
- (2) For subregulation (1), the flight or simulated flight must:
  - (a) have a duration of at least one hour; and
  - (b) include at least one instrument approach or simulated instrument approach.

**61.880 Limitations on exercise of privileges of instrument ratings—instrument proficiency check**

- (1) The holder of an instrument rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
  - (a) the holder is authorised to exercise the privileges of the rating in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
  - (b) the holder is authorised to exercise the privileges of the rating in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.

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- (3) For subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the relevant aircraft during the following periods:
- (a) if the holder passes the flight test for the instrument rating in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for an instrument endorsement in a relevant aircraft; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in the relevant aircraft—the period during which the holder is successfully participating in the program;
  - (e) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (f) if:
    - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the relevant aircraft (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;

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the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the relevant aircraft, the holder is no longer taken to have a valid instrument proficiency check for the relevant aircraft.
- (5) For paragraphs (3) (e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
  - (a) CASA or a flight examiner:
    - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aircraft; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
    - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
  - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
    - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for IFR operations; and
    - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
    - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3) (e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.

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- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
  - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:
- relevant aircraft**, for an instrument proficiency check, means:
- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
  - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
  - (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

**61.885 Requirements for grant of instrument ratings**

- (1) An applicant for an instrument rating must:
- (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of:
    - (i) at least one instrument endorsement mentioned in column 1 of an item in Part 1 of table 61.890; and
    - (ii) at least one instrument endorsement mentioned in column 1 of an item in Part 2 of table 61.890.

Note 1: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: An application for a pilot licence mentioned in paragraph (a) and an instrument rating may be made at the same time: see subregulation 61.155 (2).

- (2) The applicant must also have:
- (a) passed the aeronautical knowledge examination for the instrument rating; and
  - (b) completed flight training for the instrument rating; and

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- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the instrument rating and the aircraft category rating associated with the applicant's pilot licence; and
- (d) met the aeronautical experience requirements mentioned in subregulation (5).

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2) (b), the flight training must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.
- (4) For paragraph (2) (c), the flight test must be conducted in an aircraft unless the applicant has previously held:
  - (a) an instrument rating; or
  - (b) an overseas rating that CASA is satisfied is equivalent to an instrument rating; or
  - (c) a qualification issued by the Australian Defence Force that CASA is satisfied is equivalent to an instrument rating.
- (5) For paragraph (2) (d), the applicant must have aeronautical experience that includes:
  - (a) at least 50 hours of cross-country flight time as pilot in command; and
  - (b) at least 40 hours of instrument time, including:
    - (i) at least 10 hours of dual instrument time; and
    - (ii) either:
      - (A) if subregulation (6) applies—at least 10 hours of instrument flight time; or
      - (B) in any other case—at least 20 hours of instrument flight time.

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- (6) This subregulation applies if any instrument ground time relied on by an applicant for paragraph (5) (b) is:
  - (a) completed in an approved flight simulator for the purpose; and
  - (b) supervised by a pilot instructor who holds an instrument rating training endorsement.
- (7) For subregulation (5), the cross-country flight time and instrument flight time must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.
- (8) In this regulation, a reference to aeronautical experience does not include experience obtained as part of an integrated training course.

**61.887 Removal of instrument rating conditions about acting as pilot in command under IFR**

- (1) This regulation applies to the holder of an instrument rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.
- (2) CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
  - (a) the holder applies to CASA for the removal of the condition; and
  - (b) the holder meets the requirements under this Part for the grant of:
    - (i) an instrument rating; and
    - (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

## Division 61.M.2—Privileges and requirements for grant of instrument endorsements

### 61.890 Kinds of instrument endorsement

The kinds of instrument endorsement are set out in column 1 of table 61.890.

Table 61.890 Instrument endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR or at night under the VFR	Single-engine aeroplane class rating or type rating for a type of single-engine aeroplane At least 10 hours of dual instrument time in an aeroplane or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits
2	Multi-engine aeroplane instrument endorsement	Pilot an aeroplane under the IFR or at night under the VFR	Multi-engine aeroplane class rating or type rating for a type of multi-engine aeroplane At least 10 hours of dual instrument time in a multi-engine aeroplane or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits

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<b>Table 61.890 Instrument endorsements</b>			
<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
3	Single-engine helicopter instrument endorsement	Pilot a single-engine helicopter under the IFR or at night under the VFR	Single-engine helicopter class rating or type rating for a type of single-engine helicopter At least 10 hours of dual instrument time in a helicopter or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
4	Multi-engine helicopter instrument endorsement	Pilot a helicopter under the IFR or at night under the VFR	Type rating for a type of multi-engine helicopter At least 10 hours of dual instrument time in a multi-engine helicopter or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
5	Powered-lift aircraft instrument endorsement	Pilot a powered-lift aircraft under the IFR or at night under the VFR	Type rating for a type of powered-lift aircraft At least 10 hours of dual instrument time in a powered-lift aircraft or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

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**Table 61.890 Instrument endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
6	Gyroplane instrument endorsement	Pilot a gyroplane under the IFR or at night under the VFR	Gyroplane aircraft class rating or type rating for a type of gyroplane At least 10 hours of dual instrument flight time in a gyroplane At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
7	Airship instrument endorsement	Pilot an airship under the IFR or at night under the VFR	Airship class rating or type rating for a type of airship At least 10 hours of dual instrument time in an airship or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
<i>Part 2—Instrument approach procedure endorsements</i>			
8	IAP 2D instrument endorsement	Conduct an instrument approach with lateral guidance only	
9	IAP 3D instrument endorsement	Conduct an instrument approach with lateral and vertical guidance	IAP 2D instrument endorsement

**61.895 Privileges of instrument endorsements**

Subject to Subpart 61.E, Division 61.M.1 and regulation 61.900, the holder of an endorsement mentioned in column 1 of an item in table 61.890 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.900 Limitations on exercise of privileges of instrument endorsements**

The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.890 is authorised to conduct an instrument approach in IMC using a navigation system of a particular kind only if the holder has previously conducted:

- (a) an instrument approach; or
- (b) a simulated instrument approach in a flight simulation training device;

using a navigation system of that kind.

**61.905 Requirements for grant of instrument endorsements**

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.890 must hold:
  - (a) an instrument rating; and
  - (b) the rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
  - (a) completed flight training for the endorsement; and
  - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and

(c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

## **Subpart 61.N—Private instrument ratings**

### **Division 61.N.1—Privileges and requirements for grant of private instrument ratings**

#### **61.910 Privileges of private instrument ratings**

Subject to Subpart 61.E and regulations 61.915 to 61.925, the holder of a private instrument rating is authorised to pilot an aircraft certificated for single-pilot operation under the IFR in a private operation.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.915 Limitations on exercise of privileges of private instrument ratings—endorsements**

- (1) The holder of a private instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.935 under the IFR only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of a private instrument rating is authorised to conduct an activity mentioned in column 2 of an item in Part 2, 3, 4 or 5 of table 61.935 only if the holder also holds the endorsement mentioned in column 1 of the item.
- (3) The holder of a private instrument rating is authorised to pilot an aircraft at night under the IFR only if the holder also holds a night private instrument endorsement.

**61.920 Limitations on exercise of privileges of private instrument ratings—recent experience**

- (1) The holder of a private instrument rating is authorised to conduct an instrument approach as pilot in command of an aircraft in IMC only if the holder has conducted an instrument approach of the same kind:
  - (a) within the previous 6 months; and
  - (b) in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
  - (a) has successfully completed an operator proficiency check for IFR operations within the previous 6 months; or
  - (b) is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.

**61.925 Limitations on exercise of privileges of private instrument ratings—flight review**

- (1) The holder of a private instrument rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane or multi-engine helicopter, under the IFR only if the holder:
  - (a) has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or
  - (b) has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
  - (c) has passed a flight test for the grant of a private instrument endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
    - (i) within the previous 24 months; but
    - (ii) more than 6 months after passing the flight test for the rating; or

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- (d) has successfully completed an operator proficiency check that covers IFR operations in an aircraft of the same category within the previous 24 months; or
  - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers IFR operations in an aircraft of the same category within the previous 24 months.
- (2) The holder of a private instrument rating is authorised to pilot a multi-engine aeroplane under the IFR only if the holder:
  - (a) has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
  - (b) has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
  - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
    - (i) within the previous 24 months; but
    - (ii) more than 6 months after passing the flight test for the rating; or
  - (d) has successfully completed an operator proficiency check that covers IFR operations in a multi-engine aeroplane within the previous 24 months; or
  - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers IFR operations in a multi-engine aeroplane within the previous 24 months.
- (3) The holder of a private instrument rating is authorised to pilot a multi-engine helicopter under the IFR only if the holder:
  - (a) has successfully completed a flight review for the rating in a multi-engine helicopter or an approved flight simulator for the flight review within the previous 24 months; or
  - (b) has passed a flight test for the rating in a multi-engine helicopter or an approved flight simulator for the flight test within the previous 24 months; or

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- (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine helicopter or an approved flight simulator for the flight test:
  - (i) within the previous 24 months; but
  - (ii) more than 6 months after passing the flight test for the rating; or
- (d) has successfully completed an operator proficiency check that covers IFR operations in a multi-engine helicopter within the previous 24 months; or
- (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers IFR operations in a multi-engine helicopter within the previous 24 months.

Note: For general rules in relation to flight reviews, see regulation 61.400.

**61.930 Requirements for grant of private instrument ratings**

- (1) An applicant for a private instrument rating must:
  - (a) hold a private pilot licence or commercial pilot licence; and
  - (b) meet the requirements for the grant of at least one endorsement mentioned in column 1 of an item in Part 2 of table 61.935.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
  - (a) passed:
    - (i) the aeronautical knowledge examination for the instrument rating; or
    - (ii) a private instrument rating aeronautical knowledge examination set and conducted by:
      - (A) CASA; or
      - (B) a Part 141 or 142 operator that is authorised to conduct training for the grant of an instrument rating; and
  - (b) completed flight training for the private instrument rating; and

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- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private instrument rating; and
- (d) completed at least 20 hours of instrument time, including at least 10 hours of dual instrument flight time.

Note 1: for subparagraph (a) (i), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The aeronautical experience required by paragraph (2) (d) must have been completed:
  - (a) while receiving instrument training conducted by a flight instructor who holds an instrument rating training endorsement; or
  - (b) while receiving training for a private pilot licence, commercial pilot licence or air transport pilot licence or a night VFR rating; or
  - (c) as a member of the Australian Defence Force.

- (4) The holder of an instrument rating is taken to meet the requirements for the grant of a private instrument rating.

## Division 61.N.2—Privileges and requirements for grant of private instrument endorsements

### 61.935 Kinds of private instrument endorsement

The kinds of private instrument endorsement are set out in column 1 of table 61.935.

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**Table 61.935 Private instrument endorsements**

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<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
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*Part 1—Aircraft category/class endorsements*

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<b>Table 61.935 Private instrument endorsements</b>			
<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
1	Single-engine aeroplane private instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR	<p>Single-engine aeroplane class rating</p> <p>At least 10 hours of dual instrument flight time in an aeroplane</p> <p>At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits</p>
2	Multi-engine aeroplane private instrument endorsement	Pilot an aeroplane under the IFR	<p>Multi-engine aeroplane class rating</p> <p>At least 10 hours of dual instrument flight time in a multi-engine aeroplane</p> <p>At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits</p>

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### Endnote 5—Uncommenced amendments

<b>Table 61.935 Private instrument endorsements</b>			
<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
3	Single-engine helicopter private instrument endorsement	Pilot a single-engine helicopter under the IFR	Single-engine helicopter class rating  At least 10 hours of dual instrument flight time in a helicopter  At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
4	Multi-engine helicopter private instrument endorsement	Pilot a helicopter under the IFR	Multi-engine helicopter class rating or multi-engine helicopter type rating  At least 10 hours of dual instrument flight time in a multi-engine helicopter  At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

## Endnote 5—Uncommenced amendments

**Table 61.935 Private instrument endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
5	Powered-lift aircraft private instrument endorsement	Pilot a powered-lift aircraft under the IFR	<p>Powered-lift aircraft category rating</p> <p>At least 10 hours of dual instrument flight time in a powered-lift aircraft</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>
6	Gyroplane private instrument endorsement	Pilot a gyroplane under the IFR	<p>Gyroplane category rating</p> <p>At least 10 hours of dual instrument flight time in a gyroplane</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>

## Endnotes

### Endnote 5—Uncommenced amendments

**Table 61.935 Private instrument endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
7	Airship private instrument endorsement	Pilot an airship under the IFR	Airship category rating At least 10 hours of dual instrument flight time in an airship At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

*Part 2—Navigation endorsements*

8	Navigation – NDB private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a non-directional beacon navigation system
9	Navigation – VOR/LLZ private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a VHF omni-range/localiser navigation system
10	Navigation – GNSS private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a global navigation satellite system

*Part 3—Departure endorsements*

## Endnote 5—Uncommenced amendments

**Table 61.935 Private instrument endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
11	Departure – single-engine aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a single-engine aircraft	Any of the following: (a) single-engine aeroplane private instrument endorsement; (b) single-engine helicopter private instrument endorsement; (c) gyroplane private instrument endorsement
12	Departure – multi-engine aeroplane private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine aeroplane	Multi-engine aeroplane private instrument endorsement
13	Departure – multi-engine helicopter private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine helicopter	Multi-engine helicopter private instrument endorsement
14	Departure – powered-lift aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a powered-lift aircraft	Powered-lift aircraft private instrument endorsement
15	Departure – airship private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in an airship	Airship private instrument endorsement

## Endnotes

### Endnote 5—Uncommenced amendments

**Table 61.935 Private instrument endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
16	Standard instrument departure private instrument endorsement	Conduct a take-off and departure, including a standard instrument departure, under the IFR	Any of the endorsements mentioned in items 11 to 15

*Part 4—Approach/arrival endorsements*

17	STAR private instrument endorsement	Conduct an arrival under the IFR using a procedure published in the AIP and a navigation system for which the pilot holds an endorsement mentioned in column 1 of an item in Part 2 of this table	
18	Approach – NDB private instrument endorsement	Conduct an instrument approach and landing under the IFR using a non-directional beacon navigation system	
19	Approach – VOR/LLZ private instrument endorsement	Conduct an instrument approach and landing under the IFR using a VHF omni-range/localiser navigation system	
20	Approach – DME or GNSS arrival procedure private instrument endorsement	Conduct an instrument approach and landing under the IFR using distance measuring equipment or a global navigation satellite system	

## Endnote 5—Uncommenced amendments

<b>Table 61.935 Private instrument endorsements</b>			
<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
21	Approach – RNP APCH-LNAV private instrument endorsement	Conduct a required navigational performance instrument approach without vertical guidance using: (a) a global navigation satellite system; or (b) another kind of area navigation-based system	Navigation – GNSS private instrument endorsement
22	Approach – RNP APCH-LNAV/VNA V private instrument endorsement	Conduct a required navigational performance instrument approach using barometric-aided vertical guidance	Navigation – GNSS private instrument endorsement  Approach – RNP APCH-LNAV private instrument endorsement
23	Approach – ILS private instrument endorsement	Conduct an instrument approach and landing, using: (a) an instrument landing system; or (b) a microwave landing system; or (c) a global navigation satellite system with ground-based augmentation	
<i>Part 5—Approach/arrival endorsements—category specific</i>			
24	Approach and landing – multi-engine aeroplane private instrument endorsement	Conduct an instrument approach and landing under the IFR in a multi-engine aeroplane using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine aeroplane private instrument endorsement  Any of the endorsements mentioned in items 18 to 23

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### Endnote 5—Uncommenced amendments

**Table 61.935 Private instrument endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
25	Approach and landing – multi-engine helicopter private instrument endorsement	Conduct an instrument approach and landing under the IFR in a multi-engine helicopter using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine helicopter private instrument endorsement  Any of the endorsements mentioned in items 18 to 23

*Part 6—Night endorsement*

26	Night private instrument endorsement	Pilot an aircraft under the IFR at night	At least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least 5 hours of dual cross-country flight time at night under the VFR in an aircraft
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### 61.940 Privileges of private instrument endorsements

- (1) Subject to Subpart 61.E, Division 61.N.1 and regulation 61.945, the holder of an endorsement mentioned in column 1 of an item in table 61.935 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

- (2) For each endorsement mentioned in column 1 of an item in Part 3 of table 61.935, the privileges include conducting, under the IFR, a climb to the published lowest safe altitude for the first route segment of the flight.
- (3) In this regulation:

*published lowest safe altitude* has the meaning given by subregulation 178 (7) of CAR.

#### **61.945 Limitations on exercise of privileges of private instrument endorsements**

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.935 is authorised to conduct an instrument approach in IMC using a navigation system of a particular kind only if the holder has previously conducted:
  - (a) an instrument approach in an aircraft; or
  - (b) a simulated instrument approach in a flight simulation training device;using a navigation system of that kind.
- (2) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach and landing under the IFR in a multi-engine aeroplane only if the holder also holds an approach and landing – multi-engine aeroplane private instrument endorsement.
- (3) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach and landing under the IFR in a multi-engine helicopter only if the holder also holds an approach and landing – multi-engine helicopter private instrument endorsement.

#### **61.950 Requirements for grant of private instrument endorsements**

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.935 must hold:
  - (a) a private instrument rating; and
  - (b) each rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

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- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
  - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) A person who holds a private instrument rating and an instrument endorsement is taken to meet the requirements for the grant of the private instrument endorsement (if any) that is equivalent to the instrument endorsement.

## **Subpart 61.O—Night VFR ratings**

### **Division 61.O.1—Privileges and requirements for grant of night VFR ratings**

#### **61.955 Privileges of night VFR ratings**

Subject to Subpart 61.E and regulations 61.960 to 61.970, the holder of a pilot licence and a night VFR rating is authorised to pilot an aircraft at night under the VFR other than in:

- (a) an operation using a night vision imaging system; or
- (b) a night aerial application operation below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.960 Limitations on exercise of privileges of night VFR ratings—endorsements**

The holder of a night VFR rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.980 only if

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the holder also holds the endorsement mentioned in column 1 of the item.

**61.965 Limitations on exercise of privileges of night VFR ratings—recent experience**

The holder of a night VFR rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has, within the previous 6 months:

- (a) conducted:
  - (i) at least one night take-off; and
  - (ii) at least one night landing;in an aircraft of that category while controlling the aircraft; or
- (b) been assessed as competent to conduct a flight at night in an aircraft of that category by a flight instructor who holds a night VFR training endorsement.

**61.970 Limitations on exercise of privileges of night VFR ratings—flight review**

- (1) The holder of a night VFR rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane or multi-engine helicopter, at night under the VFR only if the holder:
  - (a) has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or
  - (b) has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
  - (c) has passed a flight test for the grant of a night VFR endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
    - (i) within the previous 24 months; but
    - (ii) more than 6 months after passing the flight test for the rating; or
  - (d) has successfully completed an operator proficiency check that covers night VFR operations in an aircraft of the same category within the previous 24 months; or

- (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers night VFR operations in an aircraft of the same category within the previous 24 months.
- (2) The holder of a night VFR rating is authorised to pilot a multi-engine aeroplane at night under the VFR only if the holder:
- (a) has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
  - (b) has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
  - (c) has passed a flight test for the grant of a night VFR endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
    - (i) within the previous 24 months; but
    - (ii) more than 6 months after passing the flight test for the rating; or
  - (d) has successfully completed an operator proficiency check that covers night VFR operations in a multi-engine aeroplane within the previous 24 months; or
  - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers night VFR operations in a multi-engine aeroplane within the previous 24 months.
- (3) The holder of a night VFR rating is authorised to pilot a multi-engine helicopter at night under the VFR only if the holder:
- (a) has successfully completed a flight review for the rating in a multi-engine helicopter or an approved flight simulator for the flight review within the previous 24 months; or
  - (b) has passed a flight test for the rating in a multi-engine helicopter or an approved flight simulator for the flight test within the previous 24 months; or
  - (c) has passed a flight test for the grant of a night VFR endorsement in a multi-engine helicopter or an approved flight simulator for the flight test:
    - (i) within the previous 24 months; but

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- (ii) more than 6 months after passing the flight test for the rating; or
- (d) has successfully completed an operator proficiency check that covers night VFR operations in a multi-engine helicopter within the previous 24 months; or
- (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers night VFR operations in a multi-engine helicopter within the previous 24 months.

Note: For general rules in relation to flight reviews, see regulation 61.400.

**61.975 Requirements for grant of night VFR ratings**

- (1) An applicant for a night VFR rating must:
  - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of at least one endorsement mentioned in column 1 of an item in table 61.980.
- (2) The applicant must also have:
  - (a) as a pilot, at least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least 5 hours of dual cross-country flight time at night under the VFR in an aircraft; and
  - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the night VFR rating.

Note 1: for paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) The dual cross-country flight time required by paragraph (2) (a) must comprise at least 2 flights, each of which must include at least

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one landing at an aerodrome, other than the aerodrome from which the flight began, that is remote from extensive ground lighting.

## **Division 61.O.2—Privileges and requirements for grant of night VFR endorsements**

### **61.980 Kinds of night VFR endorsement**

The kinds of night VFR endorsement are set out in column 1 of table 61.980.

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**Table 61.980 Night VFR endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
1	Single-engine aeroplane night VFR endorsement	Pilot an aeroplane of the single-engine aeroplane class at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits  At least 3 hours of dual instrument time

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**Table 61.980 Night VFR endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
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**Table 61.980 Night VFR endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
2	Multi-engine aeroplane night VFR endorsement	Pilot an aeroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a multi-engine aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits  At least 3 hours of dual instrument time
3	Helicopter night VFR endorsement	Pilot a helicopter at night under the VFR	At least 10 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits  At least 3 hours of dual instrument time in a helicopter or approved flight simulation training device for the purpose
4	Powered-lift aircraft night VFR endorsement	Pilot a powered-lift aircraft at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits  At least 3 hours of dual instrument time

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**Table 61.980 Night VFR endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
5	Gyroplane night VFR endorsement	Pilot a gyroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits  At least 3 hours of dual instrument time
6	Airship night VFR endorsement	Pilot an airship at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

### **61.985 Privileges of night VFR endorsements**

Subject to Subpart 61.E and Division 61.O.1, the holder of an endorsement mentioned in column 1 of an item in table 61.980 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

### **61.990 Requirements for grant of night VFR endorsements**

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.980 must hold a night VFR rating.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an

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overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
  - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

## **Subpart 61.P—Night vision imaging system ratings**

### **Division 61.P.1—Privileges and requirements for grant of night vision imaging system ratings**

#### **61.995 Privileges of night vision imaging system ratings**

Subject to Subpart 61.E and regulations 61.1000 to 61.1015, the holder of a pilot licence and a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.1000 Limitations on exercise of privileges of night vision imaging system ratings—general**

- (1) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder has completed an operator proficiency check that covers operations at night using night vision goggles in a helicopter of the same type.
- (2) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the helicopter is equipped for operations using night vision goggles.

**61.1005 Limitations on exercise of privileges of night vision imaging system ratings—endorsements**

The holder of a night vision imaging system rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1025 only if the holder also holds the endorsement mentioned in column 1 of the item.

**61.1010 Limitations on exercise of privileges of night vision imaging system ratings—recent experience**

The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder:

- (a) has:
  - (i) completed at least 3 hours of flight time at night under the VFR using night vision goggles within the previous 6 months; and
  - (ii) conducted at least 3 take-offs and at least 3 landings at night using night vision goggles within the previous 6 months; or
- (b) has passed the flight test for the night vision imaging system rating within the previous 6 months; or
- (c) has successfully completed an operator proficiency check that covers operations at night using night vision goggles within the previous 6 months; or
- (d) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations at night using night vision goggles.

**61.1015 Limitations on exercise of privileges of night vision imaging system ratings—night vision imaging system proficiency check**

- (1) The holder of a night vision imaging system rating is authorised to exercise the privileges of the rating only if the holder has a valid night vision imaging system proficiency check.

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- (2) For subregulation (1), the holder is taken to have a valid night vision imaging system proficiency check during the following periods:
- (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for a night vision imaging system endorsement; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a night vision imaging system rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
  - (e) if the holder successfully completes a night vision imaging system proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (f) if:
    - (i) the holder is taken to have a valid night vision imaging system proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes a night vision imaging system proficiency check;

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the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (3) However, if, at any time, the holder attempts, but does not successfully complete, a night vision imaging system proficiency check, the holder is no longer taken to have a valid night vision imaging system proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes a night vision imaging system proficiency check if:
  - (a) the night vision imaging system proficiency check is conducted in a helicopter or an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to pilot a helicopter using a night vision imaging system as meeting the standards mentioned in the Part 61 Manual of Standards for each night vision imaging system endorsement that the holder holds; and
  - (c) the person endorses the holder's licence document to the effect that the holder has completed the night vision imaging system proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) a flight examiner;
  - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

**61.1020 Requirements for grant of night vision imaging system ratings**

An applicant for a night vision imaging system rating must:

- (a) hold a commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one night vision imaging system endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a

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commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

## **Division 61.P.2—Privileges and requirements for grant of night vision imaging system endorsements**

### **61.1025 Kinds of night vision imaging system endorsement**

The kinds of night vision imaging system endorsement are set out in column 1 of table 61.1025.

**Table 61.1025 Night vision imaging system endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
1	Grade 1 night vision imaging system endorsement	Pilot a helicopter using night vision goggles	<p>Helicopter category rating</p> <p>Helicopter night VFR endorsement</p> <p>Single-engine helicopter instrument endorsement, multi-engine helicopter instrument endorsement or air transport pilot licence</p> <p>At least 250 hours of flight time in a helicopter</p> <p>At least 5 hours of dual flight using night vision goggles in a helicopter</p> <p>At least 20 hours of flight time at night as pilot in command of a helicopter</p> <p>At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter</p>

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**Table 61.1025 Night vision imaging system endorsements**

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<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
2	Grade 2 night vision imaging system endorsement	Pilot a helicopter using night vision goggles, other than during an IFR flight	Helicopter category rating Helicopter night VFR endorsement At least 250 hours of flight time in a helicopter At least 5 hours of dual flight using night vision goggles in a helicopter At least 20 hours of flight time at night as pilot in command of a helicopter At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter

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#### **61.1030 Privileges of night vision imaging system endorsements**

Subject to Subpart 61.E and Division 61.P.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1025 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.1035 Requirements for grant of night vision imaging system endorsements**

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1025 must hold:
  - (a) a night vision imaging system rating; and
  - (b) each rating or endorsement mentioned in column 3 of the item.

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Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement, including the training (if any) mentioned in column 3 of the item, in accordance with subregulation (3); and
  - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
  - (d) before starting the 5 hours of dual flight using night vision goggles mentioned in column 3 of the item—complied with subregulation (4).

Note 1 For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2 For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3 For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2) (a), the flight training must be conducted by a Part 141 or 142 operator.

- (4) For paragraph (2) (d), the applicant must:

- (a) hold:
  - (i) a commercial pilot licence or air transport pilot licence; and
  - (ii) each rating or endorsement mentioned in column 3 of the item; and
  - (iii) the class or type rating that covers the helicopter in which the training is to take place; and
  - (iv) each flight activity endorsement that covers an activity (if any) that is to be covered by the training; and
- (b) have completed:
  - (i) the 250 hours of flight time mentioned in column 3 of the item; and

- (ii) at least 10 hours of the flight time at night mentioned in column 3 of the item.

## **Subpart 61.Q—Low-level ratings**

### **Division 61.Q.1—Privileges and requirements for grant of low-level ratings**

#### **61.1040 Privileges of low-level ratings**

Subject to Subpart 61.E and regulations 61.1045 to 61.1060, the holder of a pilot licence with a low-level rating is authorised to conduct low-level operations.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.1045 Limitations on exercise of privileges of low-level ratings—general**

The holder of a low-level rating is authorised to conduct a low-level operation in an area only if, before conducting the operation, the holder conducts a risk assessment of the area.

#### **61.1050 Limitations on exercise of privileges of low-level ratings—endorsements**

The holder of a low-level rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1075 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

#### **61.1055 Limitations on exercise of privileges of low-level ratings—recent experience**

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 6 months:
  - (a) completed at least 10 hours of low-level operations as pilot in command; or

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- (b) been assessed as competent to conduct low-level operations by a flight instructor who holds a low-level training endorsement.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
  - (a) has successfully completed an operator proficiency check in low-level operations within the previous 6 months; or
  - (b) has successfully completed a flight review for the rating within the previous 6 months.

**61.1060 Limitations on exercise of privileges of low-level ratings—flight review**

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, successfully completed a flight review for the rating.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
  - (a) has passed a flight test for the rating within the previous 12 months; or
  - (b) has passed a flight test for the grant of a low-level endorsement:
    - (i) within the previous 12 months; but
    - (ii) more than 6 months after passing the flight test for the rating; or
  - (c) has successfully completed an aerial application proficiency check under regulation 61.1110 within the previous 12 months; or
  - (d) has successfully completed an operator proficiency check that covers:
    - (i) operations under the rating; or
    - (ii) operations under the aerial application rating; within the previous 12 months; or
  - (e) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating.

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Note: For general rules in relation to flight reviews, see regulation 61.400.

#### 61.1070 Requirements for grant of low-level ratings

- (1) An applicant for a low-level rating must:
- (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 of table 61.1075; and
  - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the low-level rating.

Note 1 For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2 For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
- (3) The holder of an aerial application rating is taken to meet the requirements for the grant of, and to have applied for, a low-level rating.

#### Division 61.Q.2—Privileges and requirements for grant of low-level endorsements

##### 61.1075 Kinds of low-level endorsement

The kinds of low-level endorsement are set out in column 1 of table 61.1075.

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**Table 61.1075 Low-level endorsements**

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Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
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*Part 1—General*

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**Table 61.1075 Low-level endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
1	Aeroplane low-level endorsement	Conduct a low-level operation in an aeroplane, other than an operation mentioned in Part 2 of this table	Aeroplane category rating  At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations
2	Helicopter low-level endorsement	Conduct a low-level operation in a helicopter, other than an operation mentioned in Part 2 of this table	Helicopter category rating  At least 5 hours of dual flight in a helicopter while receiving training in low-level operations
3	Powered-lift aircraft low-level endorsement	Conduct a low-level operation in a powered-lift aircraft, other than an operation mentioned in Part 2 of this table	Powered-lift aircraft category rating  At least 5 hours of dual flight in a powered-lift aircraft while receiving training in low-level operations
4	Gyroplane low-level endorsement	Conduct a low-level operation in a gyroplane, other than an operation mentioned in Part 2 of this table	Gyroplane category rating  At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations
<i>Part 2—Specific low-level activities</i>			
5	Aerial mustering – aeroplane endorsement	Conduct an aerial mustering operation in an aeroplane	Aeroplane category rating Aeroplane low-level endorsement  At least 5 hours of dual flight while receiving training in aerial mustering in an aeroplane

## Endnotes

### Endnote 5—Uncommenced amendments

**Table 61.1075 Low-level endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
6	Aerial mustering – helicopter endorsement	Conduct an aerial mustering operation in a helicopter	Helicopter category rating Helicopter low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in a helicopter
7	Aerial mustering – gyroplane endorsement	Conduct an aerial mustering operation in a gyroplane	Gyroplane category rating At least 5 hours of dual flight while receiving training in aerial mustering in a gyroplane
8	Sling operations endorsement	Conduct a sling load operation in a helicopter	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating
9	Winch and rappelling operations endorsement	Conduct a winch or rappelling operation in a helicopter	Commercial pilot licence or air transport pilot licence with helicopter category rating

### 61.1080 Privileges of low-level endorsements

Subject to Subpart 61.E and Division 61.Q.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1075 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

### 61.1085 Requirements for grant of low-level endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item of table 61.1075 must hold:
  - (a) a low-level rating; and

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- (b) each licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
  - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1 For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2 For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2) (b), any aeronautical experience relied on for the grant of an endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 cannot be counted towards the requirements for the grant of an endorsement mentioned in column 1 of an item in Part 2 of that table.
- (4) A person who holds a low-level rating and an aerial application endorsement for an aircraft category is taken to meet the requirements for the grant of the endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 for that aircraft category.

## **Subpart 61.R—Aerial application ratings**

### **Division 61.R.1—Privileges and requirements for grant of aerial application ratings**

#### **61.1090 Privileges of aerial application ratings**

Subject to Subpart 61.E and regulations 61.1100 to 61.1110, the holder of a pilot licence with an aerial application rating is

authorised to conduct aerial application operations below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.1100 Limitations on exercise of privileges of aerial application ratings—endorsements**

The holder of an aerial application rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1120 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

**61.1105 Limitations on exercise of privileges of aerial application ratings—recent experience**

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, completed at least 50 hours of aerial application operations below 500 ft AGL.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
  - (a) has successfully completed an operator proficiency check in aerial application operations below 500 ft AGL within the 12 months before the month in which the exercise of the privileges occurs; or
  - (b) has successfully completed an aerial application proficiency check within the previous 12 months.

**61.1110 Limitations on exercise of privileges of aerial application ratings—aerial application proficiency check**

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has a valid aerial application proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid aerial application proficiency check during the following periods:

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- (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for an aerial application endorsement; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight examiner who holds an aerial application rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (d) if the holder successfully completes an aerial application proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
  - (e) if:
    - (i) the holder is taken to have a valid aerial application proficiency check under any of paragraphs (a) to (d) (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an aerial application proficiency check;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an aerial application proficiency check, the holder is no longer taken to have a valid aerial application proficiency check.

- (4) For paragraphs (2) (d) and (e), the holder successfully completes an aerial application proficiency check if:
  - (a) the aerial application proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct aerial application operations below 500 ft AGL as meeting the standards mentioned in the Part 61 Manual of Standards for each aerial application endorsement that the holder holds; and
  - (c) the person endorses the holder's licence document to the effect that the holder has completed the aerial application proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) a flight examiner;
  - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

#### **61.1115 Requirements for grant of aerial application ratings**

- (1) An applicant for an aerial application rating must:
  - (a) hold a commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 or 2 of table 61.1120; and
  - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the aerial application rating.

Note 1: for paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.

## **Division 61.R.2—Privileges and requirements for grant of aerial application endorsements**

### **61.1120 Kinds of aerial application endorsement**

The kinds of aerial application endorsement are set out in column 1 of table 61.1120.

**Table 61.1120 Aerial application endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
<i>Part 1—Day aerial application endorsements</i>			
1	Aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day  Pilot an aeroplane conducting a low-level operation	Aeroplane category rating  At least 200 hours of flight time as pilot of an aeroplane  At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations  At least 25 hours of dual flight in an aeroplane while receiving training in aerial application operations  At least 5 hours of solo flight in an aeroplane while receiving training in aerial application operations

## Endnotes

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**Table 61.1120 Aerial application endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
2	Helicopter aerial application endorsement	Pilot a helicopter conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day  Pilot a helicopter conducting a low-level operation	Helicopter category rating  At least 200 hours of flight time as pilot of a helicopter  At least 5 hours of dual flight in a helicopter while receiving training in low-level operations  At least 15 hours of dual flight in a helicopter while receiving training in aerial application operations
3	Gyroplane aerial application endorsement	Pilot a gyroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day  Pilot a gyroplane conducting a low-level operation	Gyroplane category rating  At least 200 hours of flight time as pilot of a gyroplane  At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations  At least 25 hours of dual flight in a gyroplane while receiving training in aerial application operations  At least 5 hours of solo flight in a gyroplane while receiving training in aerial application operations

*Part 2—Firefighting endorsements*

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**Table 61.1120 Aerial application endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
4	Aeroplane firefighting endorsement	Pilot an aeroplane conducting a firefighting operation below 500 ft AGL Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 5 hours of dual flight in an aeroplane while receiving training in firefighting operations
5	Helicopter firefighting endorsement	Pilot a helicopter conducting a firefighting operation below 500 ft AGL Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 5 hours of dual flight in a helicopter while receiving training in firefighting operations

*Part 3—Night aerial application endorsements*

## Endnotes

### Endnote 5—Uncommenced amendments

**Table 61.1120 Aerial application endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
6	Night aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation below 500 ft AGL under the VFR at night Pilot an aeroplane under the VFR during a night circuit Pilot an aeroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	Aeroplane aerial application endorsement At least 750 hours of flight time as pilot in command of an aeroplane conducting aerial application operations below 500 ft AGL At least 3 hours of instrument flight time At least 2 hours of solo night circuits At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while receiving training in night aerial application operations

## Endnote 5—Uncommenced amendments

**Table 61.1120 Aerial application endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
7	Night helicopter aerial application endorsement	<p>Pilot a helicopter conducting an aerial application operation below 500 ft AGL under the VFR at night</p> <p>Pilot a helicopter under the VFR during a night circuit</p> <p>Pilot a helicopter under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place</p>	<p>Helicopter aerial application endorsement</p> <p>At least 750 hours of flight time as pilot in command of a helicopter conducting aerial application operations below 500 ft AGL</p> <p>At least 3 hours of instrument flight time</p> <p>At least 2 hours of solo night circuits</p> <p>At least 2 hours of dual flight while receiving training in night aerial application operations</p> <p>At least 3 hours of solo flight while receiving training in night aerial application operations</p>
8	Night gyroplane aerial application endorsement	<p>Pilot a gyroplane conducting an aerial application operation below 500 ft AGL under the VFR at night</p> <p>Pilot a gyroplane under the VFR during a night circuit</p>	<p>Gyroplane aerial application endorsement</p> <p>At least 750 hours of flight time as pilot in command of a gyroplane conducting aerial application operations below 500 ft AGL</p> <p>At least 3 hours of instrument flight time</p> <p>At least 2 hours of solo night circuits</p>

## Endnotes

### Endnote 5—Uncommenced amendments

**Table 61.1120 Aerial application endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
		Pilot a gyroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	At least 2 hours of dual flight while receiving training in night aerial application operations  At least 3 hours of solo flight while training in night aerial application operations

#### **61.1125 Privileges of aerial application endorsements**

Subject to Subpart 61.E, Division 61.R.1 and regulations 61.1130 and 61.1135, the holder of an endorsement mentioned in column 1 of an item in table 61.1120 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### **61.1130 Limitations on exercise of privileges of aerial application endorsements—supervision**

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 1 or 3 of table 61.1120 is authorised to exercise the privileges of the endorsement in an operation only if:
  - (a) the holder has previously conducted at least 110 hours of aerial application operations below 500 ft AGL; or
  - (b) the operation is conducted in accordance with subregulation (2) under the supervision of:
    - (i) the head of flying operations of the operator of the aircraft in which the operation is conducted; or
    - (ii) a flight examiner who holds an aerial application rating flight test endorsement; or

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- (iii) the holder of an approval under regulation 61.040 to supervise the operation.
- (2) For paragraph (1) (b), the supervision must be:
  - (a) direct supervision for the first 10 hours; and
  - (b) direct or indirect supervision for the next 100 hours.
- (3) In this regulation:
  - direct supervision*, of a pilot conducting a flight, means doing the following:
    - (a) performing the tasks involved in indirect supervision of the pilot;
    - (b) being present and able to monitor and assess the safety of the flight and communicate directly with the pilot;
    - (c) selecting and planning the area in which the flight is conducted;
    - (d) authorising the pilot to conduct the flight;
    - (e) providing direction to ensure the safety of the flight.
  - indirect supervision*, of a pilot conducting a flight, means doing the following:
    - (a) conducting frequent surveillance of the performance of the pilot;
    - (b) periodically reviewing the performance of the pilot in the planning and conduct of the flight;
    - (c) providing feedback on the performance of the pilot;
    - (d) knowing the pilot's area of operations;
    - (e) acting as a mentor to the pilot.

**61.1135 Limitations on exercise of privileges of night aerial application endorsements**

- (1) The holder of a night aerial application endorsement is authorised to exercise the privileges of the endorsement only if the holder has, within the previous 12 months:
  - (a) completed 10 hours of night aerial application operations below 500 ft AGL; or

- (b) been assessed as competent to conduct night aerial application operations by a flight instructor who holds an aerial application training endorsement.
- (2) The holder of a night aerial application endorsement is authorised to begin a night aerial application operation below 500 ft AGL later than 20 minutes before night only if the holder has, within the previous 45 days:
  - (a) conducted, in an aircraft of the same category:
    - (i) a night aerial application operation below 500 ft AGL; and
    - (ii) at least 3 take-offs and at least 3 landings at night; or
  - (b) practised the necessary manoeuvres involved in the operation in an unladen aircraft by night, including night circuits and simulated application runs.

#### **61.1140 Requirements for grant of aerial application endorsements**

- (1) An applicant for an aerial application endorsement mentioned in column 1 of an item of table 61.1120 must hold:
  - (a) an aerial application rating; and
  - (b) the rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
  - (a) completed flight training for the endorsement; and
  - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
  - (d) for an endorsement mentioned in column 1 of an item in Part 1 or 2 of table 61.1120:
    - (i) met the requirements for the grant of the low-level endorsement for an aircraft of the relevant category; and

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- (ii) passed the aeronautical knowledge examination for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for subparagraph (d) (ii), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

## Subpart 61.S—Flight activity endorsements

### 61.1145 Kinds of flight activity endorsement

The kinds of flight activity endorsement are set out in column 1 of table 61.1145.

<b>Table 61.1145 Flight activity endorsements</b>			
<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
1	Glider towing flight activity endorsement	Tow launch a glider from an aeroplane	Aeroplane category rating
2	Aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 3 000 ft AGL	Aeroplane category rating Spinning flight activity endorsement
3	Aerobatics (1 500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 1 500 ft AGL	Aeroplane category rating Aerobatics flight activity endorsement
4	Aerobatics (500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 500 ft AGL	Aeroplane category rating Aerobatics (1 500) flight activity endorsement

## Endnotes

### Endnote 5—Uncommenced amendments

**Table 61.1145 Flight activity endorsements**

<b>Item</b>	<b>Column 1 Endorsement</b>	<b>Column 2 Activities authorised</b>	<b>Column 3 Requirements</b>
5	Aerobatics (unlimited) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane at any height	Aeroplane category rating Aerobatics (500) flight activity endorsement
6	Formation flying (aeroplane) flight activity endorsement	Conduct formation flying in an aeroplane	Aeroplane category rating
7	Formation aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane while flying in formation	Aeroplane category rating Aerobatics flight activity endorsement Formation flying (aeroplane) flight activity endorsement
8	Spinning flight activity endorsement	Conduct intentional upright spinning manoeuvres above 3 000 ft AGL	Aeroplane category rating
9	Formation flying (helicopter) flight activity endorsement	Conduct formation flying in a helicopter	Helicopter category rating
10	Parachute dropping flight activity endorsement	Conduct parachute dropping operations	Private pilot licence, commercial pilot licence or air transport pilot licence

### **61.1150 Privileges of flight activity endorsements**

Subject to Subpart 61.E and regulation 61.1155, the holder of an endorsement mentioned in column 1 of an item in table 61.1145 is

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authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.1155 Limitations on exercise of privileges of flight activity endorsements—medical certificates**

- (1) This regulation applies to the holder of any of the following endorsements:
  - (a) an aerobatics flight activity endorsement;
  - (b) an aerobatics (1 500) flight activity endorsement;
  - (c) an aerobatics (500) flight activity endorsement;
  - (d) an aerobatics (unlimited) flight activity endorsement;
  - (e) a formation aerobatics flight activity endorsement;
  - (f) a spinning flight activity endorsement.
- (2) The holder is authorised to conduct an aerobatic or spinning manoeuvre only if the holder:
  - (a) holds a current class 1 or 2 medical certificate; or
  - (b) is accompanied by another pilot who:
    - (i) holds a current class 1 or 2 medical certificate; and
    - (ii) occupies a flight control seat in the aircraft; and
    - (iii) is authorised, under this Part, to conduct the manoeuvre.

**61.1160 Requirements for grant of flight activity endorsements**

An applicant for an endorsement mentioned in column 1 of an item in table 61.1145 must:

- (a) hold each rating or endorsement (if any) mentioned in column 3 of the item; and
- (b) have completed flight training for the endorsement.

Note 1: for paragraph (a), paragraph (a) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

## **Subpart 61.T—Pilot instructor ratings**

### **Division 61.T.1—Privileges and requirements for grant of flight instructor ratings**

#### **61.1165 Privileges of flight instructor ratings**

Subject to Subpart 61.E and regulations 61.1170 to 61.1180, a flight instructor is authorised:

- (a) to conduct flight training for:
  - (i) pilot licences; and
  - (ii) ratings on pilot licences, other than:
    - (A) cruise relief flight engineer type ratings; and
    - (B) flight examiner ratings; and
  - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
  - (i) flight examiner endorsements; and
  - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
  - (iii) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
  - (i) flight examiner ratings; and
  - (ii) cruise relief flight engineer type ratings; and
- (g) to approve the holder of a student pilot licence conducting a solo flight; and
- (h) to conduct dual flight checks for the holder of a student pilot licence; and

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- (i) to approve a person mentioned in regulation 61.115 or 61.125 to pilot an aircraft for the purpose of receiving flight training; and
- (j) to approve the holder of a student pilot licence, or a person who does not hold a flight crew licence, to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and
- (k) to assess the standard of knowledge of an applicant for a pilot licence in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.1170 Limitations on exercise of privileges of flight instructor ratings—general**

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has:
  - (a) completed the aeronautical experience; and
  - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (2) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the holder has:
  - (a) completed the aeronautical experience; and
  - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (3) A flight instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement.

- (4) A flight instructor is authorised to conduct flight training for the grant of an endorsement mentioned in column 1 of an item in Part 2 or 3 of table 61.1235 only if the instructor has conducted at least 50 hours of flight training in the activity covered by the endorsement.
- (5) A flight instructor is authorised to conduct flight training in an aircraft only if the instructor holds a medical certificate.

**61.1175 Limitations on exercise of privileges of flight instructor ratings—endorsements**

- (1) A flight instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A flight instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A flight instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 only if the instructor also holds:
  - (a) for a type-rated aircraft—the type rating training endorsement for the aircraft type; or
  - (b) for a multi-engine aeroplane (other than a type-rated aeroplane)—the multi-engine aeroplane training endorsement; or
  - (c) in any other case—the grade 3 training endorsement for the relevant aircraft category.
- (4) A flight instructor is authorised to grant an endorsement only if the instructor also holds a training endorsement required to provide flight training for the endorsement.
- (5) A flight instructor is authorised to approve the holder of a student pilot licence to conduct a solo flight in an aircraft of a particular category only if the instructor also holds:

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- (a) for the student pilot's first solo flight in an aircraft of that category—a grade 1 or 2 training endorsement for that aircraft category; or
  - (b) in any other case—a grade 1, 2 or 3 training endorsement for that aircraft category.
- (6) A flight instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
  - (a) a grade 1 training endorsement; or
  - (b) a grade 2 training endorsement; or
  - (c) the training endorsement required to conduct flight training for the rating.
- (7) A flight instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence only if the instructor also holds a grade 2 training endorsement.

**61.1180 Limitations on exercise of privileges of flight instructor ratings—instructor proficiency check**

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
  - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for a training endorsement; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;

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- (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a pilot instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
  - (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (f) if:
    - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes an instructor proficiency check if:
- (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for each training endorsement that the holder holds; and

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- (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) a flight examiner;
  - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

**61.1185 Requirements for grant of flight instructor ratings**

- (1) An applicant for a flight instructor rating must:
  - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
  - (a) passed the aeronautical knowledge examination for the flight instructor rating; and
  - (b) completed flight training for the rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating; and
  - (d) met the following aeronautical experience requirements in an aircraft of the same category as the aircraft used for the flight test:
    - (i) if the aircraft used for the flight test is a helicopter:
      - (A) at least 250 hours flight time as a pilot; and
      - (B) at least 100 hours flight time as pilot in command;
    - (ii) in any other case:
      - (A) at least 200 hours flight time as a pilot; and

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(B) at least 100 hours flight time as pilot in command.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

(3) The applicant is taken to meet the requirements mentioned in paragraphs (2) (b), (c) and (d) if the applicant:

(a) holds:

(i) a commercial pilot licence with a helicopter category rating; and

(ii) a low-level rating and a helicopter low-level endorsement; and

(iii) one of the following combinations:

(A) a night VFR rating and a helicopter night VFR endorsement;

(B) an instrument rating and a single-engine helicopter instrument endorsement;

(C) an instrument rating and a multi-engine helicopter instrument endorsement; and

(b) completed his or her flight training for the licence in an integrated training course; and

(c) has passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating in a helicopter.

(4) The applicant must also:

(a) have completed an approved course of training in principles and methods of instruction; or

(b) hold a Certificate IV in Training and Assessment; or

(c) hold a tertiary qualification in teaching.

(5) An applicant to whom subregulation (3) does not apply must meet the aeronautical experience requirements mentioned in

paragraph (2) (d) before starting the flight training mentioned in paragraph (2) (b).

### **Division 61.T.2—Privileges and requirements for grant of simulator instructor ratings**

#### **61.1190 Privileges of simulator instructor ratings**

Subject to Subpart 61.E and regulations 61.1195 to 61.1205, a simulator instructor is authorised:

- (a) to conduct flight training in a flight simulation training device or tethered helicopter for the grant of:
  - (i) pilot licences; and
  - (ii) ratings on pilot licences, other than:
    - (A) cruise relief flight engineer type ratings; and
    - (B) flight examiner ratings; and
  - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
  - (i) flight examiner endorsements; and
  - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
  - (iii) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
  - (i) flight examiner ratings; and
  - (ii) cruise relief flight engineer type ratings; and
- (g) to approve the holder of a student pilot licence, or a person who does not hold a flight crew licence, transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and

- (h) to assess the standard of knowledge of an applicant for a pilot licence in the items listed in the applicant's examination knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.1195 Limitations on exercise of privileges of simulator instructor ratings—general**

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the instructor has passed the flight test required under regulation 61.1210 for the rating in a flight simulation training device that represents an aircraft of that category.
- (2) A simulator instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.
- (3) A simulator instructor is authorised to conduct flight training for the grant of an endorsement mentioned in column 1 of an item in Part 2 or 3 of table 61.1235 only if the instructor has conducted at least 50 hours of flight training in the activity covered by the endorsement.

**61.1200 Limitations on exercise of privileges of simulator instructor ratings—endorsements**

- (1) A simulator instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A simulator instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.

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- (3) A simulator instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 only if the instructor also holds:
  - (a) for a type-rated aircraft—the type rating training endorsement for the aircraft type; or
  - (b) for a multi-engine aeroplane (other than a type-rated aeroplane)—the multi-engine aeroplane training endorsement.
- (4) A simulator instructor is authorised to grant an endorsement only if the instructor also holds the training endorsement required to provide flight training for the endorsement.
- (5) A flight instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
  - (a) a grade 1 training endorsement; or
  - (b) a grade 2 training endorsement; or
  - (c) the training endorsement required to provide flight training for the rating.
- (6) A flight instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence only if the instructor also holds a grade 2 training endorsement.

**61.1205 Limitations on exercise of privileges of simulator instructor ratings—instructor proficiency check**

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
  - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for a training endorsement; and

- (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;  
the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a pilot instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
- (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
  - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
  - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;  
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes an instructor proficiency check if:

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- (a) the instructor proficiency check is conducted in an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for each training endorsement that the holder holds; and
  - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
- (a) CASA;
  - (b) a flight examiner;
  - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

**61.1210 Requirements for grant of simulator instructor ratings**

- (1) An applicant for a simulator instructor rating must:
- (a) hold a commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) passed the aeronautical knowledge examination for the simulator instructor rating; and
  - (b) completed flight training for the rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the simulator instructor rating.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

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Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) The applicant must also:
  - (a) have completed an approved course of training in principles and methods of instruction; or
  - (b) hold a Certificate IV in Training and Assessment; or
  - (c) hold a tertiary qualification in teaching.
- (4) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an approved flight simulation training device for the flight test.

## Division 61.T.3—Obligations of pilot instructors

### 61.1215 Obligations of pilot instructors—training

- (1) A pilot instructor commits an offence if:
  - (a) the instructor conducts:
    - (i) flight training for an aircraft class rating, pilot type rating or cruise relief co-pilot type rating; or
    - (ii) differences training;  
in an aircraft; and
  - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

### 61.1220 Obligations of pilot instructors—flight reviews

- (1) A pilot instructor commits an offence if:
  - (a) the instructor conducts a flight review for the holder of a pilot licence; and
  - (b) the holder successfully completes the flight review; and
  - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
    - (i) endorse the holder's licence document in accordance with subregulation (2); and

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- (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
  - (a) a statement to the effect that the holder has successfully completed the flight review;
  - (b) the date on which the flight review was successfully completed;
  - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
  - (a) the holder's name and ARN;
  - (b) that the holder has successfully completed the flight review;
  - (c) the date on which the flight review was successfully completed;
  - (d) the rating for which the flight review was conducted;
  - (e) if the flight review was conducted in an aircraft—the aircraft's nationality and registration marks;
  - (f) if the flight review was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (4) An offence against this regulation is an offence of strict liability.

#### **61.1225 Obligations of pilot instructors—holders of student pilot licences**

- (1) A flight instructor commits an offence if:
  - (a) the instructor approves the holder of a student pilot licence to pilot an aircraft; and
  - (b) the approval is to pilot the aircraft in a way that is not authorised by regulations 61.445 and 61.450.

Penalty: 50 penalty units.

- (2) A flight instructor commits an offence if:

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- (a) the instructor approves the holder of a student pilot licence to conduct a solo flight; and
- (b) the instructor is not satisfied that the holder:
  - (i) has been briefed appropriately for the flight; and
  - (ii) is capable of conducting the flight safely.

Penalty: 50 penalty units.

- (3) A flight instructor commits an offence if:
  - (a) the instructor approves the holder of a student pilot licence to conduct a solo flight of a kind mentioned in subregulation (4) for the first time; and
  - (b) the instructor is not satisfied that the holder:
    - (i) has completed training in all the units of competency mentioned in the Part 61 Manual of Standards for the conduct of solo flight of that kind by the holder of a student pilot licence; and
    - (ii) has been assessed as competent against the standards mentioned in the Part 61 Manual of Standards for each unit of competency.

Penalty: 50 penalty units.

- (4) For subregulation (3), the kinds of solo flight are as follows:
  - (a) a circuit training flight;
  - (b) a flight between an aerodrome and the flight training area for the aerodrome;
  - (c) a cross-country flight;
  - (d) a night flight.
- (5) An offence against subregulation (1) is an offence of strict liability.

**61.1230 Obligations of pilot instructors—records of activities conducted independently of Part 141 or 142 operator**

- (1) A pilot instructor commits an offence if:
  - (a) the instructor conducts a flight review or a session of flight training for a flight crew endorsement, other than an endorsement on an operational rating; and

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- (b) the training is not conducted on behalf of a Part 141 or 142 operator; and
- (c) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

- (2) A pilot instructor commits an offence if the instructor does not retain a record made under subregulation (1) for at least 7 years after the day the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

### **Division 61.T.4—Privileges and requirements for grant of training endorsements**

#### **61.1235 Kinds of training endorsement**

The kinds of training endorsement are set out in column 1 of table 61.1235.

Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Training for licences and aircraft ratings</i>			
1	Grade 1 training endorsement (category specific)	Activities authorised by grade 2 instructor training endorsement Conduct flight training for an instructor rating or training endorsement Supervise holders of grade 2 and grade 3 instructor training endorsements in the conduct of flight training in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating Grade 2 instructor training endorsement At least 500 hours of flight time as an instructor in an aircraft of the specified category

## Endnotes

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Grade 2 training endorsement (category specific)	<p>Activities authorised by grade 3 instructor training endorsement</p> <p>Conduct basic instrument flight training</p> <p>Approve the holder of a student pilot licence to conduct a solo flight in an aircraft of the specified category</p> <p>Conduct flight reviews</p> <p>Conduct flight training for an aircraft class rating for aircraft of the specified category</p> <p>Assess a knowledge deficiency report for the grant of a pilot licence</p>	<p>Commercial pilot licence or air transport pilot licence with the specified aircraft category rating</p> <p>Grade 3 instructor training endorsement</p> <p>Night VFR training endorsement or instrument rating training endorsement</p> <p>At least 200 hours of flight time as an instructor in an aircraft of the specified category</p>
3	Grade 3 training endorsement (category specific)	<p>Conduct flight training for the specified aircraft category rating</p> <p>Conduct flight training for a recreational pilot licence, private pilot licence and commercial pilot licence, other than basic instrument flight training</p> <p>Approve the holder of a student pilot licence to conduct a solo flight in an aircraft of the specified category, other than the student's first solo flight in an aircraft of that category</p>	<p>Commercial pilot licence or air transport pilot licence with the specified aircraft category rating</p>

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
		Conduct flight training for a single-engine aircraft class rating for aircraft of the specified category	
4	Multi-crew pilot training endorsement	Conduct flight training for a multi-crew pilot licence or air transport pilot licence Conduct training in multi-crew cooperation	Commercial pilot licence and instrument rating, or air transport pilot licence Multi-crew type rating
5	Type rating training endorsement (type specific)	Conduct flight training for the pilot type rating or cruise relief co-pilot type rating for aircraft of the specified type Conduct differences training for variants of the specified aircraft type	Pilot type rating for the specified aircraft type
6	Multi-engine aeroplane training endorsement	Conduct flight training for a multi-engine aeroplane class rating	Commercial pilot licence or air transport pilot licence with aeroplane category rating
7	Design feature training endorsement	Conduct flight training for any design feature endorsement that the holder holds	Private pilot licence, commercial pilot licence or air transport pilot licence
<i>Part 2—Training for operational ratings</i>			
8	Instrument rating training endorsement (category specific)	Conduct flight training for an instrument rating, private instrument rating, instrument endorsement or private instrument endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence

## Endnotes

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
9	Night VFR rating training endorsement (category specific)	Conduct flight training for a night VFR rating or night VFR endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence
10	Night vision imaging system rating training endorsement	Conduct flight training for a night vision imaging system rating or night vision imaging system endorsement	Commercial pilot licence or air transport pilot licence Night vision imaging system rating At least 50 hours experience using a night vision imaging system
11	Low-level rating training endorsement (category specific)	Conduct flight training for a low-level rating in an aircraft of the specified category Conduct flight training for a low-level endorsement, except an endorsement mentioned in items 8 to 10 of table 61.1075, for the specified aircraft category	Commercial pilot licence or air transport pilot licence Low-level rating
12	Aerial application rating (day) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 1 or 2 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Aerial application endorsement for the specified aircraft category

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
13	Aerial application rating (night) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 3 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Night aerial application endorsement for the specified aircraft category
14	Instructor rating training endorsement (category specific)	Conduct flight training for a flight instructor rating, simulator instructor rating or training endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence Grade 1 training endorsement for the specified aircraft category or type rating training endorsement for a type of aircraft in the specified category
15	Multi-engine aeroplane class rating instructor training endorsement	Conduct flight training for a multi-engine aeroplane training endorsement	Commercial pilot licence or air transport pilot licence with aeroplane category rating
<i>Part 3—Training for flight activity and low-level endorsements</i>			
16	Sling operations training endorsement	Conduct flight training for a sling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Sling operations endorsement

## Endnotes

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
17	Winch and rappelling operations training endorsement	Conduct flight training for a winch and rappelling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Winch and rappelling operations endorsement
18	Spinning training endorsement	Conduct flight training for a spinning flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement
19	Aerobatics training endorsement	Conduct flight training for any of the following endorsements: (a) aerobatics flight activity endorsement; (b) aerobatics (1 500) flight activity endorsement; (c) aerobatics (500) flight activity endorsement; (d) aerobatics (unlimited) flight activity endorsement; (e) formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement Aerobatics flight activity endorsement

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
20	Formation (aeroplane) training endorsement	Conduct flight training for a formation flying (aeroplane) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation flying (aeroplane) flight activity endorsement
21	Formation (helicopter) training endorsement	Conduct flight training for a formation flying (helicopter) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating Formation flying (helicopter) flight activity endorsement
22	Formation aerobatics training endorsement	Conduct flight training for a formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation aerobatics flight activity endorsement
23	Glider towing training endorsement	Conduct flight training for a glider towing flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Glider towing flight activity endorsement

## Endnotes

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Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
24	Parachute dropping training endorsement	Conduct flight training for a parachute dropping flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence  Parachute dropping flight activity endorsement

#### 61.1240 Privileges of training endorsements

Subject to Subpart 61.E, Divisions 61.T.1 and 61.T.2 and regulation 61.1245, the holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to:

- (a) conduct the activities mentioned in column 2 of the item; and
- (b) grant an endorsement mentioned in column 2 of the item that does not require a flight test.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### 61.1245 Limitations on exercise of privileges of training endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in an aircraft only if the holder is authorised to exercise the privileges of each licence, rating or endorsement mentioned in column 3 of the item in the aircraft.
- (2) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in a flight simulation training device only if the holder holds each licence, rating or endorsement mentioned in column 3 of the item.
- (3) The holder of a grade 3 training endorsement is authorised to conduct an activity mentioned in column 2 of item 3 in

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table 61.1235 only if the holder is acting under the supervision of the holder of a grade 1 training endorsement.

- (4) The holder of a grade 3 training endorsement is authorised to pilot an aircraft in the exercise of the privileges of the endorsement only by day under the VFR.
- (5) The holder of a grade 3 training endorsement (helicopter) is authorised to exercise the privileges of the endorsement only if the holder:
  - (a) has completed at least 100 hours of navigation training; and
  - (b) is authorised to exercise the privileges by the head of operations of the Part 141 or 142 operator on whose behalf the holder conducts the training.
- (6) The holder of a low-level training endorsement is authorised to conduct flight training for a low-level endorsement only if the holder:
  - (a) holds the low-level endorsement; and
  - (b) has at least 5 hours aeronautical experience conducting the activity authorised by the low-level endorsement.

**61.1250 Requirements for grant of training endorsements**

- (1) An applicant for an endorsement mentioned in an item in table 61.1235 must hold:
  - (a) an instructor rating; and
  - (b) each other licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
  - (a) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
  - (b) completed flight training for the endorsement; and

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- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
- (d) for an applicant for a multi-crew pilot training endorsement—completed an approved course of training in multi-crew co-operation.

Note 1: for paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) Despite paragraph 61.245 (1) (a), the flight test (if any) may be conducted in an approved flight simulation training device for the flight test.

## Subpart 61.U—Flight examiner ratings

### Division 61.U.1—Privileges and requirements for grant of flight examiner ratings

#### 61.1255 Privileges of flight examiner ratings

Subject to Subpart 61.E and regulations 61.1260 to 61.1285, a flight examiner is authorised:

- (a) to conduct flight tests for the grant of:
  - (i) pilot licences; and
  - (ii) ratings on pilot licences, other than cruise relief flight engineer type ratings; and
  - (iii) endorsements on pilot licences; and
- (b) to grant to holders of pilot licences:
  - (i) ratings, other than:
    - (A) flight examiner ratings; and
    - (B) cruise relief flight engineer type ratings; and
  - (ii) endorsements, other than flight test endorsements; and
- (c) to conduct the following proficiency checks for holders of pilot licences:
  - (i) instrument proficiency checks;

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- (ii) night vision imaging system proficiency checks;
- (iii) aerial application proficiency checks;
- (iv) instructor proficiency checks;
- (v) operator proficiency checks; and
- (d) to conduct assessments of English language proficiency.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

**61.1260 Limitations on exercise of privileges of flight examiner ratings—general**

A flight examiner is authorised to conduct a flight test in an aircraft only if the flight test for the examiner's flight examiner rating was conducted in an aircraft.

**61.1265 Limitations on exercise of privileges of flight examiner ratings—endorsements**

- (1) A flight examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1310 only if the examiner also holds the endorsement mentioned in column 1 of the item.
- (2) A flight examiner is authorised to conduct a flight test for a rating or endorsement, or grant a rating or endorsement on a pilot licence, only if the examiner:
  - (a) also holds a rating or endorsement of the same kind; or
  - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight examiner is authorised to conduct an instrument proficiency check only if the examiner also holds an instrument rating flight test endorsement.
- (4) A flight examiner is authorised to conduct a night vision imaging system proficiency check only if the examiner also holds a night vision imaging system rating flight test endorsement.

- (5) A flight examiner is authorised to conduct an aerial application proficiency check only if the examiner also holds an aerial application rating flight test endorsement.
- (6) A flight examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight instructor rating flight test endorsement.
- (7) A flight examiner is authorised to conduct an activity mentioned in column 2 of item 12 of table 61.1310 only if the examiner also holds an English language assessment endorsement.

**61.1270 Limitations on exercise of privileges of flight examiner ratings—professional development**

A flight examiner is authorised to conduct a flight test for a flight crew licence, rating or endorsement only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

**61.1275 Limitations on exercise of privileges of flight examiner ratings—recent experience**

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements for the licence.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements for the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements for the rating to which the endorsement relates.

**61.1280 Limitations on exercise of privileges of flight examiner ratings—flight reviews and subject matter proficiency checks**

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner:
  - (a) for a multi-crew pilot licence—has a valid instrument proficiency check, under regulation 61.650, for the aeroplane category; or
  - (b) for an air transport pilot licence—has a valid instrument proficiency check, under regulation 61.695, for the category of aircraft in which the flight test is conducted.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner:
  - (a) for an instrument rating—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is conducted; or
  - (b) for a night vision imaging system rating—has a valid night vision imaging system proficiency check under regulation 61.1015; or
  - (c) for an aerial application rating—has a valid aerial application proficiency check under regulation 61.1110; or
  - (d) for an instructor rating—has a valid instructor proficiency check under regulation 61.1180; or
  - (e) for any other rating—meets the flight review requirements for the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner:
  - (a) for an instrument endorsement—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is to be conducted; or
  - (b) for a night vision imaging system endorsement—has a valid night vision imaging system proficiency check under regulation 61.1015; or

- (c) for an aerial application endorsement—has a valid aerial application proficiency check under regulation 61.1110; or
- (d) for a training endorsement—has a valid instructor proficiency check under regulation 61.1180; or
- (e) for any other endorsement—meets the flight review requirements for the rating to which the endorsement relates.

**61.1285 Limitations on exercise of privileges of flight examiner ratings—examiner proficiency check**

- (1) The holder of a flight examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
  - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for a flight examiner endorsement; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (d) if:
    - (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and
    - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an examiner proficiency check;

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the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.

- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2) (c) and (d), the holder successfully completes an examiner proficiency check if:
  - (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for each flight examiner endorsement that the holder holds; and
  - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

**61.1290 Requirements for grant of flight examiner ratings**

- (1) An applicant for a flight examiner rating must:
  - (a) hold a commercial pilot licence or air transport pilot licence; and
  - (b) meet the requirements for the grant of at least one flight test endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
  - (a) completed a course of training for the rating that:

- (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight examiner rating; and
- (c) successfully completed an interview conducted by CASA.

Note : for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2) (c), an applicant successfully completes an interview if the applicant satisfies CASA that he or she has the necessary skills and experience to be granted a flight examiner rating.

## **Division 61.U.2—Obligations of flight examiners**

### **61.1295 Obligations of flight examiners—flight tests: strict liability offences**

- (1) A flight examiner commits an offence if the examiner:
  - (a) conducts a flight test for an applicant for a pilot licence or a rating or endorsement on a pilot licence; and
  - (b) is not nominated to conduct the flight test:
    - (i) by the applicant's training provider under subregulation 61.245 (3); or
    - (ii) by CASA under subregulation 61.245 (4).

Penalty: 50 penalty units.

- (2) A flight examiner commits an offence if the examiner:
  - (a) conducts a flight test for a commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
  - (b) is the person who provided the certification under paragraph 61.235 (2) (a) (Flight tests for flight crew licences and ratings—prerequisites) for the person taking the flight test.

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if the examiner:

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- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
- (b) does not:
  - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
  - (ii) assess the applicant for the licence, rating or endorsement against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if the examiner:
  - (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
  - (b) does not:
    - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
    - (ii) within 14 days after the day of the completion of the flight test:
      - (A) complete a report, in an approved form, setting out the result of the flight test; and
      - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if the examiner:
  - (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
  - (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

**61.1300 Obligations of flight examiners—flight tests: other offences**

- (1) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence; and
  - (b) when the test begins, the examiner is not satisfied that the applicant:
    - (i) is at least the minimum age to hold the licence; and
    - (ii) has passed the aeronautical knowledge examination for the licence; and
    - (iii) has met the flight training requirements for the grant of the licence; and
    - (iv) has met the aeronautical experience requirements for the licence.

Penalty: 50 penalty units.

- (2) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for any of the following licences:
    - (i) a private pilot licence;
    - (ii) a commercial pilot licence;
    - (iii) a multi-crew pilot licence;
    - (iv) an air transport pilot licence; and
  - (b) when the test begins, the examiner is not satisfied that the applicant has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence in an aircraft; and
  - (b) when the test begins, the examiner is not satisfied that:
    - (i) if the test is for a licence other than a recreational pilot licence—the applicant holds:
      - (A) a current medical certificate of the class required for the grant of the licence; or

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- (B) a medical exemption to exercise the privileges of the licence; or
- (ii) if the test is for a recreational pilot licence—the applicant holds:
  - (A) a current medical certificate of the class required for the grant of the licence; or
  - (B) a recreational aviation medical practitioner's certificate; or
  - (C) a medical exemption to exercise the privileges of the licence.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if:
  - (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence; and
  - (b) when the test begins, the examiner is not satisfied that the applicant:
    - (i) has passed the aeronautical knowledge examination for the rating or endorsement; and
    - (ii) has met the flight training requirements for the grant of the rating or endorsement; and
    - (iii) has met the aeronautical experience requirements for the rating or endorsement.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if:
  - (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence in an aircraft; and
  - (b) when the test begins, the examiner is not satisfied that:
    - (i) if the applicant holds a licence other than a recreational pilot licence—the applicant also holds:
      - (A) a current medical certificate of the class required for the grant of the licence; or
      - (B) a medical exemption to exercise the privileges of the licence; or
    - (ii) if the applicant holds a recreational pilot licence—the applicant also holds:

- (A) a current medical certificate of the class required for the grant of the licence; or
- (B) a recreational aviation medical practitioner's certificate; or
- (C) a medical exemption to exercise the privileges of the licence.

Penalty: 50 penalty units.

#### **61.1305 Obligations of flight examiners—proficiency checks**

- (1) A flight examiner commits an offence if:
  - (a) the examiner conducts a relevant proficiency check for the holder of a pilot licence; and
  - (b) the holder successfully completes the proficiency check; and
  - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
    - (i) endorse the holder's licence document in accordance with subregulation (2); and
    - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
  - (a) a statement to the effect that the holder has successfully completed the proficiency check;
  - (b) the date on which the proficiency check was successfully completed;
  - (c) the rating for which the proficiency check was conducted; and
  - (d) if the proficiency check related to a category, class or type of aircraft—the category, class or type.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
  - (a) the holder's name and ARN;
  - (b) that the holder has successfully completed the proficiency check;

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- (c) the date on which the proficiency check was successfully completed;
  - (d) the rating for which the proficiency check was conducted;
  - (e) if the proficiency check related to a category, class or type of aircraft—the category, class or type;
  - (f) if the proficiency check was conducted in an aircraft—the aircraft's nationality and registration marks;
  - (g) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (4) An offence against this regulation is an offence of strict liability.
- (5) In this regulation:

***relevant proficiency check*** means any of the following:

- (a) an aerial application proficiency check;
- (b) an instructor proficiency check;
- (c) an instrument proficiency check;
- (d) a night vision imaging system proficiency check.

### **Division 61.U.3—Privileges and requirements for grant of flight examiner endorsements**

#### **61.1310 Kinds of flight examiner endorsement**

The kinds of flight examiner endorsement are set out in column 1 of table 61.1310.

Table 61.1310 Flight examiner endorsements			
	Column 1	Column 2	Column 3
Item	Endorsement	Activities authorised	Requirements
<i>Part 1—Flight test endorsements</i>			

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Table 61.1310 Flight examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Private pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) recreational pilot licence; (b) private pilot licence; (c) the specified aircraft category rating on a recreational pilot licence or private pilot licence; (d) single-engine aeroplane class rating; (e) single-engine helicopter class rating; (f) single-engine gyroplane class rating; (g) airship class rating	Grade 1 training endorsement
2	Commercial pilot licence flight test endorsement (category specific)	Conduct a flight test for an authorisation mentioned in column 2 of item 1  Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) commercial pilot licence; (b) the specified aircraft category rating on a commercial pilot licence	Grade 1 training endorsement

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Table 61.1310 Flight examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Air transport pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) multi-crew pilot licence; (b) air transport pilot licence; (c) the specified aircraft category rating on an air transport pilot licence; (d) if the aeroplane category is specified—multi-engine aeroplane class ratings; (e) instrument rating	Air transport pilot licence with the specified aircraft category rating Instrument rating flight test endorsement
4	Multi-engine aeroplane class rating flight test endorsement	Conduct a flight test for a multi-engine aeroplane class rating	Multi-engine aeroplane training endorsement
5	Type rating flight test endorsement (type specific)	Conduct a flight test for either of the following ratings in an aircraft of the specified type: (a) pilot type rating; (b) cruise relief co-pilot type rating	Air transport pilot licence Type rating training endorsement for the specified aircraft type Instrument rating training endorsement

## Endnotes

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Table 61.1310 Flight examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
6	Instrument rating flight test endorsement (category specific)	<p>Conduct a flight test in an aircraft of the specified category for any of the following:</p> <ul style="list-style-type: none"> <li>(a) instrument rating;</li> <li>(b) private instrument rating;</li> <li>(c) instrument endorsement;</li> <li>(d) private instrument endorsement</li> </ul> <p>Conduct an instrument proficiency check in an aircraft of the specified category</p>	Instrument rating training endorsement for the specified aircraft category
7	Night VFR rating flight test endorsement (category specific)	Conduct a flight test for a night VFR rating or night VFR endorsement in an aircraft of the specified category	Night VFR rating training endorsement for the specified aircraft category
8	Night vision imaging system rating flight test endorsement	<p>Conduct a flight test for a night vision imaging system rating or night vision imaging system endorsement</p> <p>Conduct a night vision imaging system proficiency check</p>	Night vision imaging system training endorsement
9	Low-level rating flight test endorsement (category specific)	Conduct a flight test for a low-level rating or low-level endorsement in an aircraft of the specified category	Low-level training endorsement for the specified aircraft category

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Table 61.1310 Flight examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
10	Aerial application rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) aerial application rating; (b) aerial application endorsement; (c) low-level rating; (d) low-level endorsement Conduct an aerial application proficiency check in an aircraft of the specified category	Aerial application (day) training endorsement for the specified aircraft category
11	Flight instructor rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) flight instructor rating; (b) simulator instructor rating; (c) training endorsement Conduct an instructor proficiency check in an aircraft of the specified category	Grade 1 training endorsement for the specified aircraft category
<i>Part 2—Other flight examiner endorsements</i>			

## Endnotes

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Table 61.1310 Flight examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
12	English language assessment endorsement	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	Any of the following endorsements: (a) private pilot licence flight test endorsement; (b) commercial pilot licence flight test endorsement; (c) pilot type rating flight test endorsement

#### 61.1315 Privileges of flight examiner endorsements

Subject to Subpart 61.E and Division 61.U.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1310 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

#### 61.1320 Requirements for grant of flight examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1310 must hold:
  - (a) a flight examiner rating; and
  - (b) the licences and endorsements mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1310 must also have:
  - (a) completed a course of training for the endorsement that:

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- (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the grant of the endorsement.

Note : for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:
  - (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
  - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
  - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.
- (4) For paragraph (3) (c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

## **Subpart 61.V—Flight engineer licences**

### **61.1325 Privileges of flight engineer licences**

Subject to regulations 61.1330 to 61.1350, the holder of a flight engineer licence is authorised to act as flight engineer of an aircraft certificated to be operated with a minimum flight crew that includes a flight engineer.

**61.1330 Limitations on exercise of privileges of flight engineer licences—ratings**

- (1) The holder of a flight engineer licence is authorised to exercise the privileges of the licence in an aircraft of a particular type only if the holder also holds the flight engineer type rating for the aircraft.
- (2) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1395 (Privileges of flight engineer instructor ratings) only if the holder also holds a flight engineer instructor rating.
- (3) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1445 (Privileges of flight engineer examiner ratings) only if the holder also holds a flight engineer examiner rating.

Note: In certain circumstances, a person may act as flight engineer of an aircraft of a particular type if he or she holds a pilot licence and a cruise relief flight engineer type rating for that type of aircraft: see regulation 61.830.

**61.1335 Limitations on exercise of privileges of flight engineer licences—recent experience**

- (1) The holder of a flight engineer licence is authorised to act as the flight engineer of an aircraft of a particular type only if the holder has, within the previous 90 days:
  - (a) performed the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose; or
  - (b) as a member of the flight crew of an aircraft, observed a flight engineer perform the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose.
- (2) For paragraphs (1) (a) and (b), each take-off must be followed by a climb to at least 500 ft AGL.

- (3) The holder is taken to meet the requirements of subregulation (1) if:
  - (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
    - (i) successfully completed an instructor proficiency check, operator proficiency check or flight review; or
    - (ii) passed a flight test for a flight engineer licence or a rating on a flight engineer licence; or
  - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in an aircraft of that category.

**61.1340 Limitations on exercise of privileges of flight engineer licences—flight review**

- (1) For this Part, successful completion of a flight review for a rating on a flight engineer licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
  - (a) CASA;
  - (b) the holder of an approval under regulation 61.040 for this regulation;
  - (c) a flight engineer instructor who holds a training endorsement that authorises the person to conduct flight training for the rating.
- (3) The flight review must be conducted in an aircraft or approved flight simulator for the flight review.

**61.1345 Limitations on exercise of privileges of flight engineer licences—current medical certificates**

The holder of a flight engineer licence is authorised to exercise the privileges of the licence only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or

- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges of his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.1350 Limitations on exercise of privileges of flight engineer licences—carriage of documents**

The holder of a flight engineer licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (c) if the licence document was issued more than 10 years before the flight begins—a document that:
  - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
  - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
    - (A) the Commonwealth or a State or Territory;
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (iii) has not expired or been cancelled.

**61.1355 Certain holders of flight engineer licences authorised to operate aircraft radio**

- (1) A person is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the person holds a flight engineer licence.
- (2) For regulation 61.1345, transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation does not constitute the exercise of the privileges of a licence.

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Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

**61.1360 Requirements for grant of flight engineer licences**

- (1) An applicant for a flight engineer licence must be at least 18.
- (2) The applicant must meet the requirements for the grant of at least one flight engineer type rating.
- (3) The applicant must also have:
  - (a) passed the aeronautical knowledge examination for the flight engineer licence; and
  - (b) completed flight training for the flight engineer licence; and
  - (c) completed an approved course of training in multi-crew cooperation; and
  - (d) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer licence; and
  - (e) at least 100 hours of aeronautical experience performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (d), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (e), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (4) For paragraph (3) (e), up to 50 hours of the aeronautical experience may be completed as simulated flight engineer time.
- (5) The applicant is taken to meet the requirements of paragraph (3) (e) if:
  - (a) the applicant holds:
    - (i) a commercial pilot licence with the aeroplane category rating; and
    - (ii) a pilot type rating for an aeroplane that is certificated for multi-crew operation; and

- (b) the applicant has completed at least 50 hours of flight training performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

## Subpart 61.W—Flight engineer type ratings

### 61.1365 Privileges of flight engineer type ratings

Subject to Subpart 61.V and regulations 61.1370 to 61.1380, the holder of a flight engineer type rating is authorised to act as the flight engineer of an aircraft covered by the rating.

Note 1: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

Note 2: The types for which flight engineer type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

### 61.1370 Limitations on exercise of privileges of flight engineer type ratings—general

- (1) This regulation applies if:
  - (a) the holder of a flight engineer type rating passed the flight test for the rating in:
    - (i) an aircraft model covered by the rating (the *first variant*); or
    - (ii) a flight simulator that represents the first variant; and
  - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed the differences training mentioned in the Part 61 Manual of Standards for the second variant.

**61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent experience on variant**

- (1) This regulation applies if:
  - (a) the holder of a flight engineer type rating passed the flight test for the rating in:
    - (i) an aircraft model covered by the rating (the *first variant*); or
    - (ii) a flight simulator that represents the first variant; and
  - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if:
  - (a) within the previous 24 months, the holder has:
    - (i) exercised the privileges of the rating in an aircraft of the second variant; or
    - (ii) completed the differences training mentioned in the Part 61 Manual of Standards for the second variant; or
    - (iii) completed a recurrent training course for the second variant; or
  - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the second variant.

**61.1380 Limitations on exercise of privileges of flight engineer type ratings—flight review**

- (1) The holder of a flight engineer type rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) For subregulation (1), the flight review must be conducted in:
  - (a) an aircraft of the type covered by the rating; or
  - (b) an approved flight simulator for the flight review.

- (3) The holder is taken to meet the requirements of subregulation (1) if the holder:
  - (a) has passed a flight test for the rating within the previous 24 months; or
  - (b) has successfully completed an operator proficiency check that covers operations in aircraft of the type covered by the rating within the previous 24 months; or
  - (c) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the type covered by the rating.

Note: For general rules in relation to flight reviews, see regulation 61.1340.

### **61.1385 Requirements for grant of flight engineer type ratings**

- (1) This regulation applies to an applicant for a flight engineer type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.1390.
- (2) The applicant must hold a flight engineer licence.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
  - (a) completed an approved course of training for the rating, that includes:
    - (i) at least 10 hours of flight training consisting of:
      - (A) dual flight in an aircraft of the type covered by the rating; or
      - (B) dual simulated flight in an approved flight simulator for the training; and
    - (ii) theory and technical training; and
  - (b) passed an examination, conducted by the Part 141 or 142 operator that conducted the training mentioned in paragraph (a), testing the applicant's knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

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Note 1: for paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3) (a), the approved course of training must be conducted by:
- (a) a Part 141 or 142 operator that is authorised to conduct the training; or
  - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

**61.1390 Person taken to meet requirements for grant of flight engineer type rating—new type rating**

A person is taken to meet the requirements for the grant of a flight engineer type rating (the *new type rating*) if:

- (a) the person holds a flight engineer type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
  - (i) the models are no longer variants of each other; and
  - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
  - (i) the person passed the flight test for the old type rating in:
    - (A) an aircraft model that is covered by the new type rating; or
    - (B) a flight simulator that represents an aircraft model covered by the new type rating;
  - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
  - (iii) both:

- (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
- (B) the person has completed the differences training.

## **Subpart 61.X—Flight engineer instructor ratings**

### **Division 61.X.1—Privileges and requirements for grant of flight engineer instructor ratings**

#### **61.1395 Privileges of flight engineer instructor ratings**

Subject to Subpart 61.V and regulations 61.1400 to 61.1410, a flight engineer instructor is authorised:

- (a) to conduct flight training for:
  - (i) flight engineer licences; and
  - (ii) ratings on flight engineer licences, other than flight engineer examiner ratings; and
  - (iii) endorsements on flight engineer licences, other than flight engineer flight test endorsements; and
  - (iv) cruise relief flight engineer type ratings; and
- (b) to grant flight engineer training endorsements; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct flight reviews required by this Part for flight engineer ratings, other than flight engineer examiner ratings; and
- (e) to approve a person who does not hold a flight engineer licence, or who holds a licence but does not hold a required rating or endorsement, to act as flight engineer of an aircraft for the purpose of flight training; and
- (f) to approve a person who does not hold a flight crew licence to transmit on a radio frequency of a kind used for the purpose of:
  - (i) ensuring the safety of air navigation; or
  - (ii) flight training; and

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- (g) to assess the standard of knowledge of an applicant for flight engineer licence in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

**61.1400 Limitations on exercise of privileges of flight engineer instructor ratings—general**

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular type only if the instructor also holds a flight engineer type rating for that type of aircraft.
- (2) A flight engineer instructor is authorised to conduct flight training for a flight engineer licence or a rating on a flight engineer licence only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.

**61.1405 Limitations on exercise of privileges of flight engineer instructor ratings—endorsements**

- (1) A flight engineer instructor is authorised to conduct an activity mentioned in column 2 of an item in table 61.1430 only if the instructor also holds the flight engineer training endorsement mentioned in column 1 of the item.
- (2) A flight engineer instructor is authorised to grant an endorsement only if the instructor also holds a training endorsement required to conduct flight training for the endorsement.
- (3) A flight engineer instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a licence only if the instructor also holds a flight engineer training endorsement that authorises the instructor to provide flight training for the licence.

**61.1410 Limitations on exercise of privileges of flight engineer  
instructor ratings—instructor proficiency check**

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
  - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for a training endorsement; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight engineer examiner who holds a flight engineer instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
  - (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (f) if:
    - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and

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- (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;  
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes an instructor proficiency check if:
  - (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for each flight engineer training endorsement that the holder holds; and
  - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) a flight engineer examiner;
  - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

**61.1415 Requirements for grant of flight engineer instructor ratings**

- (1) An applicant for a flight engineer instructor rating must:
  - (a) hold a flight engineer licence; and
  - (b) meet the requirements for the grant of at least one flight engineer training endorsement.

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Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) passed an examination on the knowledge standards mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating; and
  - (b) completed flight training for the rating; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) The applicant must also:
- (a) have completed an approved course of training in principles and methods of instruction; or
  - (b) hold a Certificate IV in Training and Assessment; or
  - (c) hold a tertiary qualification in teaching.

## Division 61.X.2—Obligations of flight engineer instructors

### 61.1420 Obligations of flight engineer instructors—training

- (1) A flight engineer instructor commits an offence if:
- (a) the instructor conducts:
    - (i) flight training for a flight engineer type rating or a cruise relief flight engineer type rating; or
    - (ii) differences training;  
in an aircraft; and
  - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**61.1425 Obligations of flight engineer instructors—flight review**

- (1) A flight engineer instructor commits an offence if:
- (a) the instructor conducts a flight review for the holder of a flight engineer licence or a cruise relief flight engineer type rating; and
  - (b) the holder successfully completes the flight review; and
  - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
    - (i) endorse the holder's licence document in accordance with subregulation (2); and
    - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
- (a) a statement to the effect that the holder has successfully completed the flight review;
  - (b) the date on which the flight review was successfully completed;
  - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
- (a) the holder's name and ARN;
  - (b) that the holder has successfully completed the flight review;
  - (c) the date on which the flight review was successfully completed;
  - (d) the rating for which the flight review was conducted.
- (4) An offence against this regulation is an offence of strict liability.

### **Division 61.X.3—Privileges and requirements for grant of flight engineer training endorsements**

#### **61.1430 Kinds of flight engineer training endorsement**

The kinds of flight engineer training endorsement are set out in column 1 of table 61.1430.

Table 61.1430 Flight engineer training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Flight engineer type rating training endorsement (type specific)	Conduct flight training for a flight engineer licence Conduct flight training for a flight engineer type rating for the specified aircraft type Conduct flight training for a cruise relief flight engineer type rating on a pilot licence for the specified aircraft type	At least 200 hours of flight time as a flight engineer At least 100 hours of flight time as flight engineer of an aircraft of the specified type
2	Flight engineer instructor rating training endorsement	Conduct flight training for a flight engineer instructor rating	At least 500 hours conducting flight training for the grant of a flight engineer licence or a rating on a flight engineer licence At least 200 hours conducting training for the grant of a flight engineer type rating

#### **61.1435 Privileges of flight engineer training endorsements**

Subject to Subpart 61.V and Division 61.X.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1430 is

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authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

**61.1440 Requirements for grant of flight engineer training endorsements**

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1430 must hold a flight engineer instructor rating.

Note: Subregulation (1) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) met the aeronautical experience requirements mentioned in column 3 of the item; and
  - (b) completed flight training for the endorsement; and
  - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for a flight engineer type rating training endorsement for a specified aircraft type must also hold the flight engineer type rating for the aircraft type.

Note: Subregulation (3) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

## **Subpart 61.Y—Flight engineer examiner ratings**

### **Division 61.Y.1—Privileges and requirements for grant of flight engineer examiner ratings**

#### **61.1445 Privileges of flight engineer examiner ratings**

Subject to Subpart 61.V and regulations 61.1450 to 61.1470, a flight engineer examiner is authorised:

- (a) to conduct flight tests for the grant of:
  - (i) flight engineer licences; and
  - (ii) ratings or endorsements on flight engineer licences; and
  - (iii) cruise relief flight engineer type ratings; and
- (b) to grant to holders of flight engineer licences:
  - (i) ratings, other than flight engineer examiner ratings; and
  - (ii) endorsements, other than flight engineer examiner rating flight test endorsements; and
- (c) to grant cruise relief flight engineer type ratings; and
- (d) to conduct instructor proficiency checks for holders of flight engineer instructor ratings; and
- (e) to conduct training and checking of holders of flight engineer licences for AOC holders; and
- (f) to conduct flight training for flight engineer examiner ratings and flight engineer flight test endorsements; and
- (g) to conduct assessments of aviation English language proficiency.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

#### **61.1450 Limitations on exercise of privileges of flight engineer examiner ratings—general**

A flight engineer examiner is authorised to conduct a flight test in an aircraft only if the flight test for the examiner's flight engineer examiner rating was conducted in an aircraft.

**61.1455 Limitations on exercise of privileges of flight engineer examiner ratings—endorsements**

- (1) A flight engineer examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1495 only if the examiner also holds the flight engineer flight test endorsement mentioned in column 1 of the item.
- (2) A flight engineer examiner is authorised to conduct a flight test for a rating or endorsement only if the examiner:
  - (a) also holds a rating or endorsement of the same kind; or
  - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight engineer examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight engineer instructor rating flight test endorsement.
- (4) A flight engineer examiner is authorised to conduct flight training for a flight engineer examiner rating or flight engineer flight test endorsement only if the examiner also holds a flight engineer examiner rating flight test endorsement.
- (5) A flight engineer examiner is authorised to conduct an activity mentioned in column 2 of item 4 of table 61.1495 only if the examiner also holds an English language assessment endorsement.

**61.1460 Limitations on exercise of privileges of flight engineer examiner ratings—professional development**

A flight engineer examiner is authorised to conduct a flight test for a licence or rating only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA including the content mentioned in the Part 61 Manual of Standards for the program; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

**61.1465 Limitations on exercise of privileges of flight engineer examiner ratings—recent experience**

A flight engineer examiner is authorised to conduct a flight test in an aircraft of a particular type, or a flight simulation training device that represents an aircraft of a particular type only if the examiner meets the recent experience requirements to act as the flight engineer of an aircraft of that type.

**61.1470 Limitations on exercise of privileges of flight engineer examiner ratings—examiner proficiency check**

- (1) The holder of a flight engineer examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
  - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
  - (b) if:
    - (i) the holder passes the flight test for a flight engineer examiner endorsement; and
    - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
  - (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
  - (d) if:
    - (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and

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- (ii) within 3 months before the validity of the existing check expires, the holder successfully completes another examiner proficiency check;  
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2) (c) and (d), the holder successfully completes an examiner proficiency check if:
  - (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
  - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for each flight examiner endorsement that the holder holds; and
  - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
  - (a) CASA;
  - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

**61.1475 Requirements for grant of flight engineer examiner ratings**

- (1) An applicant for a flight engineer examiner rating must:
  - (a) hold:
    - (i) a flight engineer licence; and
    - (ii) a flight engineer instructor rating; and
  - (b) meet the requirements for the grant of at least one flight engineer flight test endorsement.

Note: Paragraph (a) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of a foreign licence,

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rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed a course of training for the rating that:
    - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
    - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
  - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer examiner rating; and
  - (c) successfully completed an interview conducted by CASA.

Note: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2) (c), an applicant successfully completes an interview if he or she satisfies CASA that he or she has the necessary skills and experience to be granted a flight engineer examiner rating.

**Division 61.Y.2—Obligations of flight engineer examiners**

**61.1480 Obligations of flight engineer examiners—flight tests: strict liability offences**

- (1) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
  - (b) is not nominated to conduct the flight test:
    - (i) by the applicant's training provider under subregulation 61.245 (3); or
    - (ii) by CASA under subregulation 61.245 (4).

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence; and
  - (b) is the person who provided the certification under paragraph 61.235 (2) (a) (Flight tests for flight crew licences

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and ratings—prerequisites) for the person taking the flight test.

Penalty: 50 penalty units.

- (3) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
  - (b) does not:
    - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
    - (ii) assess the applicant for the licence or rating against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight engineer examiner commits an offence if the examiner:
- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
  - (b) does not:
    - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
    - (ii) within 14 days after the day the flight test is successfully completed:
      - (A) complete a report, in an approved form, setting out the result of the flight test; and
      - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

Penalty: 50 penalty units.

- (5) A flight engineer examiner commits an offence if the examiner:

- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
- (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

**61.1485 Obligations of flight engineer examiners—flight tests: other offences**

- (1) A flight engineer examiner commits an offence if:
  - (a) the examiner conducts a flight test for a flight engineer licence; and
  - (b) when the test begins, the examiner is not satisfied that the applicant:
    - (i) is at least the minimum age to hold the licence; and
    - (ii) has passed the aeronautical knowledge examination for the licence; and
    - (iii) has met the flight training requirements for the grant of the licence; and
    - (iv) has met the aeronautical experience requirements for the licence; and
    - (v) has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if:
  - (a) the examiner conducts a flight test for a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
  - (b) when the test begins, the examiner is not satisfied that the applicant:
    - (i) has passed the aeronautical knowledge examination for the rating; and

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- (ii) has met the flight training requirements for the grant of the rating; and
- (iii) has met the aeronautical experience requirements for the rating.

Penalty: 50 penalty units.

**61.1490 Obligations of flight engineer examiners—proficiency checks**

- (1) A flight engineer examiner commits an offence if:
  - (a) the examiner conducts an instructor proficiency check for the holder of a flight engineer licence; and
  - (b) the holder successfully completes the proficiency check; and
  - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
    - (i) endorse the holder's licence document in accordance with subregulation (2); and
    - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
  - (a) a statement to the effect that the holder has successfully completed the proficiency check;
  - (b) the date on which the proficiency check was successfully completed.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
  - (a) the holder's name and ARN;
  - (b) that the holder has successfully completed the proficiency check;
  - (c) the date on which the proficiency check was successfully completed;
  - (d) if the proficiency check was conducted in an aircraft—the aircraft's nationality and registration marks;

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- (e) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (4) An offence against this regulation is an offence of strict liability.

## Division 61.Y.3—Privileges and requirements for grant of flight engineer examiner endorsements

### 61.1495 Kinds of flight engineer examiner endorsement

The kinds of flight engineer examiner endorsement are set out in column 1 of table 61.1495.

Table 61.1495 Flight engineer examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight engineer flight test endorsements</i>			
1	Flight engineer type rating flight test endorsement (type specific)	Conduct flight test for a flight engineer licence Conduct flight test for the specified flight engineer type rating Conduct flight test for the cruise relief flight engineer type rating for the specified aircraft type	Flight engineer type rating training endorsement
2	Flight engineer instructor rating flight test endorsement	Conduct flight test for a flight engineer instructor rating or flight engineer training endorsement	Flight engineer instructor rating training endorsement
3	Flight engineer examiner rating flight test endorsement	Conduct flight test for a flight engineer examiner rating or flight engineer flight test endorsement	
<i>Part 2—Other flight engineer examiner endorsements</i>			

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Table 61.1495 Flight engineer examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	English language assessment endorsement (flight engineer)	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	

**61.1500 Privileges of flight engineer examiner endorsements**

Subject to Subpart 61.V and Division 61.Y.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1495 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

**61.1505 Requirements for grant of flight engineer examiner endorsements**

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1495 must hold:
  - (a) a flight engineer examiner rating; and
  - (b) the endorsement (if any) mentioned in column 3 of the item.

Note: Paragraph (a) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1495 must also have:
  - (a) completed a course of training for the endorsement that:
    - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and

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- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
  - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.
- Note: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.
- (3) An applicant for an English language assessment endorsement must also have:
  - (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
  - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
  - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.
- (4) For paragraph (3) (c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

**Subpart 61.Z—Glider pilot licences**

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010.

**61.1510 Privileges of glider pilot licences**

Subject to regulations 61.1515 to 61.1535, the holder of a glider pilot licence is authorised:

- (a) to pilot a glider or motorised glider as pilot in command; and
- (b) to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation.

Note : for paragraph (a), a person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

**61.1515 Limitations on exercise of privileges of glider pilot licences—general**

- (1) The holder of a glider pilot licence is authorised to conduct an activity in the exercise of the privileges of the licence only if the activity is conducted in accordance with:
  - (a) the operations manual of a recreational aviation administration organisation that administers glider activities; or
  - (b) an approval, held by the holder, under regulation 61.040 for this paragraph.
- (2) The holder of a glider pilot licence is authorised to act as pilot in command of a glider or motorised glider of a particular kind only if the holder:
  - (a) has received training in the operation of gliders or motorised gliders of that kind; and
  - (b) has been assessed as competent to operate a glider or motorised glider of that kind.
- (3) The holder of a glider pilot licence is authorised to act as pilot in command of a glider or motorised glider in a flight that begins with a launch using a particular method only if the holder:
  - (a) has received training in the launching method; and
  - (b) has been assessed as competent to pilot a glider using the launching method.
- (4) For subregulations (2) and (3), the training and assessment must be conducted by:
  - (a) a person authorised by a recreational aviation administration organisation that administers glider activities to conduct training and assessment in a glider or motorised glider; or
  - (b) the holder of an approval under regulation 61.040 to conduct the training and assessment.

**61.1520 Limitations on exercise of privileges of glider pilot licences—recent experience**

The holder of a glider pilot licence is authorised to act as pilot in command of a glider or motorised glider carrying a passenger only

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if the holder meets the recent experience requirements mentioned in the operations manual of the organisation that granted the certificate mentioned in subregulation 61.1540 (2) to the holder.

**61.1525 Limitations on exercise of privileges of glider pilot licences—flight review**

- (1) The holder of a glider pilot licence is authorised to exercise the privileges of the licence only if the holder has, within the previous 24 months, successfully completed a flight review for the licence.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder was granted the licence within the previous 24 months.
- (3) For subregulation (1), successful completion of a flight review requires:
  - (a) demonstration, to the holder of an approval under regulation 61.040 to conduct the flight review, that the holder is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the licence; or
  - (b) successful completion of the flight review requirements of a recreational aviation administration organisation that administers glider activities.

**61.1530 Limitations on exercise of privileges of glider pilot licences—medical certificates**

The holder of a glider pilot licence is authorised to pilot a glider or motorised glider as pilot in command only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges conferred by his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.1535 Limitations on exercise of privileges of glider pilot licences—carriage of documents**

The holder of a glider pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (c) if the licence document was issued more than 10 years before the commencement of the flight—a document that:
  - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
  - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
    - (A) the Commonwealth or a State or Territory;
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (iii) has not expired or been cancelled.

**61.1540 Requirements for grant of glider pilot licences**

- (1) An applicant for a glider pilot licence must be at least 16.
- (2) The applicant must hold a pilot certificate that:
  - (a) is granted by a recreational aviation administration organisation that administers glider activities; and
  - (b) is granted on the basis of the applicant meeting competency standards that are at least equivalent to the competency standards for the glider pilot licence mentioned in the Part 61 Manual of Standards; and
  - (c) permits the holder to pilot a glider or motorised glider, as pilot in command.
- (3) The applicant must also have aeronautical experience that includes:
  - (a) at least 6 hours of flight time in a glider or motorised glider; and

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- (b) at least 2 hours of solo flight time in a glider or motorised glider; and
- (c) at least 20 launches, and at least 20 landings, as pilot of a glider or motorised glider.

Note: For the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

## Part 64—Authorisations for non-licensed personnel

Note: *This Part is made up as follows:*

<b>Subpart 64.A</b>	<b>Preliminary</b>
64.005	What Part 64 is about
64.010	Definitions for Part 64
64.012	Approvals by CASA for Part 64
<b>Subpart 64.B</b>	<b>Transmission on aeronautical radio frequencies</b>
64.015	Eligibility for aeronautical radio operator certificate
64.020	Obligation of assessor to ensure training is completed
64.025	Applying for aeronautical radio operator certificate
64.030	Grant of aeronautical radio operator certificate
64.035	Holder of aeronautical radio operator certificate may operate radio
64.040	Person undergoing training or assessment may operate radio
<b>Subpart 64.C</b>	<b>Taxiing aeroplanes</b>
64.045	Persons who may taxi aeroplanes—general
64.050	Persons who may taxi aeroplanes—persons undergoing training or assessment
64.055	Grant of certificate of competency to taxi aeroplanes of a class or covered by a type rating
64.060	Production of certificate of competency

## Subpart 64.A—Preliminary

### 64.005 What Part 64 is about

This Part sets out requirements that persons other than holders of flight crew licences must satisfy to:

- (a) transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; or
- (b) taxi an aeroplane.

Note 1: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

Note 2: A person is prohibited from taxiing an aircraft unless the person is qualified to do so: see regulation 229 of CAR.

Note 3: Under Part 61, holders of flight crew licences are authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation, or to taxi an aeroplane, in certain circumstances and people receiving training for a flight crew licence are authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation in certain circumstances.

### 64.010 Definitions for Part 64

In this Part:

***aeronautical radio operator certificate*** means a certificate granted under regulation 64.030.

***certificate of competency*** means a certificate granted under regulation 64.055.

***class***: see regulation 61.010.

***equivalent***: a foreign qualification is ***equivalent*** to an authorisation granted under this Part or Part 61 (an ***Australian authorisation***) if it allows the holder to conduct substantially the same activities as the activities authorised by the Australian authorisation.

***foreign qualification*** means a qualification issued under the law of a Contracting State.

**taxiing**, for an aeroplane, means manoeuvring on the surface of an aerodrome under the aeroplane's own power except when taking off or landing.

**type rating**: see regulation 61.010.

#### **64.012 Approvals by CASA for Part 64**

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval under this regulation.

### **Subpart 64.B—Transmission on aeronautical radio frequencies**

#### **64.015 Eligibility for aeronautical radio operator certificate**

*Person trained and assessed against Part 61 Manual of Standards*

- (1) A person is eligible for the grant of an aeronautical radio operator certificate if the person:
  - (a) is at least 17; and
  - (b) has received the training mentioned in subregulation (2) from a person or body mentioned in subregulation (3); and
  - (c) has been assessed by a person mentioned in subregulation (4) as meeting the competency standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio; and
  - (d) has a current aviation English language proficiency assessment.
- (2) For paragraph (1) (b), the training is training in the operation of an aeronautical radio to the standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio.

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- (3) For paragraph (1) (b), the persons and bodies are the following:
- (a) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
  - (b) a registered training organisation whose scope of registration covers the training mentioned in subregulation (2);
  - (c) the holder of an approval under regulation 64.012 for this paragraph.
- (4) For paragraph (1) (c), the persons are the following:
- (a) CASA;
  - (b) a flight examiner;
  - (c) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
  - (d) the holder of an approval under regulation 64.012 for this paragraph.

*Holder of equivalent foreign qualification*

- (5) A person is eligible for the grant of an aeronautical radio operator certificate if:
- (a) the person is at least 17; and
  - (b) the person holds a foreign qualification that is equivalent to:
    - (i) a private pilot licence, commercial pilot licence, multi-crew pilot licence, air transport pilot licence or flight engineer licence; or
    - (ii) a recreational pilot licence with a flight radio endorsement; or
    - (iii) an aeronautical radio operator certificate; and
  - (c) either:
    - (i) the qualification includes a statement to the effect that the person meets an ICAO English language proficiency standard equivalent to the ICAO level 4, 5 or 6 aviation English language proficiency standard specified in the Part 61 Manual of Standards; or
    - (ii) the person has a current aviation English language proficiency assessment.

**64.020 Obligation of assessor to ensure training is completed**

- (1) This regulation applies to a flight examiner, pilot instructor or approval holder (the *assessor*) who conducts an assessment of a person for paragraph 64.015 (1) (c).
- (2) The assessor commits an offence if the assessor is not satisfied, before conducting the assessment, that the person has completed the training mentioned in subregulation 64.015 (2).

Penalty: 50 penalty units.

**64.025 Applying for aeronautical radio operator certificate**

- (1) A person may apply, in writing, to CASA for the grant of an aeronautical radio operator certificate.
- (2) If the applicant is relying on the training and assessment mentioned in subregulation 64.015 (1), the application must be accompanied by evidence of the applicant's aviation English language proficiency assessment.
- (3) If the applicant is relying on a foreign qualification, the application must be accompanied by:
  - (a) a certified true copy of the qualification; and
  - (b) unless the qualification includes a statement to the effect that the person meets the ICAO level 4, 5 or 6 aviation English language proficiency standard—evidence of the applicant's ICAO English language proficiency assessment.

**64.030 Grant of aeronautical radio operator certificate**

Subject to regulation 11.055, CASA must grant the certificate if satisfied that the applicant is eligible for the grant of the certificate.

**64.035 Holder of aeronautical radio operator certificate may operate radio**

- (1) The holder of an aeronautical radio operator certificate is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation.

- (2) However, the holder is authorised to make the transmission only if the holder has a current aviation English language proficiency assessment.

**64.040 Person undergoing training or assessment may operate radio**

A person who does not hold an aeronautical radio operator certificate is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the transmission is made:

- (a) for the purpose of receiving training or assessment in the use of an aeronautical radio; and
- (b) under the direct supervision of a person mentioned in subregulation 64.015 (3) or (4).

**Subpart 64.C—Taxiing aeroplanes**

**64.045 Persons who may taxi aeroplanes—general**

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if:
- (a) the person is at least 17; and
  - (b) the person holds a certificate of competency to taxi an aeroplane of the class, or covered by the type rating, that was issued in the previous 5 years; and
  - (c) the person has received instruction from a person mentioned in subregulation (2) on the layout and operating procedures of the aerodrome; and
  - (d) the person:
    - (i) is the operator of the aeroplane; or
    - (ii) has permission to taxi the aeroplane from the operator of the aeroplane; or
    - (iii) has permission to taxi the aeroplane from a person permitted by these Regulations, and engaged by the operator of the aeroplane or the operator's continuing airworthiness management organisation, to carry out maintenance on the aeroplane; and

- (e) for an aerodrome mentioned in subregulation (3)—the person holds an aeronautical radio operator certificate.
- (2) For paragraph (1) (c), the persons are the following:
  - (a) the operator of the aerodrome;
  - (b) the operator of the aeroplane;
  - (c) any other person (including the holder of a flight crew licence) with knowledge of the layout and operating procedures of the aerodrome.
- (3) For paragraph (1) (e), the aerodromes are the following:
  - (a) a controlled aerodrome;
  - (b) a certified aerodrome;
  - (c) a registered aerodrome;
  - (d) a military aerodrome;
  - (e) an aerodrome that is specified as a designated non-controlled aerodrome in a legislative instrument under regulation 166D of CAR.

**64.050 Persons who may taxi aeroplanes—persons undergoing training or assessment**

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if the person:
  - (a) is receiving training in taxiing aeroplanes of the class or covered by the type rating; or
  - (b) is being assessed against the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class or covered by the type rating.
- (2) However, the person is authorised to taxi the aeroplane only under the direct supervision of a person who is authorised under regulation 64.045 or Part 61 to taxi the aeroplane at the aerodrome.

**64.055 Grant of certificate of competency to taxi aeroplanes of a class or covered by a type rating**

- (1) A person may apply, in writing, to a person mentioned in subregulation (4) (a *granting body*) for the grant of a certificate of

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competency for taxiing aeroplanes of a particular class, or covered by a particular type rating.

- (2) Subject to regulation 11.055, the granting body must grant the certificate if satisfied that the applicant meets the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class, or covered by the type rating.
- (3) The certificate of competency must:
  - (a) state the following:
    - (i) each class or type rating for which the person meets the competency standards;
    - (ii) the date on which it is issued; and
  - (b) be signed by the granting body.
- (4) For subregulation (1), the persons are the following:
  - (a) CASA;
  - (b) a flight examiner;
  - (c) a pilot instructor who is authorised under Part 61 to conduct flight training for aeroplanes of the class, or covered by the type rating;
  - (d) the holder of an approval under regulation 64.012 for this paragraph.

**64.060 Production of certificate of competency**

- (1) CASA may direct a person who holds a certificate of competency to produce the certificate for inspection by CASA.
- (2) The person commits an offence if the person does not comply with the direction within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**16 Subregulation 65.065 (1)**

*substitute*

- (1) A person to whom subregulation (2) applies is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the transmission is made:
  - (a) for the purpose of performing an air traffic control function or a flight service function; and
  - (b) using a radiocommunication system that is not installed in or carried on an aircraft.

**17 Subregulation 65.065 (3), at the foot**

*insert*

Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

**18 Regulation 67.150, note**

*omit*

**19 Regulation 67.155, note**

*omit*

**20 Regulation 67.160, note**

*omit*

**21 Subregulation 67.265 (1)**

*substitute*

- (1) This regulation applies in relation to the following licences:
  - (a) a flight crew licence;
  - (b) a balloon flight crew licence within the meaning of subregulation 5.01 (1) of CAR;
  - (c) an air traffic controller licence.

**22 Subregulation 67.270 (1)**

*substitute*

- (1) This regulation applies in relation to the following licences:
  - (a) a flight crew licence;

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- (b) a balloon flight crew licence within the meaning of subregulation 5.01 (1) of CAR;
- (c) an air traffic controller licence.

**23 Regulation 101.285, heading***substitute***101.285 Use of aeronautical radio****24 Paragraphs 101.285 (1) (a), (3) (a) and (5) (a)***substitute*

- (a) holds an aeronautical radio operator certificate; and

**25 Subregulation 101.285 (7)***omit*

CAR 1988

*insert*

CAR

**26 Paragraph 101.295 (3) (a)***omit*

a command instrument rating; or

*insert*

an instrument rating; or

**27 Subregulation 101.300 (3)***omit*

aircraft radiotelephone operator's certificate of proficiency.

*insert*

aeronautical radio operator certificate.

**28 Paragraph 101.335 (1) (e)***omit*

flight radiotelephone operators' certificates of proficiency; and

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*insert*

aeronautical radio operator certificates; and

## **29 Regulation 137.235**

*substitute*

### **137.235 Pilot in command must be authorised under Part 61**

- (1) The operator of an aeroplane commits an offence if:
- (a) the aeroplane is used to conduct an application operation; and
  - (b) the pilot in command of the aeroplane is not authorised under Part 61 to pilot the aeroplane in the operation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

## **30 Regulation 137.240, heading**

*substitute*

### **137.240 Operator proficiency checks**

## **31 Subregulation 137.240 (1)**

*omit*

***annual***

*insert*

***operator***

## **32 Subregulation 137.240 (2), including the penalty**

*substitute*

- (2) The operator of an aeroplane commits an offence if:
- (a) the aeroplane is used to conduct an application operation; and
  - (b) the pilot in command of the aeroplane does not hold a valid operator proficiency check.

Penalty: 50 penalty units.

**33 Subregulation 137.240 (3)**

*omit*

annual

*insert*

operator

**34 Paragraph 137.240 (3) (b)**

*omit*

qualified, under these Regulations,

*insert*

authorised under Part 61

**35 Subregulation 137.240 (4)**

*substitute*

- (4) An operator proficiency check for the operator's head of flight operations must be conducted by an examiner or instructor mentioned in paragraph (3) (b).

**36 Subregulations 137.240 (5) and (9)**

*omit*

annual

*insert*

operator

**37 Subregulation 137.240 (10)**

*omit*

**38 Subregulation 139.820 (3)**

*substitute*

- (3) A person who is required to operate the equipment must hold an aeronautical radio operator certificate.

**39 Parts 141 and 142**

*substitute*

## **Part 141—Recreational, private and commercial pilot flight training, other than certain integrated training courses**

**Note:**      *This Part is made up as follows:*

### **Subpart 141.A      General**

- 141.005      What Part 141 is about
- 141.010      Aircraft and flight simulation training devices to which Part 141 applies
- 141.015      Definitions of *Part 141 flight training*, *authorised Part 141 flight training*, *Part 141 operator* and *Part 141 certificate*
- 141.020      Definition of *key personnel* for Part 141
- 141.025      Definition of *significant change* for Part 141
- 141.030      Definitions for Part 141
- 141.035      Approvals by CASA for Part 141
- 141.040      Legislative instruments—flight training
- 141.045      Regulations 11.070 to 11.075 do not apply in relation to certain matters
- 141.050      Part 141 flight training—requirement for Part 141 certificate or approval

### **Subpart 141.B      Part 141 certificates**

- 141.055      Part 141 certificates—application
- 141.060      Part 141 certificate—issue
- 141.065      Part 141 certificate—approval of exposition
- 141.070      Part 141 certificate—conditions
- 141.075      Part 141 certificate—compliance with conditions

### **Subpart 141.C      Part 141 operators—changes**

- 141.080      Part 141 operators—changes of name etc
- 141.085      Part 141 operators—application for approval of significant changes

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141.090	Part 141 operators—approval of significant changes
141.095	Part 141 operators—process for making changes
141.100	Part 141 operators—CASA directions relating to exposition or key personnel
<b>Subpart 141.D</b>	<b>Part 141 operators—organisation and personnel</b>
141.105	Part 141 operators—organisation and personnel
141.110	Part 141 operators—key personnel cannot carry out responsibilities
141.115	Part 141 operators—familiarisation training for key personnel
141.120	Part 141 operators—chief executive officer: responsibilities and accountabilities
141.125	Part 141 operators—head of operations: qualifications and experience
141.130	Part 141 operators—head of operations: responsibilities
141.135	Part 141 operators—safety manager: experience
141.140	Part 141 operators—safety manager: responsibilities
141.145	Part 141 operators—quality assurance manager: experience
141.150	Part 141 operators—quality assurance manager: responsibilities
141.155	Part 141 operators—key personnel: additional qualification and experience requirements
141.160	Part 141 operators—reference library
<b>Subpart 141.E</b>	<b>Part 141 operators—instructors</b>
141.165	Part 141 operators—instructors must comply with Part 141 certificate
141.170	Part 141 operators—instructors must comply with exposition
141.175	Part 141 operators—instructors must be authorised under Part 61

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141.180	Part 141 operators—instructors must have access to records
141.185	Part 141 operators—instructors must hold valid standardisation and proficiency check for operator
141.190	Part 141 operators—holding valid standardisation and proficiency check for operator
141.195	Part 141 operators—standardisation and proficiency check requirements
141.200	Part 141 operators—training and assessment of instructors in human factors principles
141.205	Part 141 operators—instructors must be competent to conduct flight training in flight simulation training device
141.210	Part 141 operators—person recommended for flight test
<b>Subpart 141.F</b>	<b>Part 141 operators—safety management system</b>
141.215	Part 141 operators—safety management system
141.220	Part 141 operators—safety management system requirements
<b>Subpart 141.G</b>	<b>Part 141 operators—quality assurance management system</b>
141.225	Part 141 operators—quality assurance management system
141.230	Part 141 operators—quality assurance management system requirements
<b>Subpart 141.H</b>	<b>Part 141 operators—personnel fatigue management</b>
<b>Subpart 141.I</b>	<b>Part 141 operators—expositions</b>
141.260	Part 141 operators—content of exposition
141.265	Part 141 operators—compliance with exposition by operator
141.270	Part 141 operators—providing personnel with exposition

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<b>Subpart 141.J</b>	<b>Part 141 operators—logs and records</b>
141.275	Part 141 operators—making and keeping flight training records
141.280	Part 141 operators—availability of flight training records
<b>Subpart 141.K</b>	<b>Part 141 operators—miscellaneous</b>
141.285	Part 141 operators—suitable facilities, records and resources for flight test
141.290	Part 141 operators—pilot in command to be authorised under Part 61
141.295	Part 141 operators—carriage of passengers prohibited during abnormal operations or low-flying flight training
141.300	Part 141 operators—authorisation of carriage of passengers
141.305	Part 141 operators—holders of student pilot licences conducting solo flights
141.310	Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required

**Subpart 141.A—General****141.005 What Part 141 is about**

This Part:

- (a) deals with the conduct of recreational, private and commercial pilot flight training, other than certain integrated training courses; and
- (b) makes provision for applicants for, and holders of, Part 141 certificates.

**141.010 Aircraft and flight simulation training devices to which Part 141 applies**

- (1) This Part applies only to the following:
  - (a) an aeroplane, rotorcraft or airship that is permitted by its flight manual to be flown by one pilot;
  - (b) an aeroplane, rotorcraft or airship covered by a type rating mentioned in a legislative instrument under regulation 142.045;
  - (c) a flight simulation training device for an aircraft mentioned in paragraph (a) or (b).
- (2) Accordingly, a reference in this Part to an *aircraft* is a reference to an aeroplane, rotorcraft or airship mentioned in paragraph (1) (a) or (b).

**141.015 Definitions of *Part 141 flight training, authorised Part 141 flight training, Part 141 operator and Part 141 certificate***

- (1) *Part 141 flight training* is any of the following flight training that is conducted in an aircraft or flight simulation training device:
  - (a) training for the grant under Part 61 of a private pilot licence or commercial pilot licence that is not an integrated training course;
  - (b) training for the grant under Part 61 of a recreational pilot licence;
  - (c) training for the grant under Part 61 of a flight crew rating that is not a type rating;
  - (d) training for the grant under Part 61 of a type rating mentioned in a legislative instrument under regulation 142.045;
  - (e) training for the grant under Part 61 of a flight crew endorsement that is not a design feature endorsement or a flight activity endorsement;
  - (f) training as part of a flight review for a private IFR rating;
  - (g) differences training;

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- (i) that is required as mentioned in regulation 61.780 for a variant covered by a type rating mentioned in a legislative instrument under regulation 142.045; and
  - (ii) that is not conducted by a training and checking organisation approved under regulation 217 of CAR.
- (2) **Authorised Part 141 flight training**, for a Part 141 operator, is Part 141 flight training mentioned in the operator's Part 141 certificate.
- (3) A **Part 141 operator** is the holder of a Part 141 certificate.
- (4) A **Part 141 certificate** is a certificate issued under regulation 141.060.

**141.020 Definition of *key personnel* for Part 141**

In this Part:

**key personnel**, for a Part 141 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

- (a) chief executive officer;
- (b) head of operations;
- (c) if the operator conducts authorised Part 141 flight training only in aircraft, or in aircraft and flight simulation training devices—safety manager;
- (d) if the operator conducts authorised Part 141 flight training only in flight simulation training devices—quality assurance manager.

**141.025 Definition of *significant change* for Part 141**

In this Part:

**significant change**, for a Part 141 operator, means:

- (a) a change in relation to any of the following:
  - (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;

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- (ii) the operator's key personnel;
- (iii) a person authorised to carry out the responsibilities of any of the key personnel;
- (iv) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;
- (v) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
- (vi) the familiarisation training mentioned in regulation 141.115 for any of the key personnel;
- (vii) the operator's process for making changes:
  - (A) that are significant changes; and
  - (B) that are not significant changes;
- (viii) the authorised Part 141 flight training conducted by the operator;
- (ix) if the operator conducts the training in aircraft—the kinds of aircraft used to conduct the training;
- (x) if the operator conducts the training in flight simulation training devices:
  - (A) the ownership arrangements for a device; or
  - (B) the types of devices; or
- (b) if the operator conducts the training in foreign registered aircraft:
  - (i) a change in the foreign registered aircraft used in the training; or
  - (ii) a change in relation to a foreign registered aircraft used in the training, including a change to its nationality or registration mark; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
  - (i) the procedures by which the operator conducts and manages the training;
  - (ii) training and checking conducted by the operator;
  - (iii) the operator's operations manual;
  - (iv) the operator's dangerous goods manual (if any);
  - (v) the way the operator manages the risk of fatigue in its personnel;

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- (vi) if the operator conducts the training only in aircraft, or in aircraft and flight simulation training devices—the operator’s safety management system manual;
- (vii) if the operator conducts the training only in flight simulation training devices—the operator’s quality assurance system manual; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

**141.030 Definitions for Part 141**

In this Part:

***aircraft***: see regulation 141.010.

***authorised Part 141 flight training***, for a Part 141 operator: see subregulation 141.015 (2).

***conducts***: a Part 141 operator ***conducts*** Part 141 flight training if an instructor for the operator conducts the training on behalf of the operator.

***exposition***, for a Part 141 operator, means:

- (a) the set of documents approved by CASA under regulation 141.065 in relation to the operator; and
- (b) if the set of documents is changed under regulation 141.080, 141.090 or 141.100 or the process mentioned in regulation 141.095—the set of documents as changed.

***instructor***, for a Part 141 operator, means a person engaged by the operator to conduct authorised Part 141 flight training on behalf of the operator.

***key personnel***, for a Part 141 operator: see regulation 141.020.

***low-flying flight training*** means flight training that is conducted below 500 feet AGL.

***Part 141 certificate***: see subregulation 141.015 (4).

***Part 141 flight training***: see subregulation 141.015 (1).

***personnel***, for a Part 141 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 141 flight training:

- (a) an employee of the operator;
- (b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
- (c) an employee of a person mentioned in paragraph (b).

***significant change***, for a Part 141 operator: see regulation 141.025.

***training and checking***, for a Part 141 operator, means the training and assessment of proficiency that the operator conducts to ensure that its personnel are competent to perform their duties.

***training base***, for a Part 141 operator, means a facility from which the operator conducts flight training.

#### **141.035 Approvals by CASA for Part 141**

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval under this regulation.

#### **141.040 Legislative instruments—flight training**

For paragraph 98 (5A) (a) of the Act, CASA may issue a legislative instrument to prescribe matters for paragraph 141.260 (1) (u).

#### **141.045 Regulations 11.070 to 11.075 do not apply in relation to certain matters**

Regulations 11.070 to 11.075 do not apply to the following for a Part 141 operator:

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- (a) a change of which CASA is notified under regulation 141.080;
- (b) a significant change that is approved by CASA under regulation 141.090;
- (c) a change made under the process mentioned in regulation 141.095;
- (d) a change that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 141.100.

**141.050 Part 141 flight training—requirement for Part 141 certificate or approval**

- (1) A person commits an offence if:
  - (a) the person conducts Part 141 flight training; and
  - (b) the person does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the requirement is that the person must hold:
  - (a) a Part 141 certificate that authorises the person to conduct the training; or
  - (b) an approval under regulation 141.035 to conduct the training.
- (3) An offence against this regulation is an offence of strict liability.

**Subpart 141.B—Part 141 certificates****141.055 Part 141 certificates—application**

- (1) A person may apply to CASA for a Part 141 certificate.
- (2) The application must include the following:
  - (a) the applicant's name (including any operating or trading name), address, headquarters, contact details and ABN (if any);

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- (b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
  - (c) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
  - (d) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
  - (e) the Part 141 flight training that the applicant proposes to conduct;
  - (f) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:
    - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
    - (ii) operate in accordance with its exposition and civil aviation legislation.
- (3) The application must be:
- (a) accompanied by a copy of the applicant's proposed exposition; and
  - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

**141.060 Part 141 certificate—issue**

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
- (a) the applicant's proposed exposition complies with regulation 141.260;
  - (b) the applicant can conduct the proposed Part 141 flight training safely and in accordance with its exposition and civil aviation legislation;
  - (c) the applicant's organisation is suitable to ensure that the training can be conducted safely, having regard to the nature of the training;

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- (d) the chain of command of the applicant's organisation is appropriate to ensure that the training can be conducted safely;
  - (e) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the training safely;
  - (f) the facilities of the applicant's organisation are sufficient to enable the training to be conducted safely;
  - (g) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the training can be conducted safely;
  - (h) if the applicant is an individual—the applicant is, or proposes to be, the applicant's chief executive officer;
  - (i) each of the applicant's proposed key personnel:
    - (i) is a fit and proper person to be appointed to the position; and
    - (ii) has the qualifications and experience required by Subpart 141.D for the position; and
    - (iii) has the qualifications and experience required by the applicant under subparagraph 141.260 (1) (e) (i) for the position (if any); and
    - (iv) has the additional qualifications and experience required by CASA under regulation 141.155 for the position (if any);
  - (j) the certificate would not, by itself or combined with an existing civil aviation authorisation held by the applicant, authorise the applicant to use a particular foreign registered aircraft in Australian territory for more than 90 days in total in any 12 month period.
- (2) For paragraph (1) (b), without limiting the matters that CASA may consider, CASA must consider the following:
- (a) the applicant's proposed exposition;
  - (b) whether the applicant can comply with the proposed exposition;
  - (c) the content of the undertaking mentioned in paragraph 141.055 (2) (f);
  - (d) details of, and reasons for, any suspension or cancellation of:

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- (i) a civil aviation authorisation issued to the applicant; or
  - (ii) an equivalent authorisation issued to the applicant:
    - (A) under the law of a foreign country; or
    - (B) by a multinational aviation authority;
- (e) the suitability of the applicant's corporate and organisational structures for the training;
- (f) any other information:
  - (i) accompanying the application; or
  - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For subparagraph (1) (i) (i), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 11.055 (4).
- (4) If CASA decides to issue the certificate, CASA must determine the Part 141 flight training the applicant is authorised to conduct, including any limitations or conditions in relation to the flight training.
- (5) The certificate must include:
  - (a) the matters mentioned in subregulation (4); and
  - (b) a certificate reference number determined by CASA.
- (6) If CASA approves a significant change to a Part 141 operator under regulation 141.090, CASA may issue a new Part 141 certificate to the operator.

**141.065 Part 141 certificate—approval of exposition**

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

**141.070 Part 141 certificate—conditions**

- (1) Each of the following is a condition of a Part 141 certificate issued to an operator:
  - (a) the operator must comply with:

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- (i) each provision of this Part that applies to the operator; and
    - (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
    - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
  - (b) each of the operator's key personnel must comply with:
    - (i) each provision of this Part that applies to the person; and
    - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
    - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
  - (c) each of the positions of the operator's key personnel must be filled;
  - (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
  - (e) if the operator is an individual—the individual must be the operator's chief executive officer.
- (2) If the operator conducts the training only in aircraft, or in aircraft and flight simulation training devices, each of the following is also a condition of the operator's Part 141 certificate:
- (a) the positions of chief executive officer and safety manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (4);
  - (b) the positions of head of operations and safety manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (4).

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- (3) If the operator conducts the training only in flight simulation training devices, each of the following is also a condition of the operator's Part 141 certificate:
  - (a) the positions of chief executive officer and quality assurance manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (4);
  - (b) the positions of head of operations and quality assurance manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (4).
- (4) For subparagraphs (2) (a) (ii) and (b) (ii) and (3) (a) (ii) and (b) (ii), the period is:
  - (a) no more than 7 consecutive days for each unforeseen circumstance; or
  - (b) if the operator holds an approval under regulation 141.035 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

**141.075 Part 141 certificate—compliance with conditions**

- (1) A Part 141 operator commits an offence if the operator contravenes a condition of its Part 141 certificate.

Penalty: 50 penalty units.
- (2) An offence against this regulation is an offence of strict liability.

**Subpart 141.C—Part 141 operators—changes**

**141.080 Part 141 operators—changes of name etc**

- (1) A Part 141 operator commits an offence if the operator:
  - (a) changes its name (including any operating or trading name), address, headquarters or contact details; and
  - (b) does not, before making the change:
    - (i) amend its exposition to reflect the change; and

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- (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.085 Part 141 operators—application for approval of significant changes**

- (1) A Part 141 operator commits an offence if:
  - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
  - (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if:
  - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 141.260 (1) (e) (iv); and
  - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

- (3) A Part 141 operator commits an offence if:
  - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 141.260 (1) (e) (iv); and
  - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

Penalty: 50 penalty units.

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- (4) An application for approval of a significant change must:
  - (a) be in writing; and
  - (b) set out the change; and
  - (c) be accompanied by a copy of the part of the exposition affected by the change, clearly identifying the change.
- (5) An offence against this regulation is an offence of strict liability.

**141.090 Part 141 operators—approval of significant changes**

- (1) Subject to regulation 11.055, CASA must approve a significant change for a Part 141 operator if satisfied that the requirements mentioned in subregulation 141.060 (1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application.

**141.095 Part 141 operators—process for making changes**

- (1) A Part 141 operator commits an offence if:
  - (a) the operator makes a change; and
  - (b) the change is not made in accordance with the process described in the operator's exposition for making changes.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.100 Part 141 operators—CASA directions relating to exposition or key personnel**

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 141 operator to change its exposition:
  - (a) to remove particular information, procedures or instructions from the exposition; or
  - (b) to include particular information, procedures or instructions in the exposition; or
  - (c) to revise or vary the information, procedures or instructions in the exposition.

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- (2) CASA may direct a Part 141 operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
  - (a) carrying out the responsibilities of the position; or
  - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:
  - (a) be in writing; and
  - (b) state the time within which the direction must be complied with.
- (4) A Part 141 operator commits an offence if:
  - (a) CASA gives the operator a direction under this regulation; and
  - (b) the operator does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.
- (5) An offence against this regulation is an offence of strict liability.

### **Subpart 141.D—Part 141 operators—organisation and personnel**

#### **141.105 Part 141 operators—organisation and personnel**

- (1) A Part 141 operator must maintain an organisational structure that effectively manages its authorised Part 141 flight training, taking into account the following:
  - (a) the nature and complexity of the training;
  - (b) the number and kinds of aircraft or flight simulation training devices used to conduct the training;
  - (c) the number and location of training bases used by the operator;
  - (d) the number of the operator's personnel;
  - (e) the number of course participants undertaking the training.

- (2) A Part 141 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's exposition or this Subpart.

Penalty: 50 penalty units.

**141.110 Part 141 operators—key personnel cannot carry out responsibilities**

- (1) A Part 141 operator commits an offence if:
- (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 30 days; and
  - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the time is:
- (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or
  - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

**141.115 Part 141 operators—familiarisation training for key personnel**

A Part 141 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

**141.120 Part 141 operators—chief executive officer: responsibilities and accountabilities**

- (1) The chief executive officer of a Part 141 operator is responsible for the following:
  - (a) ensuring that, for the safe conduct of the operator's authorised Part 141 flight training in accordance with the operator's Part 141 certificate, exposition and civil aviation legislation, the operator:
    - (i) has sufficient suitably experienced, qualified and competent personnel; and
    - (ii) has a suitable management structure; and
    - (iii) is adequately financed and resourced;
  - (b) ensuring that the operator:
    - (i) sets and maintains standards for the training in accordance with the operator's exposition; and
    - (ii) complies with civil aviation legislation;
  - (c) if the operator conducts the training in aircraft—ensuring that the operator:
    - (i) implements and manages the operator's safety management system; and
    - (ii) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
    - (iii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and
    - (iv) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the training; and
    - (v) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (iv) may:
      - (i) affect the operator's safe conduct of the training; or
      - (ii) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and

- (vi) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the training; and
    - (vii) for each foreign registered aircraft (if any) used in the training—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
  - (d) if the operator conducts the training only in flight simulation training devices—ensuring that the operator implements and manages the operator’s quality assurance management system;
  - (e) establishing and regularly reviewing the operator’s safety performance indicators and targets;
  - (f) ensuring that the operator’s exposition is monitored and managed for continuous improvement;
  - (g) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
    - (i) the operator’s exposition; and
    - (ii) civil aviation legislation.
- (2) The chief executive officer of a Part 141 operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

**141.125 Part 141 operators—head of operations: qualifications and experience**

- (1) The head of operations of a Part 141 operator must hold:
- (a) an instructor rating and a Grade 1 training endorsement under Part 61; or
  - (b) an approval under regulation 141.035 to be the head of operations of the operator.
- (2) For paragraph (1) (b), the matters CASA may consider in deciding whether to approve a person as the head of operations of a Part 141 operator include the following:
- (a) the operator’s current and proposed authorised Part 141 flight training;
  - (b) the person’s:
    - (i) management experience; and

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- (ii) formal educational qualifications; and
  - (iii) experience as a trainer or educator; and
  - (iv) operational experience; and
  - (v) flight crew qualifications.
- (3) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 141 operator, direct the person to undertake an assessment mentioned in subregulation (4).
- (4) For subregulation (3), the assessment:
  - (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
  - (b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

**141.130 Part 141 operators—head of operations: responsibilities**

- (1) The head of operations of a Part 141 operator must safely manage the operator's authorised Part 141 flight training.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
  - (a) ensuring that the operator conducts the training in accordance with principles of competency-based training in a consistent and systematic manner;
  - (b) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's exposition that apply to the training;
  - (c) setting and maintaining the operator's standards for the training in accordance with the operator's exposition;
  - (d) developing, managing and maintaining the operator's operations manual and dangerous goods manual (if any);
  - (e) ensuring the proper allocation and deployment of aircraft and personnel for use in the training;
  - (f) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;

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- (g) ensuring that the operator has procedures that include the information mentioned in subregulation (3);
- (h) ensuring that the requirements mentioned in subregulation (4) are complied with for the training;
- (i) if the operator conducts the training in a flight simulation training device—ensuring that the device is used only in accordance with the operator’s exposition;
- (j) if the operator conducts the training in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;
- (k) if the operator conducts the training in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;
- (l) if the operator conducts the training in any other device—ensuring that the device:
  - (i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
  - (ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010).

Note: For the definition of *civil aviation legislation*, see section 3 of the Act.

- (3) For paragraph (2) (g), the information is the following:
  - (a) a training plan and syllabus for each kind of training;
  - (b) a description of the operator’s process to determine the competency of course participants;
  - (c) a description of the operator’s process to manage underperformance of course participants;
  - (d) a description of how the operator ensures supervision of course participants when they are receiving training;
  - (e) information about how the operator:
    - (i) plans, delivers and reviews the training; and
    - (ii) monitors the progress of course participants to clearly defined knowledge and flight standards; and
    - (iii) maintains records of the results achieved by course participants in training activities and assessments; and

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- (iv) ensures that it has the training facilities and resources to provide the training; and
  - (v) maintains its training facilities and resources.
- (4) For paragraph (2) (h), the requirements are the following:
- (a) the conduct of the training must be monitored effectively;
  - (b) each instructor who conducts the training must:
    - (i) be authorised under Part 61 to conduct the training; and
    - (ii) have successfully completed the operator's training in non-technical skills and human factors principles; and
    - (iii) have an understanding of the operator's training syllabus for the training; and
    - (iv) hold a valid standardisation and proficiency check for the operator under regulation 141.190; and
    - (v) be supervised effectively; and
    - (vi) comply with the operator's exposition.

**141.135 Part 141 operators—safety manager: experience**

The safety manager of a Part 141 operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to implement its safety management system in accordance with its exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 141 flight training safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 141 operator must have a safety manager if the operator conducts authorised Part 141 flight training only in aircraft, or in aircraft and flight simulation training devices: see the definition of *key personnel* in regulation 141.020.

**141.140 Part 141 operators—safety manager: responsibilities**

- (1) The safety manager of a Part 141 operator must manage the safety management system of the operator.

- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
  - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
  - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
  - (c) managing the maintenance and continuous improvement of the following systems:
    - (i) safety management system;
    - (ii) fatigue risk management system (if any).

**141.145 Part 141 operators—quality assurance manager: experience**

The quality assurance manager of a Part 141 operator must have:

- (a) sufficient relevant quality assurance management experience to capably lead, manage and set standards to enable the operator to safely implement its quality assurance management system in accordance with its exposition; and
- (b) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 141 flight training safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 141 operator must have a quality assurance manager if the operator conducts authorised Part 141 flight training only in flight simulation training devices: see the definition of *key personnel* in regulation 141.020.

**141.150 Part 141 operators—quality assurance manager: responsibilities**

- (1) The quality assurance manager of a Part 141 operator must manage the quality assurance management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the quality assurance manager include:
  - (a) managing the operation of the quality assurance management system including managing corrective, remedial and preventative action in relation to the system; and

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- (b) regularly reporting to the chief executive officer on the effectiveness of the quality assurance management system; and
- (c) managing the maintenance and continuous improvement of the quality assurance management system.

**141.155 Part 141 operators—key personnel: additional qualification and experience requirements**

- (1) This regulation applies to:
  - (a) an applicant for a Part 141 certificate; or
  - (b) a Part 141 operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
  - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 141 flight training in accordance with its exposition and civil aviation legislation;
  - (b) the nature and complexity of the training;
  - (c) the leadership, management and standards-setting skills required by the person for the training;
  - (d) how recently the person has used his or her aviation skills;
  - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.
- (4) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
  - (a) to undertake a stated examination; or
  - (b) to be interviewed by CASA; or
  - (c) to complete a stated training course.

**141.160 Part 141 operators—reference library**

- (1) A Part 141 operator commits an offence if the operator does not maintain a reference library that complies with subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the reference library must:

- (a) include the following documents:

- (i) all operational documents and material;
- (ii) the civil aviation legislation that is relevant to the operator's authorised Part 141 flight training;
- (iii) the parts of the AIP that are relevant to the training;
- (iv) documents that include information about the flight operations of each kind of aircraft operated by the operator to conduct the training that is necessary to ensure the safe conduct of the training;
- (v) documents that include information about the operation or maintenance of each kind of flight simulation training device operated by the operator to conduct the training;
- (vi) any other publications, information or data required for the reference library by the operator's exposition; and

- (b) be readily available to all members of the operator's personnel; and

- (c) be up-to-date and in a readily accessible form.

- (3) A Part 141 operator commits an offence if the operator does not keep up-to-date records of the distribution of operational documents to members of the operator's personnel.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

**Subpart 141.E—Part 141 operators—instructors****141.165 Part 141 operators—instructors must comply with Part 141 certificate**

- (1) An instructor for a Part 141 operator commits an offence if the instructor conducts Part 141 flight training otherwise than in accordance with the operator's Part 141 certificate.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.170 Part 141 operators—instructors must comply with exposition**

- (1) An instructor for a Part 141 operator commits an offence if the instructor conducts authorised Part 141 flight training for the operator otherwise than in accordance with the operator's exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.175 Part 141 operators—instructors must be authorised under Part 61**

- (1) A Part 141 operator commits an offence if:
  - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
  - (b) the instructor is not authorised under Part 61 to conduct the training.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.180 Part 141 operators—instructors must have access to records**

- (1) A Part 141 operator commits an offence if:

- (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
- (b) the instructor does not have access to the operator's training records for course participants.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.185 Part 141 operators—instructors must hold valid standardisation and proficiency check for operator**

- (1) A Part 141 operator commits an offence if:
  - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
  - (b) the instructor does not hold a valid standardisation and proficiency check for the operator under regulation 141.190.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.190 Part 141 operators—holding valid standardisation and proficiency check for operator**

- (1) An instructor for a Part 141 operator holds a valid standardisation and proficiency check for the operator if:
  - (a) the instructor has successfully completed the operator's standardisation and proficiency check; and
  - (b) the check complies with regulation 141.195; and
  - (c) under subregulation (2) or (3), the check is valid.
- (2) A standardisation and proficiency check is valid for the period comprising:
  - (a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
  - (b) the period of 12 months immediately following the month in which the check was completed.

- (3) If:
- (a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the *existing check*); and
  - (b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire;
- the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

**141.195 Part 141 operators—standardisation and proficiency check requirements**

- (1) A Part 141 operator's standardisation and proficiency check for an instructor must, for the flight training that the operator has engaged the instructor to conduct, check the competency of the instructor to:
- (a) deliver ground briefings in accordance with the operator's training syllabus; and
  - (b) deliver flight training in an aircraft or flight simulation training device in accordance with the operator's training syllabus.
- (2) The check must be carried out by:
- (a) the operator's head of operations; or
  - (b) a person authorised to conduct the check by the operator's head of operations.

**141.200 Part 141 operators—training and assessment of instructors in human factors principles**

- (1) A Part 141 operator commits an offence if:
- (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
  - (b) the instructor has not successfully completed the operator's training and assessment in human factors principles.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.205 Part 141 operators—instructors must be competent to conduct flight training in flight simulation training device**

- (1) A Part 141 operator commits an offence if:
  - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator in a flight simulation training device; and
  - (b) the instructor has not been assessed by the operator as competent to conduct the training in the device.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.210 Part 141 operators—person recommended for flight test**

- (1) A Part 141 operator and the operator's head of operations each commit an offence if:
  - (a) a person is recommended for a flight test by:
    - (i) the head of operations; or
    - (ii) a person named in the operator's exposition as responsible for the authorised Part 141 flight training to which the flight test relates; and
  - (b) the person is not eligible under regulation 61.235 to undertake the test.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**Subpart 141.F—Part 141 operators—safety management system**

**141.215 Part 141 operators—safety management system**

A Part 141 operator that conducts authorised Part 141 flight training only in aircraft, or in aircraft and flight simulation training devices, must have a safety management system that meets the requirements of regulation 141.220.

**141.220 Part 141 operators—safety management system requirements**

- (1) The safety management system must be a systemic approach to managing safety that:
  - (a) includes the matters mentioned in subregulation (2); and
  - (b) ensures that the operator's authorised Part 141 flight training is conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes; and
  - (c) if the operator conducts the training in flight simulation training devices—includes the matters mentioned in subregulation 141.230 (2); and
  - (d) integrates human factors principles.
- (2) For paragraph (1) (a), the matters are the following:
  - (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
  - (b) a statement of the operator's safety policy, objectives and planning, including details of the following:
    - (i) the management commitment to, and responsibility for, safety;
    - (ii) the safety accountabilities of managers (including key personnel);
    - (iii) the appointment of safety management personnel;
    - (iv) how human factors principles are integrated into the safety management system;
    - (v) a safety management system implementation plan;
    - (vi) relevant third party relationships and interactions;
    - (vii) coordination of an emergency response plan;
    - (viii) safety management system documentation;
  - (c) a safety risk management system, including:
    - (i) hazard identification processes; and
    - (ii) risk assessment and mitigation processes;
  - (d) a safety assurance system, including details of processes for:
    - (i) safety performance monitoring and measurement; and
    - (ii) internal safety investigation; and

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- (iii) management of change; and
  - (iv) continuous improvement of the safety management system;
- (e) a safety training and promotion system, including details of the following:
  - (i) safety management system training and education;
  - (ii) safety management system safety communication.
- (3) Without limiting paragraph (1) (b), the system must include the following:
  - (a) a process for auditing the training;
  - (b) a process for promoting the continual improvement of the training;
  - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners;
  - (d) a process for regularly assessing the suitability of the operator's facilities and resources for conducting the training;
  - (e) a process for recommending changes to the system.

**Subpart 141.G—Part 141 operators—quality assurance management system**

**141.225 Part 141 operators—quality assurance management system**

A Part 141 operator that conducts authorised Part 141 flight training only in flight simulation training devices must have a quality assurance management system that meets the requirements of regulation 141.230.

**141.230 Part 141 operators—quality assurance management system requirements**

- (1) The quality assurance management system must:
  - (a) ensure the correct operation and maintenance of the flight simulation training devices; and

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- (b) ensure that the operator's authorised Part 141 flight training is conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes.
- (2) Without limiting paragraph (1) (a), the system must include the following:
  - (a) quality policy;
  - (b) management responsibility;
  - (c) document control;
  - (d) resource allocation;
  - (e) quality procedures;
  - (f) internal audit.
- (3) Without limiting paragraph (1) (b), the system must include the following:
  - (a) a process for auditing the training;
  - (b) a process for promoting the continual improvement of the training;
  - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners;
  - (d) a process for regularly assessing the suitability of the operator's facilities and resources for conducting the training;
  - (e) a process for recommending changes to the system.

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

Note: This Subpart is reserved for future use.

**Subpart 141.I—Part 141 operators—expositions****141.260 Part 141 operators—content of exposition**

- (1) An exposition for a Part 141 operator must include the following:
  - (a) the operator's name (including any operating or trading name), address, contact details and ABN (if any);
  - (b) the location and address of:

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- (i) the operator's headquarters; and
  - (ii) each of the operator's training bases;
- (c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;
- (d) if the operator is a corporation—a description of the operator's corporate structure;
- (e) for each of the key personnel, the following information:
  - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 141.D for the position;
  - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 141.D for the position;
  - (iii) the name of the person appointed to the position;
  - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:
    - (A) is absent from the position; or
    - (B) cannot carry out the responsibilities;
  - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
- (f) each matter (if any) for which the chief executive officer is accountable in addition to the matters mentioned in regulation 141.120;
- (g) the name of each instructor appointed by the operator's head of operations to have responsibility for particular authorised Part 141 flight training;
- (h) a description of the operator's program for training and assessing personnel in non-technical skills and human factors principles;
- (i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;
- (j) a description of the authorised Part 141 flight training conducted by the operator including the training plans and syllabuses for the training;

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- (k) a description of the procedures by which the operator conducts and manages the training;
- (l) if the operator conducts the training in aircraft:
  - (i) for each registered aircraft—the kind of aircraft and its registration mark; and
  - (ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and
  - (iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and
  - (iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and
  - (v) a description of each flight training area;
- (m) if the training includes training for a flight crew licence or rating of a kind for which low-flying flight training is required—a description of how the operator will determine a suitable flight training area for the training;
- (n) if the operator conducts the training in flight simulation training devices:
  - (i) a description of the devices used by the operator in conducting the training; and
  - (ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and
  - (iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and
  - (iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and
  - (v) for any other device—a description of the procedures by which the operator ensures that the device:
    - (A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or

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- (B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
  - (o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
  - (p) the facilities used by the operator for the activities;
  - (q) a description of any operations, other than the training, conducted by the operator;
  - (r) the following manuals:
    - (i) an operations manual;
    - (ii) a dangerous goods manual (if any);
    - (iii) if the operator conducts the training only in aircraft, or in aircraft and flight simulation training devices—a safety management system manual that describes the operator's safety management system;
    - (iv) if the operator conducts the training only in flight simulation training devices—a quality assurance management system manual that describes the operator's quality assurance management system;
  - (s) a description of the operator's process for making changes including:
    - (i) identifying changes that are significant changes; and
    - (ii) identifying changes that are not significant changes; and
    - (iii) telling CASA of the changes;
  - (t) a description of any other matter required to be approved by CASA under these Regulations in relation to the training;
  - (u) a matter prescribed by a legislative instrument under regulation 141.040 for this paragraph.
- (2) A manual mentioned in any of subparagraphs (1) (r) (ii) to (iv) may be included as part of the operator's operations manual.
- (3) An exposition for a Part 141 operator may include a list of material required for the operator's reference library.

**141.265 Part 141 operators—compliance with exposition by operator**

- (1) A Part 141 operator commits an offence if the operator contravenes a provision of its exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.270 Part 141 operators—providing personnel with exposition**

- (1) A Part 141 operator commits an offence if:
- (a) the operator's exposition relates to the duties of any of the operator's personnel; and
  - (b) the operator does not make the part of the exposition that relates to the duties available to the person before the person begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**Subpart 141.J—Part 141 operators—logs and records****141.275 Part 141 operators—making and keeping flight training records**

- (1) A Part 141 operator commits an offence if:
- (a) a person completes a session of the operator's authorised Part 141 flight training; and
  - (b) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if the operator does not retain a record made under subregulation (1) for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**141.280 Part 141 operators—availability of flight training records**

- (1) A Part 141 operator commits an offence if:
- (a) a record is made under regulation 141.275; and
  - (b) the operator does not give a copy of the record to the person to whom it relates within 7 days after the record is made.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if:
- (a) a record is made under regulation 141.275; and
  - (b) the operator receives a request from another Part 141 operator for a copy of the record; and
  - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another Part 141 operator if requested; and
  - (d) the operator does not give a copy of the record to the other Part 141 operator within 7 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**Subpart 141.K—Part 141 operators—miscellaneous**

**141.285 Part 141 operators—suitable facilities, records and resources for flight test**

- (1) This regulation applies if a Part 141 operator arranges with a flight examiner for the examiner to conduct a flight test.
- (2) The Part 141 operator commits an offence if suitable facilities, records and resources are not available to the flight examiner for the flight test.

Penalty: 50 penalty units.

**141.290 Part 141 operators—pilot in command to be authorised under Part 61**

- (1) A Part 141 operator commits an offence if:
- (a) a person flies an aircraft used in the operator's authorised Part 141 flight training as pilot in command; and
  - (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act.

**141.295 Part 141 operators—carriage of passengers prohibited during abnormal operations or low-flying flight training**

- (1) A Part 141 operator commits an offence if:
- (a) during a flight of an aircraft for authorised Part 141 flight training for the operator:
    - (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
    - (ii) low-flying flight training is conducted; and
  - (b) a passenger is carried on the flight.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.300 Part 141 operators—authorisation of carriage of passengers**

- (1) A Part 141 operator commits an offence if:
- (a) a person flies an aircraft used in the operator's authorised Part 141 flight training as pilot in command; and
  - (b) the operator authorises the carriage of a passenger on the flight; and
  - (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**141.305 Part 141 operators—holders of student pilot licences  
conducting solo flights**

*Completion of training and assessment of competency—first solo  
flight of certain kinds*

- (1) A Part 141 operator commits an offence if:
- (a) the holder of a student pilot licence who is undertaking authorised Part 141 flight training for the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
  - (b) the holder does not meet a requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1) (a), the kinds of solo flight are the following:
- (a) a circuit training flight;
  - (b) a flight between an aerodrome and the flight training area for the aerodrome;
  - (c) a cross-country flight;
  - (d) a flight at night.
- (3) For paragraph (1) (b), the requirements are the following:
- (a) the holder must have completed training in all the units of competency mentioned in the Part 61 Manual of Standards for the conduct of a solo flight of that kind by the holder of a student pilot licence;
  - (b) the holder must have been assessed as competent against the standards mentioned in the Part 61 Manual of Standards for each unit of competency.

*Appropriate briefing and capability to conduct safe flight—first  
solo flight*

- (4) A Part 141 operator commits an offence if:

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- (a) the holder of a student pilot licence who is undertaking authorised Part 141 flight training for the operator conducts a solo flight for the first time; and
- (b) the holder does not meet a requirement mentioned in subregulation (5).

Penalty: 50 penalty units.

- (5) For paragraph (4) (b), the requirements are the following:
  - (a) the holder must have been briefed appropriately for the flight;
  - (b) the holder must be capable of conducting the flight safely.
- (6) An offence against subregulation (1) is an offence of strict liability.
- (7) Strict liability applies to paragraph (4) (a).
- (8) In this regulation:

*cross-country flight*: see regulation 61.010.

*solo*: see regulation 61.010.

Note: See also subregulation 61.445 (4) and regulations 61.450 and 61.1225.

**141.310 Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required**

*Requirement for approval*

- (1) A Part 141 operator commits an offence if:
  - (a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
  - (b) the operator does not hold an approval under regulation 141.035 to do the act.

Penalty: 50 penalty units.

*Acts in relation to cancelled authorisations*

- (2) For paragraph (1) (a), the acts are the following:

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- (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which was authorised by a cancelled authorisation;
- (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person who was, at the time of the cancellation, employed in connection with an operation the conduct of which was authorised by a cancelled authorisation;
- (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

*Acts in relation to suspended or varied authorisations*

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation.
- (4) For paragraph (1) (a), the acts are the following:
  - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which:
    - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
    - (ii) is no longer authorised by the authorisation as suspended or varied;
  - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
    - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
    - (ii) is no longer authorised by the authorisation as suspended or varied;
  - (c) to conduct an operation, or part of an operation, the conduct of which:
    - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
    - (ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB of the Act in relation to varying AOC conditions.

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*Pending applications for authorisations*

- (5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.
- (6) For paragraph (1) (a), the acts are the following:
  - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which would be authorised by the authorisation;
  - (b) to employ, in connection with any of the operator's authorised Part 14 flight training, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
  - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

*Application for authorisation refused*

- (7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.
- (8) For paragraph (1) (a), the acts are the following:
  - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the use of which would have been authorised by the authorisation;
  - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
  - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.
- (9) An offence against this regulation is an offence of strict liability.
- (10) In this regulation:

***cancelled authorisation*** means a civil aviation authorisation that has been cancelled otherwise than on application by the holder of the authorisation.

**employ** includes engage, whether by contract or other arrangement.

**suspended authorisation** means a civil aviation authorisation that has been suspended otherwise than on application by the holder of the authorisation.

**varied authorisation** means a civil aviation authorisation that has been varied otherwise than on application by the holder of the authorisation.

## **Part 142—Integrated and multi-crew pilot flight training, contracted recurrent training and contracted checking**

**Note:**      *This Part is made up as follows:*

### **Subpart 142.A      General**

- |         |   |
|---------|---|
| 142.005 | What Part 142 is about  |
| 142.010 | Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices  |
| 142.015 | Definitions of <i>Part 142 activity</i> , <i>Part 142 flight training</i> , <i>Part 142 authorisation</i> , <i>Part 142 operator</i> and <i>authorised Part 142 activity</i> for Part 142 |
| 142.020 | Definitions of <i>contracted checking</i> , <i>contracted recurrent training</i> and <i>contracting operator</i> for Part 142   |
| 142.025 | Definition of <i>key personnel</i> for Part 142   |
| 142.030 | Definition of <i>significant change</i> for Part 142  |
| 142.035 | Definitions for Part 142  |
| 142.040 | Approvals by CASA for Part 142  |
| 142.045 | Legislative instruments—Part 142 operators  |
| 142.050 | Part 142 activities—requirement for Part 142 authorisation  |
| 142.055 | Part 142 activities—compliance with Part 142 authorisations: offence for operators  |

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142.060	Part 142 activities—compliance with conditions of Part 142 authorisations: offence for operators
<b>Subpart 142.B</b>	<b>Part 142 authorisations</b>
<b>Division 142.B.1</b>	<b>AOCs for Part 142 activities that involve operation of aircraft</b>
142.065	Prescribed purpose—Part 142 activities involving the operation of aircraft
142.070	Prescribed position—safety manager
142.075	Required material—reference library
142.080	AOC—application
142.085	AOC—conditions for issue
142.090	AOC—holders of existing AOCs
142.095	AOC—approval of exposition
142.100	AOC—conditions
<b>Division 142.B.2</b>	<b>Certificates for Part 142 activities conducted in flight simulation training devices</b>
142.105	Certificate—application
142.110	Certificate—issue
142.115	Certificate—approval of exposition
142.120	Certificate—conditions
142.125	Certificate holders—reference library
142.130	Certificate holders—regulations 11.070 to 11.075 do not apply in relation to certain matters
<b>Subpart 142.C</b>	<b>Part 142 operators—changes</b>
142.135	Part 142 operators—changes of name etc
142.140	Part 142 operators—application for approval of significant change
142.145	Part 142 operators—approval of significant changes
142.150	Part 142 operators—process for making changes
142.155	Part 142 operators—CASA directions relating to exposition or key personnel

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<b>Subpart 142.D</b>	<b>Part 142 operators—organisation and personnel</b>
142.160	Part 142 operators—organisation and personnel
142.165	Part 142 operators—key personnel cannot carry out responsibilities
142.170	Part 142 operators—familiarisation training for key personnel
142.175	Part 142 operators—chief executive officer: experience
142.180	Part 142 operators—chief executive officer: responsibilities and accountabilities
142.185	Part 142 operators—head of operations: qualifications and experience
142.190	Part 142 operators—head of operations: responsibilities
142.195	Part 142 operators—safety manager: experience
142.200	Part 142 operators—safety manager: responsibilities
142.205	Part 142 operators—quality assurance manager: experience
142.210	Part 142 operators—quality assurance manager: responsibilities
142.215	Part 142 operators—key personnel: additional qualifications and experience requirements
<b>Subpart 142.E</b>	<b>Part 142 operators—instructors and examiners</b>
142.220	Part 142 activities—instructors and examiners must comply with Part 142 authorisation
142.225	Part 142 activities—instructors and examiners must comply with exposition
142.230	Part 142 operators—instructors and examiners must be authorised under Part 61
142.235	Part 142 operators—instructors and examiners must have access to records

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142.240	Part 142 operators—instructors and examiners must be competent to conduct authorised Part 142 activities in flight simulation training devices
142.245	Part 142 operators—person recommended for flight test
<b>Subpart 142.F</b>	<b>Part 142 operators—training management system</b>
142.250	Part 142 operators—training management system
142.255	Part 142 operators—training management system requirements
<b>Subpart 142.G</b>	<b>Part 142 operators—safety management system</b>
142.260	Part 142 operators—safety management system
142.265	Part 142 operators—safety management system requirements
<b>Subpart 142.H</b>	<b>Part 142 operators—quality assurance management system</b>
142.270	Part 142 operators—quality assurance management system
142.275	Part 142 operators—quality assurance management system requirements
<b>Subpart 142.I</b>	<b>Part 142 operators—personnel fatigue management</b>
<b>Subpart 142.J</b>	<b>Part 142 operators—internal training and checking</b>
142.310	Part 142 operators—internal training and checking system
142.315	Part 142 operators—internal training and checking system requirements
142.320	Part 142 operators—proficiency of instructors
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- 142.335 Part 142 operators—training and assessment of instructors and examiners in human factors principles
- Subpart 142.K Part 142 operators—expositions**
- 142.340 Part 142 operators—content of exposition
- 142.345 Part 142 operators—compliance with exposition by operator
- 142.350 Part 142 operators—providing personnel with exposition
- Subpart 142.L Part 142 operators—logs and records**
- 142.355 Part 142 operators—making and keeping records
- 142.360 Part 142 operators—availability of records
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- 142.365 Part 142 operators—pilot in command for training to be authorised under Part 61
- 142.370 Part 142 operators—carriage of passengers prohibited during abnormal operations or low-flying activity
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- 142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator
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## Subpart 142.A—General

### 142.005 What Part 142 is about

This Part:

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- (a) deals with the conduct of integrated and multi-crew pilot flight training, contracted recurrent training and contracted checking; and
- (b) makes provision for applicants for, and holders of, Part 142 authorisations (which are AOCs or other certificates that deal with the training and checking mentioned in paragraph (a)).

Note: See also Division 2 of Part III of the Act in relation to AOCs generally.

**142.010 Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices**

- (1) This Part applies only to:
  - (a) an aeroplane, rotorcraft or airship; or
  - (b) a flight simulation training device for an aircraft mentioned in paragraph (a).
- (2) Accordingly, a reference in this Part to an *aircraft* is a reference to an aeroplane, rotorcraft or airship.

**142.015 Definitions of *Part 142 activity*, *Part 142 flight training*, *Part 142 authorisation*, *Part 142 operator* and *authorised Part 142 activity* for Part 142**

- (1) A *Part 142 activity* is any of the following conducted in an aircraft or a flight simulation training device:
  - (a) Part 142 flight training;
  - (b) contracted recurrent training;
  - (c) contracted checking.
- (2) *Part 142 flight training* is any of the following flight training:
  - (a) an integrated training course for the grant under Part 61 of a private pilot licence or commercial pilot licence;
  - (b) training for the grant under Part 61 of a multi-crew pilot licence, air transport pilot licence or flight engineer licence;
  - (c) multi-crew cooperation training;
  - (d) training:

- (i) that is for the grant under Part 61 of a flight crew rating that is not a type rating mentioned in a legislative instrument under regulation 142.045; and
  - (ii) that is conducted as a multi-crew operation;
- (e) training for the grant under Part 61 of a flight crew endorsement that is conducted as a multi-crew operation;
- (f) training that is given as part of a flight review that is conducted as a multi-crew operation;
- (g) differences training:
  - (i) that is required as mentioned in regulation 61.780 for a variant covered by a type rating that is not a type rating mentioned in a legislative instrument under regulation 142.045; and
  - (ii) that is not conducted by a training and checking organisation approved under regulation 217 of CAR.
- (3) An **authorised Part 142 activity**, for a Part 142 operator, is a Part 142 activity mentioned in the operator's Part 142 authorisation.
- (4) A **Part 142 operator** is the holder of a Part 142 authorisation.
- (5) A **Part 142 authorisation** is:
  - (a) an AOC that authorises the conduct of a Part 142 activity in an aircraft; or
  - (b) a certificate under Division 142.B.2 that authorises the conduct of a Part 142 activity in a flight simulation training device.

**142.020 Definitions of *contracted checking*, *contracted recurrent training* and *contracting operator* for Part 142**

In this Part:

***contracted checking*** means checking conducted by a Part 142 operator for a contracting operator.

***contracted recurrent training*** means recurrent training conducted by a Part 142 operator for a contracting operator.

***contracting operator*** means an aircraft operator who enters into a contract with a Part 142 operator for the Part 142 operator to conduct:

- (a) recurrent training for the aircraft operator; or
- (b) checking for the aircraft operator.

#### **142.025 Definition of *key personnel* for Part 142**

In this Part:

***key personnel***, for a Part 142 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

- (a) chief executive officer;
- (b) head of operations;
- (c) if the operator conducts authorised Part 142 activities only in aircraft, or aircraft and flight simulation training devices—safety manager;
- (d) if the operator conducts authorised Part 142 activities only in flight simulation training devices—quality assurance manager.

#### **142.030 Definition of *significant change* for Part 142**

In this Part:

***significant change***, for a Part 142 operator, means:

- (a) a change in relation to any of the following:
  - (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;
  - (ii) the operator's corporate structure;
  - (iii) the operator's organisational structure;
  - (iv) the operator's key personnel;
  - (v) a person authorised to carry out the responsibilities of any of the key personnel;
  - (vi) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;

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- (vii) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
- (viii) the familiarisation training mentioned in regulation 142.170 for any of the key personnel;
- (ix) the operator's process for making changes:
  - (A) that are significant changes; and
  - (B) that are not significant changes;
- (x) the authorised Part 142 activities conducted by the operator;
- (xi) if the operator conducts the activities in aircraft—the kinds of aircraft used to conduct the activities;
- (xii) if the operator conducts the activities in turbine-engined aircraft—any leasing or other arrangements for the supply of a turbine-engined aircraft;
- (xiii) if the operator conducts the activities in flight simulation training devices:
  - (A) the ownership arrangements for a device; or
  - (B) the types of devices; or
- (b) if the operator conducts the activities in foreign registered aircraft:
  - (i) a change in the foreign registered aircraft used in the activities; or
  - (ii) a change in relation to a foreign registered aircraft used in the activities, including a change to its nationality or registration mark; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
  - (i) the procedures by which the operator conducts and manages the activities;
  - (ii) the operator's operations manual;
  - (iii) the operator's dangerous goods manual (if any);
  - (iv) the operator's training management system manual;
  - (v) the way that the operator manages the risk of fatigue in its personnel;
  - (vi) the operator's internal training and checking system manual;

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- (vii) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—the operator’s safety management system manual;
- (viii) if the operator conducts the activities only in flight simulation training devices—the operator’s quality assurance management system manual;
- (ix) if the operator conducts the activities in aircraft:
  - (A) the way the aircraft are managed or maintained; or
  - (B) the way the continuing airworthiness of the aircraft is assured; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

**142.035 Definitions for Part 142**

In this Part:

***aircraft***: see regulation 142.010.

***authorised Part 142 activity***, for a Part 142 operator: see subregulation 142.015 (3).

***checking*** means the assessment of proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

***conducts***: a Part 142 operator ***conducts*** a Part 142 activity if an instructor or examiner for the operator conducts the activity on behalf of the operator.

***contracted checking***: see regulation 142.020.

***contracted recurrent training***: see regulation 142.020.

***contracting operator***: see regulation 142.020.

**corporation:** see regulation 11.015.

**examiner**, for a Part 142 operator, means a flight examiner or flight engineer examiner engaged by the operator:

- (a) to conduct flight tests for the grant of a licence, rating or endorsement under Part 61 on behalf of the operator; or
- (b) to conduct contracted checking on behalf of the operator.

**exposition**, for a Part 142 operator, means:

- (a) the set of documents approved by CASA under regulation 142.095 or 142.115 in relation to the operator; and
- (b) if the set of documents is changed under regulation 142.135, 142.145 or 142.155, or the process mentioned in regulation 142.150—the set of documents as changed.

**instructor**, for a Part 142 operator, means a person engaged by the operator to conduct Part 142 flight training or contracted recurrent training on behalf of the operator.

**key personnel**, for a Part 142 operator: see regulation 142.025.

**low-flying activity** means a flight that is conducted below 500 feet AGL, other than:

- (a) climbing from take-off; and
- (b) descending for the purpose of landing.

**officer**, of a corporation, means:

- (a) for a corporation that is a company (within the meaning of the *Corporations Act 2001*)—a director, secretary or executive officer of the corporation; or
- (b) for a corporation of any other kind—a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a company (within the meaning of the *Corporations Act 2001*).

**Part 142 activity: see subregulation 142.015 (1).**

**Part 142 authorisation:** see subregulation 142.015 (5).

**Part 142 flight training:** see subregulation 142.015 (2).

**personnel**, for a Part 142 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 142 activities:

- (a) an employee of the operator;
- (b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
- (c) an employee of a person mentioned in paragraph (b).

**significant change**, for a Part 142 operator: see regulation 142.030.

**recurrent training** means the training of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

**training base**, for a Part 142 operator, means a facility from which the operator conducts flight training, recurrent training or checking.

#### **142.040 Approvals by CASA for Part 142**

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval under this regulation for the following provisions:
  - (a) paragraph 142.050 (3) (b);
  - (b) paragraph 142.185 (1) (b);
  - (c) paragraph 142.185 (4) (a).

#### **142.045 Legislative instruments—Part 142 operators**

For paragraph 98 (5A) (a) of the Act, CASA may issue a legislative instrument to prescribe the following:

- (a) type ratings for paragraph (d) and subparagraph (g) (i) of the definition of **Part 142 flight training** in subregulation 142.015 (2);

- (b) matters for paragraph 142.340 (1) (v).

**142.050 Part 142 activities—requirement for Part 142 authorisation**

- (1) A person commits an offence if:
- (a) the person conducts a Part 142 activity in an aircraft; and
  - (b) the person does not hold an AOC that authorises the person to conduct the activity.

Penalty: 50 penalty units.

- (2) A person commits an offence if:
- (a) the person conducts a Part 142 activity in a flight simulation training device; and
  - (b) the person does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2) (b), the requirement is that the person must hold:
- (a) a certificate under Division 142.B.2 that authorises the person to conduct the activity; or
  - (b) an approval under regulation 142.040 to conduct the activity.
- (4) An offence against this regulation is an offence of strict liability.

**142.055 Part 142 activities—compliance with Part 142 authorisations: offence for operators**

- (1) A Part 142 operator commits an offence if the operator conducts an authorised Part 142 activity for the operator otherwise than in accordance with its Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.060 Part 142 activities—compliance with conditions of Part 142 authorisations: offence for operators**

- (1) A Part 142 operator commits an offence if the operator contravenes a condition of its Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**Subpart 142.B—Part 142 authorisations****Division 142.B.1—AOCs for Part 142 activities that involve operation of aircraft****142.065 Prescribed purpose—Part 142 activities involving the operation of aircraft**

For subsection 27 (9) of the Act, conducting a Part 142 activity that involves the operation of an aircraft is a prescribed purpose.

**142.070 Prescribed position—safety manager**

For paragraph (e) of the definition of *key personnel* in subsection 28 (3) of the Act, the position of safety manager is prescribed.

**142.075 Required material—reference library**

For paragraph 28BH (2) (b) of the Act, the following material is required for a Part 142 operator that holds an AOC that authorises the conduct of Part 142 activities that involve the operation of aircraft:

- (a) the civil aviation legislation that is relevant to the activities;
- (b) the parts of the AIP that are relevant to the activities;
- (c) all information about the flight operations of each kind of aircraft that is necessary to ensure the safe conduct of the activities;

- (d) any other publications, information or data required for the reference library by the operator's exposition.

**142.080 AOC—application**

- (1) A person may apply to CASA for the issue of an AOC that authorises the person to conduct a Part 142 activity that involves the operation of an aircraft.
- (2) The application must include the following:
  - (a) the applicant's name (including any operating or trading name), address, headquarters, contact details and ABN (if any);
  - (b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
  - (c) if the applicant is a corporation—the name of each of the officers of the corporation;
  - (d) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
  - (e) if the applicant is a corporation not registered in Australia—the place at which it was incorporated or formed;
  - (f) the Part 142 activities that the applicant proposes to conduct;
  - (g) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the AOC, the applicant will:
    - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
    - (ii) operate in accordance with its exposition and civil aviation legislation.

Note: See also sections 27AB and 27AC of the Act.

- (3) The application must be:
  - (a) accompanied by a copy of the applicant's proposed exposition; and
  - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

**142.085 AOC—conditions for issue**

- (1) It is a condition for the issue to the applicant of an AOC that authorises the applicant to conduct Part 142 activities that CASA is satisfied of each of the following:
- (a) the applicant's proposed exposition complies with regulation 142.340;
  - (b) the applicant can conduct the activities safely and in accordance with its exposition and civil aviation legislation;
  - (c) if the applicant is an individual—the applicant:
    - (i) is a fit and proper person to be issued an AOC that authorises the conduct of the activities; and
    - (ii) is, or proposes to be, the applicant's chief executive officer;
  - (d) if the applicant is a corporation—each officer of the corporation is a fit and proper person to be an officer of a corporation that is issued an AOC that authorises the conduct of the activities;
  - (e) each of the applicant's proposed key personnel:
    - (i) is a fit and proper person to be appointed to the position; and
    - (ii) has the qualifications and experience required by Subpart 142.D for the position; and
    - (iii) has the qualifications and experience required by the applicant under subparagraph 142.340 (1) (e) (i) for the position (if any); and
    - (iv) has the additional qualifications and experience required by CASA under regulation 142.215 for the position (if any);
  - (f) the AOC would not, by itself or combined with an existing civil aviation authorisation held by the applicant, authorise the applicant to use a particular foreign registered aircraft in Australian territory for more than 90 days in total in any 12 month period.

Note: These matters are in addition to the matters specified in section 28 of the Act.

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- (2) For paragraph (1) (b), without limiting the matters that CASA may consider, CASA must consider the following:
- (a) the applicant's proposed exposition;
  - (b) whether the applicant can comply with the proposed exposition;
  - (c) the content of the undertaking mentioned in paragraph 142.080 (2) (g);
  - (d) details of, and the reasons for, any suspension or cancellation of:
    - (i) a civil aviation authorisation issued to the applicant; or
    - (ii) an equivalent authorisation issued to the applicant:
      - (A) under the law of a foreign country; or
      - (B) by a multinational aviation authority;
  - (e) the suitability of the applicant's corporate and organisational structures for the activities;
  - (f) any other information:
    - (i) accompanying the application; or
    - (ii) in any other document submitted to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For paragraphs (1) (c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:
- (a) *the person's criminal record (if any), whether in Australia or a foreign country;*
  - (b) *the person's bankruptcy (if any), whether in Australia or a foreign country;*
  - (c) *the person's history (if any) of serious behavioural problems;*
  - (d) *any evidence held by CASA that the person has contravened:*
    - (i) *civil aviation legislation; or*
    - (ii) *another law relating to transport (including aviation) safety, whether in Australia or a foreign country;*
  - (e) *the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;*

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- (f) *the record of compliance with regulatory requirements relating to transport (including aviation) safety of any corporation in Australia or a foreign country in which the person:*
    - (i) *is or was an officer or partner (however described); or*
    - (ii) *holds or held a position equivalent to any of the applicant's key personnel;*
  - (g) *for any corporation in which the person is or was an officer, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country, the following records:*
    - (i) *the corporation's criminal record (if any);*
    - (ii) *the corporation's record of insolvency, bankruptcy, receivership or winding up (if any);*
    - (iii) *the corporation's record (if any) as a body subject to investigation or comment by any statutory authority established to regulate the share dealings or financial affairs of corporations;*
  - (h) *any other matter relating to the fitness of the person to:*
    - (i) *for an applicant—hold an AOC that authorises the conduct of the activities; or*
    - (ii) *for an officer or proposed officer—be an officer of a corporation that holds an AOC that authorises the conduct of the activities.*

**142.090 AOC—holders of existing AOCs**

- (1) If the applicant holds an AOC that authorises the conduct of operations other than the proposed Part 142 activities, and CASA decides to issue an AOC to the applicant that authorises the conduct of the activities, the applicant must ask CASA, in writing, to cancel the applicant's existing AOC.
- (2) On receipt of the request, CASA must cancel the applicant's existing AOC and issue a new AOC that authorises the conduct of:
  - (a) the operations authorised by the existing AOC; and
  - (b) the proposed Part 142 activities.

**142.095 AOC—approval of exposition**

If CASA issues an AOC to the applicant that authorises the conduct of the proposed Part 142 activities, CASA is taken to have also approved the applicant's proposed exposition.

**142.100 AOC—conditions**

- (1) For paragraph 28BA (1) (b) of the Act, each of the following is a condition of an AOC issued to an operator that authorises the conduct of Part 142 activities:
  - (a) the operator must comply with each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations;
  - (b) each of the operator's key personnel must comply with:
    - (i) each provision of this Part that applies to the person; and
    - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
    - (iii) each other provision of civil aviation legislation that applies to the activities;
  - (c) each of the positions of the operator's key personnel must be filled;
  - (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the activities;
  - (e) if the operator is an individual—the individual must be the operator's chief executive officer;
  - (f) the positions of chief executive officer and safety manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (2);
  - (g) the positions of head of operations and safety manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (2).

- (2) For subparagraphs (1) (f) (ii) and (g) (ii), the period is:
  - (a) no more than 7 consecutive days for each unforeseen circumstance; or
  - (b) if the operator holds an approval under regulation 142.040 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

## **Division 142.B.2—Certificates for Part 142 activities conducted in flight simulation training devices**

### **142.105 Certificate—application**

- (1) A person may apply to CASA for a certificate authorising the person to conduct Part 142 activities in flight simulation training devices.
- (2) The application must include the following:
  - (a) the information and documents mentioned in paragraphs 142.080 (2) (a) to (e);
  - (b) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:
    - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
    - (ii) operate in accordance with its exposition and civil aviation legislation.
- (3) The application must be:
  - (a) accompanied by a copy of the applicant's proposed exposition; and
  - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

### **142.110 Certificate—issue**

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
  - (a) the matters mentioned in subregulation 142.085 (1);

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- (b) the applicant's organisation is suitable to ensure that the activities can be conducted safely, having regard to the nature of the activities;
  - (c) the chain of command of the applicant's organisation is appropriate to ensure that the activities can be conducted safely;
  - (d) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the activities safely;
  - (e) the facilities of the applicant's organisation are sufficient to enable the activities to be conducted safely;
  - (f) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the activities can be conducted safely.
- (2) For subregulation (1), in deciding whether an applicant is capable of conducting the activities safely and in accordance with its exposition and civil aviation legislation, CASA must consider:
  - (a) the matters set out in paragraphs 142.085 (2) (a), (b) and (d) to (f); and
  - (b) the content of the undertaking mentioned in paragraph 142.105 (2) (b).
- (3) For subregulation (1), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 142.085 (3).
- (4) For this regulation, regulation 142.085 applies to an application for a certificate as if:
  - (a) a reference to an AOC were a reference to a certificate; and
  - (b) any other necessary changes had been made.
- (5) If CASA decides to issue the certificate, CASA must determine the Part 142 activities the applicant is authorised to conduct in flight simulation training devices, including any limitations or conditions in relation to the activities.
- (6) The certificate must include:
  - (a) the matters mentioned in subregulation (5); and
  - (b) a certificate reference number determined by CASA.

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- (7) If, under regulation 142.145, CASA approves a significant change to a Part 142 operator that holds a certificate under this Division, CASA may issue a new certificate to the operator.

**142.115 Certificate—approval of exposition**

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

**142.120 Certificate—conditions**

- (1) Each of the following is a condition of a certificate issued to an operator under this Division:
- (a) the operator must comply with:
    - (i) each provision of this Part that applies to the operator; and
    - (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
    - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 142 activities covered by the certificate;
  - (b) each of the operator's key personnel must comply with:
    - (i) each provision of this Part that applies to the person; and
    - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
    - (iii) each other provision of civil aviation legislation that applies to the activities covered by the certificate;
  - (c) each of the positions of the operator's key personnel must be filled;
  - (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the activities;
  - (e) if the operator is an individual—the individual must be the operator's chief executive officer;

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- (f) the positions of chief executive officer and quality assurance manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (2);
  - (g) the positions of head of operations and quality assurance manager may be occupied by the same person only:
    - (i) in an unforeseen circumstance; and
    - (ii) for the period mentioned in subregulation (2).
- (2) For subparagraphs (1) (f) (ii) and (g) (ii), the period is:
- (a) no more than 7 consecutive days for each unforeseen circumstance; or
  - (b) if the operator holds an approval under regulation 142.040 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

**142.125 Certificate holders—reference library**

- (1) A Part 142 operator that holds a certificate under this Division commits an offence if the operator does not maintain a reference library that complies with subregulation (2).
- Penalty: 50 penalty units.
- (2) For subregulation (1), the reference library must:
- (a) include the following documents:
    - (i) all operational documents and material;
    - (ii) the civil aviation legislation that is relevant to the operator's authorised Part 142 activities covered by the certificate;
    - (iii) the parts of the AIP that are relevant to the activities;
    - (iv) documents that include information about the operation or maintenance of each kind of flight simulation training device operated by the operator to conduct the activities;
    - (v) any other publications, information or data required for the reference library by the operator's exposition; and
  - (b) be readily available to all members of the operator's personnel; and

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(c) be up-to-date and in a readily accessible form.

- (3) A Part 142 operator commits an offence if the operator does not keep up-to-date records of the distribution of operational documents to members of the operator's personnel.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

**142.130 Certificate holders—regulations 11.070 to 11.075 do not apply in relation to certain matters**

Regulations 11.070 to 11.075 do not apply to the following for a Part 142 operator that holds a certificate under this Division:

- (a) a change of which CASA is notified under regulation 142.135;
- (b) a significant change that is approved by CASA under regulation 142.145;
- (c) a change made under a process mentioned in regulation 142.150;
- (d) a change that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 142.155.

**Subpart 142.C—Part 142 operators—changes**

**142.135 Part 142 operators—changes of name etc**

- (1) A Part 142 operator commits an offence if the operator:
- (a) changes its name (including any operating or trading name), address, headquarters or contact details; and
  - (b) does not, before making the change:
    - (i) amend its exposition to reflect the change; and
    - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.140 Part 142 operators—application for approval of significant change**

- (1) A Part 142 operator commits an offence if:
- (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
  - (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if:
- (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340 (1) (e) (iv); and
  - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

- (3) A Part 142 operator commits an offence if:
- (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340 (1) (e) (iv); and
  - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

Penalty: 50 penalty units.

- (4) An application for approval of a significant change must:
- (a) be in writing; and
  - (b) set out the change; and

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- (c) be accompanied by a copy of the part of the exposition affected by the change, clearly identifying the change.
- (5) An offence against this regulation is an offence of strict liability.

**142.145 Part 142 operators—approval of significant changes**

- (1) CASA may approve a significant change for a Part 142 operator that holds an AOC that authorises the operator to conduct Part 142 activities only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 142.085 (1) will continue to be met.
- (2) Subject to regulation 11.055, CASA must approve a significant change for a Part 142 operator that holds a certificate under Division 142.B.2 if satisfied that the requirements mentioned in subregulation 142.110 (1) will continue to be met.
- (3) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application.

**142.150 Part 142 operators—process for making changes**

- (1) A Part 142 operator commits an offence if:
  - (a) the operator makes a change; and
  - (b) the change is not made in accordance with the process described in the operator's exposition for making changes.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.155 Part 142 operators—CASA directions relating to exposition or key personnel**

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 142 operator to change its exposition:
  - (a) to remove particular information, procedures or instructions from the exposition; or

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- (b) to include particular information, procedures or instructions in the exposition; or
  - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may direct a Part 142 operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
  - (a) carrying out the responsibilities of the position; or
  - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:
  - (a) be in writing; and
  - (b) state the time within which the direction must be complied with.
- (4) A Part 142 operator commits an offence if:
  - (a) CASA gives the operator a direction under this regulation; and
  - (b) the operator does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

**Subpart 142.D—Part 142 operators—organisation and personnel**

Note: For the qualifications for the position of head of aircraft airworthiness and maintenance control, see the qualifications specified in the Part 42 Manual of Standards for the position of continuing airworthiness manager.

**142.160 Part 142 operators—organisation and personnel**

- (1) A Part 142 operator must maintain an organisational structure that effectively manages its authorised Part 142 activities, taking into account the following:
  - (a) the nature and complexity of the activities;

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- (b) the number and kinds of aircraft or flight simulation training devices used to conduct the activities;
  - (c) the number and location of training bases used by the operator to conduct the activities;
  - (d) the number of the operator's personnel;
  - (e) for Part 142 flight training—the number of course participants undertaking the training;
  - (f) for contracted recurrent training—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted recurrent training;
  - (g) for contracted checking—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted checking.
- (2) A Part 142 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's exposition or this Subpart.

Penalty: 50 penalty units.

**142.165 Part 142 operators—key personnel cannot carry out responsibilities**

- (1) A Part 142 operator commits an offence if:
- (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days; and
  - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the time is:
- (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or

- (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

**142.170 Part 142 operators—familiarisation training for key personnel**

A Part 142 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

**142.175 Part 142 operators—chief executive officer: experience**

The chief executive officer of a Part 142 operator must have sufficient relevant experience in organisational, operational, financial and people management of air operations to enable the operator to conduct safe operations in accordance with its exposition and civil aviation legislation.

**142.180 Part 142 operators—chief executive officer: responsibilities and accountabilities**

- (1) The chief executive officer of a Part 142 operator is responsible for the following:
  - (a) ensuring that, for the safe conduct of the operator's authorised Part 142 activities in accordance with the operator's Part 142 authorisation, exposition and civil aviation legislation, the operator:
    - (i) has sufficient suitably experienced, qualified and competent personnel; and
    - (ii) has a suitable management structure; and
    - (iii) is adequately financed and resourced;
  - (b) ensuring that the operator:
    - (i) sets and maintains standards for the activities in accordance with the operator's exposition; and
    - (ii) complies with civil aviation legislation;

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- (c) if the operator conducts the activities in aircraft—ensuring that the operator:
  - (i) implements and manages the operator’s safety management system; and
  - (ii) has procedures that ensure that all of the operator’s personnel understand the operator’s safety policy; and
  - (iii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and
  - (iv) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the activities; and
  - (v) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (iv) may:
    - (A) affect the operator’s safe conduct of the activities; or
    - (B) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and
  - (vi) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the activities; and
  - (vii) for each foreign registered aircraft (if any) used in the activities—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
- (d) if the operator conducts the activities only in flight simulation training devices—ensuring that the operator implements and manages the operator’s quality assurance management system;
- (e) establishing and regularly reviewing the operator’s safety performance indicators and targets;
- (f) ensuring that the operator’s exposition is monitored and managed for continuous improvement;
- (g) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
  - (i) the operator’s exposition; and
  - (ii) civil aviation legislation.

- (2) The chief executive officer of a Part 142 operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

**142.185 Part 142 operators—head of operations: qualifications and experience**

- (1) The head of operations of a Part 142 operator must:
  - (a) meet the requirements mentioned in subregulation (2); or
  - (b) hold an approval under regulation 142.040 to be the head of operations for the operator.
- (2) For paragraph (1) (a), the requirements are that the person must:
  - (a) hold, and be able to exercise the privileges of, a flight examiner rating; and
  - (b) hold the pilot licence required by subregulation (3); and
  - (c) be authorised under Part 61 to pilot a kind of aircraft that is used to conduct a significant proportion of the operator's authorised Part 142 activities; and
  - (d) have the experience required by subregulation (4); and
  - (e) have a satisfactory record in the conduct or management of air operations; and
  - (f) have sufficient safety and regulatory knowledge to enable the operator to conduct the activities safely and in accordance with its exposition and civil aviation legislation.
- (3) For paragraph (2) (b), the licence required is:
  - (a) if any of the activities relate to the operation of an aircraft for a multi-crew operation—an air transport pilot licence; or
  - (b) in any other case—a commercial pilot licence or an air transport pilot licence.
- (4) For paragraph (2) (d), the experience required is:
  - (a) if the operator holds an approval under regulation 142.040 for this paragraph—the experience mentioned in paragraph (5) (a) or (b); or
  - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (5) (a) and (b).

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- (5) For subregulation (4), the experience is the following:
  - (a) at least 500 hours flight time on a kind of aircraft used to conduct a significant proportion of the activities;
  - (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (6) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 142 operator, direct the person to undertake an assessment mentioned in subregulation (7).
- (7) For subregulation (6), the assessment:
  - (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
  - (b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

**142.190 Part 142 operators—head of operations: responsibilities**

- (1) The head of operations of a Part 142 operator must safely manage the authorised Part 142 activities of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
  - (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's exposition that apply to the activities;
  - (b) setting and maintaining the operator's standards for the activities in accordance with the operator's exposition;
  - (c) if the activities include flight training or contracted recurrent training—ensuring that the training is conducted in accordance with the operator's training management system;
  - (d) ensuring that the activities are monitored effectively;
  - (e) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);

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- (f) ensuring the proper allocation and deployment of aircraft, flight simulation training devices and personnel for use in the activities;
- (g) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;
- (h) if the operator conducts an activity in a flight simulation training device—ensuring that the device is used only in accordance with the operator's exposition;
- (i) if the operator conducts an activity in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;
- (j) if the operator conducts an activity in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;
- (k) if the operator conducts an activity in any other device—ensuring that the device:
  - (i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
  - (ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
- (l) ensuring that each instructor who conducts an activity for the operator:
  - (i) has access to the parts of the operator's exposition that relate to the instructor's duties; and
  - (ii) holds a valid standardisation and proficiency check for the operator under regulation 142.325;
- (m) ensuring that each examiner who conducts an activity for the operator has access to the parts of the operator's exposition that relate to the examiner's duties;
- (n) ensuring that each instructor or examiner who conducts an activity for the operator:
  - (i) is authorised to conduct the activity under Part 61; and
  - (ii) has successfully completed the training set out in the operator's internal training and checking system manual; and

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- (iii) has successfully completed the operator's training in non-technical skills and human factors principles;
- (o) reporting to the chief executive officer on the operator's compliance with the matters mentioned in paragraph (n);
- (p) ensuring that each instructor or examiner who conducts contracted recurrent training or contracted checking for the operator has access to the contracting operator's training and checking manual;
- (q) if an instructor attempts but does not successfully complete a standardisation and proficiency check mentioned in the operator's internal training and checking system manual—telling CASA, in writing, within 14 days after the date of the attempt, of the person's name, position and ARN;
- (r) ensuring that the operator establishes and maintains effective communication, in relation to the activities, with CASA and each contracting operator for which the operator conducts contracted recurrent training or contracted checking;
- (s) ensuring that written reports are provided to the head of training and checking of each contracting operator in relation to the performance of each person for whom the operator conducts contracted recurrent training or contracted checking;
- (t) if the operator conducts the activities in aircraft—ensuring that the operator complies with section 28BH of the Act in relation to flight crew.

**142.195 Part 142 operators—safety manager: experience**

The safety manager of a Part 142 operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement its safety management system in accordance with its exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation.

## Endnotes

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Note: A Part 142 operator must have a safety manager if the operator conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices: see regulation 142.025, definition of *key personnel*.

#### **142.200 Part 142 operators—safety manager: responsibilities**

- (1) The safety manager of a Part 142 operator must manage the safety management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
  - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
  - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
  - (c) managing the maintenance and continuous improvement of the following systems:
    - (i) safety management system;
    - (ii) fatigue risk management system (if any).

#### **142.205 Part 142 operators—quality assurance manager: experience**

The quality assurance manager of a Part 142 operator must have:

- (a) sufficient relevant quality assurance management experience to capably lead, manage and set standards to enable the operator to safely implement its quality assurance management system in accordance with its exposition; and
- (b) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 142 activities safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a quality assurance manager if the operator conducts authorised Part 142 activities only in flight simulation training devices: see regulation 142.025, definition of *key personnel*.

**142.210 Part 142 operators—quality assurance manager: responsibilities**

- (1) The quality assurance manager of a Part 142 operator must manage the quality assurance management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the quality assurance manager include:
  - (a) managing the operation of the quality assurance management system including managing corrective, remedial and preventative action in relation to the system; and
  - (b) regularly reporting to the chief executive officer on the effectiveness of the quality assurance management system; and
  - (c) managing the maintenance and continuous improvement of the quality assurance management system.

**142.215 Part 142 operators—key personnel: additional qualifications and experience requirements**

- (1) This regulation applies to:
  - (a) an applicant for a Part 142 authorisation; and
  - (b) a Part 142 operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
  - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation;
  - (b) the nature and complexity of the activities;
  - (c) the leadership, management and standards-setting skills required by the person for the activities;
  - (d) how recently the person has used his or her aviation skills;

- (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.
- (4) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
  - (a) to undertake a stated examination; or
  - (b) to be interviewed by CASA; or
  - (c) to complete a stated training course.

### **Subpart 142.E—Part 142 operators—instructors and examiners**

#### **142.220 Part 142 activities—instructors and examiners must comply with Part 142 authorisation**

- (1) An instructor or examiner for a Part 142 operator commits an offence if the instructor or examiner conducts a Part 142 activity otherwise than in accordance with the operator's Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

#### **142.225 Part 142 activities—instructors and examiners must comply with exposition**

- (1) An instructor or examiner for a Part 142 operator commits an offence if the instructor or examiner conducts an authorised Part 142 activity for the operator otherwise than in accordance with the operator's exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.230 Part 142 operators—instructors and examiners must be authorised under Part 61**

- (1) A Part 142 operator commits an offence if:
- (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
  - (b) the instructor or examiner is not authorised under Part 61 to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.235 Part 142 operators—instructors and examiners must have access to records**

- (1) A Part 142 operator commits an offence if:
- (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
  - (b) the instructor or examiner does not have access to the operator's records for the persons participating in the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.240 Part 142 operators—instructors and examiners must be competent to conduct authorised Part 142 activities in flight simulation training devices**

- (1) A Part 142 operator commits an offence if:
- (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator in a flight simulation training device; and
  - (b) the instructor or examiner has not been assessed by the operator as competent to conduct the activity in the device.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**142.245 Part 142 operators—person recommended for flight test**

- (1) A Part 142 operator and the operator's head of operations each commit an offence if:
  - (a) a person is recommended for a flight test by:
    - (i) the head of operations; or
    - (ii) a person named in the operator's exposition as responsible for the Part 142 activity to which the flight test relates; and
  - (b) the person is not eligible under regulation 61.235 to undertake the test.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**Subpart 142.F—Part 142 operators—training management system**

**142.250 Part 142 operators—training management system**

A Part 142 operator must have a training management system that meets the requirements of regulation 142.255.

**142.255 Part 142 operators—training management system requirements**

The training management system must include the following:

- (a) for each kind of Part 142 flight training or contracted recurrent training that is an authorised Part 142 activity for the operator—a course outline, detailed syllabus, standards to be met and record forms;
- (b) the procedures to be followed when a standard is not met;
- (c) an auditable system for maintaining records of the results of the operator's flight training or contracted recurrent training.

**Subpart 142.G—Part 142 operators—safety management system****142.260 Part 142 operators—safety management system**

A Part 142 operator that conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices, must have a safety management system that meets the requirements of regulation 142.265.

**142.265 Part 142 operators—safety management system requirements**

- (1) The safety management system must be a systemic approach to managing safety that:
  - (a) includes the matters mentioned in subregulation (2); and
  - (b) ensures that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes; and
  - (c) if the operator conducts the activities in flight simulation training devices—includes the matters mentioned in subregulation 142.275 (2); and
  - (d) integrates human factors principles.
- (2) For paragraph (1) (a), the matters are the following:
  - (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
  - (b) a statement of the operator's safety policy, objectives and planning, including details of the following:
    - (i) the management commitment to, and responsibility for, safety;
    - (ii) the safety accountabilities of managers (including key personnel);
    - (iii) the appointment of safety management personnel;
    - (iv) how human factors principles are integrated into the safety management system;
    - (v) a safety management system implementation plan;
    - (vi) relevant third party relationships and interactions;

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- (vii) coordination of an emergency response plan;
  - (viii) safety management system documentation;
  - (c) a safety risk management system, including:
    - (i) hazard identification processes; and
    - (ii) risk assessment and mitigation processes;
  - (d) a safety assurance system, including:
    - (i) details of processes for:
      - (A) safety performance monitoring and measurement; and
      - (B) internal safety investigation; and
      - (C) management of change; and
      - (D) continuous improvement of the safety management system; and
    - (ii) if the operator operates an aircraft mentioned in subregulation (3) for the activities—a flight data analysis program that meets the requirements mentioned in subregulation (4);
  - (e) a safety training and promotion system, including details of the following:
    - (i) safety management system training and education;
    - (ii) safety management system safety communication.
- (3) For subparagraph (2) (d) (ii), the aircraft are the following:
- (a) an aeroplane with a maximum take-off weight of more than 27 000 kg;
  - (b) a rotorcraft with a maximum take-off weight of more than 7 000 kg.
- (4) For subparagraph (2) (d) (ii), the requirements are that the flight data analysis program must:
- (a) regularly record and analyse the operational flight data of individual and aggregated operations for the purpose of improving the safety of flight operations; and
  - (b) be provided by:
    - (i) the operator; or
    - (ii) another appropriate person; and

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- (c) ensure that, except as mentioned in subregulations (6) and (7):
  - (i) the identity of a person who is the source of data is protected from disclosure to anyone other than the following:
    - (A) a person whose duties require the person to analyse operational flight data;
    - (B) a person who has access to the person's identity solely for the purpose of analysing operational flight data;
    - (C) a pilot appointed by the operator to liaise with flight crew in relation to matters arising from the flight data analysis program; and
  - (ii) no punitive action in relation to the data may be taken by the operator against the person.
- (5) For subparagraph (4) (b) (ii), the provision of the flight data analysis program by an appropriate person does not in any way compromise the operator's responsibility to provide, and ensure the effectiveness of, the program.
- (6) For paragraph (4) (c), the identity of a person who is the source of data may be disclosed:
  - (a) with the written consent of the person; or
  - (b) under a court order.
- (7) For paragraph (4) (c), the identity of a person who is the source of data may be disclosed, and the operator may take punitive action against the person, if the operator has evidence that the person:
  - (a) deliberately contravened a provision of civil aviation legislation or the operator's exposition; or
  - (b) persistently engaged in unsafe actions without appropriate safety reasons.
- (8) Without limiting paragraph (1) (b), the system must include the following:
  - (a) a process for auditing the activities;
  - (b) a process for promoting the continual improvement of the activities;

- (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;
- (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
- (e) a process for recommending changes to the following:
  - (i) the safety management system;
  - (ii) the training management system;
  - (iii) the internal training and checking system.

### **Subpart 142.H—Part 142 operators—quality assurance management system**

#### **142.270 Part 142 operators—quality assurance management system**

A Part 142 operator that conducts authorised Part 142 activities only in flight simulation training devices must have a quality assurance management system that meets the requirements of regulation 142.275.

#### **142.275 Part 142 operators—quality assurance management system requirements**

- (1) The quality assurance system must:
  - (a) ensure the correct operation and maintenance of the flight simulation training devices; and
  - (b) ensure that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes.
- (2) Without limiting paragraph (1) (a), the system must include the following:
  - (a) quality policy;
  - (b) management responsibility;
  - (c) document control;
  - (d) resource allocation;
  - (e) quality procedures;

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- (f) internal audit.
- (3) Without limiting paragraph (1) (b), the system must include the following:
  - (a) a process for auditing the activities;
  - (b) a process for promoting the continual improvement of the activities;
  - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;
  - (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
  - (e) a process for recommending changes to the following:
    - (i) the quality assurance management system;
    - (ii) the training management system;
    - (iii) the internal training and checking system.

**Subpart 142.I—Part 142 operators—personnel fatigue management**

Note: This Subpart is reserved for future use.

**Subpart 142.J—Part 142 operators—internal training and checking****142.310 Part 142 operators—internal training and checking system**

A Part 142 operator must have an internal training and checking system for its personnel that meets the requirements of regulation 142.315.

**142.315 Part 142 operators—internal training and checking system requirements**

The internal training and checking system must include the following:

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- (a) a description of the operator's internal training and checking, including details of how the training and checking is conducted;
- (b) a description of the duties and responsibilities assigned to personnel conducting internal training and checking;
- (c) details of any cyclic training and proficiency program used by the operator;
- (d) procedures that ensure that each of the operator's personnel:
  - (i) has an understanding of the operator's training management system; and
  - (ii) completes internal training and checking as described under paragraph (a); and
  - (iii) is supervised effectively;
- (e) command responsibility during flights for internal training and checking;
- (f) for each kind of internal training and checking conducted by or for the operator—the minimum number of check pilots and the minimum crew qualifications required by the operator for the training (if any);
- (g) any general restrictions, specifications or safety precautions for internal training and checking (including in relation to fuel load, ballast and minimum weather conditions);
- (h) methods of conducting internal training and checking including the following:
  - (i) the standards to be achieved;
  - (ii) training sequences for common faults;
  - (iii) the method of simulating emergencies or malfunctions;
- (i) procedures that ensure that an instructor who conducts an authorised Part 142 activity for the operator holds a valid standardisation and proficiency check for the operator under regulation 142.325;
- (j) procedures that ensure that an instructor who uses a flight simulation training device to conduct an authorised Part 142 activity for the operator is competent to use the device to conduct the activity.

**142.320 Part 142 operators—proficiency of instructors**

- (1) A Part 142 operator commits an offence if:
  - (a) an instructor for the operator conducts an authorised Part 142 activity for the operator; and
  - (b) the instructor does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the requirement is that the instructor must:
  - (a) hold a valid standardisation and proficiency check for the operator under regulation 142.325; or
  - (b) be successfully participating in the operator's approved cyclic training and proficiency program.
- (3) An offence against this regulation is an offence of strict liability.

**142.325 Part 142 operators—holding valid standardisation and proficiency check for operator**

- (1) An instructor for a Part 142 operator holds a valid standardisation and proficiency check for the operator if:
  - (a) the instructor has successfully completed the operator's standardisation and proficiency check; and
  - (b) the check complies with regulation 142.330; and
  - (c) under subregulation (2) or (3), the check is valid.
- (2) A standardisation and proficiency check is valid for the period comprising:
  - (a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
  - (b) the period of 12 months immediately following the month in which the check was completed.
- (3) If:
  - (a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the *existing check*); and

- (b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire; the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

**142.330 Part 142 operators—standardisation and proficiency check requirements**

- (1) A Part 142 operator's standardisation and proficiency check for an instructor must check the competency of the instructor to conduct the Part 142 activity that the operator has engaged the instructor to conduct.
- (2) The check must be carried out by:
  - (a) the operator's head of operations; or
  - (b) a person authorised to conduct the check by the operator's head of operations.

**142.335 Part 142 operators—training and assessment of instructors and examiners in human factors principles**

- (1) A Part 142 operator commits an offence if:
  - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
  - (b) the instructor or examiner has not successfully completed the operator's training and assessment in human factors principles.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

**Subpart 142.K—Part 142 operators—expositions**

**142.340 Part 142 operators—content of exposition**

- (1) An exposition for a Part 142 operator must include the following:
  - (a) the operator's name, address, contact details and ABN (if any);

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- (b) the location and address of:
  - (i) the operator's headquarters; and
  - (ii) each of the operator's training bases;
- (c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;
- (d) if the operator is a corporation—a description of the operator's corporate structure;
- (e) for each of the key personnel, the following information:
  - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 142.D for the position;
  - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 142.D for the position;
  - (iii) the name of the person appointed to the position;
  - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:
    - (A) is absent from the position; or
    - (B) cannot carry out the responsibilities;
  - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
- (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 142.180;
- (g) if the operator's authorised Part 142 activities include Part 142 flight training—the name of each instructor appointed by the operator's head of operations to have responsibility for particular flight training;
- (h) a description of the operator's program for training and assessing personnel in non-technical skills and human factors principles;
- (i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;

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- (j) a description of the authorised Part 142 activities conducted by the operator including:
  - (i) for Part 142 flight training or contracted recurrent training:
    - (A) the training plans and syllabuses for the training; and
    - (B) the areas of operation for the training; and
    - (C) checklists (if any) and the circumstances when the use of a checklist is permitted; and
  - (ii) minimum qualifications and experience for personnel conducting the activities; and
  - (iii) command responsibility during flights for the activities; and
  - (iv) for contracted recurrent training or contracted checking—procedures to ensure that the operator conducts the training or checking in accordance with the contracting operator's training and checking manual and standard operating procedures (if any);
- (k) a description of the procedures by which the operator conducts and manages the activities;
- (l) if the operator conducts the activities in aircraft:
  - (i) for each registered aircraft that is flown into, out of or outside Australian territory in the course of conducting the activities—the kind of aircraft and its registration mark; and
  - (ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and
  - (iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and
  - (iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and
  - (v) a description of each flight training area;
- (m) if the operator conducts the activities in relation to a flight crew licence or rating of a kind for which a low-flying activity is required—a description of how the operator will determine a suitable flight training area for the activity;

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- (n) if the operator conducts the activities in flight simulation training devices:
  - (i) a description of the devices used by the operator in conducting the activities; and
  - (ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and
  - (iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and
  - (iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and
  - (v) for any other device—a description of the procedures by which the operator ensures that the device:
    - (A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
    - (B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
- (o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
- (p) the facilities used by the operator for the activities;
- (q) a description of any operations, other than authorised Part 142 activities, conducted, or proposed to be conducted, by the operator;
- (r) a description of any aeronautical or aviation-related services provided, or to be provided, by third parties to the operator;
- (s) the following manuals:
  - (i) an operations manual;
  - (ii) a dangerous goods manual (if any);
  - (iii) a training management system manual that describes the operator's training management system;
  - (iv) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—a

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- safety management system manual that describes the operator's safety management system;
  - (v) if the operator conducts the activities only in flight simulation training devices—a quality assurance management system manual that describes the operator's quality assurance management system;
  - (vi) an internal training and checking system manual that describes the operator's internal training and checking system;
  - (t) a description of the operator's process for making changes including:
    - (i) identifying changes that are significant changes; and
    - (ii) identifying changes that are not significant changes; and
    - (iii) telling CASA of the changes;
  - (u) a description of any other matter required to be approved by CASA under these Regulations in relation to Part 142 activities;
  - (v) a matter prescribed by a legislative instrument under regulation 142.045 for this paragraph.
- (2) A manual mentioned in paragraph (o) or any of subparagraphs (1) (s) (ii) to (vi) may be included as part of the operator's operations manual.
- (3) An exposition for a Part 142 operator may include a list of material required for the operator's reference library.

**142.345 Part 142 operators—compliance with exposition by operator**

- (1) A Part 142 operator commits an offence if the operator contravenes a provision of its exposition.
- Penalty: 50 penalty units.
- (2) An offence against this regulation is an offence of strict liability.

**142.350 Part 142 operators—providing personnel with exposition**

- (1) A Part 142 operator commits an offence if:

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- (a) the operator's exposition relates to the duties of any of the operator's personnel; and
- (b) the operator does not make the part of the exposition that relates to the duties available to the person before the person begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

## **Subpart 142.L—Part 142 operators—logs and records**

### **142.355 Part 142 operators—making and keeping records**

- (1) A Part 142 operator commits an offence if:
  - (a) a person participates in an authorised Part 142 activity conducted by the operator; and
  - (b) a record of the person's participation, including a description and assessment of the person's performance, is not made within 21 days after the activity is conducted.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if the operator does not retain a record made under subregulation (1) for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

### **142.360 Part 142 operators—availability of records**

- (1) A Part 142 operator commits an offence if the operator does not make a record made under regulation 142.355 available, on request, to the person to whom the record relates.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if:
  - (a) a record is made under regulation 142.355; and

- (b) the operator receives a request from another Part 142 operator for a copy of the record; and
- (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another Part 142 operator if requested; and
- (d) the operator does not give a copy of the record to the other Part 142 operator within 7 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

### **Subpart 142.M—Part 142 operators—miscellaneous offences**

#### **142.365 Part 142 operators—pilot in command for training to be authorised under Part 61**

- (1) A Part 142 operator commits an offence if:
  - (a) a person flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator; and
  - (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act.

#### **142.370 Part 142 operators—carriage of passengers prohibited during abnormal operations or low-flying activity**

- (1) A Part 142 operator commits an offence if:
  - (a) during a flight of an aircraft for an authorised Part 142 activity for the operator:
    - (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
    - (ii) a low-flying activity is conducted; and

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(b) a passenger is carried on the flight.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

**142.375 Part 142 operators—authorisation of carriage of passengers**

(1) A Part 142 operator commits an offence if:

- (a) a person flies an aircraft used in an authorised Part 142 activity for the operator as pilot in command; and
- (b) the operator authorises the carriage of a passenger on the flight; and
- (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

**142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator**

(1) This regulation applies if:

- (a) a person seeks to undertake part of an integrated training course with a Part 142 operator (the *current operator*); and
- (b) the person has previously undertaken part of the course with one or more other Part 142 operators (the *previous operators*).

(2) The current operator commits an offence if:

- (a) the operator provides part of the course to the person; and
- (b) the operator does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

(3) For paragraph (2) (b), the requirement is that the current operator must have determined:

- (a) what part of the course the person has completed with the previous operators; and

- (b) what part of the course the person needs to complete with the current operator to ensure that, taken together, the parts of the course provided by the previous and current operators will meet the standards specified in the Part 61 Manual of Standards for the course.
- (4) An offence against this regulation is an offence of strict liability.

**142.385 Part 142 operators—holders of student pilot licence conducting solo flights**

*Completion of training and assessment of competency—first solo flight of certain kinds*

- (1) A Part 142 operator commits an offence if:
  - (a) the holder of a student pilot licence who is undertaking Part 142 flight training that is an authorised Part 142 activity for the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
  - (b) the holder does not meet a requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1) (a), the kinds of solo flight are the following:
  - (a) a circuit training flight;
  - (b) a flight between an aerodrome and the flight training area for the aerodrome;
  - (c) a cross-country flight;
  - (d) a flight at night.
- (3) For paragraph (1) (b), the requirements are the following:
  - (a) the holder must have completed training in all the units of competency mentioned in the Part 61 Manual of Standards for the conduct of a solo flight of that kind by the holder of a student pilot licence;
  - (b) the holder must have been assessed as competent against the standards mentioned in the Part 61 Manual of Standards for each unit of competency.

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*Appropriate briefing and capability to conduct safe flight—first solo flight*

- (4) A Part 142 operator commits an offence if:
- (a) the holder of a student pilot licence who is undertaking Part 142 flight training that is an authorised Part 142 activity for the operator conducts a solo flight for the first time; and
  - (b) the holder does not meet a requirement mentioned in subregulation (5).

Penalty: 50 penalty units.

- (5) For paragraph (4) (b), the requirements are the following:
- (a) the holder must have been briefed appropriately for the flight;
  - (b) the holder must be capable of conducting the flight safely.
- (6) An offence against subregulation (1) is an offence of strict liability.
- (7) Strict liability applies to paragraph (4) (a).
- (8) In this regulation:

*cross-country flight*: see regulation 61.010.

*solo*: see regulation 61.010.

Note: See also subregulation 61.445 (4) and regulations 61.450 and 61.1225.

**142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required**

*Requirement for approval*

- (1) A Part 142 operator commits an offence if:
- (a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
  - (b) the operator does not hold an approval under regulation 142.040 to do the act.

Penalty: 50 penalty units.

*Acts in relation to cancelled authorisations*

- (2) For paragraph (1) (a), the acts are the following:
- (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which was authorised by a cancelled authorisation;
  - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the cancellation, employed in connection with an operation the conduct of which was authorised by a cancelled authorisation;
  - (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

*Acts in relation to suspended or varied authorisations*

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation.
- (4) For paragraph (1) (a), the acts are the following:
- (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which:
    - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
    - (ii) is no longer authorised by the authorisation as suspended or varied;
  - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
    - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
    - (ii) is no longer authorised by the authorisation as suspended or varied;
  - (c) to conduct an operation, or part of an operation, the conduct of which:
    - (i) was, immediately before the suspension or variation, authorised by the authorisation; but

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- (ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB of the Act in relation to varying AOC conditions.

*Pending applications for authorisations*

- (5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.
- (6) For paragraph (1) (a), the acts are the following:
  - (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which would be authorised by the authorisation;
  - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
  - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

*Application for authorisation refused*

- (7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.
- (8) For paragraph (1) (a), the acts are the following:
  - (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the use of which would have been authorised by the authorisation;
  - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
  - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.
- (9) An offence against this regulation is an offence of strict liability.

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(10) In this regulation:

***cancelled authorisation*** means a civil aviation authorisation that has been cancelled otherwise than on application by the holder of the authorisation.

***employ*** includes engage, whether by contract or other arrangement.

***suspended authorisation*** means a civil aviation authorisation that has been suspended otherwise than on application by the holder of the authorisation.

***varied authorisation*** means a civil aviation authorisation that has been varied otherwise than on application by the holder of the authorisation.

#### **40 Regulation 143.010, definition of *Registered Training Organisation***

*omit*

#### **41 Regulation 143.105, heading**

*substitute*

#### **143.105 Status as registered training organisation**

#### **42 Subregulation 147.010 (1), definition of *registered training organisation***

*omit*

#### **43 After regulation 200.020**

*insert*

#### **200.025 Flying unregistered aircraft**

For subsection 20AB (1) of the Act, a person is authorised to perform a duty that is essential to the operation of an unregistered Australian aircraft during flight time without holding a civil aviation authorisation if:

- (a) the person holds a pilot certificate granted by a sport aviation body that administers aviation activities in the aircraft; and
- (b) the person operates the aircraft in accordance with the sport aviation body's operations manual.

#### **44 Subparts 202.CB to 202.CE**

*substitute*

### **Subpart 202.CB—Transitional provisions for Part 61 (Flight crew licensing)**

#### **Division 202.CB.1—General**

##### **202.260 Application of Subpart 202.CB—balloons excluded**

This Subpart does not apply in relation to an old authorisation for a balloon.

##### **202.261 Definitions for Subpart 202.CB**

In this Subpart:

***amendments*** means the amendments of CAR commencing on 1 September 2014 that include the substitution of a new Part 5.

***approved course of training***: see regulation 61.010.

***Certificate IV in Training and Assessment***: see regulation 61.010.

***cessation time***, for an old authorisation that is continued in force under this Subpart, means the earliest of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) when CASA grants a new authorisation to the holder of the old authorisation as a replacement for the old authorisation;
- (c) the end of 31 August 2018.

***continued authorisation*** means an old authorisation that is continued in force under subregulation 202.263 (1) or subparagraph 202.264 (2) (b) (ii).

**new authorisation** means a flight crew licence, rating or endorsement granted under Part 61.

**old authorisation:**

- (a) means a civil aviation authorisation to carry out an activity essential to, or associated with, the operation of an aircraft in flight (a **flight activity**) issued under either of the following before 1 September 2014:
  - (i) Part 5 of CAR;
  - (ii) a Part 5 CAO; and
- (b) includes the following:
  - (i) an appointment as an approved person under a Part 5 CAO for a flight activity;
  - (ii) an approval or certification, including a certification in a personal log book, under CAR or a Part 5 CAO to carry out a flight activity;
  - (iii) a delegation under CAR to give a permission (however described) to conduct a flight activity.

**Part 5 CAO** means a Civil Aviation Order made under Part 5 of CAR.

**time-limited authorisation:** see regulation 11.015.

## Division 202.CB.2—Continued authorisations

### 202.263 Continuation of old authorisations

- (1) Despite the amendments, an old authorisation that was in force immediately before 1 September 2014 is continued in force on and after 1 September 2014 according to its terms.
- (2) Part 61 applies to the continued authorisation as if it were the equivalent new authorisation.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 61.

**202.264 Continuation of suspended old authorisations**

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the amendments:
  - (a) the suspension continues according to its terms on and after 1 September 2014; and
  - (b) if the suspension ends before the cessation time for the authorisation:
    - (i) the old authorisation comes back into force at the end of the suspension; and
    - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
    - (iii) Part 61 applies to the old authorisation as if it were the equivalent new authorisation; and
    - (iv) the old authorisation ceases to be in force at its cessation time.
- (3) Subparagraph (2) (b) (iv) applies despite Parts 11 and 61.

**202.265 Non-finalised action to vary, suspend or cancel old authorisations**

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

**202.266 Removal of conditions on certain continued authorisations***Pilot licence conditions about airspace*

- (1) Subregulation (2) applies to a continued authorisation that is equivalent to a pilot licence if the authorisation is subject to the condition that operations are limited to:
  - (a) flight within 25 nautical miles of the departure aerodrome; or
  - (b) flight within a flight training area; or

- (c) flight direct between the departure aerodrome and a flight training area.
- (2) If this subregulation applies, CASA must remove the condition if:
  - (a) the licence holder applies to CASA, in writing, for the removal of the condition; and
  - (b) the licence holder meets the requirements for the grant of a private pilot licence or commercial pilot licence under Part 61.
- (3) Subregulation (4) applies to a continued authorisation that is equivalent to a pilot licence if the authorisation is subject to the condition that operations as pilot in command are limited to uncontrolled airspace and any other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.
- (4) If this subregulation applies, CASA must remove the condition if:
  - (a) the licence holder applies to CASA, in writing, for the removal of the condition; and
  - (b) the licence holder meets the requirements for the grant of a controlled airspace endorsement under Part 61.

*Instrument rating conditions about acting as pilot in command under IFR*

- (5) Subregulation (6) applies to a continued authorisation that is equivalent to an instrument rating if the authorisation is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.
- (6) If this subregulation applies, CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
  - (a) the holder applies to CASA, in writing, for the removal of the condition; and
  - (b) the holder meets the requirements for the grant, under Part 61, of:
    - (i) an instrument rating; and

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- (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

*Type rating conditions about acting as pilot in command*

- (7) Subregulation (8) applies to a continued authorisation that is equivalent to an aircraft type rating if the authorisation is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (8) If this subregulation applies, CASA must remove the condition if:
  - (a) the holder applies to CASA, in writing, for the removal of the condition; and
  - (b) the holder meets the requirements for the grant of the type rating under Part 61.

- (9) In this regulation:

*instructor*: see regulation 61.010.

*pilot licence*: see regulation 61.010.

## 202.267 Flight review and proficiency check requirements

- (1) Subregulation (2) applies to the holder of a continued authorisation at a particular time if:
  - (a) the continued authorisation is equivalent to a private instrument rating; and
  - (b) the holder would have met the flight review requirements for the continued authorisation at that time if the amendments had not been made.
- (2) Despite Part 61, the holder is taken to meet the flight review requirements for the continued authorisation at that time.
- (3) Subregulation (4) applies to the holder of a continued authorisation (the ***first authorisation***) at a particular time if:
  - (a) the first authorisation is equivalent to a rating, other than a private instrument rating, for which there are flight review requirements under Part 61; and

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- (b) the holder also holds a continued authorisation (the ***second authorisation***) that is equivalent to a flight crew licence; and
  - (c) the holder would have met the flight review requirements for the second authorisation at that time if the amendments had not been made.
- (4) Despite Part 61, the holder is taken to meet the flight review requirements for the first authorisation at that time.
- (5) Subregulation (6) applies at a particular time if:
  - (a) an old authorisation that is continued in force under this Subpart was, before the amendments, a time-limited authorisation; and
  - (b) the old authorisation would have remained in force at that time if the amendments had not been made.
- (6) Despite Part 61, the holder of the old authorisation is taken to meet the proficiency check requirements for the equivalent new authorisation at that time.
- (7) The holder of a continued authorisation that is equivalent to an instructor rating is not authorised to exercise the privileges of the authorisation after the due date for the holder's first instructor proficiency check on or after 1 September 2014 unless the holder:
  - (a) has completed an approved course of training in principles and methods of instruction; or
  - (b) holds a Certificate IV in Training and Assessment; or
  - (c) holds a tertiary qualification in teaching.

**202.268 Removal of limitation on exercise of privileges of commercial pilot licences—multi-crew operations**

Regulation 61.575 does not apply to the holder of a continued authorisation that is equivalent to a commercial pilot licence if, before 1 September 2014, the holder conducted a multi-crew operation.

**202.269 Personal log books under regulation 5.51 of CAR—certain continued authorisations**

- (1) This regulation applies to the holder of a continued authorisation that is equivalent to:
  - (a) a flight crew licence; or
  - (b) a certificate of validation for a flight crew licence.
- (2) Regulation 61.355 (Retention of personal logbooks) applies to the holder as if a reference to a personal logbook under regulation 61.345 or 61.350 included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.
- (3) Regulation 61.365 (Production of personal logbooks) applies to the holder as if a reference to the holder's personal logbook included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.

**202.270 Extended meaning of *licence document* in Part 61**

- (1) This regulation applies to the holder of a continued authorisation.
- (2) A reference to a *licence document* in Part 61 is taken to include a reference to the document issued to the holder by CASA showing the authorisations that were granted to the holder before 1 September 2014 under:
  - (a) Part 5 of CAR; or
  - (b) a Part 5 CAO.

**202.271 Expiry of Division 202.CB.2 at end of 31 August 2018**

This Division expires at the end of 31 August 2018 as if it had been repealed by another regulation.

**Division 202.CB.3—New authorisations for holders of continued authorisations**

**202.272 Grant of equivalent new authorisations**

- (1) Despite Parts 11 and 61, the holder of a continued authorisation is taken to have applied for, and to meet the requirements for, the grant of the equivalent new authorisation.
- (2) Unless the continued authorisation is sooner cancelled under these Regulations, CASA must, under the provision of Part 61 that provides for the grant of the authorisation, before 1 September 2018:
  - (a) grant the equivalent new authorisation to the holder; and
  - (b) issue a new licence document to the holder indicating that the holder holds the equivalent new authorisation.
- (3) If, when CASA grants the new authorisation, the continued authorisation is under suspension, the new authorisation is suspended until the time the suspension of the continued authorisation would, according to its terms, have ended.
- (4) If, when CASA grants the new authorisation, the continued authorisation is subject to a condition, other than a condition set out in a Part 5 CAO, the new authorisation must be granted subject to an equivalent condition.

**202.273 Expiry of Division 202.CB.3 at end of 31 August 2018**

This Division expires at the end of 31 August 2018 as if it had been repealed by another regulation.

**Division 202.CB.4—Other provisions**

**202.274 Non-finalised applications for old authorisations**

- (1) An application for the issue of an old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be an application for the grant of the equivalent new authorisation.

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- (2) For subregulation (1), and despite Parts 11 and 61, if a person met the requirements for the grant of an old authorisation before 1 September 2014, but the old authorisation had not been granted, the person is taken to meet the requirements for the grant of the equivalent new authorisation on 1 September 2014.
- (3) This regulation expires at the end of 31 August 2018 as if it had been repealed by another regulation.

**202.275 Eligibility for ratings—former holders of time-limited authorisations**

- (1) This regulation applies to a person if:
  - (a) before 1 September 2014, the person held an old authorisation that is equivalent to an operational rating; and
  - (b) the old authorisation was time-limited; and
  - (c) the old authorisation expired before 1 September 2014.
- (2) Despite Parts 11 and 61, the person is taken to meet the requirements for the grant of the equivalent operational rating.
- (3) In this regulation:  
*operational rating*: see regulation 61.010.
- (4) This regulation expires at the end of 31 August 2018 as if it had been repealed by another regulation.

**202.276 Flight review and proficiency check requirements for certain new authorisations**

- (1) Subregulation (2) applies at a particular time to the holder of a new authorisation granted on the basis of regulation 202.272 if:
  - (a) the new authorisation has flight review requirements; and
  - (b) the holder would have met the flight review requirements for the equivalent continued authorisation if it were still in force at that time.
- (2) Despite Part 61, the holder is taken to meet the flight review requirements for the new authorisation at that time.

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- (3) Subregulation (4) applies at a particular time to the holder of a new authorisation granted on the basis of regulation 202.272 if:
  - (a) the new authorisation has proficiency check requirements; and
  - (b) the new authorisation is equivalent to an old authorisation that was a time-limited authorisation; and
  - (c) the old authorisation would not have expired by that time if the amendments had not been made.
- (4) Despite Part 61, the holder is taken to meet the proficiency check requirements for the new authorisation at that time.
- (5) Subregulation (6) applies to the holder of an instructor rating granted on the basis of regulation 202.272.
- (6) The holder is authorised to exercise the privileges of the rating after the date for the holder's first instructor proficiency check after 1 September 2014 only if the holder:
  - (a) has completed an approved course of training in principles and methods of instruction; or
  - (b) holds a Certificate IV in Training and Assessment; or
  - (c) holds a tertiary qualification in teaching.
- (7) This regulation expires at the end of 31 August 2020 as if it had been repealed by another regulation.

**202.277 Personal log books under regulation 5.51 of CAR—certain new authorisations**

- (1) This regulation applies to the holder of:
  - (a) a flight crew licence; or
  - (b) a certificate of validation for a flight crew licence; granted on the basis of regulation 202.272.
- (2) Regulation 61.355 (Retention of personal logbooks) applies to the holder as if a reference to a personal logbook under regulation 61.345 or 61.350 included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.

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- (3) Regulation 61.365 (Production of personal logbooks) applies to the holder as if a reference to the holder's personal logbook included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.

**202.278 Expiry of Subpart 202.CB at end of 31 August 2025**

This Subpart expires at the end of 31 August 2025 as if it had been repealed by another regulation.

**Subpart 202.CE—Transitional provisions for Part 64  
(Authorisations for non-licensed personnel)****Division 202.CE.1—Aircraft radiotelephone operator  
certificate of proficiency****202.300 Definitions for Division 202.CE.1**

In this Division:

***aeronautical radio operator certificate***: see regulation 64.010.

***cessation time***, for an old authorisation that is continued in force under this Subpart, means the earliest of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) when CASA grants a new authorisation to the holder of the old authorisation as a replacement for the old authorisation;
- (c) the end of 31 August 2018.

***continued authorisation*** means an old authorisation that is continued in force under subregulation 202.301 (1) or subparagraph 202.302 (2) (b) (ii).

***old authorisation*** means an aircraft radiotelephone operator certificate of proficiency issued under regulation 83A of CAR.

**202.301 Continuation of old authorisations**

- (1) Despite the repeal of regulation 83A of CAR, an old authorisation that was in force immediately before 1 September 2014 is continued in force on and after 1 September 2014 according to its terms.
- (2) These Regulations apply to the continued authorisation as if the authorisation were an aeronautical radio operator certificate.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 64.

**202.302 Continuation of suspended old authorisations**

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the repeal of regulation 83A of CAR:
  - (a) the suspension continues according to its terms on and after 1 September 2014; and
  - (b) if the suspension ends before the cessation time for the authorisation:
    - (i) the old authorisation comes back into force at the end of the suspension; and
    - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
    - (iii) these Regulations apply to the old authorisation as if it were an aeronautical radio operator certificate; and
    - (iv) the old authorisation ceases to be in force at the cessation time for the authorisation.
- (3) Subparagraph (2) (b) (iv) applies despite Parts 11 and 64.

**202.303 Non-finalised action to vary, suspend or cancel old authorisations**

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

**202.304 Grant of aeronautical radio operator certificates**

- (1) Despite Parts 11 and 64, the holder of a continued authorisation is taken to have applied for, and to meet the requirements for, the grant of an aeronautical radio operator certificate.
- (2) Unless the continued authorisation is sooner cancelled under these Regulations, CASA must, under regulation 64.030, before 1 September 2018:
  - (a) grant an aeronautical radio operator certificate to the holder; and
  - (b) issue a new document to the holder, indicating that the holder holds the aeronautical radio operator certificate.
- (3) If, when CASA grants the new authorisation, the continued authorisation is under suspension, the aeronautical radio operator certificate is suspended until the time the suspension of the continued authorisation would, according to its terms, have ended.
- (4) If, when CASA grants the new authorisation, the continued authorisation is subject to a condition, the aeronautical radio operator certificate must be granted subject to an equivalent condition.

**202.305 Non-finalised applications for old authorisations**

- (1) An application for the issue of an old authorisation that, immediately before 1 September 2014, had not been finally decided is taken to be an application for the grant of an aeronautical radio operator certificate.
- (2) For subregulation (1), and despite Parts 11 and 64, if a person met the requirements for the grant of an old authorisation before

1 September 2014, but the old authorisation had not been granted, the person is taken to meet the requirements for the grant of an aeronautical radio operator certificate on 1 September 2014.

**Division 202.CE.2—Approval to taxi an aeroplane**

**202.307 Definitions for Division 202.CE.2**

In this Division:

*certificate of competency*: see regulation 64.010.

*cessation time*, for an old authorisation that is continued in force under this Subpart, means the earlier of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) the end of 31 August 2018.

*continued authorisation* means an old authorisation that is continued in force under subregulation 202.308 (1) or subparagraph 202.309 (2) (b) (ii).

*old authorisation* means an approval issued under regulation 229 of CAR entitling a person to taxi an aeroplane.

**202.308 Continuation of old authorisations**

- (1) Despite the substitution of regulation 229 of CAR, as in force immediately before 1 September 2014, an old authorisation that was in force immediately before 1 September 2014 continues in force on and after 1 September 2014 according to its terms.
- (2) These Regulations apply to the continued authorisation as if the authorisation were a certificate of competency.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 64.

**202.309 Continuation of suspended old authorisations**

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the substitution of regulation 229 of CAR, as in force immediately before 1 September 2014:
  - (a) the suspension continues according to its terms on and after 1 September 2014; and
  - (b) if the suspension ends before the cessation time for the authorisation:
    - (i) the old authorisation comes back into force at the end of the suspension; and
    - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
    - (iii) these Regulations apply to the old authorisation as if it were a certificate of competency; and
    - (iv) the old authorisation ceases to be in force at the cessation time for the authorisation.
- (3) Subparagraph (2) (b) (iv) applies despite Parts 11 and 64.

**202.310 Non-finalised action to vary, suspend or cancel old authorisations**

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

**202.311 Production of continued authorisation**

- (1) This regulation applies to the holder of an approval issued under regulation 229 of CAR entitling a person to taxi an aeroplane (a ***CAR 229 approval***) that is continued in force under this Subpart.
- (2) Regulation 64.060 (Production of certificate of competency) applies to the holder as if a reference to the holder's certificate of competency were a reference to the holder's CAR 229 approval.

**202.312 Expiry of Subpart 202.CE at end of 31 August 2018**

This Subpart expires at the end of 31 August 2018 as if it had been repealed by another regulation.

**45 Subparts 202.GA and 202.GB**

*substitute*

**Subpart 202.GA—Transitional provisions for Part 141  
(recreational, private and commercial pilot flight  
training, other than certain integrated training  
courses)**

**202.720 Definitions for Subpart 202.GA**

A term that is used in this Subpart has the same meaning in this Subpart as it has in Part 141.

**202.721 AOCs and approvals under regulation 60.055 held  
immediately before 1 September 2014**

- (1) This regulation applies if:
  - (a) immediately before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
  - (b) the old training is equivalent to Part 141 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*).
- (2) This regulation also applies if:
  - (a) before 1 September 2014, a person conducted training (the *old training*) in a qualified flight simulator or qualified flight training device; and
  - (b) the old training is equivalent to Part 141 flight training conducted in a flight simulation training device (the *new training*); and

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- (c) immediately before 1 September 2014, the person held an approval under regulation 60.055 as a user of the simulator or device.
- (3) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 141.060 for the issue of, a Part 141 certificate that authorises the person to conduct the new training.
- (4) A Part 141 certificate issued to the person on the basis of subregulation (3) must be issued subject to the conditions of the person's AOC or approval that relate to the old training.
- (5) A Part 141 certificate issued to the person on the basis of subregulation (3) ceases to have effect at the earlier of the following times:
  - (a) the end of 31 August 2017;
  - (b) if it is cancelled—when it is cancelled.

**202.722 AOCs and approvals under regulation 60.055 that were under suspension immediately before 1 September 2014**

- (1) This regulation applies if:
  - (a) before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
  - (b) the old training is equivalent to Part 141 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*); and
  - (c) immediately before 1 September 2014, the AOC was under suspension in relation to some or all of the old training (the *suspended old training*).
- (2) This regulation also applies if:
  - (a) before 1 September 2014, a person held an approval under regulation 60.055 as a user of a qualified flight simulator or qualified flight training device; and
  - (b) before 1 September 2014, the person conducted training (the *old training*) in the simulator or device; and

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- (c) the old training is equivalent to Part 141 flight training conducted in a flight simulation training device (the *new training*); and
  - (d) immediately before 1 September 2014, the approval was under suspension in relation to some or all of the old training (the *suspended old training*).
- (3) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 141.060 for the issue of, a Part 141 certificate that authorises the person to conduct the new training.
- (4) A Part 141 certificate issued to a person on the basis of subregulation (3):
  - (a) must be issued subject to the conditions of the person's AOC or approval that relate to the old training; and
  - (b) is taken to have been suspended in relation to the new training that is equivalent to the suspended old training.
- (5) CASA may, by written notice given to the holder of the certificate, revoke the suspension of the certificate.
- (6) A Part 141 certificate issued to the person on the basis of subregulation (3) ceases to have effect at the earlier of the following times:
  - (a) the end of 31 August 2017;
  - (b) if it is cancelled—when it is cancelled.

**202.723 Applications for AOCs and approvals under regulation 60.055 made but not finally determined before 1 September 2014**

- (1) This regulation applies if, before 1 September 2014:
  - (a) a person applied for an AOC that would have authorised the person to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR that is equivalent to Part 141 flight training conducted in an aeroplane, rotorcraft or airship; and
  - (b) the application was not finally determined by CASA.

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- (2) This regulation also applies if, before 1 September 2014:
  - (a) a person applied for an approval under regulation 60.055 to be a user of a qualified flight simulator or qualified flight training device; and
  - (b) the person intended to conduct training in the simulator or device that is equivalent to Part 141 flight training conducted in a flight simulation training device; and
  - (c) the application was not finally determined by CASA.
- (3) CASA must determine whether CASA would have issued the AOC or approval to the person.
- (4) If CASA determines that CASA would have issued the AOC or approval to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 141.060 for the issue of, a Part 141 certificate that authorises the person to conduct the Part 141 flight training.
- (5) If CASA determines that CASA would not have issued the AOC or approval to the person, CASA must give the person written notice of:
  - (a) the determination; and
  - (b) the reasons for the determination.
- (6) A Part 141 certificate issued to the person on the basis of subregulation (4) ceases to have effect at the earlier of the following times:
  - (a) the end of 31 August 2017;
  - (b) if it is cancelled—when it is cancelled.

**202.724 Application of Part 141 to certain Part 141 operators—  
references to exposition**

- (1) This regulation applies if a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4).
- (2) Part 141 applies to the operator as if references in Part 141 to the operator's exposition were references to the following documents:
  - (a) the operator's operations manual;

- (b) the operator's dangerous goods manual (if any);
- (c) the operator's training and checking manual (if any);
- (d) each document for which the operator holds an approval under these Regulations or the Civil Aviation Orders.

**202.725 Application of Part 141 to certain Part 141 operators with Part 60 quality systems—safety management system and quality assurance management system**

- (1) This regulation applies if:
  - (a) a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4); and
  - (b) immediately before 1 September 2014, the operator had a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) For regulation 141.215, the quality system is taken to meet the requirements of regulation 141.220 for a safety management system.
- (3) For regulation 141.225, the quality system is taken to meet the requirements of regulation 141.230 for a quality assurance management system.

**202.726 Application of Part 141 to certain Part 141 operators without Part 60 quality systems—safety and quality assurance management systems not required**

- (1) This regulation applies if:
  - (a) a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4); and
  - (b) immediately before 1 September 2014, the operator did not have a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) The operator does not contravene a provision of Part 141 only because the operator does not have:

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- (a) a safety management system; or
- (b) a quality assurance management system.

**202.727 Application of Part 141 to certain Part 141 operators—provisions that do not apply**

- (1) This regulation applies if a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4).
- (2) A provision mentioned in table 202.727 does not apply to the operator.

**Table 202.727 Part 141 provisions that do not apply**

Item	Provision
1	regulation 141.020, definition of <i>key personnel</i> , paragraphs (c) and (d)
2	regulations 141.080, 141.085, 141.090 and 141.095
3	subparagraph 141.130 (4) (b) (ii)
4	regulations 141.135, 141.140, 141.145, 141.150, 141.200 and 141.260

**202.728 References to standardisation and proficiency checks for instructors for certain Part 141 operators**

- (1) This regulation applies if, immediately before 1 September 2014:
  - (a) a Part 141 operator held an AOC that authorised the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR; and
  - (b) an instructor for the operator was engaged by the AOC holder to give flying training.
- (2) The instructor is taken to hold a valid standardisation and proficiency check for the operator under regulation 141.190 on a day if, within 12 months before the day, the instructor satisfactorily completed a standardisation and proficiency flight check conducted by the AOC holder's chief flying instructor.

Note: See paragraph 9.10 of Civil Aviation Order 40.1.7 (in relation to standardisation and proficiency flight checks for aeroplanes) and

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paragraph 11.6 of Civil Aviation Order 40.3.7 (in relation to standardisation and proficiency flight checks for helicopters).

**202.729 Expiry of Subpart 202.GA at end of 31 August 2017**

This Subpart expires at the end of 31 August 2017 as if it had been repealed by another regulation.

**Subpart 202.GB—Transitional provisions for Part 142  
(integrated and multi-crew pilot flight training,  
contracted recurrent training and contracted  
checking)**

**202.740 Definitions for Subpart 202.GB**

A term that is used in this Subpart has the same meaning in this Subpart as it has in Part 142.

**202.741 AOCs held immediately before 1 September 2014**

- (1) This regulation applies if:
  - (a) immediately before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
  - (b) the old training is equivalent to Part 142 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*).
- (2) On and after 1 September 2014:
  - (a) the AOC is taken to authorise the person to conduct the new training; and
  - (b) any conditions of the AOC that relate to the old training are taken to apply to the new training.

**202.742 AOCs that were under suspension immediately before  
1 September 2014**

- (1) This regulation applies if:

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- (a) before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
  - (b) the old training is equivalent to Part 142 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*); and
  - (c) immediately before 1 September 2014, the AOC was under suspension in relation to some or all of the old training (the *suspended old training*).
- (2) On and after 1 September 2014:
- (a) the AOC is taken to authorise the person to conduct the new training; and
  - (b) any conditions of the AOC that relate to the old training are taken to apply to the new training; and
  - (c) the AOC is taken to have been suspended in relation to the new training that is equivalent to the suspended old training.
- (3) Despite the repeal of subparagraph 206 (1) (a) (vi) of CAR, CASA may revoke the suspension of the AOC in relation to the old training.
- (4) If CASA revokes the suspension of the AOC in relation to the old training, the revocation is taken to revoke the suspension of the AOC in relation to the new training.

**202.743 Applications for AOCs made but not finally determined before 1 September 2014**

- (1) This regulation applies if, before 1 September 2014:
- (a) a person applied for an AOC that would have authorised the person to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR that is equivalent to Part 142 flight training conducted in an aeroplane, rotorcraft or airship; and
  - (b) the application was not finally determined by CASA.
- (2) CASA must determine whether CASA would have issued the AOC to the person.

- (3) If CASA determines that CASA would have issued the AOC to the person, the person is taken to have applied for, and to meet the requirements mentioned in section 28 of the Act and in regulation 142.085 for the issue of, an AOC that authorises the person to conduct the Part 142 flight training.
- (4) If CASA determines that CASA would not have issued the AOC to the person, CASA must give the person written notice of:
  - (a) the determination; and
  - (b) the reasons for the determination.

**202.744 Approvals under regulation 60.055 held immediately before 1 September 2014**

- (1) This regulation applies if:
  - (a) before 1 September 2014, a person conducted training (the *old training*) in a qualified flight simulator or qualified flight training device; and
  - (b) the old training is equivalent to Part 142 flight training conducted in a flight simulation training device (the *new training*); and
  - (c) immediately before 1 September 2014, the person held an approval under regulation 60.055 as a user of the simulator or device.
- (2) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 142.110 for the issue of, a certificate under Division 142.B.2 that authorises the person to conduct the new training.
- (3) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2) must be issued subject to the conditions of the person's approval that relate to the old training.
- (4) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2) ceases to have effect at the earlier of the following times:
  - (a) the end of 31 August 2017;
  - (b) if it is cancelled—when it is cancelled.

**202.745 Approvals under regulation 60.055 that were under suspension immediately before 1 September 2014**

- (1) This regulation applies if:
  - (a) before 1 September 2014, a person held an approval under regulation 60.055 as a user of a qualified flight simulator or qualified flight training device; and
  - (b) before 1 September 2014, the person conducted training (the *old training*) in the simulator or device; and
  - (c) the old training is equivalent to Part 142 flight training conducted in a flight simulation training device (the *new training*); and
  - (d) immediately before 1 September 2014, the approval was under suspension in relation to some or all of the old training (the *suspended old training*).
- (2) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 142.110 for the issue of, a certificate under Division 142.B.2 that authorises the person to conduct the new training.
- (3) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2):
  - (a) must be issued subject to the conditions of the person's approval that relate to the old training; and
  - (b) is taken to have been suspended in relation to the new training that is equivalent to the suspended old training.
- (4) CASA may, by written notice given to the holder of the certificate, revoke the suspension of the certificate.
- (5) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2) ceases to have effect at the earlier of the following times:
  - (a) the end of 31 August 2017;
  - (b) if it is cancelled—when it is cancelled.

**202.746 Applications for approvals under regulation 60.055 made but not finally determined before 1 September 2014**

- (1) This regulation applies if, before 1 September 2014:
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- (a) a person applied for an approval under regulation 60.055 to be a user of a qualified flight simulator or qualified flight training device; and
  - (b) the person intended to conduct training in the simulator or device that is equivalent to Part 142 flight training conducted in a flight simulation training device; and
  - (c) the application was not finally determined by CASA.
- (2) CASA must determine whether CASA would have issued the approval to the person.
- (3) If CASA determines that CASA would have issued the approval to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 142.110 for the issue of, a certificate under Division 142.B.2 that authorises the person to conduct the Part 142 flight training.
- (4) If CASA determines that CASA would not have issued the approval to the person, CASA must give the person written notice of:
  - (a) the determination; and
  - (b) the reasons for the determination.
- (5) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (3) ceases to have effect at the earlier of the following times:
  - (a) the end of 31 August 2017;
  - (b) if it is cancelled—when it is cancelled.

**202.747 Application of Part 142 to certain Part 142 operators—  
references to exposition**

- (1) This regulation applies if a Part 142 operator holds:
  - (a) an AOC mentioned in regulation 202.741 or 202.742 or granted on the basis of subregulation 202.743 (3); or
  - (b) a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3).

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- (2) Part 142 applies to the operator as if references in Part 142 to the operator's exposition were references to the following documents:
  - (a) the operator's operations manual;
  - (b) the operator's dangerous goods manual (if any);
  - (c) the operator's training and checking manual (if any);
  - (d) each document for which the operator holds an approval under these Regulations or the Civil Aviation Orders.

**202.748 Application of Part 142 to certain Part 142 operators with Part 60 quality systems—safety management system and quality assurance management system**

- (1) This regulation applies if:
  - (a) a Part 142 operator holds a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3); and
  - (b) immediately before 1 September 2014, the operator had a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) For regulation 142.260, the quality system is taken to meet the requirements of regulation 142.265 for a safety management system.
- (3) For regulation 142.270, the quality system is taken to meet the requirements of regulation 142.275 for a quality assurance management system.

**202.749 Application of Part 142 to certain Part 142 operators without Part 60 quality systems—safety and quality assurance management systems not required**

- (1) This regulation applies if:
  - (a) a Part 142 operator holds:
    - (i) an AOC mentioned in regulation 202.741 or 202.742 or granted on the basis of subregulation 202.743 (3); or
    - (ii) a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3); and

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- (b) immediately before 1 September 2014, the operator did not have a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) The operator does not contravene a provision of Part 142 only because the operator does not have:
  - (a) a safety management system; or
  - (b) a quality assurance management system.

**202.750 Application of Part 142 to certain Part 142 operators—provisions that do not apply**

- (1) This regulation applies if a Part 142 operator holds:
  - (a) an AOC mentioned in regulation 202.741 or 202.742 or granted on the basis of subregulation 202.743 (3); or
  - (b) a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3).
- (2) A provision mentioned in table 202.750 does not apply to the operator.

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<b>Table 202.750 Part 142 provisions that do not apply</b>	
<b>Item</b>	<b>Provision</b>
1	regulation 142.025, definition of <i>key personnel</i> , paragraphs (c) and (d)
2	regulations 142.135, 142.140, 142.145 and 142.150
3	subparagraph 142.190 (2) (n) (iii)
4	regulations 142.195, 142.200, 142.205, 142.210, 142.335 and 142.340

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**202.751 References to standardisation and proficiency checks for instructors for certain Part 142 operators**

- (1) This regulation applies to an instructor for a Part 142 operator if, immediately before 1 September 2014:
  - (a) the operator held an AOC that authorised the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR; and

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- (b) the instructor was engaged by the AOC holder to give flying training.
- (2) The instructor is taken to hold a valid standardisation and proficiency check for the operator under regulation 142.325 on a day if, within 12 months before the day, the instructor satisfactorily completed a standardisation and proficiency flight check conducted by the AOC holder's chief flying instructor.

Note: See paragraph 9.10 of Civil Aviation Order 40.1.7 (in relation to standardisation and proficiency flight checks for aeroplanes) and paragraph 11.6 of Civil Aviation Order 40.3.7 (in relation to standardisation and proficiency flight checks for helicopters).

**202.752 Expiry of Subpart 202.GB at end of 31 August 2017**

This Subpart expires at the end of 31 August 2017 as if it had been repealed by another regulation.

**46 Dictionary, Part 1**

*insert*

**2D instrument approach procedure** means an instrument approach procedure with lateral guidance but not vertical guidance.

**3D instrument approach procedure** means an instrument approach procedure with lateral and vertical guidance.

**aerobatic manoeuvres**, for an aircraft, means manoeuvres of the aircraft that involve:

- (a) bank angles that are greater than 60°; or
- (b) pitch angles that are greater than 45°, or are otherwise abnormal to the aircraft type; or
- (c) abrupt changes of speed, direction, angle of bank or angle of pitch.

**aeronautical radio operator certificate**: see regulation 64.010.

**47 Dictionary, Part 1, definition of AGL**

*substitute*

**AGL** means above ground or water level.

## 48 Dictionary, Part 1

*insert*

***airborne collision avoidance system*** means a system fitted to an aircraft to provide information to its pilot for avoiding collisions with other aircraft.

***aircraft type rating***, in relation to flight crew, means a type rating prescribed by a legislative instrument issued under regulation 61.055 or 61.060.

***air traffic control*** means Air Traffic Services in its role of providing an air traffic control service.

***application material***: see regulation 137.010.

***apply***: see regulation 137.010.

***approved cyclic training and proficiency program***: see regulation 61.010.

***aviation English language proficiency assessment***: see regulation 61.010.

***certificate of validation***: see regulation 61.010.

***certified true copy***, of a document, means a copy of the document that one of the following persons has certified in writing to be a true copy of the document:

- (a) a person mentioned in Schedule 2 to the *Statutory Declarations Regulations 1993*;
- (b) a justice of the peace in a foreign country;
- (c) a notary public in a foreign country;
- (d) an employee of a national aviation authority;
- (e) a person to whom a national aviation authority has delegated a power or function.

***co-pilot***, in relation to an aircraft, means a pilot on board the aircraft in a piloting capacity other than:

- (a) the pilot in command; or

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- (b) a pilot who is on board the aircraft for the sole purpose of receiving flight training.

***cruise relief type rating*** means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

***current***, for an aviation English language proficiency assessment: see regulation 61.260.

***differences training***: see regulation 61.010.

***flight crew endorsement***:

- (a) means a ***flight crew endorsement*** within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas endorsement.

***flight crew licence***:

- (a) means a ***flight crew licence*** within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas flight crew licence.

***flight crew rating***:

- (a) means a ***flight crew rating*** within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas rating.

***flight engineer***: means the holder of a flight engineer licence.

***flight examiner***: see regulation 61.010.

***flight level***: a reference to a ***flight level*** followed by a number, in relation to the flight of an aircraft, is a reference to the altitude at which the aircraft's altimeter, if it were adjusted to a reading on the subscale of 1013.2 hectopascals, would show an altitude in feet of 100 times that number.

Example: Flight level 250 is an altitude of 25 000 ft.

***flight review***: see regulation 61.010.

***flight simulation training device***: see regulation 61.010.

***flight test***: see regulation 61.010.

***flight training***: see regulation 61.010.

***flight training area***, for an aerodrome, means an area that is mentioned in a Part 141 or 142 operator's exposition as a flight training area for the aerodrome.

***flying in formation***: 2 or more aircraft are:

- (a) flying in formation if they:
  - (i) are operating as a single unit with regard to navigation, position reporting and control; and
  - (ii) are so close to each other that any change in height, heading or airspeed of any aircraft used for station-keeping results in a need for one or more of the other aircraft to manoeuvre to maintain station or avoid a collision; and
- (b) taken to be flying in formation:
  - (i) when the aircraft are changing station; and
  - (ii) during join-up or breakaway.

***hang glider***: see regulation 200.001.

***human factors principles*** means principles concerned with the minimisation of human error and its consequences by optimising the relationships within systems between people, activities and equipment.

***integrated training*** means an intensive course of training:

- (a) that is designed to ensure that a course participant receives ground theory training integrated with practical flight training; and
- (b) for which the ground theory training and practical flight training are conducted by the same operator; and
- (c) that is conducted according to a syllabus that satisfies the knowledge and flight standards specified in the Part 61 Manual of Standards for the grant of a private or commercial pilot licence; and

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- (d) that is designed to be completed within a condensed period of time.

**kind**, of an aircraft, means:

- (a) for an aircraft that is covered by an aircraft type rating—the aircraft type rating; and
- (b) for an aircraft that is not covered by an aircraft type rating—the type of aircraft.

**multi-crew operation**: see regulation 61.010.

**night** means the period between the end of evening civil twilight and the beginning of the following morning civil twilight.

**non-technical skills** means specific human competencies, including critical decision making, team communication, situational awareness and workload management, which may minimise human error in aviation.

**operator**, of an aircraft, means:

- (a) if the operation of the aircraft is authorised by an AOC—the holder of the AOC; or
- (b) if the operation of the aircraft is not authorised by an AOC—the person, organisation or enterprise that makes the aircraft available to the aircraft's pilot in command for a flight.

**operator proficiency check**: see regulation 61.010.

**Part 61 Manual of Standards** means the Manual of Standards issued by CASA under regulation 61.035.

**Part 141 operator**: see subregulation 141.015 (3).

**Part 142 operator**: see subregulation 142.015 (4).

**passenger**, in relation to an aircraft, means a person:

- (a) who:
  - (i) intends to travel on a particular flight on the aircraft; or
  - (ii) is on board the aircraft for a flight; or
  - (iii) has disembarked from the aircraft following a flight; and

- (b) who is not a member of the crew of the aircraft for the flight.

***pilot certificate*** means a certificate (however described) that:

- (a) is granted by a recreational aviation administration organisation; and
- (b) authorises its holder to pilot an aircraft, other than a registered aircraft, in an aviation activity administered by the organisation.

***pilot in command***, in relation to a flight of an aircraft, means the pilot designated by the operator of the aircraft as being in command and charged with the safe conduct of the flight.

***pilot instructor***: see regulation 61.010.

***pilot licence***: see regulation 61.010.

#### **49 Dictionary, Part 1, definition of *pilot-owner*, paragraph (b)**

*omit*

under Part 5 of CAR,

*insert*

under Part 61,

#### **50 Dictionary, Part 1**

*insert*

***powered-lift aircraft*** means a power-driven heavier-than-air aircraft that derives its lift in flight:

- (a) during vertical manoeuvring and low-speed flight—from:
  - (i) the reaction of air on one or more normally power-driven rotors on substantially vertical axes; or
  - (ii) engine thrust; and
- (b) otherwise—chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

***public gathering*** means an assembly of people at a place on the basis of a general public invitation to attend at that place, whether or not a charge is made for attendance.

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**recurrent training:** see regulation 142.035.

**registered training organisation** has the meaning given by section 3 of the *National Vocational Education and Training Regulator Act 2011*.

**required navigational performance**, for an area of airspace, or a route, means the navigational performance specified in the AIP for that area of airspace or route.

**route segment** means a portion of a route.

**successfully participating:** see regulation 61.010.

**training endorsement:** see regulation 61.010.

**variant:** see regulation 61.010.

## 51 Dictionary, Part 2, after item 35

*insert*

## 36 References to particular kinds of flight crew licences, ratings and endorsements

A reference in these Regulations to a particular kind of flight crew licence, rating or endorsement:

- (a) means a flight crew licence, rating or endorsement of that kind that may be granted under Part 61 (Flight crew licensing); and
- (b) includes a certificate of validation of an overseas flight crew licence that is equivalent to that kind of flight crew licence, rating or endorsement.

Example 1: For paragraph (a), a reference to a commercial pilot licence is a reference to a commercial pilot licence granted under Part 61.

Example 2: For paragraph (a), a reference to an aeroplane low-level endorsement is a reference to an aeroplane low-level endorsement granted under Part 61.

Example 3: For paragraph (b), a reference to a commercial pilot licence includes a reference to a certification of validation of an

overseas flight crew licence that is equivalent to a commercial pilot licence granted under Part 61.

## **52 Further amendments—registered training organisation**

The following provisions are amended by omitting ‘Registered Training Organisation’ and inserting ‘registered training organisation’:

- paragraph 143.020(c)
- paragraph 143.025(a)
- regulation 143.105
- paragraph 143.110(b).

### **Civil Aviation Legislation Amendment (Part 117) Regulation 2013 (No. 222, 2013)**

(as amended by Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013 (No. 254, 2013))

## **2 After Part 115**

Insert:

# **Part 117—Representations and surveys**

## **Contents of Part 117**

- |         |   |
|---------|---|
| 117.005 | What this Part is about   |
| 117.010 | Misrepresentations about holding certain civil aviation authorisations                    |
| 117.015 | Safety-related surveys or questionnaires—holders of certain civil aviation authorisations |

### **117.005 What this Part is about**

This Part provides for offences for:

- (a) misrepresentations about holding certain civil aviation authorisations; and
- (b) not completing safety-related surveys or questionnaires.

**117.010 Misrepresentations about holding certain civil aviation authorisations**

- (1) A person commits an offence if:
- (a) the person represents to another person, in any way, that the person is willing to conduct an activity using an aircraft; and
  - (b) the person does not hold a particular civil aviation authorisation authorising the person to conduct the activity using the aircraft; and
  - (c) under the Act or these Regulations, it is an offence for a person to conduct the activity using the aircraft if the person does not hold the civil aviation authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: For the definition of *civil aviation authorisation*, see section 3 of the Act.

**117.015 Safety-related surveys or questionnaires—holders of certain civil aviation authorisations**

- (1) CASA may, by written notice given to a person mentioned in subregulation (2), direct the person to:
- (a) complete a safety-related survey or questionnaire by accurately answering all mandatory questions in the survey or questionnaire; and
  - (b) submit the completed survey or questionnaire to CASA within the time stated in the notice.
- (2) For subregulation (1), the persons are the following:
- (a) the holder of an AOC;
  - (b) a Part 141 operator who conducts flight training in aircraft.
- (3) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.
- (4) CASA may, by written notice given to the person (the *notice of extension*), grant the extension.

- (5) The person commits an offence if the person does not comply with the direction within:
- (a) if CASA grants an extension under subregulation (4)—the time stated in the notice of extension; or
  - (b) if paragraph (a) does not apply—the time stated in the notice under subregulation (1).

Penalty: 25 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

**Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013 (No. 274, 2013)**

**Schedule 1**

**22 Part 11 (table of contents)**

After the entry for regulation 11.025, insert:

11.028     Application of Part 11 to examiners, instructors and approval holders

**23 Part 11 (table of contents)**

Omit the entry for Subpart 11.D, substitute:

**Subpart 11.D—Applications for variation, suspension and cancellation of authorisations**

**24 Part 11 (table of contents)**

Omit the entry for regulation 11.120, substitute:

11.120     What Subpart 11.D is about

**25 Part 11 (table of contents)**

Omit the entry for regulation 11.130, substitute:

11.130     Suspension or cancellation of authorisation

**26 Paragraph 11.056(1)(ac)**

Omit “and persons”, substitute “or persons”.

**27 Subpart 11.D (heading)**

Repeal the heading, substitute:

## **Subpart 11.D—Applications for variation, suspension and cancellation of authorisations**

### **28 Regulation 11.120**

Repeal the regulation, substitute:

#### **11.120 What Subpart 11.D is about**

This Subpart provides for applications that may be made by the holder of an authorisation for:

- (a) the variation of the authorisation, including imposing, removing or varying a condition of the authorisation; or
- (b) the suspension or cancellation of the authorisation.

Note: See Part 13 in regard to suspension, variation or cancellation of an authorisation for other reasons.

### **29 Regulation 11.130 (heading)**

Repeal the heading, substitute:

#### **11.130 Suspension or cancellation of authorisation**

### **30 Subregulation 11.130(1)**

Repeal the subregulation, substitute:

- (1) The holder of an authorisation may apply to CASA, in writing, for the authorisation to be suspended or cancelled.
- (1A) CASA must, by written notice to the holder, suspend or cancel the authorisation.

### **31 Paragraphs 11.130(2)(a) and (3)(a)**

After “specifies”, insert “in the application”.

### **32 Regulation 13.375 (table 13.375, after item 12)**

Insert:

12A	an approval granted under	Flying training authorisation
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	regulation 141.035 or 142.040	
12B	a certificate issued under regulation 141.060 or 142.110	Flying training authorisation

### 33 Part 60 (table of contents)

Omit the entries for regulations 60.055 and 60.060, substitute:

- 60.055 Flight simulator and flight training device approvals—persons other than Part 141 operators and Part 142 operators
- 60.060 Quality system—operators other than Part 141 operators and Part 142 operators

### 34 Part 61 (table of contents)

After the entry for regulation 61.005, insert:

- 61.007 Application of Part 61

### 35 Part 61 (table of contents)

Omit the entry for regulation 61.030.

### 36 Part 61 (table of contents)

After the entry for regulation 61.060, insert:

- 61.061 Prescription of type-rated aircraft—flight review requirements for class ratings
- 61.062 Prescription of types of aircraft for additional limitations on class ratings
- 61.063 Prescription of types of single engine helicopters for flight reviews

### 37 Part 61 (table of contents)

Omit the entry for regulation 61.115, substitute:

#### **Subdivision 61.A.3.1—Student pilots**

- 61.112 Flying as a student pilot
- 61.113 General requirements for student pilots
- 61.114 Solo flights—medical requirements for student pilots
- 61.115 Solo flights—recent experience requirements for student pilots
- 61.116 Student pilots authorised to taxi aircraft
- 61.117 Identity checks—student pilots
- 61.118 Production of medical certificates etc. and identification—student pilots

#### **Subdivision 61.A.3.2—Other circumstances in which flight crew duties may be performed without licence, rating or endorsement**

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61.119 Flying without licence—flight engineer duties

**38 Part 61 (table of contents)**

Omit the entry for regulation 61.265, substitute:

61.265 Recreational pilot licences—general English language proficiency

**39 Part 61 (table of contents)**

After the entry for regulation 61.335, insert:

61.336 Provision of photograph

**40 Part 61 (table of contents)**

Omit the entry for regulation 61.370.

**41 Part 61 (table of contents)**

Omit the entry for regulation 61.395, substitute:

61.395 Limitations on exercise of privileges of pilot licences—recent experience for certain passenger flight activities

**42 Part 61 (table of contents)**

Omit the entry for regulation 61.405, substitute:

61.405 Limitations on exercise of privileges of pilot licences—medical requirements—recreational pilot licence holders

**43 Part 61 (table of contents)**

Omit all the entries from and including the entry for Subpart 61.F to and including the entry for regulation 61.455.

**44 Part 61 (table of contents)**

Omit the entry for regulation 61.690.

**45 Part 61 (table of contents)**

After the entry for regulation 61.745, insert:

61.747 Limitations on exercise of privileges of class ratings in certain aircraft—flight review

**46 Part 61 (table of contents)**

Omit the entry for regulation 61.795, substitute:

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- 61.795     Limitations on exercise of privileges of pilot type ratings—recent experience on aircraft models

#### **47 Part 61 (table of contents)**

Omit the entry for regulation 61.805, substitute:

- 61.805     Limitations on exercise of privileges of pilot type ratings—instrument proficiency check

#### **48 Part 61 (table of contents)**

Omit the entry for regulation 61.815, substitute:

- 61.815     Person taken to meet requirements for grant of pilot type rating—multi-crew pilot licence holder

#### **49 Part 61 (table of contents)**

After the entry for regulation 61.1170, insert:

- 61.1172     Limitations on exercise of privileges of flight instructor rating—rating granted on basis of regulation 202.272

#### **50 Part 61 (table of contents)**

After the entry for regulation 61.1195, insert:

- 61.1197     Limitations on exercise of privileges of simulator instructor rating—rating granted on basis of regulation 202.272

#### **51 Part 61 (table of contents)**

Omit the entry for regulation 61.1225, substitute:

- 61.1225     Obligations of pilot instructors—student pilots  
61.1227     Obligations of pilot instructors—approval to operate aircraft radio

#### **52 Part 61 (table of contents)**

After the entry for regulation 61.1250, insert:

- 61.1252     Removal of grade 2 training endorsement (helicopter) condition about conduct of basic instrument flight training

#### **53 Part 61 (table of contents)**

Omit the entry for regulation 61.1260.

#### **54 Part 61 (table of contents)**

After the entry for regulation 61.1315, insert:

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- 61.1318 Limitations on exercise of privileges of flight examiner endorsements—  
flight tests in aircraft

**55 Part 61 (table of contents)**

Omit the entry for regulation 61.1375, substitute:

- 61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent  
experience on aircraft models

**56 Part 61 (table of contents)**

After the entry for regulation 61.1400, insert:

- 61.1402 Limitations on exercise of privileges of flight engineer instructor rating—  
rating granted on basis of regulation 202.272

**57 Part 61 (table of contents)**

After the entry for regulation 61.1425, insert:

- 61.1427 Obligations of flight engineer instructors—approval to operate aircraft radio

**58 Part 61 (table of contents)**

Omit the entry for regulation 61.1450.

**59 Subregulation 61.005(7)**

Omit “Subparts 61.F”, substitute “Subparts 61.G”.

**60 After regulation 61.005**

Insert:

**61.007 Application of Part 61**

- (1) This Part applies to flight in a registered aircraft of any of the  
following categories:
  - (a) aeroplane;
  - (b) helicopter;
  - (c) powered-lift aircraft;
  - (d) gyroplane;
  - (e) airship.
- (2) The Part applies also to flight in a registered glider.

**61 Regulation 61.010 (paragraph (b) of the definition of *approved flight simulation training device*)**

After “60.055”, insert “or 61.040”.

**62 Regulation 61.010 (subparagraph (c)(ii) of the definition of *approved flight simulation training device*)**

Repeal the subparagraph, substitute:

- (ii) approved for the purpose by the national aviation authority.

**63 Regulation 61.010 (subparagraph (c)(ii) of the definition of *approved flight simulator*)**

Repeal the subparagraph, substitute:

- (ii) approved for the purpose by the national aviation authority.

**64 Regulation 61.010**

Insert:

*azimuth guidance operation* means an instrument approach operation using azimuth bearings for lateral navigation guidance.

**65 Regulation 61.010 (definition of *azimuth guidance procedure*)**

Repeal the definition.

**66 Regulation 61.010 (definition of *circling approach*)**

Repeal the definition, substitute:

*circling approach* means an extension of an instrument approach operation that includes a visual circling manoeuvre to position an aircraft for a landing.

**67 Regulation 61.010**

Insert:

*course deviation indicator operation* means an instrument approach operation using a course deviation indicator for lateral navigation guidance.

**68 Regulation 61.010 (definition of *course deviation indicator procedure*)**

Repeal the definition.

**69 Regulation 61.010 (paragraphs (a) and (b) of the definition of *current*)**

Repeal the paragraphs, substitute:

- (a) for an aviation English language proficiency assessment—see regulation 61.260; and
- (b) for a recreational aviation medical practitioner's certificate held by:
  - (i) a student pilot—see subregulation 61.114(6); and
  - (ii) a recreational pilot licence holder—see subregulation 61.405(3); and

**70 Regulation 61.010 (definition of *dual flight check*)**

Repeal the definition, substitute:

*dual flight check* means an in-flight assessment by a flight instructor of the competency of a student pilot to conduct a solo training flight.

**71 Regulation 61.010**

Insert:

*initial flight training* means dual flight conducted for training in the units of competency mentioned in the Part 61 Manual of Standards for the grant of a recreational pilot licence.

**72 Regulation 61.010 (definition of *instrument approach*)**

Repeal the definition.

**73 Regulation 61.010 (definition of *medical exemption*)**

Repeal the definition, substitute:

*medical exemption* means:

- (a) for the conduct of a solo flight by a student pilot—an approval under regulation 61.040 to conduct the solo flight without holding a current medical certificate or recreational aviation medical practitioner's certificate; and
- (b) for the exercise of the privileges of a flight crew licence or rating—an approval under regulation 61.040 to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner's certificate.

**74 Regulation 61.010 (definition of *modified Austroads medical standards*)**

Repeal the definition.

**75 Regulation 61.010 (paragraphs (e) and (f) of the definition of *pilot licence*)**

Repeal the paragraphs, substitute:

- (e) a recreational pilot licence.

**76 Regulation 61.010**

Insert:

*recreational aircraft* means a single-engine aircraft that:

- (a) is certificated for single-pilot operation; and
- (b) has a maximum certificated take-off weight of less than 1 500 kg; and
- (c) is not rocket-powered or turbine-powered.

**77 Regulation 61.030**

Repeal the regulation.

**78 Paragraph 61.035(2)(j)**

Repeal the paragraph.

**79 After regulation 61.060**

Insert:

**61.061 Prescription of type-rated aircraft—flight review requirements for class ratings**

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft in which the conduct of a flight review or instrument proficiency check for a pilot type rating meets the flight review requirements for a class rating.

**61.062 Prescription of types of aircraft for additional limitations on class ratings**

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft in which the privileges of a class rating may not be exercised unless the holder of the rating has completed flight training and a flight review in an aircraft of the type.

**61.063 Prescription of types of single engine helicopters for flight reviews**

For paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of single-engine helicopters that may be used to conduct flight reviews for other types of single-engine helicopters.

**80 Paragraph 61.095(1)(a)**

Omit “, other than a student pilot licence”.

**81 Paragraph 61.095(3)(b)**

Omit “or taking a flight test”.

**82 Paragraph 61.105(1)(d)**

Omit “dual”.

**83 Paragraph 61.110(b)**

Omit “ground time; and”, substitute “ground time.”.

**84 Paragraphs 61.110(c) and (d)**

Repeal the paragraphs.

## **85 Regulation 61.115**

Repeal the regulation, substitute:

### **Subdivision 61.A.3.1—Student pilots**

#### **61.112 Flying as a student pilot**

- (1) Subject to regulations 61.113 to 61.115, a person who does not hold a pilot licence is authorised to pilot an aircraft if:
  - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of the person receiving flight training; or
  - (b) the flight is for a flight test for a pilot licence, or a rating or endorsement on a pilot licence, for the person; or
  - (c) the flight is:
    - (i) approved by, and conducted under the supervision of, a flight instructor authorised by a Part 141 or 142 operator to conduct the supervision; and
    - (ii) conducted under the VFR; and
    - (iii) conducted in accordance with the flight instructor's approval.
- (2) Subject to regulations 61.113 to 61.115, the holder of a recreational pilot licence is authorised to pilot a recreational aircraft under the VFR at night, or a non-recreational aircraft, if:
  - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of receiving flight training; or
  - (b) the flight is for a flight test for another pilot licence or a rating or endorsement on a pilot licence; or
  - (c) the flight is:
    - (i) approved by, and conducted under the supervision of, a flight instructor authorised by a Part 141 or 142 operator to conduct the supervision; and
    - (ii) conducted under the VFR; and
    - (iii) conducted in accordance with the flight instructor's approval.

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- (3) For subparagraphs (1)(c)(i) and (2)(c)(i), a flight is conducted under the supervision of a flight instructor if the instructor:
  - (a) provides guidance to the person in relation to the flight; and
  - (b) during the flight:
    - (i) is on board the aircraft; or
    - (ii) is at the aerodrome from which the flight began; or
    - (iii) is flying within 15 nautical miles of the aerodrome reference point for the aerodrome from which the flight began; and
  - (c) can be contacted during the flight by radio or other electronic means.
- (4) For regulations 61.405 to 61.415 (which are about medical requirements), piloting an aircraft in accordance with subregulation (3) does not constitute the exercise of the privileges of a pilot licence.

Note: A person authorised to pilot an aircraft by this regulation is a *student pilot*: see Part 1 of the Dictionary.

**61.113 General requirements for student pilots**

- (1) A student pilot is authorised to conduct a solo flight in an aircraft only if the student pilot:
  - (a) has an ARN; and
  - (b) is at least 15.
- (2) A student pilot is not authorised to pilot an aircraft carrying passengers.
- (3) A student pilot is authorised to pilot an aircraft on a solo flight in another Contracting State's airspace only if the student pilot has the permission (however described) of the Contracting State.
- (4) A student pilot is not authorised to pilot an aircraft other than a registered aircraft.

**61.114 Solo flights—medical requirements for student pilots**

- (1) Subregulation (2) applies to:

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- (a) the conduct of a solo flight in an aircraft other than a recreational aircraft; or
  - (b) the conduct of a solo flight in a recreational aircraft under the VFR at night.
- (2) A student pilot is authorised to conduct the flight only if:
  - (a) the student pilot:
    - (i) holds a class 1 or 2 medical certificate; and
    - (ii) carries the medical certificate on the flight; or
  - (b) the student pilot:
    - (i) holds a medical exemption for the flight; and
    - (ii) carries a copy of the exemption on the flight.
- (3) Subregulation (4) applies to the conduct of a solo flight in a recreational aircraft by day, other than by the holder of a recreational pilot licence.
- (4) A student pilot is authorised to conduct the flight only if:
  - (a) the student pilot:
    - (i) holds a class 1 or 2 medical certificate; and
    - (ii) carries the medical certificate on the flight; or
  - (b) the student pilot:
    - (i) holds a current recreational aviation medical practitioner's certificate; and
    - (ii) meets the requirements mentioned in subregulation (5); or
  - (c) the student pilot:
    - (i) holds a medical exemption for the flight; and
    - (ii) carries a copy of the exemption on the flight.
- (5) For subparagraph (4)(b)(ii), the requirements are as follows:
  - (a) the student pilot must have:
    - (i) given CASA a copy of his or her recreational aviation medical practitioner's certificate; and
    - (ii) received from CASA a written acknowledgement of the receipt of the copy;
  - (b) the student pilot must carry both of the following on the flight:

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- (i) a copy of the certificate;
- (ii) a copy of the acknowledgement mentioned in subparagraph (a)(ii);
- (c) the student pilot must comply with any limitations or conditions stated on the certificate;
- (d) the student pilot must meet the modified Austroads medical standards.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

(6) In this regulation:

**current:** a recreational aviation medical practitioner's certificate for a student pilot is **current** for the shortest of the following periods:

- (a) the period beginning on the day the certificate is signed by the medical practitioner and ending 24 months after that day;
- (b) if, when the student pilot conducts a solo flight the student pilot is at least 65—the period beginning on the day the certificate is signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate is signed by the medical practitioner and ending at the end of the stated period.

### 61.115 Solo flights—recent experience requirements for student pilots

- (1) A student pilot is authorised to conduct a solo flight in an aircraft only if:
  - (a) the student pilot has, within the previous 14 days and in the same type of aircraft, conducted a dual flight; and
  - (b) as a result of the flight, his or her solo flight time since last conducting a dual flight would not exceed 3 hours.
- (2) However, paragraph (1)(b) does not apply to the student pilot if the student pilot is enrolled in an integrated training course.

**61.116 Student pilots authorised to taxi aircraft**

A student pilot is authorised to taxi an aircraft if the student pilot is approved to taxi the aircraft by a flight instructor.

Note: See regulation 229 of CAR for an offence relating to taxiing aircraft without being authorised to do so.

**61.117 Identity checks—student pilots**

- (1) CASA may, by written notice given to a student pilot, require the student pilot to provide evidence of his or her identity in accordance with paragraph 6.57(1)(a) of the *Aviation Transport Security Regulations 2005*.
- (2) The student pilot commits an offence if:
  - (a) CASA has not told the student pilot, in writing, that he or she has complied with the requirement; and
  - (b) the student pilots an aircraft.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**61.118 Production of medical certificates etc. and identification—student pilots**

- (1) CASA may direct a student pilot to produce any or all of the following documents for inspection by CASA:
  - (a) unless the student pilot holds a medical exemption to conduct a solo flight—the student pilot’s medical certificate or recreational aviation medical practitioner’s certificate;
  - (b) a document that includes a photograph of the student pilot showing the student’s full face and his or her head and shoulders:
    - (i) that was issued within the previous 10 years by the government, or a government authority, of:
      - (A) the Commonwealth or a State or Territory; or
      - (B) a foreign country, or a state or province (however described) of a foreign country; and
    - (ii) that has not expired or been cancelled.

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- (2) The student pilot commits an offence if:
- (a) CASA directs the student pilot to produce a document under subregulation (1); and
  - (b) the student pilot does not produce the document before the earlier of the following:
    - (i) when the student pilot next conducts a solo flight;
    - (ii) within 7 days after the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**Subdivision 61.A.3.2—Other circumstances in which flight crew duties may be performed without licence, rating or endorsement**

**61.119 Flying without licence—flight engineer duties**

A person who does not hold a flight engineer licence is authorised to perform the duties of a flight engineer in a registered aircraft while:

- (a) receiving flight training from a flight engineer instructor; or
- (b) taking a flight test for a flight engineer licence or a flight crew rating or endorsement on a flight engineer licence.

**86 Paragraph 61.120(a)**

After “licence”, insert “or flight radio endorsement”.

**87 Paragraph 61.120(b)**

Omit “and supervised”.

**88 Paragraphs 61.155(2)(b) and (c)**

Repeal the paragraphs, substitute:

- (b) if the application is for a pilot licence—include an application for an aircraft category rating.

**89 After subregulation 61.155(2)**

Insert:

- (2A) Subregulation (2B) applies if the application is for a flight crew licence and the applicant has not:
- (a) applied to CASA for another flight crew licence in the previous 10 years and submitted with the application a photograph of the applicant; or
  - (b) given to CASA, within the previous 10 years, a photograph of the applicant in response to a direction or request in writing by CASA to the applicant.
- (2B) The applicant must also submit to CASA a recent photograph of the applicant, showing the applicant's full face and his or her head and shoulders.

**90 Subparagraphs 61.160(b)(ii) and (iii)**

Omit "or student".

**91 Regulations 61.165 and 61.170**

Omit "approval holder,"; substitute "an approval holder within the meaning of regulation 61.150,".

**92 Subregulation 61.210(1)**

After "Part for", insert "a student pilot or".

**93 Paragraphs 61.210(1)(a) and (b)**

Before "applicant", insert "student or".

**94 Subregulation 61.215(2)**

Repeal the subregulation, substitute:

- (2) A Part 141 or 142 operator may set aeronautical knowledge examinations for the grant of:
- (a) a recreational pilot licence; or
  - (b) a flight crew rating other than an instrument rating; or
  - (c) a flight crew endorsement.

**95 Subregulation 61.235(1)**

After "61.275 (1)", insert "(Overseas flight crew authorisations—recognition)".

**96 Subregulation 61.235(2)**

After “only if”, insert “the applicant”.

**97 Paragraph 61.235(2)(a)**

Repeal the paragraph, substitute:

- (a) meets the following requirements:
  - (i) is at least the minimum age to hold the licence;
  - (ii) has passed the aeronautical knowledge examination for the licence;
  - (iii) has met the flight training requirements for the grant of the licence;
  - (iv) has met the aeronautical experience requirements for the grant of the licence;
  - (v) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment;
  - (vi) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
- (aa) for a flight crew licence other than an air transport pilot licence—a person mentioned in subregulation (5) has certified in writing that the applicant has met the requirements mentioned in paragraph (a); and

**98 Subparagraph 61.235(2)(c)(i)**

Omit “grant”, substitute “exercise of the privileges”.

**99 Subparagraph 61.235(4)(a)(i)**

Repeal the subparagraph, substitute:

- (i) if the application is for an operational rating—has passed the aeronautical knowledge examination for the rating; and

**100 Subregulation 61.235(5)**

Omit “paragraphs (2) (a) and (4) (a)”, substitute “paragraphs (2)(aa) and (4)(a)”.

**101 At the end of subparagraph 61.245(1)(b)(ii)**

Add “that is appropriate for the flight test”.

**102 Paragraph 61.245(3)(b)**

Repeal the paragraph, substitute:

- (b) for a flight test for a flight crew licence other than a recreational or private pilot licence—is not the person who provided the certification under paragraph 61.235(2)(aa) (Flight tests for flight crew licences and ratings—prerequisites) for the applicant.

**103 Regulation 61.265 (heading)**

Repeal the heading, substitute:

**61.265 Recreational pilot licences—general English language proficiency**

**104 Subregulation 61.265(1)**

Omit “or student”.

**105 Regulation 61.285**

After “flight crew licence, rating or endorsement”, insert “, other than an examiner rating,”.

**106 Paragraph 61.285(b)**

Repeal the paragraph, substitute:

- (b) for a flight crew licence:
  - (i) is at least the minimum age for the grant of the licence; and
  - (ii) has a current aviation English language proficiency assessment; and

**107 Paragraphs 61.285(d) and (e)**

Repeal the paragraphs.

**108 Regulation 61.300**

Repeal the regulation, substitute:

**61.300 Limitations on exercise of privileges of certificates of validation—medical certificate**

- (1) The holder of a certificate of validation of an overseas flight crew licence is authorised to conduct an activity mentioned in regulation 61.295 only if the holder also holds an overseas medical certificate mentioned in subregulation (2).
- (2) For subregulation (1), the medical certificate must be of at least the class required for the exercise of the privileges of the overseas flight crew licence by the Contracting State whose national aviation authority granted the licence to the holder.

**109 After regulation 61.335**

Insert:

**61.336 Provision of photograph**

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to give CASA, within 30 days of receiving the notice, a photograph of the holder:
  - (a) showing the holder's full face and his or her head and shoulders; and
  - (b) taken not earlier than 6 months before the date of the notice.
- (2) The holder commits an offence if the holder:
  - (a) has not complied with the requirement; and
  - (b) exercises the privileges of the licence or certificate of validation.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

**110 Paragraph 61.340(1)(c)**

Repeal the paragraph, substitute:

- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:

- (i) that was issued within the previous 10 years by the government, or a government authority, of:
  - (A) the Commonwealth or a State or Territory; or
  - (B) a foreign country, or a state or province (however described) of a foreign country; and
- (ii) that has not expired or been cancelled.

**111 Paragraph 61.340(2)(d)**

Repeal the paragraph, substitute:

- (d) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
  - (i) that was issued within the previous 10 years by the government, or a government authority, of:
    - (A) the Commonwealth or a State or Territory; or
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (ii) that has not expired or been cancelled.

**112 Paragraph 61.345(3)(k)**

Omit “an instrument approach was conducted”, substitute “the person conducted an instrument approach operation”.

**113 Regulation 61.370**

Repeal the regulation.

**114 Subregulation 61.375(1)**

Omit “, other than a student pilot licence”.

**115 Paragraphs 61.385(1)(d) to (f)**

Repeal the paragraphs, substitute:

- (d) weight and balance requirements;
- (e) applying aircraft performance data, including take-off and landing performance data, for the aircraft.

**116 Regulation 61.395 (heading)**

Repeal the heading, substitute:

**61.395 Limitations on exercise of privileges of pilot licences—recent experience for certain passenger flight activities****117 Paragraph 61.400(2)(c)**

Repeal the paragraph, substitute:

- (c) a pilot instructor who is authorised to conduct a flight review for the rating.

**118 Regulation 61.405 (heading)**

Repeal the heading, substitute:

**61.405 Limitations on exercise of privileges of pilot licences—medical requirements—recreational pilot licence holders****119 Subregulation 61.405(1)**

Omit “student pilot licence or”.

**120 Paragraph 61.405(2)(c)**

After “limitations”, insert “or conditions”.

**121 At the end of subregulation 61.405(2)**

Add:

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

**122 Subregulation 61.405(3) (definition of *current*)**

Omit “student pilot licence or”.

**123 Subregulation 61.410(2)**

Repeal the subregulation (not including the note), substitute:

- (2) However, subject to subregulation (3), the holder of a private pilot licence is authorised to exercise the privileges of the licence in a recreational aircraft if:
  - (a) the holder:
    - (i) also holds a current recreational aviation medical practitioner’s certificate; and

- (ii) meets the requirements mentioned in subregulation 61.405(2); and
  - (b) the flight is conducted by day under the VFR.
- (3) Regulation 61.465 applies to the holder as if each reference in that regulation to a recreational pilot licence included a reference to a private pilot licence.

**124 Paragraph 61.420(d)**

Repeal the paragraph, substitute:

- (ca) if the holder holds a medical exemption for the flight—a copy of the medical exemption;
- (d) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
  - (i) that was issued within the previous 10 years by the government, or a government authority, of:
    - (A) the Commonwealth or a State or Territory; or
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (ii) that has not expired or been cancelled.

**125 Subregulation 61.430(1)**

Repeal the subregulation, substitute:

- (1) A person is authorised to taxi an aircraft of a particular class or type if the person holds:
  - (a) a pilot licence; and
  - (b) the category rating for the category to which aircraft of that class or type belong; and
  - (c) the class rating or type rating for aircraft of that class or type.

**126 Paragraphs 61.435(1)(b) and (c)**

Repeal the paragraphs, substitute:

- (b) holds a recreational pilot licence with a flight radio endorsement.

**127 Subregulation 61.435(2)**

Repeal the subregulation.

**128 Subpart 61.F**

Repeal the Subpart.

**129 Subregulation 61.470(1)**

Repeal the subregulation, substitute:

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft outside the following areas only if the holder also holds a recreational navigation endorsement:
  - (a) the area within 25 nautical miles of the departure aerodrome;
  - (b) a flight training area;
  - (c) the area that is a direct route between the departure aerodrome and a flight training area.

**130 Paragraph 61.495(2)(c)**

Repeal the paragraph, substitute:

- (c) if the endorsement is a recreational navigation endorsement—have completed, in addition to the flight time mentioned in paragraph 61.475(2)(d):
  - (i) at least 5 hours of solo cross-country flight time; and
  - (ii) at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time; and

**131 Paragraph 61.500(5)(c)**

Repeal the paragraph, substitute:

- (c) the applicant has completed the following flight time that complies with subregulation 61.495(3):
  - (i) at least 5 hours of solo cross-country flight time;
  - (ii) at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

**132 Regulation 61.510**

Repeal the regulation, substitute:

**61.510 Limitations on exercise of privileges of private pilot licences—multi-crew operations**

- (1) The holder of a private pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a private pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2014, the holder conducted a multi-crew operation.

**133 Subparagraph 61.570(a)(ii)**

Repeal the subparagraph, substitute:

- (ii) an aeroplane certificated for single-pilot operation, that has a maximum certificated take-off weight of more than 5 700 kg, in a regular public transport operation; or

**134 Regulation 61.635**

Repeal the regulation, substitute:

**61.635 Privileges of multi-crew pilot licences**

Subject to Subpart 61.E and regulations 61.640 to 61.650, the holder of a multi-crew pilot licence is authorised to pilot an aeroplane as co-pilot for an operator that is approved as a training and checking organisation under regulation 217 of CAR.

**135 After subregulation 61.640(1)**

Insert:

- (1A) The holder of a multi-crew pilot licence is authorised to conduct a 3D instrument approach operation only if:
  - (a) the holder passed the flight test for the licence within the previous 24 months, and the flight test included a 3D instrument approach operation; or
  - (b) the holder's most recent instrument proficiency check included a 3D instrument approach operation; or

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- (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes 3D instrument approaches.

**136 Subregulation 61.640(2)**

Omit “paragraph (1) (b)”, substitute “paragraphs (1)(b) and (1A)(b)”.

**137 Subregulation 61.640(3)**

Repeal the subregulation, substitute:

- (3) The holder of a multi-crew pilot licence is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
  - (a) completed training in the conduct of instrument approach operations using the procedure; and
  - (b) demonstrated, to a person mentioned in subregulation (4), his or her competence in the conduct of instrument approach operations using the procedure.

**138 Paragraph 61.640(4)(b)**

Repeal the paragraph, substitute:

- (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;

**139 Subregulation 61.645(2)**

Omit “approaches”, substitute “approach operations”.

**140 Subregulation 61.645(3)**

After “instrument approach”, insert “operation”.

**141 Subregulations 61.645(4) to (7)**

Repeal the subregulations, substitute:

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

#### **142 Subregulation 61.650(3)**

Omit all the words before paragraph (a), substitute:

- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aeroplane category, or for multi-engine aeroplanes, during the following periods:

#### **143 Subregulation 61.650(4)**

Repeal the subregulation, substitute:

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the *failed check*), the holder is no longer taken to have a valid instrument proficiency check for:
  - (a) the aeroplane category; or
  - (b) multi-engine aeroplanes.
- (4A) For subregulation (4), the failed check may be any of the following:
  - (a) an instrument proficiency check for the aeroplane category;
  - (b) an instrument proficiency check for multi-engine aeroplanes;

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(c) an instrument proficiency check for a type of aeroplane.

- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aeroplane only because of the holder's participation in an operator's approved cyclic training and proficiency program, the check is taken to be valid only for operations conducted by the operator.

**144 Subparagraphs 61.650(5)(a)(i) and (b)(i)**

Omit "for IFR operations", substitute "for an instrument proficiency check".

**145 Subregulation 61.680(1)**

After "instrument approach", insert "operation".

**146 After subregulation 61.680(2)**

Insert:

- (2A) The holder of an air transport pilot licence is authorised to conduct a 3D instrument approach operation only if:
- (a) the holder passed the flight test for the licence within the previous 24 months, and the flight test included a 3D instrument approach operation; or
  - (b) the holder's most recent instrument proficiency check included a 3D instrument approach operation; or
  - (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes 3D instrument approaches.

**147 Subregulation 61.680(3)**

Omit "paragraph (2) (b)", substitute "paragraphs (2)(b) and (2A)(b)".

**148 Subregulation 61.680(4)**

Repeal the subregulation, substitute:

- (4) The holder of an air transport pilot licence is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:

- (a) completed training in the conduct of instrument approach operations using the procedure; and
- (b) demonstrated, to a person mentioned in subregulation (5), his or her competence in the conduct of instrument approach operations using the procedure.

**149 Paragraph 61.680(5)(b)**

Repeal the paragraph, substitute:

- (b) an examiner who is authorised under this Part to conduct an instrument approach operation using the same procedure;

**150 Subregulation 61.685(2)**

Omit “approaches”, substitute “approach operations”.

**151 Subregulation 61.685(3)**

After “approach”, insert “operation”.

**152 Subregulations 61.685(4) to (7)**

Repeal the subregulations, substitute:

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

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Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

**153 Regulation 61.690**

Repeal the regulation.

**154 Subregulation 61.695(3)**

Omit all the words before paragraph (a), substitute:

- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aircraft category, or for multi-engine aeroplanes or helicopters, during the following periods:

**155 Subregulation 61.695(4)**

Repeal the subregulation, substitute:

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the *failed check*), the holder is no longer taken to have a valid instrument proficiency check for:
- (a) the aircraft category in which the holder attempted the failed check; or
  - (b) multi-engine aircraft of the category in which the holder attempted the failed check.
- (4A) For subregulation (4), the failed check may be any of the following:
- (a) an instrument proficiency check for an aircraft category;
  - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
  - (c) an instrument proficiency check for an aircraft type.
- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aircraft only because of the holder's participation in an operator's approved cyclic training and proficiency program, the check is taken to be valid only for operations conducted by the operator.

**156 Subparagraphs 61.695(5)(a)(i) and (b)(i)**

Omit “for IFR operations”, substitute “for an instrument proficiency check”.

**157 Subregulation 61.730(1)**

Omit “other than a student pilot licence”.

**158 Subregulation 61.730(1) (note)**

Omit “, other than a student pilot licence”.

**159 Subregulation 61.730(3) (note)**

Repeal the note.

**160 Subregulation 61.745(1)**

Omit “has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2)”, substitute “ has a valid flight review for the rating”.

**161 After subregulation 61.745(1)**

Insert:

- (1A) For subregulation (1), the holder has a valid flight review for the rating during the period beginning when the holder successfully completes a flight review for the rating in accordance with subregulation (2) and ending:
- (a) at the end of the 24th month after the month in which the holder completes the review; or
  - (b) if:
    - (i) the holder already has a valid flight review for the rating (the *previous flight review*) when the holder successfully completes the flight review; and
    - (ii) the validity of the previous flight review is due to expire within 3 months after the holder successfully completes the flight review;at the end of the 24th month after the validity of the previous flight review expires.

**162 Subregulation 61.745(3)**

Repeal the subregulation, substitute:

- (3) For subregulation (1A), the holder is taken to have successfully completed a flight review for the rating if the holder:
- (a) passes the flight test for the rating; or
  - (b) passes the flight test for an operational rating in an aircraft of the class covered by the aircraft class rating; or
  - (c) completes flight training for a design feature endorsement in an aircraft of the class covered by the aircraft class rating; or
  - (d) successfully completes a flight review for a pilot type rating in an aircraft of a type prescribed in an instrument under regulation 61.061 for the class rating; or
  - (e) successfully completes:
    - (i) an operator proficiency check that covers operations in the class; or
    - (ii) a proficiency check mentioned in subregulation (3A) in an aircraft of the class or an approved flight simulation training device for the purpose.
- (3A) For subparagraph (3)(e)(ii), the proficiency checks are as follows:
- (a) an instrument proficiency check;
  - (b) a night vision imaging system proficiency check;
  - (c) an aerial application proficiency check;
  - (d) an instructor proficiency check;
  - (e) an examiner proficiency check.
- (3B) For subregulation (1), the holder is taken to have a valid flight review for the rating if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the class covered by the rating.

**163 After regulation 61.745**

Insert:

**61.747 Limitations on exercise of privileges of class ratings in certain aircraft—flight review**

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating in an aircraft of a type mentioned in subregulation (2) only if the holder has:
  - (a) completed the flight training mentioned in subregulation (3) for the aircraft type; and
  - (b) successfully completed a flight review in:
    - (i) an aircraft of the type; or
    - (ii) an approved flight simulator for the flight review.
- (2) For subregulation (1), the aircraft types are prescribed in an instrument under regulation 61.062.
- (3) For paragraph (1)(a), the holder completes flight training for the aircraft type only if:
  - (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the class rating that are relevant for the aircraft type; and
  - (b) the training is conducted by:
    - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the aircraft type; or
    - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
  - (c) the training is conducted in accordance with regulation 61.205; and
  - (d) the instructor is satisfied that the holder meets the competency standards mentioned in the Part 61 Manual of Standards for the class rating that are relevant for the aircraft type.
- (4) The holder of a class rating that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) for a type of aircraft if, immediately before 1 September 2014, the holder held an aircraft endorsement that was in force for the type of aircraft.

**164 Paragraph 61.750(1)(a)**

Omit “, other than a student pilot licence”.

**165 Subregulation 61.755(1)**

Repeal the subregulation.

**166 At the end of paragraph 61.755(2)(h)**

Add:

; (i) ski landing gear.

**167 Regulation 61.770**

Omit “61.800”, substitute “61.805”.

**168 Subregulation 61.775(1)**

Repeal the subregulation, substitute:

- (1) This regulation applies to the holder of a pilot type rating for a type rated aircraft that is a multi-engine turbine-powered aircraft if the holder passed the flight test for the rating in a flight simulator.

**169 Subregulation 61.780(2)**

Omit “all the differences training mentioned in the Part 61 Manual of Standards”, substitute “the differences training”.

**170 Regulation 61.795**

Repeal the regulation, substitute:

**61.795 Limitations on exercise of privileges of pilot type ratings—  
recent experience on aircraft models**

The holder of a pilot type rating is authorised to exercise the privileges of the rating in an aircraft model covered by the rating only if:

- (a) within the previous 24 months, the holder has:
- (i) exercised the privileges of the rating in the aircraft model; or

- (ii) passed the flight test for the rating in the aircraft model;  
or
- (iii) successfully completed a flight review in the aircraft  
model; or
- (iv) if differences training is required by an instrument under  
regulation 61.055 or 61.060 for the aircraft model—  
completed the differences training; or
- (b) the holder is successfully participating in an operator's  
approved cyclic training and proficiency program that covers  
operations in the aircraft model.

## 171 Regulation 61.800

Repeal the regulation, substitute:

### 61.800 Limitations on exercise of privileges of pilot type ratings— flight review

- (1) The holder of a pilot type rating is authorised to exercise the  
privileges of the rating as the pilot in command of an aircraft only  
if the holder has a valid flight review for the rating.
- (2) For subregulation (1), the holder has a valid flight review for the  
rating during the period beginning when the holder successfully  
completes a flight review for the rating in accordance with  
subregulation (3) and ending:
  - (a) at the end of the 24th month after the month in which the  
holder completes the review; or
  - (b) if:
    - (i) the holder already has a valid flight review for the rating  
(the *previous flight review*) when the holder  
successfully completes the flight review; and
    - (ii) the validity of the previous flight review is due to expire  
within 3 months after the holder successfully complete  
the flight review;at the end of the 24th month after the validity of the previous  
flight review expires.
- (3) For subregulation (2), the flight review must be conducted in:

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- (a) if the aircraft covered by the rating is a type of single-engine helicopter prescribed by an instrument under regulation 61.063:
    - (i) a helicopter of the type covered by the rating; or
    - (ii) an approved flight simulator for that type of helicopter; or
    - (iii) a type of single-engine helicopter prescribed by the instrument as equivalent to the type covered by the rating; or
    - (iv) an approved flight simulator for that type of helicopter; or
  - (b) in any other case:
    - (i) an aircraft of the type covered by the rating; or
    - (ii) an approved flight simulator for that type of aircraft.
- (4) For subregulation (2), the holder is taken to have successfully completed a flight review for the rating if the holder:
- (a) passes the flight test for the rating; or
  - (b) passes the flight test for an operational rating in an aircraft of the class covered by the type rating; or
  - (c) completes flight training for a design feature endorsement in an aircraft of the class covered by the type rating; or
  - (d) successfully completes:
    - (i) an operator proficiency check that covers operations in the type; or
    - (ii) a proficiency check mentioned in subregulation (5) in an aircraft of the type or an approved flight simulation training device for the purpose.
- (5) For subparagraph (4)(d)(ii), the proficiency checks are as follows:
- (a) an instrument proficiency check;
  - (b) a night vision imaging system proficiency check;
  - (c) an aerial application proficiency check;
  - (d) an instructor proficiency check;
  - (e) an examiner proficiency check.
- (6) For subregulation (1), the holder is taken to have a valid flight review for the rating if the holder is successfully participating in an
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operator's approved cyclic training and proficiency program that covers operations in aircraft of the type covered by the rating.

Note: For general rules in relation to flight reviews, see regulation 61.400.

#### **172 Regulation 61.805 (heading)**

Repeal the heading, substitute:

#### **61.805 Limitations on exercise of privileges of pilot type ratings— instrument proficiency check**

#### **173 Subregulation 61.805(2)**

Omit "For subregulation (1)", substitute "Subject to subregulations (4) and (4B), for subregulation (1)".

#### **174 Paragraph 61.805(2)(a)**

Omit "the instrument", substitute "an instrument".

#### **175 After paragraph 61.805(2)(a)**

Insert:

- (aa) if the holder passes the flight test for the pilot type rating in an aircraft under the IFR—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;

#### **176 Subregulation 61.805(3)**

Omit "For subregulation (1)", substitute "Subject to subregulations (4) and (4B), for subregulation (1)".

#### **177 Subregulation 61.805(4)**

Repeal the subregulation, substitute:

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the *failed check*), the holder is no longer taken to have a valid instrument proficiency check for a type of aircraft belonging to the aircraft category in which the holder attempted the failed check.

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- (4A) For subregulation (4), the failed check may be any of the following:
- (a) an instrument proficiency check for an aircraft category;
  - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
  - (c) an instrument proficiency check for an aircraft type.
- (4B) If the holder is taken to have a valid instrument proficiency check for the aircraft type only because of the holder's participation in an operator's approved cyclic training and proficiency program, the check is taken to be valid only for operations conducted by the operator.

**178 Subparagraphs 61.805(5)(a)(i) and (b)(i)**

Omit "for IFR operations", substitute "for an instrument proficiency check".

**179 Subparagraphs 61.810(3)(a)(i) and (ii)**

Repeal the subparagraphs, substitute:

- (i) theory and technical training; and
- (ii) flight training in accordance with the approved course, consisting of:
  - (A) dual flight in an aircraft of the type covered by the rating; or
  - (B) dual simulated flight in an approved flight simulator for the training; and

**180 Subregulation 61.810(5)**

Repeal the subregulation.

**181 Regulation 61.815 (heading)**

Repeal the heading, substitute:

**61.815 Person taken to meet requirements for grant of pilot type rating—multi-crew pilot licence holder**

**182 Paragraphs 61.815(a) and (b)**

Omit “or air transport pilot licence”.

**183 Subregulation 61.835(4)**

Omit “all the differences training mentioned in the Part 61 Manual of Standards”, substitute “the differences training”.

**184 Subregulation 61.840(1)**

Repeal the subregulation, substitute:

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft of a particular type only if the holder:
  - (a) is successfully participating in an operator’s approved cyclic training and proficiency program that covers IFR operations in aircraft of that type; and
  - (b) has, within the previous 90 days:
    - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulation training device for the aircraft type; or
    - (ii) passed the flight test for the grant of the rating; or
    - (iii) exercised the privileges of the rating in an aircraft.

**185 Subparagraph 61.840(4)(a)(ii)**

Omit “all the differences training mentioned in the Part 61 Manual of Standards”, substitute “the differences training”.

**186 Subregulation 61.860(1)**

Repeal the subregulation, substitute:

- (1) The holder of an instrument rating is authorised to conduct an instrument approach operation of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of operation.

**187 Subregulation 61.860(5)**

Repeal the subregulation, substitute:

- (5) The holder of an instrument rating is authorised to conduct an instrument approach operation in an aircraft using a procedure of a particular kind only if the holder has:
  - (a) completed training in the conduct of instrument approach operations using the procedure; and
  - (b) demonstrated, to a person mentioned in subregulation (6), his or her competence in the conduct of instrument approach operations using the procedure.

**188 Paragraph 61.860(6)(b)**

Repeal the paragraph, substitute:

- (b) an examiner who is authorised to conduct an instrument approach operation using the same procedure;

**189 Subregulation 61.865(2)**

After “approach”, insert “operation”.

**190 Subregulation 61.870(2)**

Omit “approaches”, substitute “approach operations”.

**191 Subregulation 61.870(3)**

After “approach”, insert “operation”.

**192 Subregulations 61.870(4) to (7)**

Repeal the subregulations, substitute:

- (4) The holder is authorised to conduct a 2D instrument approach operation only if the holder has conducted a 2D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct a 3D instrument approach operation only if the holder has conducted a 3D instrument approach operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (6) The holder is authorised to conduct an azimuth guidance operation only if the holder has conducted an azimuth guidance operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct a course deviation indicator operation only if the holder has conducted a course deviation indicator operation within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

Note: Azimuth guidance operations and course deviation indicator operations are instrument approach operations: see the definitions of those terms in regulation 61.010.

### 193 Subregulation 61.880(3)

Omit all the words before paragraph (a), substitute:

- (3) Subject to subregulations (4) and (4B), for subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the aircraft category, or for multi-engine aeroplanes or helicopters, during the following periods:

### 194 Subregulation 61.880(4)

Repeal the subregulation, substitute:

- (4) If, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check mentioned in subregulation (4A) (the *failed check*), the holder is no longer taken to have a valid instrument proficiency check for:
  - (a) the aircraft category in which the holder attempted the failed check; or
  - (b) multi-engine aircraft of the category in which the holder attempted the failed check.
- (4A) For subregulation (4), the failed check may be any of the following:
  - (a) an instrument proficiency check for an aircraft category;
  - (b) an instrument proficiency check for multi-engine aeroplanes or helicopters;
  - (c) an instrument proficiency check for an aircraft type.

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- (4B) If the holder is taken to have a valid instrument proficiency check for the relevant aircraft only because of the holder's participation in an operator's approved cyclic training and proficiency program, the check is taken to be valid only for operations conducted by the operator.

**195 Subparagraphs 61.880(5)(a)(i) and (b)(i)**

Omit "for IFR operations", substitute "for an instrument proficiency check".

**196 Subregulation 61.885(8)**

Repeal the subregulation.

**197 Regulation 61.890 (table 61.890, Part 2)**

Repeal the Part, substitute:

**Part 2—Instrument approach endorsements**

8	IAP 2D instrument endorsement	Conduct a 2D instrument approach operation	
9	IAP 3D instrument endorsement	Conduct a 3D instrument approach operation	IAP 2D instrument endorsement

**198 Regulation 61.900**

Before "The", insert "(1)".

**199 Regulation 61.900**

After "approach" (wherever occurring), insert "operation".

**200 At the end of regulation 61.900**

Add:

- (2) The holder of an IAP 3D instrument endorsement is authorised to conduct a 3D instrument approach operation only if:
- (a) the holder passed the flight test for the endorsement within the previous 24 months; or

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- (b) the holder's most recent instrument proficiency check included a 3D instrument approach operation; or
  - (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes 3D instrument approaches.
- (3) For paragraph (2)(b), an instrument proficiency check includes an operator proficiency check:
  - (a) that covers IFR operations; and
  - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.

**201 Subregulation 61.920(2)**

Repeal the subregulation, substitute:

- (2) The holder of a private instrument rating is authorised to pilot an aircraft under the IFR as pilot in command only if the holder has piloted an aircraft under the IFR within the previous 6 months.

**202 Paragraphs 61.925(1)(d) and (e)**

Repeal the paragraphs, substitute:

- (d) has successfully completed an instrument proficiency check in an aircraft of the same category within the previous 24 months.

**203 Paragraphs 61.925(2)(d) and (e)**

Repeal the paragraphs, substitute:

- (d) has successfully completed an instrument proficiency check in a multi-engine aeroplane within the previous 24 months.

**204 Paragraphs 61.925(3)(d) and (e)**

Repeal the paragraphs, substitute:

- (d) has successfully completed an instrument proficiency check in a multi-engine helicopter within the previous 24 months.

**205 Regulation 61.935 (table 61.935, items 1 to 7, column 3)**

Omit all the words from and including "At least 5 hours", to and including "solo night circuits".

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Omit “and landing”, substitute “operation”.

**207 Regulation 61.935 (table 61.935, item 21, column 1)**

Omit “LNAV”, substitute “2D”.

**208 Regulation 61.935 (table 61.935, item 21, column 2)**

After “instrument approach”, insert “operation”.

**209 Regulation 61.935 (table 61.935, item 22, column 1)**

Omit “LNAV/VNAV”, substitute “3D”.

**210 Regulation 61.935 (table 61.935, item 22, column 2)**

After “instrument approach”, insert “operation”.

**211 Regulation 61.935 (table 61.935, item 22, column 3)**

Omit “LNAV”, substitute “2D”.

**212 Regulation 61.935 (table 61.935, items 23 to 25, column 2)**

Omit “and landing”, substitute “operation”.

**213 Regulation 61.935 (table 61.935, item 26)**

Repeal the item, substitute:

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26	Night private instrument endorsement (category specific)	Pilot an aircraft of the specified category under the IFR at night	At least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least: (a) 3 hours of dual cross-country flight time at night; and (b) 5 hours of flight time at night in an aircraft of the same category; and (c) 1 hour of solo night circuits
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#### **214 Subregulation 61.945(1)**

After “approach” (wherever occurring), insert “operation”.

#### **215 Subregulations 61.945(2) and (3)**

Omit “instrument approach and landing”, substitute “instrument approach operation”.

#### **216 At the end of regulation 61.965**

Add:

Note: See also regulation 61.395 for recent experience requirements for certain flight activities involving the carriage of passengers.

#### **217 Subregulation 61.970(1)**

Omit “or multi-engine helicopter”.

#### **218 Subregulation 61.970(3)**

Repeal the subregulation.

#### **219 Regulation 61.980 (table 61.980, item 3, column 3)**

Omit “10 hours”, substitute “5 hours”.

**220 Paragraph 61.1055(1)(a)**

Repeal the paragraph, substitute:

- (a) completed at least 2 hours of low-level operations; or

**221 Paragraph 61.1110(4)(a)**

Omit “or an approved flight simulation training device for the proficiency check”.

**222 Paragraph 61.1110(4)(b)**

Omit “each aerial application endorsement that the holder holds”, substitute “an aerial application proficiency check”.

**223 Regulation 61.1135**

Repeal the regulation, substitute:

**61.1135 Limitations on exercise of privileges of night aerial application endorsements**

The holder of a night aerial application endorsement is authorised to exercise the privileges of the endorsement in an aircraft of a type covered by the endorsement only if:

- (a) the holder has, within the previous 45 days, conducted a night aerial application operation below 500 ft AGL that includes a take-off and landing at night; or
- (b) the holder has, in an aircraft of the same type or an approved simulated training device for the purpose:
  - (i) completed a flight of at least 1 hour’s duration that commenced no later than 20 minutes before night; and
  - (ii) practised the necessary manoeuvres involved in the operation in an unladen aircraft at night or in the simulated training device; and
- (iii) conducted at least 3 take-offs and 3 landings at night.

**224 Regulation 61.1145 (table 61.1145, item 10)**

Repeal the item.

**225 Paragraphs 61.1165(g) to (k)**

Repeal the paragraphs, substitute:

- (g) under Subdivision 61.A.3.1 (Student pilots), to approve a person to pilot an aircraft, including for a solo flight; and
- (h) to conduct dual flight checks for a student pilot; and
- (i) to approve a person mentioned in regulation 61.125 (Conducting flight activities without rating or endorsement) to pilot an aircraft for the purpose of receiving flight training; and
- (j) to approve a person mentioned in regulation 61.120 to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and
- (k) to assess the standard of knowledge of an applicant for a pilot licence, or a rating on a pilot licence, in any items mentioned in the applicant's knowledge deficiency report.

**226 Subregulation 61.1170(4)**

Repeal the subregulation.

**227 After regulation 61.1170**

Insert:

**61.1172 Limitations on exercise of privileges of flight instructor rating—rating granted on basis of transitional provisions**

- (1) This regulation applies to the holder of a flight instructor rating granted on the basis of regulation 202.272 or 202.274.
- (2) The holder is authorised to exercise the privileges of the rating on or after 1 September 2018 only if the holder:
  - (a) has completed an approved course of training in principles and methods of instruction; or
  - (b) holds a Certificate IV in Training and Assessment; or
  - (c) holds a tertiary qualification in teaching.

**228 Subregulation 61.1175(5)**

Omit “the holder of a student pilot licence”, substitute “a student pilot”.

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**229 Subregulation 61.1175(7)**

After “licence”, insert “or rating”.

**230 Paragraph 61.1180(2)(c)**

Omit “pilot instructor”, substitute “flight instructor”.

**231 Paragraph 61.1180(4)(b)**

Repeal the paragraph, substitute:

- (b) a person mentioned in subregulation (5) assesses the holder’s competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a flight instructor rating; and

**232 Subregulation 61.1185(3)**

Omit “paragraphs (2) (b), (c) and (d)”, substitute “paragraphs (2)(c) and (d)”.

**233 After subregulation 61.1185(3)**

Insert:

- (3A) The applicant is taken to meet the requirements mentioned in subparagraph (2)(d)(ii) if the applicant has:
  - (a) completed an integrated training course for the grant of a commercial pilot licence with the aircraft category rating for the same category of aircraft as used for the flight test for the applicant’s flight instructor rating; and
  - (b) met the requirements for the grant of the licence with that aircraft category rating.

**234 Subregulation 61.1185(5)**

After “subregulation (3)”, insert “or (3A)”.

**235 Paragraphs 61.1190(g) and (h)**

Repeal the paragraphs, substitute:

- (g) to approve a person mentioned in regulation 61.120 to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and

- (h) to assess the standard of knowledge of an applicant for a pilot licence, or a rating on a pilot licence, in any items listed in the applicant's knowledge deficiency report.

**236 After regulation 61.1195**

Insert:

**61.1197 Limitations on exercise of privileges of simulator instructor rating—rating granted on basis of transitional provisions**

- (1) This regulation applies to the holder of a simulator instructor rating granted on the basis of regulation 202.272 or 202.274.
- (2) The holder is authorised to exercise the privileges of the rating on or after 1 September 2018 only if the holder:
  - (a) has completed an approved course of training in principles and methods of instruction; or
  - (b) holds a Certificate IV in Training and Assessment; or
  - (c) holds a tertiary qualification in teaching.

**237 Subregulations 61.1200(5) and (6)**

Omit “flight instructor”, substitute “simulator instructor”.

**238 Subregulation 61.1200(6)**

After “licence”, insert “or rating”.

**239 Paragraph 61.1205(4)(b)**

Repeal the paragraph, substitute:

- (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a simulator instructor rating; and

**240 Regulation 61.1225**

Repeal the regulation, substitute:

**61.1225 Obligations of pilot instructors—student pilots**

- (1) A flight instructor commits an offence if:
- (a) the instructor approves a person to pilot an aircraft as a student pilot; and
  - (b) the approval is to pilot the aircraft in a way that is not authorised by the following provisions:
    - (i) paragraph 61.112(1)(c) or (2)(c) (Flying as a student pilot);
    - (ii) regulation 61.113 (General requirements for student pilots);
    - (iii) regulation 61.114 (Solo flights—medical certificate requirements for student pilots);
    - (iv) regulation 61.115 (Solo flights—recent experience requirements for student pilots).

Penalty: 50 penalty units.

- (2) A flight instructor commits an offence if:
- (a) the instructor approves a person (the *student*) to conduct a solo flight as a student pilot; and
  - (b) the instructor is not satisfied that the student:
    - (i) has been briefed appropriately for the flight; and
    - (ii) is capable of conducting the flight safely; and
    - (iii) meets the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For subparagraph (2)(b)(iii), the requirement is that:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
  - (b) the student has completed an approved course of training in English language proficiency.
- (4) A flight instructor commits an offence if:
- (a) the instructor approves a person (the *student*) to conduct a solo flight of a kind mentioned in subregulation (5) as a student pilot for the first time; and

- (b) the instructor is not satisfied that the student:
  - (i) has completed the training specified by the authorising Part 141 or 142 operator for the conduct of a solo flight of that kind by a student pilot; and
  - (ii) has been assessed by the Part 141 or 142 operator as competent to conduct the solo flight; and
- (c) for a cross-country flight or night flight—the student has not completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Penalty: 50 penalty units.

- (5) For subregulation (4), the kinds of solo flight are as follows:
  - (a) a circuit training flight;
  - (b) a flight between an aerodrome and the flight training area for the aerodrome;
  - (c) a cross-country flight;
  - (d) a night flight.
- (6) An offence against subregulation (1) is an offence of strict liability.
- (7) In this regulation:

*authorising Part 141 or 142 operator*, in relation to an instructor approving a solo flight, means the Part 141 or 142 operator who authorised the instructor to approve the solo flight.

## 241 After regulation 61.1225

Insert:

### 61.1227 Obligations of pilot instructors—approval to operate aircraft radio

- (1) A pilot instructor commits an offence if:
  - (a) the instructor approves a person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, (the *student*) to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and

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- (b) the student does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
  - (b) the student has completed an approved course of training in English language proficiency.
- (3) An offence against this regulation is an offence of strict liability.

## 242 Regulation 61.1235 (table 61.1235, item 1)

Repeal the item, substitute:

1	Grade 1 training endorsement (category specific)	Activities authorised by a grade 2 training endorsement Supervise holders of grade 2 and grade 3 training endorsements in the conduct of flight training in an aircraft of the specified category	Commercial pilot licence or air transport licence with the specified aircraft category rating Grade 2 training endorsement At least 500 hours of flight time conducting initial flight training in an aircraft of the specified category
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## 243 Regulation 61.1235 (table 61.1235, item 2, column 2)

Omit “grade 3 instructor”, substitute “grade 3”.

## 244 Regulation 61.1235 (table 61.1235, item 2, column 2)

Omit “the holder of a student pilot licence”, substitute “a student pilot”.

## 245 Regulation 61.1235 (table 61.1235, item 2, column 2)

After “a pilot licence”, insert “or rating”.

## 246 Regulation 61.1235 (table 61.1235, item 2, column 3)

Omit “Grade 3 instructor”, substitute “Grade 3”.

**247 Regulation 61.1235 (table 61.1235, item 2, column 3)**

Omit all the words from and including “At least 200” to and including “specified category”, substitute “At least 200 hours of flight time conducting initial flight training in an aircraft of the specified category”.

**248 Regulation 61.1235 (table 61.1235, item 3, column 1)**

Omit “(category specific)”, substitute “(category specific, other than aeroplanes)”.

**249 Regulation 61.1235 (table 61.1235, item 3, column 2)**

Omit “the holder of a student pilot licence”, substitute “a student pilot”.

**250 Regulation 61.1235 (table 61.1235, after item 3)**

Insert:

3A	Grade 3 training endorsement (aeroplane)	<p>Conduct flight training for the aeroplane category rating</p> <p>Conduct flight training for a recreational pilot licence, private pilot licence and commercial pilot licence, other than basic instrument flight training</p> <p>Approve a student pilot to conduct a solo flight in an aeroplane, other than the student’s first solo flight in an aeroplane</p> <p>Conduct flight training for a single-engine aeroplane class rating</p>	<p>Commercial pilot licence or air transport licence with the aeroplane category rating</p> <p>Spinning flight activity endorsement</p>
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**251 Regulation 61.1235 (table 61.1235, cell at item 4, column 3)**

Repeal the cell, substitute:

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Commercial pilot licence  
and instrument rating, or  
air transport licence

At least 100 hours of  
aeronautical experience in  
multi-crew operations

**252 Regulation 61.1235 (table 61.1235, cell at item 6, column 3)**

Repeal the cell, substitute:

Commercial pilot licence  
or air transport licence  
with aeroplane category  
rating

At least 50 hours of  
aeronautical experience as  
pilot of a multi-engine  
aeroplane

**253 Regulation 61.1235 (table 61.1235, cell at item 9, column 3)**

Repeal the cell, substitute:

Commercial pilot licence  
or air transport licence

At least 20 hours of  
aeronautical experience at  
night as pilot of an aircraft

**254 Regulation 61.1235 (table 61.1235, cell at item 12, column 3)**

Repeal the cell, substitute:

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Commercial pilot licence  
or air transport licence  
Aerial application rating  
Aerial application  
endorsement for the  
specified aircraft category  
At least 100 hours of  
aeronautical experience in  
aerial application  
operations below 500 ft  
AGL

#### **255 Regulation 61.1235 (table 61.1235, cell at item 15, column 3)**

Repeal the cell, substitute:

Commercial pilot licence  
or air transport licence  
with aeroplane category  
rating  
Grade 1 training  
endorsement (aeroplane)  
or type rating training  
endorsement for a type of  
multi-engine aeroplane

#### **256 Regulation 61.1235 (table 61.1235, item 24)**

Repeal the item.

#### **257 Subregulation 61.1245(3)**

After “item 3”, insert “or 3A”.

#### **258 Subregulation 61.1245(5)**

Repeal the subregulation, substitute:

- (5) The holder of a grade 3 training endorsement (helicopter) is authorised to conduct flight training involving a simulated engine failure only if the holder has completed at least 100 hours of flight training under the endorsement.

**259 At the end of Division 61.T.4**

Add:

**61.1252 Removal of condition on grade 2 training endorsement (helicopter) about conduct of basic instrument flight training**

- (1) This regulation applies to the holder of a grade 2 training endorsement (helicopter) granted on the basis of regulation 202.272 or 202.274 if the endorsement is subject to the condition that the holder must not conduct basic instrument flight training.
- (2) CASA must remove the condition if:
  - (a) the holder applies to CASA, in writing, for the removal of the condition; and
  - (b) the holder meets the requirements under this Part for the grant of the endorsement.

**260 Regulation 61.1260**

Repeal the regulation.

**261 Regulation 61.1270**

Omit “conduct a flight test for a flight crew licence, rating or endorsement”, substitute “exercise the privileges of his or her flight examiner rating”.

**262 Subregulation 61.1275(1)**

Omit “for the licence”, substitute “mentioned in this Part for the exercise of the privileges of the licence”.

**263 Subregulations 61.1275(2) and (3)**

Omit “for the rating”, substitute “mentioned in this Part for the exercise of the privileges of the rating”.

**264 Paragraph 61.1285(4)(b)**

Repeal the paragraph, substitute:

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- (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for a flight examiner rating; and

#### **265 After subregulation 61.1305(3)**

Insert:

- (3A) A flight examiner commits an offence if:
  - (a) the examiner conducts a relevant proficiency check; and
  - (b) the examiner has not notified CASA of the examiner's intention to conduct the proficiency check at least 24 hours before conducting the proficiency check; and
  - (c) the examiner does not hold, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA of his or her intention to conduct the proficiency check.

Penalty: 50 penalty units.

#### **266 Regulation 61.1310 (table 61.1310, cell at item 5, column 3)**

Repeal the cell, substitute:

Type rating training  
endorsement for the  
specified aircraft type

#### **267 After regulation 61.1315**

Insert:

#### **61.1318 Limitations on exercise of privileges of flight examiner endorsements—flight tests in aircraft**

The holder of a flight test endorsement is authorised to conduct a flight test under the endorsement in an aircraft only if the flight test for the examiner's flight test endorsement was conducted in an aircraft.

**268 After paragraph 61.1350(b)**

Insert:

- (ba) if the holder holds a medical exemption for the exercise of the privileges of the licence—a copy of the exemption;

**269 Paragraph 61.1350(c)**

Repeal the paragraph, substitute:

- (c) a document that includes a photograph of the holder showing the holder's full face and his or her head and shoulders:
  - (i) that was issued within the previous 10 years by the government, or a government authority, of:
    - (A) the Commonwealth or a State or Territory; or
    - (B) a foreign country, or a state or province (however described) of a foreign country; and
  - (ii) that has not expired or been cancelled.

**270 Subregulation 61.1370(2)**

Omit “the differences training mentioned in the Part 61 Manual of Standards”, substitute “the differences training”.

**271 Regulation 61.1375**

Repeal the regulation, substitute:

**61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent experience on aircraft models**

The holder of a flight engineer type rating is authorised to exercise the privileges of the rating in an aircraft model covered by the rating only if:

- (a) within the previous 24 months, the holder has:
  - (i) exercised the privileges of the rating in the aircraft model; or
  - (ii) passed the flight test for the rating in the aircraft model; or
  - (iii) successfully completed a flight review in the aircraft model; or

- (iv) if differences training is required by an instrument under regulation 61.055 or 61.060 for the aircraft model—  
completed the differences training; or
- (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in the aircraft model.

**272 Subparagraphs 61.1385(3)(a)(i) and (ii)**

Repeal the subparagraphs, substitute:

- (i) theory and technical training; and
- (ii) flight training in accordance with the approved course, consisting of:
  - (A) dual flight in an aircraft of the type covered by the rating; or
  - (B) dual simulated flight in an approved flight simulator for the training; and

**273 Paragraph 61.1395(f)**

Repeal the paragraph, substitute:

- (f) to approve a person who does not hold a flight crew licence to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and

**274 After regulation 61.1400**

Insert:

**61.1402 Limitations on exercise of privileges of flight engineer instructor rating—rating granted on basis of transitional provisions**

- (1) This regulation applies to the holder of a flight engineer instructor rating granted on the basis of regulation 202.272 or 202.274.
- (2) The holder is authorised to exercise the privileges of the rating on or after 1 September 2018 only if the holder:
  - (a) has completed an approved course of training in principles and methods of instruction; or
  - (b) holds a Certificate IV in Training and Assessment; or

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- (c) holds a tertiary qualification in teaching.

**275 Paragraph 61.1410(4)(b)**

Repeal the paragraph, substitute:

- (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for a flight engineer instructor rating; and

**276 At the end of Division 61.X.2**

Add:

**61.1427 Obligations of flight engineer instructors—approval to operate aircraft radio**

- (1) A flight engineer instructor commits an offence if:
- (a) the instructor approves a person who does not hold a flight crew licence (the *student*) to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and
- (b) the student is not qualified for approval.

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), a student is qualified for approval only if:
- (a) the student has been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
- (b) the student has completed an approved course of training in English language proficiency.

**277 Regulation 61.1450**

Repeal the regulation.

**278 Regulation 61.1460**

Omit “conduct a flight test for a licence or rating”, substitute “exercise the privileges of his or her flight engineer examiner rating”.

**279 Regulation 61.1465**

Omit “to act as the flight engineer of”, substitute “mentioned in this Part for the exercise of the privileges of a flight engineer licence in”.

**280 Paragraph 61.1470(4)(b)**

Repeal the paragraph, substitute:

- (b) a person mentioned in subregulation (5) assesses the holder’s competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for a flight engineer examiner rating; and

**281 Paragraph 61.1480(2)(b)**

Omit “61.235(2)(a)”, substitute “61.235(2)(aa)”.

**282 After subregulation 61.1490(3)**

Insert:

- (3A) A flight engineer examiner commits an offence if:
  - (a) the examiner conducts an instructor proficiency check; and
  - (b) the examiner has not notified CASA of the examiner’s intention to conduct the proficiency check at least 24 hours before conducting the proficiency check; and
  - (c) the examiner does not hold, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA of his or her intention to conduct the proficiency check.

Penalty: 50 penalty units.

**283 After paragraph 61.1535(b)**

Insert:

- (ba) if the holder holds a medical exemption for the exercise of the privileges of the licence—a copy of the exemption;

**284 Paragraph 61.1535(c)**

Repeal the paragraph, substitute:

- (c) a document that includes a photograph of the holder showing the holder’s full face and his or her head and shoulders:

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- (i) that was issued within the previous 10 years by the government, or a government authority, of:
  - (A) the Commonwealth or a State or Territory; or
  - (B) a foreign country, or a state or province (however described) of a foreign country; and
- (ii) that has not expired or been cancelled.

**285 Regulation 64.010 (definition of *class*)**

Repeal the definition, substitute:

*class*: each of the following is a *class* of aeroplane:

- (a) single-engine aeroplane;
- (b) multi-engine aeroplane.

**286 Regulation 66.010 (definition of *medically significant condition*)**

Repeal the definition.

**287 Part 67 (table of contents)**

Omit the entries from and including the entry for Subpart 67.D to and including the entry for regulation 67.275, substitute:

**Subpart 67.D—Modified Austroads medical standards**

67.262 Definition of *meets the modified Austroads medical standards*

67.263 Definition of *modified Austroads medical standards* for Subpart 67.D

**Subpart 67.E—Responsibilities of holders of medical certificates and recreational aviation medical practitioner's certificates**

67.265 Obligation to tell CASA of changes in medical condition—medical certificate holders

67.270 Offence—doing act while efficiency impaired—licence holders

67.271 Offence—doing act while efficiency impaired—student pilots

67.275 Surrender of medical certificates

**288 At the end of regulation 67.005**

Add:

- ; and (e) sets out when a person meets the modified Austroads medical standards; and

- (f) provides for offences in relation to holders of:
  - (i) medical certificates; and
  - (ii) recreational aviation medical practitioner's certificates.

**289 Subregulation 67.180(9)**

Omit “, or a special medical certificate (within the meaning of Part 6 of CAR),”.

**290 After Subpart 67.C**

Insert:

**Subpart 67.D—Modified Austroads medical standards**

**67.262 Definition of *meets the modified Austroads medical standards***

*Unconditional licence under the private vehicle driver standards*

- (1) A person ***meets the modified Austroads medical standards*** if the person is fit to hold an unconditional licence under the modified Austroads medical standards.

*Conditional licence under the private vehicle driver standards*

- (2) Also, a person ***meets the modified Austroads medical standards*** if all of the following apply to the person:
  - (a) the person is fit to hold a conditional licence under the modified Austroads medical standards;
  - (b) under the standards, the only reason that the person is not fit to hold an unconditional licence is because the person's uncorrected visual acuity does not meet the standard for the issue of an unconditional licence;
  - (c) the person's visual acuity is corrected by lenses to at least 6/12 in one eye and at least 6/18 in the other eye.

**67.263 Definition of *modified Austroads medical standards* for Subpart 67.D**

- (1) In this Subpart:

***modified Austroads medical standards*** means the private vehicle driver standards in the Austroads medical standards modified to provide that a person with a medical history or condition mentioned in subregulation (2) does not meet the standards.

- (2) For subregulation (1), the medical histories and conditions are the following:
- (a) subject to subregulation (3)—a history of cancer within the 5-year period before the day the privileges of the licence are exercised;
  - (b) a history of ECG changes, with or without symptoms;
  - (c) subject to subregulation (4)—a history of heart failure;
  - (d) inability to hear a conversational speaking voice at a distance of 2 metres, whether unaided or with the assistance of a medically prescribed hearing aid;
  - (e) any musculoskeletal disability, disorder or disease of the bones, joints, muscles or tendons that would limit or restrict the normal manipulation of aircraft controls, or would require physical modifications to the aircraft to enable appropriate manipulation of the controls;
  - (f) a history of transient ischaemic attack or stroke;
  - (g) a history of multiple sclerosis, cerebral palsy or Parkinson's disease;
  - (h) a history of one or more of the following in relation to a head injury:
    - (i) loss of consciousness;
    - (ii) post-traumatic amnesia;
    - (iii) abnormal findings on head CT or MRI investigation;
    - (iv) a history of renal colic or calculi;
    - (v) active vertigo or a history of benign paroxysmal positional vertigo.
- (3) For paragraph (2)(a), a history of cancer for a person does not include a history of basal cell skin cancers if:

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- (a) each basal cell skin cancer has been treated by excision with no metastasised sequelae; and
  - (b) since at least the last occurrence of a basal cell skin cancer, the person has been under active and continuous case management by a medical practitioner who is a specialist oncology physician or surgeon (the *treating practitioner*); and
  - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's basal cell skin cancer history.
- (4) For paragraph (2)(c), a history of heart failure for a person does not include a history in which the person meets all of the following requirements:
  - (a) the person has not had an episode of heart failure for at least the previous 3 years;
  - (b) since at least the last episode of heart failure, the person has been under active and continuous case management by a medical practitioner who is a specialist cardiovascular physician or surgeon (the *treating practitioner*);
  - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's history of heart failure.
- (5) In this regulation:

*Austroads medical standards* means the medical standards set out in the publication *Assessing fitness to drive for commercial and private vehicle drivers*, published by Austroads in March 2012, or any later version, as in force from time to time.

Note: The text of the standards could in 2013 be viewed on Austroads' website ([www.austroads.com.au/assessing-fitness-to-drive/](http://www.austroads.com.au/assessing-fitness-to-drive/)).

## 291 Subpart 67.D (heading)

Repeal the heading, substitute:

**Subpart 67.E—Responsibilities of holders of  
medical certificates and recreational  
aviation medical practitioner’s certificates**

**292 Regulation 67.265 (heading)**

Repeal the heading, substitute:

**67.265 Obligation to tell CASA of changes in medical condition—  
medical certificate holders**

**293 Regulation 67.270 (heading)**

Repeal the heading, substitute:

**67.270 Offence—doing act while efficiency impaired—licence  
holders**

**294 Subregulations 67.270(2) to (4)**

Repeal the subregulations, substitute:

- (2) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
  - (b) at the time of doing the act:
    - (i) the holder knows that he or she has a medically significant condition; and
    - (ii) the condition has the result that the holder’s ability to do the act is impaired.

Penalty: 50 penalty units.

*Class 1 medical certificates*

- (3) The holder commits an offence if:
- (a) the holder does an act authorised by the licence; and
  - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and

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- (c) the holder's normal ability to do the act is not fully restored within 7 days after the holder first becomes aware that he or she had the condition; and
- (d) the holder is authorised to do the act only if the holder also holds a class 1 medical certificate; and
- (e) the holder has not been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired.

Penalty: 50 penalty units.

*Class 2 and 3 medical certificates*

- (4) The holder commits an offence if:
  - (a) the holder does an act authorised by the licence; and
  - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
  - (c) the holder's normal ability to do the act is not fully restored within 30 days after the holder first becomes aware that he or she had the condition; and
  - (d) the holder is authorised to do the act only if the holder also holds a class 1, 2 or 3 medical certificate; and
  - (e) the holder has not been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired.

Penalty: 50 penalty units.

*Recreational aviation medical practitioner's certificates*

- (5) The holder commits an offence if:
  - (a) the holder does an act authorised by the licence; and
  - (b) the holder knows that he or she has had a condition mentioned in paragraph (2)(b); and
  - (c) the holder's normal ability to do the act is not fully restored within 30 days after the holder first becomes aware that he or she had the condition; and

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- (d) the holder is authorised to do the act only if the holder also holds a class 1, 2 or 3 medical certificate or a recreational aviation medical practitioner's certificate; and
- (e) the holder does not meet the requirement in subregulation (6).

Penalty: 50 penalty units.

- (6) For paragraph (5)(e), the requirement is that:
  - (a) the holder has been given a certificate by a DAME to the effect that the holder's normal ability to do the act is no longer impaired; or
  - (b) if the holder held a recreational aviation medical practitioner's certificate at the time the holder had the condition—the holder is:
    - (i) assessed by a medical practitioner as meeting the modified Austroads medical standards after having the condition; and
    - (ii) given a certificate by the medical practitioner to that effect.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

## 295 After regulation 67.270

Insert:

### 67.271 Offence—doing act while efficiency impaired—student pilots

- (1) A student pilot commits an offence if:
  - (a) the student pilot conducts a solo flight or takes a flight test; and
  - (b) at the time of the solo flight or flight test:
    - (i) the student pilot knows that he or she has a medically significant condition; and
    - (ii) the condition has the result that the student pilot's ability to conduct the solo flight or take the flight test is impaired.

Penalty: 50 penalty units.

- (2) A student pilot commits an offence if:
- (a) the student pilot conducts a solo flight or undertakes a flight test; and
  - (b) the student pilot knows that he or she has had a condition mentioned in paragraph (1)(b); and
  - (c) the student pilot's normal ability to conduct the solo flight or undertake the flight test is not fully restored within 30 days after the student pilot first becomes aware that he or she had the condition; and
  - (d) the student pilot does not meet the requirement in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2)(d), the requirement is that:
- (a) the student pilot has been given a certificate by a DAME to the effect that the student pilot's ability to conduct a solo flight or undertake a flight test is no longer impaired; or
  - (b) if the student pilot held a recreational aviation medical practitioner's certificate at the time the student had the condition—the student pilot is:
    - (i) assessed by a medical practitioner as meeting the modified Austroads medical standards after having the condition; and
    - (ii) given a certificate by the medical practitioner to that effect.

Note: For when a person meets the modified Austroads medical standards, see regulation 67.262.

**296 Subregulation 99.010(1) (subparagraph (c)(iv) of the definition of *aerodrome testing area*)**

Repeal the subparagraph, substitute:

- (iv) by the holder of an AOC for flying training; or
- (v) by a Part 141 operator conducting flying training in an aircraft; and

**297 Subregulation 99.010(1) (definition of *passenger*)**

Repeal the definition.

**298 Paragraph 99.030(2)(k)**

Repeal the paragraph, substitute:

- (k) a Part 141 operator conducting flying training in aircraft;
- (l) a screening authority within the meaning of the *Aviation Transport Security Regulations 2005*.

**299 Part 101 (table of contents)**

Omit the entry for regulation 101.285, substitute:

101.285 Use of aeronautical radio

**300 Paragraphs 101.005(3)(e) and (f)**

Omit “above ground level”, substitute “AGL”.

**301 Subregulation 101.055(5) (definition of *rocket*)**

Omit “rocket, regardless of whether it can rise more than 400 feet above ground level or not”, substitute “rocket”.

**302 Subregulations 101.070(1), 101.075(1) and 101.085(1) (notes)**

Repeal the notes.

**303 Subregulation 101.105(2)**

After “ground”, insert “or water”.

**304 Paragraph 101.115(1)(a)**

Omit “above ground level”, substitute “AGL”.

**305 Subregulation 101.170(1) (note)**

Omit “*AGL* = above ground level (see the Dictionary).”.

**306 Subregulation 101.250(1) (note 1)**

Omit “*AGL* = above ground level (see the Dictionary).”.

**307 Paragraph 101.290(1)(d)**

Omit “flight radio operator’s licence or radio operator’s certificate of proficiency”, substitute “aeronautical radio operator certificate”.

**308 Paragraph 101.295(2)(a)**

Omit “a radio operator’s certificate of proficiency”, substitute “an aeronautical radio operator certificate”.

**309 Subregulation 101.400(1) (note 1)**

Omit “*AGL* = above ground level (see the Dictionary).”.

**310 Regulation 101.415 (note 1)**

Omit “above ground level”, substitute “AGL”.

**311 Subregulation 101.435(1) (note 1)**

Repeal the note.

**312 Subregulation 101.435(1) (note 2)**

Omit “Note 2”, substitute “Note”.

**313 Subregulation 101.440(1) (note 1)**

Omit “*AGL* = above ground level (see the Dictionary).”.

**314 Subregulation 101.455(1) (note 1)**

Repeal the note.

**315 Subregulation 101.455(1) (note 2)**

Omit “Note 2”, substitute “Note”.

**316 Subregulation 101.490(1)**

Omit “above ground level”, substitute “AGL”.

**317 Subregulation 101.500(3) (table 101.500, item 4)**

Omit “above ground level”, substitute “AGL”.

**318 Part 137 (table of contents)**

Omit the entries for regulations 137.235 and 137.240, substitute:

- 137.235 Pilot in command must be authorised under Part 61
- 137.240 Operator proficiency checks

**319 Part 139 (table of contents)**

Omit the entry for regulation 139.365, substitute:

139.365 Structures 110 metres or more AGL

**320 Regulation 139.365 (heading)**

Repeal the heading, substitute:

**139.365 Structures 110 metres or more AGL****321 Regulation 139.365**

Omit “above ground level”, substitute “AGL”.

**322 Paragraphs 139.370(1)(b) and (c)**

Omit “above ground level”, substitute “AGL”.

**323 Part 141 (table of contents)**

Omit the entry for regulation 141.200, substitute:

141.200 Part 141 operators—instructors—training in human factors principles and non-technical skills

**324 Part 141 (table of contents)**

Omit the entry for Subpart 141.K, substitute:

**Subpart 141.K—Part 141 operators—miscellaneous offences**

**325 Part 141 (table of contents)**

Omit the entry for regulation 141.305, substitute:

141.305 Part 141 operators—completion of training and assessment of competency for certain solo flights

141.306 Part 141 operators—appropriate briefing and capability to conduct certain solo flights etc.

**326 Part 141 (at the end of the table of contents)**

Add:

141.315 Part 141 operators—maximum period for use of foreign registered aircraft in Australian territory

**327 Subregulation 141.015(1)**

Omit “the following flight training”, substitute “the following”.

**328 Paragraph 141.015(1)(c)**

Repeal the paragraph, substitute:

- (c) training, other than training conducted as a multi-crew operation, for the grant under Part 61 of a flight crew rating other than a type rating;

**329 Paragraphs 141.015(1)(e) and (f)**

Repeal the paragraphs, substitute:

- (e) training, other than training conducted as a multi-crew operation, for the grant under Part 61 of a flight crew endorsement other than:
  - (i) a design feature endorsement; or
  - (ii) a flight activity endorsement;
- (f) training, other than training conducted as a multi-crew operation, that is given as part of a flight review;

**330 Subparagraph 141.015(1)(g)(i)**

After “61.780”, insert “or 61.835”.

**331 Subregulation 141.035(1)**

Omit “CASA”, substitute “CASA, in writing,”.

**332 Subregulation 141.055(1)**

Omit “CASA”, substitute “CASA, in writing,”.

**333 Paragraph 141.055(2)(a)**

Repeal the paragraph, substitute:

- (a) the applicant’s name (including any operating or trading name), contact details and ABN (if any);
- (aa) if the address of the applicant’s operational headquarters is different from its mailing address—the address of its operational headquarters;

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**334 Subparagraph 141.060(1)(i)(iv)**

Omit “(if any);”, substitute “(if any).”.

**335 Paragraph 141.060(1)(j)**

Repeal the paragraph.

**336 Paragraph 141.080(1)(a)**

Repeal the paragraph, substitute:

- (a) makes a change mentioned in subregulation (2); and

**337 Subregulation 141.080(2)**

Repeal the subregulation, substitute:

- (2) For paragraph (1)(a), the changes are the following:
  - (a) a change to its name (including any operating or trading name) or contact details;
  - (b) if the address of its operational headquarters is different from its mailing address—a change to the address of its operational headquarters.
- (3) An offence against this regulation is an offence of strict liability.

**338 Paragraph 141.085(4)(c)**

Omit “exposition”, substitute “operator’s exposition”.

**339 Subregulation 141.125(1)**

Repeal the subregulation, substitute:

- (1) The head of operations of a Part 141 operator must hold:
  - (a) an instructor rating and either:
    - (i) a grade 1 training endorsement under Part 61; or
    - (ii) the required training endorsements for all the Part 141 flight training the operator proposes to conduct; or
  - (b) an approval under regulation 141.035 to be the head of operations of the operator.

**340 Subparagraph 141.130(4)(b)(ii)**

Repeal the subparagraph, substitute:

- (ii) meet the requirements in the operator's exposition about training in human factors principles and non-technical skills; and

### **341 Subregulations 141.155(3) and (4)**

Repeal the subregulations, substitute:

- (3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
  - (a) to undertake a stated examination; or
  - (b) to be interviewed by CASA; or
  - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
  - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 141 flight training in accordance with its exposition and civil aviation legislation;
  - (b) the nature and complexity of the training;
  - (c) the leadership, management and standards-setting skills required by the person for the training;
  - (d) how recently the person has used his or her aviation skills;
  - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

### **342 Regulation 141.200 (heading)**

Repeal the heading, substitute:

#### **141.200 Part 141 operators—instructors—training in human factors principles and non-technical skills**

### **343 Paragraph 141.200(1)(b)**

Repeal the paragraph, substitute:

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- (b) the instructor does not meet the requirements in the operator's exposition about training in human factors principles and non-technical skills.

**344 Paragraph 141.220(1)(c)**

Repeal the paragraph, substitute:

- (c) if the operator conducts the training in flight simulation training devices:
  - (i) ensures the correct operation and maintenance of the devices; and
  - (ii) without limiting subparagraph (i), includes the matters mentioned in subregulation 141.230(2); and

**345 Paragraphs 141.260(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
- (b) the address of:
  - (i) the operator's operational headquarters; and
  - (ii) each of the operator's training bases;

**346 Paragraph 141.260(1)(h)**

Repeal the paragraph, substitute:

- (h) a description of the operator's program for training and assessing personnel in human factors principles and non-technical skills;

**347 At the end of paragraph 141.260(1)(k)**

Add “, including the supervision of instructors and course participants”.

**348 Paragraphs 141.270(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) the operator's exposition relates to a duty or responsibility of a person who is a member of the operator's personnel; and
- (b) the operator does not make the part of the exposition that relates to the duty or responsibility available to the person

before the person first begins carrying out the duty or responsibility.

**349 Subpart 141.K (heading)**

Repeal the heading, substitute:

**Subpart 141.K—Part 141 operators—  
miscellaneous offences**

**350 Regulation 141.305**

Repeal the regulation, substitute:

**141.305 Part 141 operators—completion of training and assessment  
of competency for certain solo flights**

*Student pilots*

- (1) A Part 141 operator commits an offence if:
- (a) a student pilot who is undertaking authorised Part 141 flight training with the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
  - (b) the student pilot does not meet the requirements mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the kinds of solo flight are the following:
- (a) a circuit training flight;
  - (b) a flight between an aerodrome and the flight training area for the aerodrome;
  - (c) a cross-country flight;
  - (d) a flight at night.
- (3) For paragraph (1)(b), the requirements are the following:
- (a) the student pilot must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight of that kind by a student pilot;

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- (b) the student pilot must have been assessed by the operator as competent to conduct the solo flight;
- (c) if the flight is a flight of a kind mentioned in paragraph (2)(c) or (d)—the student pilot must have completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

*Holders of pilot licences*

- (4) A Part 141 operator commits an offence if:
  - (a) the holder of a pilot licence who is receiving flight training from the operator for a rating or endorsement on the pilot's licence conducts a solo flight at night for the first time; and
  - (b) the flight training is authorised Part 141 training for the operator; and
  - (c) the holder does not meet the requirements mentioned in subregulation (5).
- Penalty: 50 penalty units.
- (5) For paragraph (4)(c), the requirements are the following:
  - (a) the holder must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight for flight training for the rating or endorsement;
  - (b) the holder must have been assessed by the operator as competent to conduct the solo flight.
- (6) A Part 141 operator commits an offence if:
  - (a) the holder of a pilot licence who is receiving flight training from the operator for a recreational navigation endorsement conducts a solo cross-country flight or a flight at night for the first time; and
  - (b) the holder has not completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Penalty: 50 penalty units.

- (7) An offence against this regulation is an offence of strict liability.

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

**141.306 Part 141 operators—appropriate briefing and capability to conduct certain solo flights etc.**

- (1) A Part 141 operator commits an offence if:
- (a) a person who is undertaking authorised Part 141 flight training with the operator conducts a solo flight for the first time; and
  - (b) the person does not meet the requirements mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirements are the following:
- (a) the person must have been briefed appropriately for the flight;
  - (b) the person must be capable of conducting the flight safely;
  - (c) if the person is a student pilot—the person must:
    - (i) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
    - (ii) have completed an approved course of training in English language proficiency;
  - (d) the person must have an ARN.
- (3) Strict liability applies to paragraph (1)(a).

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

**351 At the end of Part 141**

Add:

**141.315 Part 141 operators—maximum period for use of foreign registered aircraft in Australian territory**

- (1) A Part 141 operator commits an offence if, in any 12 month period, the operator uses a foreign registered aircraft to conduct authorised activities in Australian territory for a total of more than the number of days mentioned in subregulation (2).

Penalty: 50 penalty units.

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- (2) For subregulation (1), the number of days is:
  - (a) 90; or
  - (b) if the operator holds an approval under regulation 141.035 for this regulation in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (3) An offence against this regulation is an offence of strict liability.
- (4) In this regulation:

*authorised activity*, for a Part 141 operator, means an activity authorised by a civil aviation authorisation held by the operator.

**352 Part 142 (table of contents)**

Omit the entry for regulation 142.090.

**353 Part 142 (table of contents)**

Omit the entry for regulation 142.335, substitute:

- 142.335 Part 142 operators—instructors and examiners—training in human factors principles and non-technical skills

**354 Part 142 (table of contents)**

Omit the entry for regulation 142.385, substitute:

- 142.385 Part 142 operators—completion of training and assessment of competency for certain solo flights
- 142.386 Part 142 operators—appropriate briefing and capability to conduct certain solo flights etc.

**355 Part 142 (at the end of the table of contents)**

Add:

- 142.395 Part 142 operators—maximum period for use of foreign registered aircraft in Australian territory

**356 Subregulation 142.015(2)**

Omit “the following flight training”, substitute “the following”.

**357 Paragraphs 142.015(2)(d) and (e)**

Repeal the paragraphs, substitute:

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- (d) training for the grant under Part 61 of a type rating other than a type rating mentioned in an instrument under regulation 142.045;
- (da) training, conducted as a multi-crew operation, for the grant under Part 61 of a flight crew rating other than a type rating;
- (e) training, conducted as a multi-crew operation, for the grant under Part 61 of a flight crew endorsement other than:
  - (i) a design feature endorsement; or
  - (ii) a flight activity endorsement;

**358 Subparagraph 142.015(2)(g)(i)**

After “61.780”, insert “, 61.835 or 61.1370”.

**359 Subregulation 142.040(1)**

Omit “CASA”, substitute “CASA, in writing.”.

**360 At the end of regulation 142.070**

Add “for this Part”.

**361 Paragraph 142.080(2)(a)**

Repeal the paragraph, substitute:

- (a) the applicant’s name (including any operating or trading name), contact details and ABN (if any);
- (aa) if the address of the applicant’s operational headquarters is different from its mailing address—the address of its operational headquarters;

**362 Subparagraph 142.085(1)(e)(iv)**

Omit “(if any);”, substitute “(if any).”.

**363 Paragraph 142.085(1)(f)**

Repeal the paragraph.

**364 Regulation 142.090**

Repeal the regulation.

**365 Subregulation 142.105(1)**

Omit “CASA”, substitute “CASA, in writing.”.

**366 Paragraph 142.105(2)(a)**

Omit “to (e)”, substitute “to (f)”.

**367 Paragraph 142.135(1)(a)**

Repeal the paragraph, substitute:

- (a) makes a change mentioned in subregulation (2); and

**368 Subregulation 142.135(2)**

Repeal the subregulation, substitute:

- (2) For paragraph (1)(a), the changes are the following:

- (a) a change to its name (including any operating or trading name) or contact details;
  - (b) if the address of the applicant’s operational headquarters is different from its mailing address—a change to the address of its operational headquarters.

- (3) An offence against this regulation is an offence of strict liability.

**369 Paragraph 142.140(4)(c)**

Omit “exposition”, substitute “operator’s exposition”.

**370 Subparagraph 142.190(2)(n)(iii)**

Repeal the subparagraph, substitute:

- (iii) meets the requirements in the operator’s exposition about training in human factors principles and non-technical skills;

**371 Subregulations 142.215(3) and (4)**

Repeal the subregulations, substitute:

- (3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:

- (a) to undertake a stated examination; or
  - (b) to be interviewed by CASA; or
  - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
  - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation;
  - (b) the nature and complexity of the activities;
  - (c) the leadership, management and standards-setting skills required by the person for the activities;
  - (d) how recently the person has used his or her aviation skills;
  - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

**372 Paragraph 142.265(1)(c)**

Repeal the paragraph, substitute:

- (c) if the operator conducts the training in flight simulation training devices:
  - (i) ensures the correct operation and maintenance of the devices; and
  - (ii) without limiting subparagraph (i), includes the matters mentioned in subregulation 142.275(2); and

**373 Regulation 142.335 (heading)**

Repeal the heading, substitute:

**142.335 Part 142 operators—instructors and examiners—training in human factors principles and non-technical skills**

**374 Paragraph 142.335(1)(b)**

Repeal the paragraph, substitute:

- (b) the instructor or examiner does not meet the requirements in the operator's exposition about training in human factors principles and non-technical skills.

**375 Paragraphs 142.340(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
- (b) the address of:
  - (i) the operator's operational headquarters; and
  - (ii) each of the operator's training bases;

**376 Paragraph 142.340(1)(h)**

Repeal the paragraph, substitute:

- (h) a description of the operator's program for training and assessing personnel in human factors principles and non-technical skills;

**377 At the end of paragraph 142.340(1)(k)**

Add “, including the supervision of instructors and persons participating in activities”.

**378 Paragraphs 142.350(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) the operator's exposition relates to a duty or responsibility of a person who is a member of the operator's personnel; and
- (b) the operator does not make the part of the exposition that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.

**379 Regulation 142.385**

Repeal the regulation, substitute:

**142.385 Part 142 operators—completion of training and assessment of competency for certain solo flights***Student pilots*

- (1) A Part 142 operator commits an offence if:

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- (a) a student pilot who is undertaking authorised Part 142 flight training with the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
- (b) the student pilot does not meet the requirements mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1)(a), the kinds of solo flight are the following:
  - (a) a circuit training flight;
  - (b) a flight between an aerodrome and the flight training area for the aerodrome;
  - (c) a cross-country flight;
  - (d) a flight at night.
- (3) For paragraph (1)(b), the requirements are the following:
  - (a) the student pilot must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight of that kind by a student pilot;
  - (b) the student pilot must have been assessed by the operator as competent to conduct the solo flight;
  - (c) if the flight is a flight of a kind mentioned in paragraph (2)(c) or (d)—the student pilot must have completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

*Holders of pilot licences*

- (4) A Part 142 operator commits an offence if:
  - (a) the holder of a pilot licence who is receiving flight training from the operator for a rating or endorsement on the pilot's licence conducts a solo flight at night for the first time; and
  - (b) the flight training is authorised Part 142 training for the operator; and
  - (c) the holder does not meet the requirements mentioned in subregulation (5).

Penalty: 50 penalty units.

- (5) For paragraph (4)(c), the requirements are the following:

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- (a) the holder must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight for flight training for the rating or endorsement;
- (b) the holder must have been assessed by the operator as competent to conduct the solo flight.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

**142.386 Part 142 operators—appropriate briefing and capability to conduct certain solo flights etc.**

- (1) A Part 142 operator commits an offence if:
  - (a) a person who is undertaking authorised Part 142 flight training with the operator conducts a solo flight for the first time; and
  - (b) the person does not meet the requirements mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirements are the following:
  - (a) the person must have been briefed appropriately for the flight;
  - (b) the person must be capable of conducting the flight safely;
  - (c) if the person is a student pilot—the person must:
    - (i) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
    - (ii) have completed an approved course of training in English language proficiency;
  - (d) the person must have an ARN.

- (3) Strict liability applies to paragraph (1)(a).

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

**380 At the end of Part 142**

Add:

**142.395 Part 142 operators—maximum period for use of foreign registered aircraft in Australian territory**

- (1) A Part 142 operator commits an offence if, in any 12 month period, the operator uses a foreign registered aircraft to conduct authorised activities in Australian territory for a total of more than the number of days mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the number of days is:
- (a) 90; or
  - (b) if the operator holds an approval under regulation 142.040 for this regulation in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (3) An offence against this regulation is an offence of strict liability.
- (4) In this regulation:

*authorised activity*, for a Part 142 operator, means an activity authorised by a civil aviation authorisation held by the operator.

**381 Part 143 (table of contents)**

Omit the entry for regulation 143.105, substitute:

143.105 Status as registered training organisation

**382 Part 200 (at the end of the table of contents)**

Add:

200.025 Flying unregistered aircraft

200.030 Flying unregistered aircraft—offence

**383 Regulation 200.025**

Omit all the words before paragraph (a), substitute:

For paragraph 20AB(1)(a) of the Act, a person is taken to hold a civil aviation authorisation that is in force and authorises the

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person to perform a duty that is essential to the operation of an unregistered Australian aircraft during flight time if:

**384 At the end of Part 200**

Add:

**200.030 Flying unregistered aircraft—offence**

A person commits an offence if:

- (a) the person pilots an unregistered Australian aircraft; and
- (b) a sport aviation body administers aviation activities in the aircraft; and
- (c) the person does not:
  - (i) hold a pilot certificate granted by the sport aviation body; and
  - (ii) operate the aircraft in accordance with the sport aviation body's operations manual.

Penalty: 50 penalty units.

**385 Part 201 (at the end of the table of contents)**

Add:

201.025 Prescription of matters for definitions in these Regulations

**386 Subregulation 201.004(2) (table 201.004, items 1 and 2)**

Repeal the items, substitute:

- 1 under a provision of these Regulations:
    - (a) refusing to grant or issue an authorisation; or
    - (b) cancelling or suspending an authorisation otherwise than on the application of the authorisation-holder; or
    - (c) varying an authorisation otherwise than on the application of the authorisation-holder; or
    - (d) refusing to vary an authorisation
  - 2 under a provision of these Regulations imposing a condition on, or varying a condition of, an authorisation otherwise than on the application of the authorisation-holder
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**387 Subregulation 201.004(2) (table 201.004, after item 8)**

Insert:

- 8A under regulation 42.640 directing that an authorisation issued by a continuing airworthiness management organisation to a pilot licence holder be changed or cancelled

**388 Subregulation 201.004(3)**

Repeal the subregulation, substitute:

*Decisions made by other decision-makers*

- (3) Applications may be made to the Administrative Appeals Tribunal for review of a decision mentioned in subregulation (5) that is made:
- (a) under a provision of these Regulations; and
  - (b) by a person mentioned in subregulation (4) who may make the decision under the provision.
- (4) For paragraph (3)(b), the persons are the following:
- (a) an authorised person;
  - (b) an examiner;
  - (c) an instructor;
  - (d) the holder of an approval under regulation 61.040, 141.035 or 142.040.
- (5) For subregulation (3), the decisions are the following:
- (a) a decision refusing to grant or issue an authorisation;
  - (b) a decision varying an authorisation otherwise than on the application of the authorisation-holder;
  - (c) a decision refusing to vary an authorisation;
  - (d) a decision imposing a condition on, or varying a condition of, an authorisation otherwise than on the application of the authorisation-holder.

- Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person, whose interests are affected by the decision, notice of:
- (a) the making of the decision; and
  - (b) the person's right to have the decision reviewed.

**389 At the end of Part 201**

Add:

**201.025 Prescription of matters for definitions in these Regulations**

For subsection 98(5A) of the Act, CASA may issue instruments prescribing matters for definitions in these Regulations relating to matters mentioned in the subsection.

**390 Part 202 (table of contents)**

Omit all the entries from and including the entry for Subpart 202.CB to and including the entry for Subpart 202.CE, substitute:

**Subpart 202.CB—Transitional provisions for Part 61 (Flight crew licensing)****Division 202.CB.1—Amendments made by the Civil Aviation Legislation Amendment Regulation 2013 (No. 1) and the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013****Subdivision 202.CB.1.1—General**

- 202.260 Application of Division 202.CB.1—balloons excluded
- 202.261 Definitions for Division 202.CB.1
- 202.262 Application of Division 202.CB.1 to student pilot licences

**Subdivision 202.CB.1.2—Continued authorisations**

- 202.263 Continuation of old authorisations
- 202.264 Continuation of suspended old authorisations
- 202.265 Non-finalised action to vary, suspend or cancel old authorisations
- 202.266 Removal of conditions on certain continued authorisations
- 202.267 Flight review and proficiency check requirements
- 202.268 Removal of limitation on exercise of privileges of private or commercial pilot licences—multi-crew operations
- 202.268A Removal of limitation on exercise of privileges of class rating for aircraft prescribed under regulation 61.062
- 202.269 Personal log books under regulation 5.51 of CAR—certain continued authorisations
- 202.270 Extended meaning of *licence document* in Part 61
- 202.271 Expiry of Subdivision 202.CB.1.2 at end of 31 August 2018

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**Subdivision 202.CB.1.3—New authorisations for holders of continued authorisations**

- 202.272 Grant of equivalent new authorisations  
202.273 Expiry of Subdivision 202.CB.1.3 at end of 31 August 2018

**Subdivision 202.CB.1.4—Other provisions**

- 202.274 Non-finalised applications for old authorisations  
202.275 Eligibility for ratings—former holders of time-limited authorisations  
202.276 Flight review and proficiency check requirements for certain new authorisations  
202.277 Personal log books under regulation 5.51 of CAR—certain new authorisations  
202.277A Grant of private pilot licence with helicopter category rating on basis of old requirements  
202.277B Grant of commercial pilot licence with helicopter category rating on basis of old requirements  
202.277C English competency for certain holders of old student pilot licences  
202.277D Privileges for holders of grade 3 training endorsements granted on basis of continued authorisation  
202.278 Grant of pilot type ratings on basis of overseas training and assessment  
202.279 Instrument proficiency checks partially conducted by foreign-authorised person  
202.280 Continuation of driver's licence medical certificates (aviation)  
202.281 Expiry of Division 202.CB.1 at end of 31 August 2025

**Subpart 202.CE—Transitional provisions for Part 64 (Authorisations for non-licensed personnel)**

**Division 202.CE.1—Amendments made by the Civil Aviation Legislation Amendment Regulation 2013 (No. 1) and the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013**

**Subdivision 202.CE.1.1—Aircraft radiotelephone operator certificate of proficiency**

- 202.300 Definitions for Subdivision 202.CE.1.1  
202.301 Continuation of old authorisations  
202.302 Continuation of suspended old authorisations  
202.303 Non-finalised action to vary, suspend or cancel old authorisations  
202.304 Grant of aeronautical radio operator certificates  
202.305 Non-finalised applications for old authorisations

**Subdivision 202.CE.1.2—Approval to taxi an aeroplane**

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- 202.307 Definitions for Subdivision 202.CE.1.2
- 202.308 Continuation of old authorisations
- 202.309 Continuation of suspended old authorisations
- 202.310 Non-finalised action to vary, suspend or cancel old authorisations
- 202.311 Production of continued authorisation

**Subdivision 202.CE.1.3—Expiry of Division 202.CE.1**

- 202.312 Expiry of Division 202.CE.1 at end of 31 August 2018

**391 Part 202 (table of contents)**

Omit the entries for Subparts 202.GA and 202.GB, substitute:

**Subpart 202.GA—Transitional provisions for Part 141 (Recreational, private and commercial pilot flight training, other than certain integrated training courses)**

**Division 202.GA.1—Amendments made by the Civil Aviation Legislation Amendment Regulation 2013 (No. 1) and the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013**

- 202.720 Definitions for Division 202.GA.1
- 202.721 AOCs and approvals under regulation 60.055 held immediately before 1 September 2014
- 202.722 AOCs and approvals under regulation 60.055 that were under suspension immediately before 1 September 2014
- 202.723 Applications for AOCs and approvals under regulation 60.055 made but not finally determined before 1 September 2014
- 202.724 Application of Part 141 to certain Part 141 operators—references to exposition
- 202.725 Application of Part 141 to certain Part 141 operators with Part 60 quality systems—safety management system and quality assurance management system
- 202.726 Application of Part 141 to certain Part 141 operators without Part 60 quality systems—safety and quality assurance management systems not required
- 202.727 Application of Part 141 to certain Part 141 operators—provisions that do not apply
- 202.728 References to standardisation and proficiency checks for instructors for certain Part 141 operators
- 202.729 Expiry of Division 202.GA.1 at end of 31 August 2017

**Subpart 202.GB—Transitional provisions for Part 142 (Integrated and multi-crew pilot flight training, contracted recurrent training and contracted checking)**

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**Division 202.GB.1—Amendments made by the Civil Aviation Legislation Amendment Regulation 2013 (No. 1) and the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013**

- 202.740 Definitions for Division 202.GB.1
- 202.741 AOCs authorising flying training—if in force immediately before 1 September 2014
- 202.742 AOCs authorising flying training—if under suspension immediately before 1 September 2014
- 202.743 Applications for AOCs authorising flying training—if made but not finally determined before 1 September 2014
- 202.744 Approvals under regulation 60.055 held immediately before 1 September 2014
- 202.745 Approvals under regulation 60.055 there were under suspension immediately before 1 September 2014
- 202.746 Applications for approvals under regulation 60.055 made but not finally determined before 1 September 2014
- 202.747 Application of Part 142 to certain Part 142 operators—references to exposition
- 202.748 Application of Part 142 to certain Part 142 operators with Part 60 quality systems—safety management system and quality assurance management system
- 202.749 Application of Part 142 to certain Part 142 operators without Part 60 quality systems—safety and quality assurance management systems not required
- 202.750 Application of Part 142 to certain Part 142 operators—provisions that do not apply
- 202.751 References to standardisation and proficiency checks for instructors for certain Part 142 operators
- 202.752 Expiry of Division 202.GB.1 at end of 31 August 2017

**392 Division 202.CB.1 (heading)**

Repeal the heading, substitute:

**Division 202.CB.1—Amendments made by the Civil Aviation Legislation Amendment Regulation 2013 (No. 1) and the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013**

**Subdivision 202.CB.1.1—General**

**393 Regulation 202.260**

Repeal the regulation, substitute:

**202.260 Application of Division 202.CB.1—balloons excluded**

This Division does not apply in relation to an old authorisation for a balloon.

**394 Regulation 202.261 (heading)**

Repeal the heading, substitute:

**202.261 Definitions for Division 202.CB.1****395 Regulation 202.261**

Omit “In this Subpart”, substitute “In this Division”.

**396 Regulation 202.261 (definition of *amendments*)**

Repeal the definition, substitute:

*amendments* means the amendments made by:

- (a) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*; and
- (b) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*.

**397 Regulation 202.261 (definition of *cessation time*)**

Omit “this Subpart”, substitute “this Division”.

**398 After regulation 202.261**

Insert:

**202.262 Application of Division 202.CB.1 to student pilot licences**

- (1) This Division applies to a student pilot licence issued under Part 5 of CAR only if the holder of the licence passed a general flying progress test under Part 5 of CAR before 1 September 2014.

- (2) For this Division, the student pilot licence is taken to be equivalent to a recreational pilot licence.

**399 Division 202.CB.2 (heading)**

Repeal the heading, substitute:

**Subdivision 202.CB.1.2—Continued authorisations**

**400 After subregulation 202.263(2)**

Insert:

- (2A) For subregulation (2), if the old authorisation is an aircraft endorsement for a type of aircraft for which there is no equivalent pilot type rating, the aircraft endorsement is taken to be equivalent to a class rating for the class of aircraft that includes the type of aircraft.

**401 Paragraph 202.267(3)(b)**

After “(the *second authorisation*)”, insert “, other than a student pilot licence,”.

**402 Paragraph 202.267(5)(a)**

Omit “this Subpart”, substitute “this Division”.

**403 Subregulation 202.267(7)**

Repeal the subregulation.

**404 Regulation 202.268**

Repeal the regulation, substitute:

**202.268 Removal of limitation on exercise of privileges of private or commercial pilot licences—multi-crew operations**

- (1) Regulation 61.510 does not apply to the holder of a continued authorisation that is equivalent to a private pilot licence if, before 1 September 2014, the holder conducted a multi-crew operation.
- (2) Regulation 61.575 does not apply to the holder of a continued authorisation that is equivalent to a commercial pilot licence if,

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before 1 September 2014, the holder conducted a multi-crew operation.

Note: Under regulations 61.510 and 61.575, a licence holder is authorised to exercise the privileges of the licence only if the holder has completed an approved course of training in multi-crew cooperation.

**202.268A Removal of limitation on exercise of privileges of class rating for aircraft prescribed under regulation 61.062**

Regulation 61.747 does not apply to the holder of a continued authorisation that is equivalent to a class rating if:

- (a) the holder held an aircraft endorsement, for an aircraft covered by the class rating, that was in force immediately before 1 September 2014; and
- (b) the endorsement was for a type of aircraft prescribed in an instrument under regulation 61.062.

**405 Subregulation 202.270(2)**

Omit “*licence document*”, substitute “licence document”.

**406 Regulation 202.271**

Repeal the regulation, substitute:

**202.271 Expiry of Subdivision 202.CB.1.2 at end of 31 August 2018**

This Subdivision, and the entries for this Subdivision in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**407 Division 202.CB.3 (heading)**

Repeal the heading, substitute:

**Subdivision 202.CB.1.3—New authorisations for holders of continued authorisations**

**408 After subregulation 202.272(1)**

Insert:

- (1A) However, the holder of a continued aircraft endorsement is taken to meet the requirements for the grant of the equivalent aircraft class or type rating only if the holder also holds a continued authorisation that is equivalent to a flight crew licence.

**409 At the end of regulation 202.272**

Add:

*Limitation on exercise of privileges of helicopter grade 2 training endorsements*

- (5) Despite subregulation (1), the holder of a grade 2 training endorsement (helicopter) that is granted in accordance with subregulation (2) is authorised to conduct the activities mentioned in column 2 of item 2 of table 61.1235 only if the holder meets the requirements mentioned in column 3 of the item.

**410 Regulation 202.273**

Repeal the regulation, substitute:

**202.273 Expiry of Subdivision 202.CB.1.3 at end of 31 August 2018**

This Subdivision, and the entries for this Subdivision in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**411 Division 202.CB.4 (heading)**

Repeal the heading, substitute:

**Subdivision 202.CB.1.4—Other provisions**

**412 Subregulation 202.274(3)**

Repeal the subregulation, substitute:

- (3) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**413 Paragraph 202.275(1)(a)**

After “rating”, insert “(other than a flight examiner rating)”.

**414 Subregulation 202.275(4)**

Repeal the subregulation, substitute:

- (4) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**415 After subregulation 202.276(2)**

Insert:

- (2A) To avoid doubt, the holder of an aircraft class rating or type rating granted on the basis of regulation 202.272 must meet the flight review requirements for the rating under Part 61.

**416 Subregulations 202.276(5) to (7)**

Repeal the subregulations, substitute:

- (5) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**417 Regulation 202.278**

Repeal the regulation, substitute:

**202.277A Grant of private pilot licence with helicopter category rating on basis of old requirements**

- (1) An applicant for a private pilot licence with a helicopter category rating is taken to meet the requirements of paragraphs 61.515(2)(b), (c) and (d) if the applicant meets the requirements mentioned in paragraphs 5.87(1)(d), (e) and (f) of CAR, as in force immediately before 1 September 2014.
- (2) For subregulation (1):
  - (a) CASA may set and conduct a private pilot (helicopter) licence flight test; and

- (b) the helicopter syllabus published under regulation 5.59 of CAR, as in force immediately before 1 September 2014:
    - (i) continues in force; and
    - (ii) may be amended as if that regulation had not been repealed; and
  - (c) regulation 5.93 of CAR, as in force immediately before 1 September 2014, continues in force.
- (3) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2017 as if they had been repealed by another regulation.

**202.277B Grant of commercial pilot licence with helicopter category rating on basis of old requirements**

- (1) An applicant for a commercial pilot licence with a helicopter category rating is taken to meet the requirements of paragraphs 61.580(2)(b), (c) and (d) if the applicant meets the requirements mentioned in paragraphs 5.120(1)(d), (e) and (f) of CAR, as in force immediately before 1 September 2014.
- (2) For subregulation (1):
  - (a) CASA may set and conduct a commercial pilot (helicopter) licence flight test; and
  - (b) the helicopter syllabus published under regulation 5.59 of CAR, as in force immediately before 1 September 2014:
    - (i) continues in force; and
    - (ii) may be amended as if that regulation had not been repealed; and
  - (c) regulation 5.127 of CAR, as in force immediately before 1 September 2014, continues in force.
- (3) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2017 as if they had been repealed by another regulation.

**202.277C English competency for certain holders of student pilot licences**

- (1) Subregulation (2) applies to a person who:
  - (a) held a student pilot licence immediately before 1 September 2014; and
  - (b) had not passed a general flying progress flight test under Part 5 of CAR before that day.
- (2) The person is taken to have been assessed by CASA as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards.

**202.277D Privileges for holders of grade 3 training endorsements granted on basis of continued authorisation**

Despite regulation 61.1240, the holder of a grade 3 training endorsement (aeroplane) granted on the basis of regulation 202.272 is also authorised to conduct basic instrument flight training mentioned in column 2 of item 2 of table 61.1235.

**202.278 Grant of pilot type ratings on basis of overseas training and assessment**

- (1) An applicant for a pilot type rating is taken to meet the requirements of subregulation 61.810(3) (Requirements for grant of pilot type ratings) if CASA is satisfied that:
  - (a) the applicant has completed training, conducted by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct the training, for the grant of an overseas rating; and
  - (b) the applicant has been assessed, by a person who is authorised by the national aviation authority of the recognised foreign State to conduct the assessment, as meeting the flight test standard for the grant of the overseas rating; and
  - (c) the training meets the standards specified in the Part 61 Manual of Standards for training for the rating; and
  - (d) the overseas rating is at least equivalent to the rating.

- (2) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**202.279 Instrument proficiency checks partially conducted by foreign-authorised person**

- (1) This regulation applies in relation to:
- (a) an instrument proficiency check mentioned in paragraph 61.650(3)(d) or (e) for the holder of a multi-crew pilot licence; and
  - (b) an instrument proficiency check mentioned in paragraph 61.695(3)(d) or (e) for the holder of an air transport pilot licence; and
  - (c) an instrument proficiency check mentioned in paragraph 61.880(3)(e) or (f) for the holder of an instrument rating.
- (2) The holder is taken to have successfully completed the instrument proficiency check if:
- (a) a person who is authorised by the national aviation authority of a recognised State to conduct an instrument proficiency check (however named) conducts a check of the holder; and
  - (b) the check meets the authority's flight standards for a proficiency check; and
  - (c) CASA or a flight examiner:
    - (i) assesses the holder against the knowledge standards mentioned in the Part 61 Manual of Standards for the instrument proficiency check; and
    - (ii) is satisfied that the holder meets the knowledge standards; and
    - (iii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check.
- (3) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**202.280 Continuation of driver's licence medical certificates (aviation)**

- (1) This regulation applies to a driver's licence medical certificate (aviation) that was in force immediately before 1 September 2014.
- (2) On and after 1 September 2014, the certificate is taken to be a recreational aviation medical practitioner's certificate that expires in accordance with its terms.
- (3) In this regulation:  
  
*driver's licence medical certificate (aviation)* has the meaning given by the instrument of exemption from holding a class 2 medical certificate issued by CASA on 29 June 2012 (CASA instrument number CASA EX68/12).
- (4) This regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 May 2015 as if they had been repealed by another regulation.

**202.281 Expiry of Division 202.CB.1 at end of 31 August 2025**

This Division, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2025 as if they had been repealed by another regulation.

**418 Division 202.CE.1 (heading)**

Repeal the heading, substitute:

**Division 202.CE.1—Amendments made by the Civil Aviation Legislation Amendment Regulation 2013 (No. 1) and the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013**

**Subdivision 202.CE.1.1—Aircraft radiotelephone operator certificate of proficiency**

**419 Regulation 202.300 (heading)**

Repeal the heading, substitute:

**202.300 Definitions for Subdivision 202.CE.1.1**

**420 Regulation 202.300**

Omit “In this Division”, substitute “In this Subdivision”.

**421 Regulation 202.300**

Insert:

*amendments* means the amendments made by:

- (a) the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*; and
- (b) the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*.

**422 Regulation 202.300 (definition of *cessation time*)**

Omit “this Subpart”, substitute “this Subdivision”.

**423 Regulation 202.300 (definition of *old authorisation*)**

Repeal the definition, substitute:

*old authorisation* means:

- (a) a flight radio operator’s licence issued under Part 5 of CAR;  
or
- (b) an aircraft radiotelephone operator certificate of proficiency issued under regulation 83A of CAR.

**424 Subregulations 202.301(1) and 202.302(2)**

Omit “repeal of regulation 83A of CAR”, substitute “amendments”.

**425 After subregulation 202.304(1)**

Insert:

- (1A) However, the holder is not taken to have applied for the grant of an aeronautical radio operator certificate if, under regulation 202.272, the holder is taken to have applied for, and met the requirements for, the grant of a flight crew licence under Part 61.

**426 Division 202.CE.2 (heading)**

Repeal the heading, substitute:

**Subdivision 202.CE.1.2—Approval to taxi an aeroplane****427 Regulation 202.307 (heading)**

Repeal the heading, substitute:

**202.307 Definitions for Subdivision 202.CE.1.2****428 Regulation 202.307**

Omit “In this Division”, substitute “In this Subdivision”.

**429 Regulation 202.307 (definition of *cessation time*)**

Omit “this Subpart”, substitute “this Subdivision”.

**430 Subregulation 202.311(1)**

Omit “this Subpart”, substitute “this Subdivision”.

**431 Regulation 202.312**

Repeal the regulation, substitute:

**Subdivision 202.CE.1.3—Expiry of Division 202.CE.1**

**202.312 Expiry of Division 202.CE.1 at end of 31 August 2018**

This Division, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2018 as if they had been repealed by another regulation.

**432 Subpart 202.GA (heading)**

Repeal the heading, substitute:

**Subpart 202.GA—Transitional provisions for  
Part 141 (Recreational, private and  
commercial pilot flight training, other than  
certain integrated training courses)**

**Division 202.GA.1—Amendments made by the Civil  
Aviation Legislation Amendment Regulation 2013  
(No. 1) and the Civil Aviation Legislation  
Amendment (Flight Crew Licensing and Other  
Matters) Regulation 2013**

**433 Regulation 202.720**

Repeal the regulation, substitute:

**202.720 Definitions for Division 202.GA.1**

A term that is used in this Division has the same meaning in this Division as it has in Part 141.

**434 Paragraphs 202.721(1)(a), 202.722(1)(a), 202.723(1)(a) and  
202.728(1)(a)**

Omit “mentioned in subparagraph 206(1)(a)(vi) of CAR”.

**435 Regulation 202.729**

Repeal the regulation, substitute:

**202.729 Expiry of Division 202.GA.1 at end of 31 August 2017**

This Division, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2017 as if they had been repealed by another regulation.

**436 Subpart 202.GB (heading)**

Repeal the heading, substitute:

**Subpart 202.GB—Transitional provisions for  
Part 142 (Integrated and multi-crew pilot  
flight training, contracted recurrent  
training and contracted checking)****Division 202.GB.1—Amendments made by the Civil  
Aviation Legislation Amendment Regulation 2013  
(No. 1) and the Civil Aviation Legislation  
Amendment (Flight Crew Licensing and Other  
Matters) Regulation 2013****437 Regulation 202.740**

Repeal the regulation, substitute:

**202.740 Definitions for Division 202.GB.1**

A term that is used in this Division has the same meaning in this Division as it has in Part 142.

**438 Regulations 202.741, 202.742 and 202.743**

Repeal the regulations, substitute:

**202.741 AOCs authorising flying training—if in force immediately before 1 September 2014**

- (1) This regulation applies to an AOC if, immediately before 1 September 2014:
  - (a) the AOC authorised the flying or operation of an aeroplane, rotorcraft or airship for flying training (the *old training*); and
  - (b) the AOC was in force.
- (2) While the AOC is in force, and subject to any changes to the AOC:
  - (a) the AOC is taken to authorise the flying or operation of the aeroplane, rotorcraft or airship for Part 142 flight training that is equivalent to the old training; and
  - (b) subject to any changes to the conditions of the AOC, any conditions of the AOC that relate to the old training are taken to apply to the Part 142 flight training.

**202.742 AOCs authorising flying training—if under suspension immediately before 1 September 2014**

- (1) This regulation applies to an AOC if, immediately before 1 September 2014:
  - (a) the AOC authorised the flying or operation of an aeroplane, rotorcraft or airship for flying training (the *old training*); and
  - (b) the AOC was under suspension in relation to the old training.
- (2) If the suspension is lifted, then, while the AOC is in force, and subject to any changes to the AOC:
  - (a) the AOC is taken to authorise the flying or operation of the aeroplane, rotorcraft or airship for Part 142 flight training that is equivalent to the old training; and
  - (b) subject to any changes to the conditions of the AOC, any conditions of the AOC that relate to the old training are taken to apply to the Part 142 flight training.

**202.743 Applications for AOCs authorising flying training—if made but not finally determined before 1 September 2014**

- (1) This regulation applies if, before 1 September 2014:

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- (a) a person applied for an AOC authorising the flying or operation of an aeroplane, rotorcraft or airship for flying training (the *proposed training*); and
  - (b) the application was not finally determined by CASA.
- (2) The application is taken to be an application for an AOC for Part 142 flight training that is equivalent to the proposed training.

**439 Paragraph 202.747(1)(a)**

Repeal the paragraph, substitute:

- (a) an AOC mentioned in regulation 202.741 or 202.742; or
- (aa) an AOC granted on the basis of an application to which regulation 202.743 applied; or

**440 Subparagraph 202.749(1)(a)(i)**

Repeal the subparagraph, substitute:

- (i) an AOC mentioned in regulation 202.741 or 202.742; or
- (ia) an AOC granted on the basis of an application to which regulation 202.743 applied; or

**441 Paragraph 202.750(1)(a)**

Repeal the paragraph, substitute:

- (a) an AOC mentioned in regulation 202.741 or 202.742; or
- (aa) an AOC granted on the basis of an application to which regulation 202.743 applied; or

**442 Paragraph 202.751(1)(a)**

Omit “mentioned in subparagraph 206(1)(a)(vi) of CAR”.

**443 Regulation 202.752**

Repeal the regulation, substitute:

**202.752 Expiry of Division 202.GB.1 at end of 31 August 2017**

This Division, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2017 as if they had been repealed by another regulation.

**444 Part 1 of the Dictionary (definition of *2D instrument approach procedure*)**

Repeal the definition, substitute:

*2D instrument approach operation* means an instrument approach operation using lateral navigation guidance only.

**445 Part 1 of the Dictionary (definition of *3D instrument approach procedure*)**

Repeal the definition, substitute:

*3D instrument approach operation* means an instrument approach operation using lateral and vertical navigation guidance.

**446 Part 1 of the Dictionary (definition of *apply*)**

Repeal the definition, substitute:

*apply*, in relation to application material, has the meaning given by regulation 137.010.

**447 Part 1 of the Dictionary**

Insert:

*authorised instrument approach procedure* means:

- (a) for an aerodrome in Australian territory—an instrument approach procedure that is:
  - (i) designed by a certified designer or authorised designer, and published in the AIP or given to CASA under Part 173; or
  - (ii) prescribed by an instrument issued under regulation 201.025 for this paragraph; or
- (b) for an aerodrome in a foreign country—an instrument approach procedure that is authorised by the national aviation authority of the country.

*authorised instrument departure procedure* means:

- (a) for an aerodrome in Australian territory—an instrument departure procedure that is:

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- (i) designed by a certified designer or authorised designer, and published in the AIP or given to CASA under Part 173; or
- (ii) prescribed by an instrument issued under regulation 201.025 for this paragraph; or
- (b) for an aerodrome in a foreign country—an instrument departure procedure that is authorised by the national aviation authority of the country.

**448 Part 1 of the Dictionary (definition of *class*)**

Repeal the definition, substitute:

*class*:

- (a) of aircraft, has the meaning given by regulation 61.020; and
- (b) of aeroplane for Part 64 (Ground operations personnel licensing), has the meaning given by regulation 64.010; and
- (c) in relation to medical certificates—means a class of medical certificate mentioned in regulation 67.145.

**449 Part 1 of the Dictionary**

Insert:

*certificate of validation* has the meaning given by regulation 61.010.

*cross-country flight* has the meaning given by regulation 61.010.

*examiner* has the meaning given by regulation 61.010.

**450 Part 1 of the Dictionary (paragraph (a) of the definition of *flight crew endorsement*)**

Repeal the paragraph, substitute:

- (a) means a flight crew endorsement within the meaning of Part 61; and

**451 Part 1 of the Dictionary (paragraph (a) of the definition of *flight crew licence*)**

Repeal the paragraph, substitute:

- (a) means a flight crew licence within the meaning of Part 61;  
and

**452 Part 1 of the Dictionary (paragraph (a) of the definition of *flight crew rating*)**

Repeal the paragraph, substitute:

- (a) means a flight crew rating within the meaning of Part 61; and

**453 Part 1 of the Dictionary (definition of *flight engineer*)**

Repeal the definition, substitute:

*flight engineer* means the holder of a flight engineer licence.

**454 Part 1 of the Dictionary (paragraphs (a) and (b) of the definition of *flying in formation*)**

Omit “flying in formation”, substitute “*flying in formation*”.

**455 Part 1 of the Dictionary**

Insert:

*instructor* has the meaning given by regulation 61.010.

*instrument approach operation* means an approach and landing:

- (a) conducted using instruments for navigation guidance; and
- (b) based on an authorised instrument approach procedure.

**456 Part 1 of the Dictionary (paragraph (b) of the definition of *integrated training*)**

Repeal the paragraph, substitute:

- (b) for which:
  - (i) the ground theory training and practical flight training are conducted by the same operator; or
  - (ii) the operator that conducts the practical flight training engages another person or organisation to conduct the ground theory training on behalf of the operator; and

**457 Part 1 of the Dictionary (definition of *medical certificate*)**

Repeal the definition, substitute:

***medical certificate*** means:

- (a) a medical certificate issued under Subpart 67.C; or
- (b) for the holder of a certificate of validation of an overseas flight crew licence—the holder's overseas medical certificate.

#### **458 Part 1 of the Dictionary**

Insert:

***medically significant condition*** has the meaning given by subregulation 67.010(1).

***medical practitioner***:

- (a) for Part 61 has the meaning given by regulation 61.010; and
- (b) for Part 67 has the meaning given by subregulation 67.010(1).

***meets the modified Austroads medical standards*** has the meaning given by regulation 67.262.

#### **459 Part 1 of the Dictionary (definition of NAA)**

Repeal the definition.

#### **460 Part 1 of the Dictionary**

Insert:

***national aviation authority***, for a foreign country:

- (a) means the authority that is responsible for regulating civil aviation in the country; and
- (b) includes:
  - (i) the national airworthiness authority for the country; and
  - (ii) if EASA carries out functions on behalf of the country—EASA.

***overseas endorsement*** has the meaning given by regulation 61.010.

***overseas flight crew licence*** has the meaning given by regulation 61.010.

*overseas medical certificate* has the meaning given by regulation 61.010.

*overseas rating* has the meaning given by regulation 61.010.

*pilot*, used as a verb, has the meaning given by regulation 61.010.

*solo*, in relation to a flight of an aircraft, has the meaning given by regulation 61.010.

*student pilot* means:

- (a) for aircraft other than balloons—a person who is authorised to pilot an aircraft under regulation 61.112; or
- (b) for balloons—a person who:
  - (i) does not hold a commercial (balloon) pilot licence within the meaning of subregulation 5.01(1) of CAR; and
  - (ii) is receiving balloon flight training.

#### **461 Part 1 of the Dictionary (definition of *successfully participating*)**

Repeal the definition, substitute:

*successfully participating*, in an operator's approved cyclic training and proficiency program, has the meaning given by regulation 61.010.

#### **462 Part 1 of the Dictionary**

Insert:

*tour of duty*, for a flight crew member:

- (a) means a period from when the member begins any duties associated with his or her employment before making a flight or series of flights until the member is finally relieved of all such duties after the end of the flight or flights; and
- (b) includes a period during which the member is required by an operator to hold himself or herself available at an aerodrome for the performance of any such duties.

**463 Clause 30 of Part 2 of the Dictionary**

Repeal the clause.

**464 Amendments of listed provisions—conversion of notes to decentralised tables of contents**

Omit “*Note This Part is made up as follows:*” and substitute “**Table of contents**” in the following provisions:

- (a) Part 61 (note);
- (b) Part 64 (note);
- (c) Part 141 (note);
- (d) Part 142 (note).

**468 Part 21 (table of contents)**

Omit the entries for regulations 21.029 and 21.029A, substitute:

- 21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by national aviation authority of recognised country
- 21.029A Type acceptance certificate for imported aircraft certificated by national aviation authority of recognised country

**469 Paragraph 21.011(c)**

Omit “NAAs”, substitute “national aviation authorities”.

**470 Regulation 21.029 (heading)**

Repeal the heading, substitute:

**21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by national aviation authority of recognised country**

**471 Regulation 21.029A (heading)**

Repeal the heading, substitute:

**21.029A Type acceptance certificate for imported aircraft  
certificated by national aviation authority of recognised  
country**

**472 Part 42 (table of contents)**

Omit the entry for regulation 42.306, substitute:

- 42.306 Who is permitted to carry out maintenance on aeronautical products—  
foreign organisations approved by national aviation authority

**473 Paragraph 42.301(1)(c)**

Omit “the NAA that permits”, substitute “the national aviation authority  
that permits”.

**474 Regulation 42.306 (heading)**

Repeal the heading, substitute:

**42.306 Who is permitted to carry out maintenance on aeronautical  
products—foreign organisations approved by national  
aviation authority**

**475 Paragraph 42.306(2)(a)**

Omit “the NAA that permits”, substitute “the national aviation authority  
that permits”.

**476 Amendments of listed provisions—references to NAA**

Omit “NAA” (wherever occurring) and substitute “national aviation  
authority” in the following provisions:

- (a) subregulations 21.024(3), 21.026(3) and 21.029(1) and (2);
- (b) paragraphs 21.029(3)(a) and 21.029A(a);
- (c) subparagraphs 21.029A(b)(i) and (iv);
- (d) subregulation 21.029B(1);
- (e) paragraphs 21.029B(2)(b) and (c) and 21.029C(1)(b) and (c);
- (f) subregulation 21.031(3);
- (g) subregulation 21.041(1) (paragraphs (a) and (b) of the  
definition of *foreign type certificate*);
- (h) paragraphs 21.051(4)(b) and (c);
- (i) subregulations 21.083(2) and (5) and 21.085(2) and (4);

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- (j) regulation 21.114;
- (k) subregulation 21.119(1);
- (l) regulation 21.132 (paragraph (b) of the definition of *product design*);
- (m) sub-subparagraph 21.132A(2)(a)(ii)(C);
- (n) paragraph 21.181(5)(b);
- (o) subparagraph 21.182(1)(b)(i);
- (p) subparagraphs 21.303(1)(a)(ii) and 21.321(2)(a)(ii);
- (q) paragraphs 21.470(a), (b), (c) and (d);
- (r) subregulation 21.609(2);
- (s) paragraphs 21.617(1)(a) and (b);
- (t) regulation 39.001A (paragraph (a) of the definition of *foreign State of Design airworthiness directive*);
- (u) paragraph 39.002(d);
- (v) regulation 39.005;
- (w) regulation 42.120 (note 1);
- (x) paragraphs 42.301(1)(a) and 42.306(1)(a);
- (y) subparagraphs 42.440(e)(iii) and 42.470(c)(ii);
- (z) paragraph 42.470(d);
- (za) subparagraph 47.065(g)(iii);
- (zb) paragraphs 90.008(3)(b) and 137.190(1)(c);
- (zc) Part 2 of the Dictionary (subparagraphs 37(b)(iii) and (c)(iii)).

**Civil Aviation Legislation Amendment (Part 21) Regulation 2014 (No. 40, 2014)**

**Schedule 2**

**1 Part 21 (table of contents)**

Omit the entry for regulation 21.010A, substitute:

21.010A References to the national aviation authority of a recognised country

**2 Regulation 21.010A (heading)**

Repeal the heading, substitute:

## Endnotes

Endnote 5—Uncommenced amendments

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### **21.010A References to the national aviation authority of a recognised country**

#### **3 Subregulation 21.010(1)**

Omit “NAA”, substitute “national aviation authority”.

#### **4 Sub-subparagraphs 21.500(2)(a)(i)(B) and 21.502(1)(a)(i)(B)**

Omit “NAA”, substitute “national aviation authority”.

Endnote 6—Modifications [none]

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**Endnote 6—Modifications [none]**

## Endnotes

Endnote 7—Misdescribed amendments

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### Endnote 7—Misdescribed amendments

**Civil Aviation Amendment Regulations 2002 (No. 11) (No. 350, 2002)**

#### **Schedule 1**

#### **19 Additional amendments—substitution of *CAR* for *CAR 1988***

The following provisions are amended by omitting each mention of ‘CAR 1988’ and inserting ‘CAR’:

- subregulations 202.1(1) and (2)
- subregulations 202.2(1) and (3)
- regulation 202.3
- regulation 202.4
- regulation 202.5
- regulation 202.6

Endnote 8—Miscellaneous [none]

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**Endnote 8—Miscellaneous [none]**