Civil Aviation Safety Regulations 1998

Statutory Rules No. 237, 1998

made under the

Civil Aviation Act 1988

Compilation No. 95

Compilation date:	2 April 2022
Includes amendments up to:	F2022L00499
Registered:	14 April 2022

This compilation is in 5 volumes

Volume 1: regulations 1.001–42.1105
Volume 2: regulations 45.005–92.205
Volume 3: regulations 99.005–135.465
Volume 4: regulations 137.005–175.500
Volume 5: regulations 200.005–202.900
Dictionary and Endnotes

Each volume has its own contents

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Civil Aviation Safety Regulations 1998* that shows the text of the law as amended and in force on 2 April 2022 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 137—Aerial application operations—other than rotorcraft 1

Subpart 137.A—Applicability and definitions 3

137.005 Applicability ... 3
137.010 Definitions ... 4

Subpart 137.B—General 7

137.015 Approvals ... 7
137.020 Effect of other provisions ... 7
137.025 Aeroplane—type certificate ... 7
137.030 Authority of the pilot ... 7

Subpart 137.C—Operator certification and supervision 8

137.035 Applicant to prepare manual ... 8
137.040 Standard operations manual ... 8
137.045 Application for an AOC or variation of an AOC ... 8
137.050 Decision on AOC and manual ... 9
137.055 Offences concerning operations manual ... 9
137.060 Operator's organisational structure ... 10
137.065 Head of flight operations ... 10
137.070 Head of aeroplane maintenance control ... 11
137.075 Replacement of holder of key personnel position ... 11
137.080 Amendments to operations manual by operator ... 11
137.085 Amendments to schedule of differences ... 12
137.090 Amendments to standard operations manual ... 12

Subpart 137.D—Operational procedures 13

137.095 Operation to be in VMC ... 13
137.100 Use of weather forecasts or observations ... 13
137.105 Landing areas ... 13
137.110 Safety of persons other than crew at landing areas ... 13
137.115 Refuelling ... 14
137.120 Documents to be carried on a flight ... 14
137.125 Manipulation of flight controls ... 15
137.130 Use of seats, seatbelts and harnesses ... 16
137.135 Carriage of passengers ... 16
137.140 Minimum height and lateral separation for operation ... 16
137.145 Application over populous areas ... 17
137.150 In-flight fuel management ... 17
137.160 Aerodrome circuit requirements ... 18
137.165 Close proximity operations ... 18
137.170 Night operations ... 19
137.175 Firefighting operations ... 20

Subpart 137.E—All-weather operations 21

Subpart 137.H—Aeroplane performance 22

137.180 General ... 22
137.185 Take-off over a populous area ... 22

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.J—Weight and balance 23
137.190 Weight limitations ... 23
137.195 Loading—supervision ... 23

Subpart 137.K—Instruments and equipment 24
137.200 Installation of instruments and equipment ... 24
137.210 Position of instruments and equipment ... 24
137.215 Instruments and equipment required ... 25
137.220 Crew intercom system ... 26
137.225 Seatbelts and harnesses ... 26

Subpart 137.M—Aeroplane maintenance 27
137.230 Fitting and removal of role equipment ... 27

Subpart 137.N—Pilots 28
137.235 Pilot in command must be authorised under Part 61 ... 28
137.240 Operator proficiency checks ... 28

Subpart 137.P—Manuals, logs and records 30
137.245 Flight manual ... 30
137.250 Checking records ... 30
137.255 Document retention periods ... 30
137.260 Maintenance record to be given to new operator ... 31

Subpart 137.Q—Flight duty time limitations and rest requirements 32
137.265 Application of Subpart 137.Q ... 32
137.270 Subpart not to affect subsection 1 of CAO 48.1 ... 32
137.275 Limit on flying hours ... 32
137.280 Off-duty period before and after tour of duty ... 32
137.285 Tour of duty—duration ... 33
137.290 Off-duty period each 14 days ... 33
137.295 Limit on time spent on tours of duty ... 33
137.300 Pilot to be fit for duty ... 34

Part 138—Aerial work operations 35

Subpart 138.A—Preliminary 39
138.005 Application of Part 138 ... 39
138.010 Definition of *aerial work operation* etc. ... 39
138.012 Definition of *significant change* ... 40
138.015 Definition of *task specialist* ... 41
138.020 Issue of Manual of Standards for Part 138 ... 41
138.025 Approvals by CASA for Part 138 ... 42

Subpart 138.B—Certification 43
Division 138.B.1—Requirement for certification for certain operations 43
138.030 Requirement to hold aerial work certificate ... 43
Division 138.B.2—Aerial work certificates 44
138.035 Application for aerial work certificate ... 44

Authorised Version F2022C00427 registered 14/04/2022

138.040 Issue of aerial work certificate 44
138.045 Approval of manuals 46
138.050 Conditions of aerial work certificates 46
138.055 Compliance with conditions of aerial work certificates 47

Division 138.B.3—Changes relating to aerial work operators 48
138.060 Changes of name etc. 48
138.062 Application for approval of significant changes 48
138.064 Approval of significant changes 49
138.066 Changes must be made in accordance with process in operations manual 49
138.068 CASA directions relating to operations manual or key personnel 49

Division 138.B.4—Organisation and personnel 51
138.070 Organisation and personnel 51
138.075 Key personnel cannot carry out responsibilities 51
138.080 Familiarisation training for key personnel 51
138.085 Responsibilities and accountabilities of chief executive officer 51
138.090 Qualifications and experience of head of operations 52
138.095 Responsibilities of head of operations 53
138.100 Qualifications and experience of head of training and checking 54
138.105 Responsibilities of head of training and checking 55
138.110 Experience of safety manager 55
138.115 Responsibilities of safety manager 56
138.120 Additional qualification and experience requirements for key personnel 56

Division 138.B.5—Training and checking 58
138.125 Operators who are required to have a training and checking system 58
138.130 Requirements for flight crew 58
138.135 Requirements for other operational safety-critical personnel 60

Division 138.B.6—Safety management system 61
138.140 Operators who are required to have a safety management system 61
138.145 Safety management system requirements 61

Division 138.B.7—Personnel fatigue management 62
138.150 Operators who are required to have a crew fatigue management system 62

Division 138.B.8—Operations manuals 63
138.155 Content of operations manual 63
138.157 Compliance with operations manual by operator 64
138.160 Compliance with operations manual by personnel 64
138.165 Providing personnel with operations manual 65

Division 138.B.9—Records and documents 66
138.170 Personnel training and checking records 66

Authorised Version F2022C00427 registered 14/04/2022

138.175 Availability of records 66
138.180 Copies of flight crew licences and medical certificates 66
138.185 Retention periods for personnel records 67
Division 138.B.10—Miscellaneous 68
138.195 Reference library 68
138.200 Maximum period for use of foreign registered aircraft in Australian territory 68
Subpart 138.C—General 70
Division 138.C.1—General flight limitations 70
138.205 Permitted categories of aircraft for aerial work operations 70
Division 138.C.2—Operational documents 71
138.210 Compliance with flight manual 71
138.215 Availability of checklists 71
Division 138.C.3—Flight related documents 72
138.220 Electronic documents 72
138.225 Availability of parts of operations manual 72
Division 138.C.4—Reporting and recording defects and incidents etc. 73
138.230 Procedures for reporting and recording defects etc. 73
138.235 Reporting and recording incidents 73
Division 138.C.5—Search and rescue services and emergency and survival equipment 74
Division 138.C.6—Miscellaneous requirements 75
Subpart 138.D—Operational procedures 76
Division 138.D.1—Operational control 76
Division 138.D.2—Flight preparation 77
138.265 Flight preparation requirements 77
Division 138.D.3—Flight planning 78
138.270 Availability of flight planning information 78
Division 138.D.4—Flight rules 79
138.275 Minimum height rules 79
Division 138.D.5—Take-offs and landings 80
138.280 Procedures for safety at aerodromes 80
Division 138.D.6—Fuel requirements 81
138.285 Fuel procedures 81
138.290 Oil requirements 81
138.300 Hot fuelling 81
138.302 Fuelling safety procedures 81
Division 138.D.7—Carriage of passengers or cargo 83
138.305 Carriage of passengers—general 83
138.320 Procedures for carriage of restricted persons 83

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.8—Instruments, indicators, equipment and systems 84
138.340 Head-up displays, enhanced vision systems and synthetic vision systems ... 84
138.345 Survival equipment procedures ... 84
138.350 NVIS flights ... 84
Division 138.D.9—Miscellaneous 86
138.370 Operator must conduct risk assessments ... 86
138.375 Wearing of seatbelts and other restraint devices ... 86
138.380 Procedures in relation to frost etc. ... 86
138.385 Procedures in relation to polar operations ... 87
Division 138.D.10—Rules for external load operations 88
138.400 Certain night operations prohibited unless operation is an emergency service operation or approved by CASA ... 88
138.410 Manual of Standards may prescribe requirements for external load operations ... 88
Division 138.D.11—Rules for dispensing operations 90
138.425 Manual of Standards may prescribe requirements for dispensing operations ... 90
Division 138.D.12—Rules for task specialist operations 91
138.430 Manual of Standards may prescribe requirements for task specialist operations ... 91
138.432 Possessing and discharging firearms ... 91
Subpart 138.F—Performance 92
138.435 Take-off performance ... 92
138.440 Landing performance ... 92
Subpart 138.J—Weight and balance 94
138.450 Loading of aircraft ... 94
138.460 Weight and balance documents ... 94
Subpart 138.K—Equipment 95
138.465 Requirements relating to equipment ... 95
Subpart 138.N—Flight crew 96
138.475 Composition, number, qualifications and training ... 96
138.480 Training for new or inexperienced flight crew members ... 96
138.485 Competence ... 96
138.490 Assignment to duty of pilot in command ... 97
138.500 Qualification as pilot in command ... 97
138.505 Training and checking to be conducted by certain persons ... 98
Subpart 138.P—Air crew members and task specialists 99
Division 138.P.1—Air crew members 99
138.535 Application of Division 138.P.1 ... 99
138.540 Composition, number, qualifications and training ... 99
138.550 Training and checking to be conducted by certain persons ... 99

Authorised Version F2022C00427 registered 14/04/2022

Division 138.P.2—Task specialists 101
138.575 Application of Division 138.P.2 ... 101
138.580 Qualifications and training ... 101
138.590 Training and checking to be conducted by certain persons ... 101

Part 139—Aerodromes 102

Subpart 139.A—Preliminary 105
139.001 Simplified outline of this Part ... 105
139.005 Issue of Manual of Standards for Part 139 ... 105
139.010 Approvals by CASA for Part 139 ... 106
139.015 Effect on operation of other laws ... 106

Subpart 139.B—Aerodrome certificates 107
139.020 Application for aerodrome certificate ... 107
139.025 When aerodromes are required to have an aerodrome certificate ... 107
139.030 Grant of aerodrome certificate ... 107
139.035 Suspension or cancellation of aerodrome certificate by CASA ... 107
139.040 Notification requirement if aerodrome ceases to be certified ... 108

Subpart 139.C—Operation and maintenance of a certified aerodrome 110

Division 139.C.1—Aerodrome manual 110
139.045 Requirement to have aerodrome manual ... 110
139.050 Amendments of aerodrome manual ... 110
139.055 Compliance with aerodrome manual ... 110
139.060 Notice of non-compliance with aerodrome manual ... 111

Division 139.C.2—Aerodrome facilities and equipment 112
139.065 Aerodrome facilities and equipment ... 112
139.070 Planning and carrying out aerodrome works ... 112

Division 139.C.3—Aerodrome inspections, monitoring and reporting 114
139.075 Aerodrome inspections ... 114
139.080 Reporting information to AIS providers ... 114
139.085 Reporting changes or occurrences at aerodromes ... 115
139.090 Monitoring airspace and reporting infringements ... 115

Division 139.C.4—Safety management, emergency preparedness and other systems 117
139.095 Safety management systems and risk management plans ... 117
139.100 Emergency preparedness and aerodrome emergency plans ... 117
139.105 Other aerodrome systems ... 118

Division 139.C.5—Aerodrome personnel 120
139.110 Aerodrome personnel ... 120
139.115 Training etc. of aerodrome personnel ... 121

Authorised Version F2022C00427 registered 14/04/2022

139.120 Aerodrome personnel carrying out responsibilities 121

Division 139.C.6—Aerodrome ground surveillance systems 122

139.125 Condition on aerodrome certificate to operate aerodrome ground surveillance system 122

139.130 Requirements for aerodrome ground surveillance systems 123

Division 139.C.7—Other matters 124

139.135 Access to aerodromes to conduct tests 124

139.140 Requests for data from aerodrome operator 124

139.145 Requests for data from ATS providers 125

Subpart 139.D—Aerodrome radiocommunication services 126

Division 139.D.1—Frequency confirmation system 126

139.150 Frequency confirmation systems for aerodromes 126

Division 139.D.2—Air/ground radio service 127

139.155 Air/ground radio service must be approved 127

139.160 Requirements for operating certified air/ground radio service 127

Subpart 139.E—Hazards to aircraft operations 129

Division 139.E.1—Notifying potential hazards 129

139.165 Notifying CASA of certain proposed objects or structures 129

139.170 Notifying CASA of activities that create certain emissions sources 129

Division 139.E.2—Determination of hazards 131

139.175 Determination that certain existing objects, structures or emissions sources are a hazard to aircraft operations 131

139.180 Determination that certain proposed objects, structures or emissions sources are a hazard to aircraft operations 131

139.185 Kinds of objects, structures or emissions sources that may be hazards 132

Subpart 139.H—Aerodrome rescue and firefighting services 133

Division 139.H.1—General 133

139.700 Applicability of this Subpart 133

139.705 Definitions for this Subpart 133

139.710 Functions of ARFFS 134

139.711 Person not to provide service without approval 134

139.712 Issue of Manual of Standards 134

139.715 Effect of Manual of Standards 135

Division 139.H.3—Requirements to be complied with by ARFFS provider 136

139.750 Requirements in this Division 136

139.755 Definition for Division—*applicable standards and requirements* 136

139.760 Inconsistency between Manual and chapter 9 of Annex 14 137

Authorised Version F2022C00427 registered 14/04/2022

139.765 Knowledge, equipment and expertise to deal with aviation hazards ... 137
139.770 General obligation to maintain service ... 137
139.771 Response time of ARFFS ... 137
139.772 Buildings and emergency facilities ... 137
139.773 Officer in charge ... 138
139.775 Notice about times service is available etc ... 138
139.780 Agreements with other fire fighting bodies ... 138
139.785 Stock of fire extinguishing agents ... 139
139.795 Extinguishing equipment and vehicles ... 139
139.800 Other vehicles and equipment ... 140
139.805 Vehicles and equipment for firefighting and rescue in difficult environments ... 140
139.810 Commissioning of certain equipment ... 140
139.815 Protective clothing and equipment ... 140
139.820 Communications ... 141
139.825 Test and maintenance equipment ... 141
139.830 Commissioning of new vehicles and equipment ... 141
139.835 Number of operating personnel ... 141
139.840 Medical standard of firefighters ... 142
139.845 Qualifications and training of firefighters ... 142
139.850 Operations manual ... 142
139.855 Amendment of operations manual ... 143
139.860 Voice data recording ... 143
139.865 Record of accidents or incidents ... 143
139.870 Contingency plan ... 143
139.875 Records management ... 143
139.880 Organisation ... 144
139.885 System for rectification of service failures ... 144
139.890 Quality control ... 144
139.895 Change management ... 144
139.900 Safety management ... 144
139.905 Applicant's organisation ... 144
139.910 Telling users and CASA about changes ... 144

Division 139.H.4—Conduct of ARFFS operations 146
139.915 Powers of officer in charge or firefighter ... 146

Division 139.H.5—Administration 148
139.920 Definition for Division ... 148
139.925 How to apply for approval as ARFFS provider ... 148
139.965 When CASA must grant approval ... 149
139.970 When decision must be made ... 149
139.995 Application for variation of approval ... 150
139.1005 Suspension or continued suspension of approval by show cause notice ... 150
139.1010 Grounds for cancellation of approval ... 150
139.1015 Notice to approved ARFFS provider to show cause ... 151
139.1020 Cancellation of approval after show cause notice ... 151
139.1022 Cancellation if holder ceases to provide ARFFS ... 151

Authorised Version F2022C00427 registered 14/04/2022

Part 141—Recreational, private and commercial pilot flight training, other than certain integrated training courses 152

Subpart 141.A—General 154

141.005 What Part 141 is about ... 154
141.010 Aircraft and flight simulation training devices to which Part 141 applies ... 154
141.015 Definitions of *Part 141 flight training*, *authorised Part 141 flight training*, *Part 141 operator* and *Part 141 certificate* ... 154
141.020 Definition of *key personnel* for Part 141 ... 155
141.025 Definition of *significant change* for Part 141 ... 155
141.030 Definitions for Part 141 ... 156
141.035 Approvals by CASA for Part 141 ... 157
141.040 Legislative instruments—flight training ... 157
141.045 Regulations 11.070 to 11.075 do not apply in relation to certain matters ... 157
141.050 Part 141 flight training—requirement for Part 141 certificate or approval ... 157

Subpart 141.B—Part 141 certificates 159

141.055 Part 141 certificates—application ... 159
141.060 Part 141 certificate—issue ... 159
141.065 Part 141 certificate—approval of operations manual ... 161
141.070 Part 141 certificate—conditions ... 161
141.075 Part 141 certificate—compliance with conditions ... 161

Subpart 141.C—Part 141 operators—changes 162

141.080 Part 141 operators—changes of name etc ... 162
141.085 Part 141 operators—application for approval of significant changes ... 162
141.090 Part 141 operators—approval of significant changes ... 163
141.095 Part 141 operators—process for making changes ... 163
141.100 Part 141 operators—CASA directions relating to operations manual or key personnel ... 163

Subpart 141.D—Part 141 operators—organisation and personnel 165

141.105 Part 141 operators—organisation and personnel ... 165
141.110 Part 141 operators—key personnel cannot carry out responsibilities ... 165
141.115 Part 141 operators—familiarisation training for key personnel ... 165
141.120 Part 141 operators—chief executive officer: responsibilities and accountabilities ... 166
141.125 Part 141 operators—head of operations: qualifications and experience ... 167
141.130 Part 141 operators—head of operations: responsibilities ... 167
141.155 Part 141 operators—key personnel: additional qualification and experience requirements ... 169
141.160 Part 141 operators—reference library ... 170

Authorised Version F2022C00427 registered 14/04/2022

Subpart 141.E—Part 141 operators—instructors 171
141.165 Part 141 operators—instructors must comply with Part 141 certificate ... 171
141.170 Part 141 operators—instructors must comply with operations manual ... 171
141.175 Part 141 operators—instructors must be authorised under Part 61 ... 171
141.180 Part 141 operators—instructors must have access to records ... 171
141.185 Part 141 operators—instructors must hold valid standardisation and proficiency check for operator ... 171
141.190 Part 141 operators—holding valid standardisation and proficiency check for operator ... 172
141.195 Part 141 operators—standardisation and proficiency check requirements ... 172
141.200 Part 141 operators—instructors—training in human factors principles and non-technical skills ... 173
141.205 Part 141 operators—instructors must be competent to conduct flight training in flight simulation training device ... 173
141.210 Part 141 operators—person recommended for flight test ... 173

Subpart 141.G—Part 141 operators—quality system 174
141.225 Part 141 operators—quality system for flight simulation training devices ... 174

Subpart 141.H—Part 141 operators—personnel fatigue management 175

Subpart 141.I—Part 141 operators—operations manuals 176
141.260 Part 141 operators—content of operations manual ... 176
141.265 Part 141 operators—compliance with operations manual by operator ... 178
141.270 Part 141 operators—providing personnel with operations manual ... 178

Subpart 141.J—Part 141 operators—logs and records 179
141.275 Part 141 operators—making and keeping flight training records ... 179
141.280 Part 141 operators—availability of flight training records ... 179

Subpart 141.K—Part 141 operators—miscellaneous offences 180
141.285 Part 141 operators—suitable facilities, records and resources for flight test ... 180
141.290 Part 141 operators—pilot in command to be authorised under Part 61 ... 180
141.295 Part 141 operators—carriage of passengers prohibited during abnormal operations or low-flying flight training ... 180
141.300 Part 141 operators—authorisation of carriage of passengers ... 180
141.305 Part 141 operators—completion of training and assessment of competency for certain solo flights ... 181

Authorised Version F2022C00427 registered 14/04/2022

141.306 Part 141 operators—appropriate briefing and capability to conduct certain solo flights etc. 182
141.310 Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required 183
141.315 Part 141 operators—maximum period for use of foreign registered aircraft in Australian territory 184

Part 142—Integrated and multi-crew pilot flight training, contracted training and contracted checking 186

Subpart 142.A—General 189
142.005 What Part 142 is about 189
142.010 Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices 189
142.015 Definitions of *Part 142 activity*, *Part 142 flight training*, *Part 142 authorisation*, *Part 142 operator* and *authorised Part 142 activity* for Part 142 189
142.020 Definitions of *contracted checking*, *contracted training* and *contracting operator* for Part 142 190
142.025 Definition of *key personnel* for Part 142 190
142.030 Definition of *significant change* for Part 142 191
142.035 Definitions for Part 142 192
142.040 Approvals by CASA for Part 142 193
142.045 Legislative instruments—Part 142 operators 194
142.050 Part 142 activities—requirement for Part 142 authorisation 194
142.055 Part 142 activities—compliance with Part 142 authorisations: offence for operators 194
142.060 Part 142 activities—compliance with conditions of Part 142 authorisations: offence for operators 195

Subpart 142.B—Part 142 authorisations 196

Division 142.B.1—AOCs for Part 142 activities that involve operation of aircraft 196
142.065 Prescribed purpose—Part 142 activities involving the operation of aircraft 196
142.070 Prescribed position—safety manager 196
142.075 Required material—reference library 196
142.080 AOC—application 196
142.085 AOC—conditions for issue 197
142.095 AOC—approval of exposition 199
142.100 AOC—conditions 199

Division 142.B.2—Certificates for Part 142 activities conducted in flight simulation training devices 200
142.105 Certificate—application 200
142.110 Certificate—issue 200
142.115 Certificate—approval of exposition 201
142.120 Certificate—conditions 201
142.125 Certificate holders—reference library 202

Authorised Version F2022C00427 registered 14/04/2022

142.130 Certificate holders—regulations 11.070 to 11.075 do not apply in relation to certain matters 203

Subpart 142.C—Part 142 operators—changes 204

142.135 Part 142 operators—changes of name etc 204
142.140 Part 142 operators—application for approval of significant change 204
142.145 Part 142 operators—approval of significant changes 205
142.150 Part 142 operators—process for making changes 205
142.155 Part 142 operators—CASA directions relating to exposition or key personnel 205

Subpart 142.D—Part 142 operators—organisation and personnel 207

142.160 Part 142 operators—organisation and personnel..... 207
142.165 Part 142 operators—key personnel cannot carry out responsibilities 207
142.170 Part 142 operators—familiarisation training for key personnel 208
142.175 Part 142 operators—chief executive officer: experience 208
142.180 Part 142 operators—chief executive officer: responsibilities and accountabilities..... 208
142.185 Part 142 operators—head of operations: qualifications and experience..... 209
142.190 Part 142 operators—head of operations: responsibilities 210
142.195 Part 142 operators—safety manager: experience 212
142.200 Part 142 operators—safety manager: responsibilities 212
142.205 Part 142 operators—quality assurance manager: experience 212
142.210 Part 142 operators—quality assurance manager: responsibilities 213
142.215 Part 142 operators—key personnel: additional qualifications and experience requirements 213

Subpart 142.E—Part 142 operators—instructors and examiners 214

142.220 Part 142 activities—instructors and examiners must comply with Part 142 authorisation..... 214
142.225 Part 142 activities—instructors and examiners must comply with exposition 214
142.230 Part 142 operators—instructors and examiners must be authorised under Part 61 214
142.235 Part 142 operators—instructors and examiners must have access to records 214
142.240 Part 142 operators—instructors and examiners must be competent to conduct authorised Part 142 activities in flight simulation training devices 215
142.245 Part 142 operators—person recommended for flight test 215

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.F—Part 142 operators—training management system 216
142.250 Part 142 operators—training management system 216
142.255 Part 142 operators—training management system requirements 216

Subpart 142.G—Part 142 operators—safety management system 217
142.260 Part 142 operators—safety management system 217
142.265 Part 142 operators—safety management system requirements 217

Subpart 142.H—Part 142 operators—quality assurance management system 220
142.270 Part 142 operators—quality assurance management system 220
142.275 Part 142 operators—quality assurance management system requirements 220

Subpart 142.I—Part 142 operators—personnel fatigue management 221

Subpart 142.J—Part 142 operators—internal training and checking 222
142.310 Part 142 operators—internal training and checking system 222
142.315 Part 142 operators—internal training and checking system requirements 222
142.320 Part 142 operators—proficiency of instructors 222
142.325 Part 142 operators—holding valid standardisation and proficiency check for operator 223
142.330 Part 142 operators—standardisation and proficiency check requirements 223
142.335 Part 142 operators—instructors and examiners—training in human factors principles and non-technical skills 224

Subpart 142.K—Part 142 operators—expositions 225
142.340 Part 142 operators—content of exposition 225
142.345 Part 142 operators—compliance with exposition by operator 227
142.350 Part 142 operators—providing personnel with exposition 227

Subpart 142.L—Part 142 operators—logs and records 229
142.355 Part 142 operators—making and keeping records 229
142.360 Part 142 operators—availability of records 229

Subpart 142.M—Part 142 operators—miscellaneous offences 230
142.365 Part 142 operators—pilot in command for training to be authorised under Part 61 230
142.370 Part 142 operators—carriage of passengers prohibited during abnormal operations or low-flying activity 230

Authorised Version F2022C00427 registered 14/04/2022

142.375 Part 142 operators—authorisation of carriage of passengers ... 230
142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator ... 231
142.385 Part 142 operators—completion of training and assessment of competency for certain solo flights ... 231
142.386 Part 142 operators—appropriate briefing and capability to conduct certain solo flights etc. ... 232
142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required ... 233
142.395 Part 142 operators—maximum period for use of foreign registered aircraft in Australian territory ... 235

Part 143—Air Traffic Services Training Providers 236

Subpart 143.A—General 238
143.005 Applicability of this Part ... 238
143.010 Definitions for this Part ... 238
143.015 What is an ATS training provider ... 239
143.016 Person not to provide service without approval ... 239
143.017 Issue of Manual of Standards ... 239

Subpart 143.B—Approval as an ATS training provider 240
143.020 What an application must be accompanied by ... 240
143.025 When applicant is eligible for approval ... 240
143.027 CASA may impose conditions on approvals ... 240
143.050 Variation of approvals ... 241

Subpart 143.C—Requirements to be complied with by ATS training providers 242

Division 143.C.1—Requirements for training 242
143.055 Standard for training ... 242
143.060 Training plan ... 242

Division 143.C.2—Personnel 243
143.065 Personnel ... 243
143.070 Qualifications for certain personnel ... 243

Division 143.C.3—Reference materials, documents and records 244
143.075 Reference materials ... 244
143.080 Material to be included in reference materials ... 244
143.085 Documents and records ... 244
143.090 Document and record control system ... 244

Subpart 143.D—Telling CASA about changes 245
143.095 Advice on organisational changes ... 245
143.100 Discontinuing training ... 245
143.105 Status as registered training organisation ... 245

Subpart 143.E—Miscellaneous 246
143.110 Unapproved training ... 246

Authorised Version F2022C00427 registered 14/04/2022

Subpart 143.F—Administration 247
Division 143.F.1—Preliminary 247
143.115 Applicability of this Subpart ... 247
Division 143.F.2—Approvals 248
143.118 Applying for approval ... 248
143.120 Joint applications not permitted ... 248
143.130 Applications by corporations etc—what must be included ... 248
143.145 CASA may require demonstrations of procedures or equipment ... 248
143.175 Grant of approval ... 248
143.180 When decision must be made ... 248
Division 143.F.4—Suspension and cancellation of approvals 250
143.215 Definition for this Division ... 250
143.220 Suspension of approval by show cause notice ... 250
143.225 Grounds for cancellation of approval ... 250
143.230 Notice to show cause ... 250
143.235 Cancellation of approval after show cause notice ... 251
143.245 Cancellation if cooperation or arrangement ceases ... 251
Part 144—Distribution organisations 252
Part 145—Continuing airworthiness—Part 145 approved maintenance organisations 253
Subpart 145.A—General 254
145.005 Purpose of Part ... 254
145.010 Definitions for Part ... 254
145.015 Part 145 Manual of Standards ... 255
145.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters ... 256
Subpart 145.B—Approval of Part 145 organisations 257
145.025 Applying for approval ... 257
145.030 Issuing approval ... 257
145.035 Approval certificate ... 258
145.040 Privileges for Part 145 organisations ... 258
145.045 Approval subject to conditions ... 259
Subpart 145.C—Changes to Part 145 organisations 260
145.050 Application for approval of significant changes to organisations ... 260
145.055 Approval of significant changes ... 260
145.060 Changes to Part 145 organisations that are not significant changes ... 260
145.065 CASA may direct Part 145 organisations to change exposition ... 261
Subpart 145.D—Requirements and offences for Part 145 organisations 262
145.070 Provision of maintenance services ... 262
145.075 Provision of permitted training ... 262

Authorised Version F2022C00427 registered 14/04/2022

145.080 Providing employees with exposition 262
145.085 Complying with directions..... 262

Part 147—Continuing airworthiness—maintenance training organisations 264

Subpart 147.A—General 265
147.005 Purpose of Part..... 265
147.010 Definitions for Part 265
147.015 Part 147 Manual of Standards..... 267
147.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters..... 267

Subpart 147.B—Approval of maintenance training organisations 269
147.025 Applying for approval..... 269
147.030 Issuing approval..... 269
147.035 Approval certificate 270
147.040 Privileges for maintenance training organisations 271
147.045 Approval subject to conditions 271

Subpart 147.C—Changes to maintenance training organisations 272
147.050 Application for approval of significant changes to organisations..... 272
147.055 Decision on application for approval of significant changes 272
147.060 Changes to maintenance training organisations that are not significant changes..... 273
147.065 CASA may direct maintenance training organisations to change exposition 273

Subpart 147.D—Requirements and offences for maintenance training organisations 274
147.070 Provision of maintenance training and assessment 274
147.075 Assessment of foreign licences..... 274
147.080 Providing employees with exposition 274
147.085 Complying with directions..... 274

Part 149—Approved self-administering aviation organisations 276

Subpart 149.A—General 278
149.005 Approvals by CASA for Part 149 278
149.010 Manual of Standards for Part 149 278
149.015 Aviation administration functions—ASAO certificate required..... 278
149.020 Compliance with conditions of ASAO certificate..... 278

Subpart 149.B—ASAO certificates 279
149.060 CASA may limit number of ASAO certificates..... 279
149.070 Application for ASAO certificate 279
149.075 Issue of ASAO certificate 280
149.080 Approval of exposition 281
149.085 Conditions of ASAO certificate..... 281

Authorised Version F2022C00427 registered 14/04/2022

149.090 Form of ASAO certificate ... 281

Subpart 149.C—Changes to exposition or personnel 282

149.110 Certain changes to exposition must be pre-approved by CASA ... 282
149.115 Approval of changes to exposition ... 282
149.120 CASA directions relating to exposition or personnel ... 283

Subpart 149.D—Organisation and personnel 284

149.195 Organisation and personnel ... 284
149.200 Notifying CASA if key personnel cannot carry out responsibilities ... 284
149.205 Familiarisation training for key personnel ... 284
149.210 Experience etc. of key personnel ... 284
149.215 Reporting interference with decisions of key personnel ... 285
149.220 Register of key personnel and appointed persons ... 285

Subpart 149.E—Systems, facilities, reference materials and rules 287

149.270 Safety management system ... 287
149.275 Audit and surveillance system ... 287
149.280 Facilities and equipment ... 287
149.285 Reference materials ... 287
149.290 Aviation administration and enforcement rules ... 287

Subpart 149.F—Expositions 289

149.340 Content of exposition ... 289
149.345 Compliance with exposition ... 290
149.350 Access to exposition etc. ... 290

Subpart 149.G—Authorisations 291

149.400 Grounds for refusal of application for authorisation ... 291
149.405 Disclosure of information in application for authorisation ... 291
149.410 Authorisation holders must comply with ASAO's exposition ... 291
149.415 Notice of suspension, variation or cancellation of authorisation ... 292
149.425 Reporting conduct of authorisation holders etc. ... 293
149.430 Reporting applications for authorisations in certain circumstances ... 293
149.435 ASAO to refuse to issue authorisation if suspended etc. ... 294
149.440 ASAO to refuse to issue authorisation if exclusion period is in force ... 295

Subpart 149.H—Authorisations and enforcement 297

149.490 Direction to ASAO to exercise ASAO enforcement powers ... 297
149.495 Variation, suspension and cancellation of authorisations issued by ASAOs ... 297

Authorised Version F2022C00427 registered 14/04/2022

149.500 Effect of suspension or cancellation by CASA of authorisations issued by ASAOs ... 298

Subpart 149.J—Information and documents 299

149.540 Providing information or documents to CASA ... 299
149.550 Copies of documents to CASA ... 299

Subpart 149.K—Review of ASAO decisions 300

149.605 Application for internal review by ASAO ... 300
149.610 Application for review by CASA ... 300
149.615 Notifying the ASAO of application ... 301
149.620 ASAO to provide information and documents to CASA ... 301
149.625 CASA may request further information etc. from applicant for review ... 301
149.630 Review procedures and review decision ... 301

Part 171—Aeronautical telecommunication service and radionavigation service providers 303

Subpart 171.A—General 305

171.005 Applicability of this Part ... 305
171.010 Interpretation ... 305
171.012 Meaning of *telecommunication service* ... 307
171.015 Person not to provide service without approval ... 308
171.017 Issue of Manual of Standards ... 308

Subpart 171.B—Approval of service providers 309

171.020 Application ... 309
171.022 Joint applications not permitted ... 309
171.025 If applicant is a corporation ... 310
171.026 CASA may ask for demonstration of service ... 310
171.027 Grant of approval ... 310
171.028 When decision must be made ... 310
171.029 Conditions ... 311

Subpart 171.C—Obligations and privileges of service provider 312

171.030 Service by provider ... 312
171.035 Changes by service provider to service ... 312
171.040 Changes by service provider to operations manual ... 312
171.050 Technicians ... 313
171.055 Test transmissions ... 313
171.065 Interruption to service ... 313
171.070 Test equipment ... 313
171.075 Documents to be maintained ... 314
171.080 Records ... 314
171.085 Security program ... 315
171.086 Safety management system ... 315

Subpart 171.D—Contents of operations manual 316

171.090 Operations manual to contain or refer to information ... 316
171.095 Organisation and management of service provider ... 316

Authorised Version F2022C00427 registered 14/04/2022

171.100 Way in which standards are met ... 316
171.105 Functional specification and performance values of services ... 316
171.110 Technical description ... 317
171.115 Safe operation ... 317
171.120 Facility operation and maintenance plan ... 318
171.125 Safety management system ... 318
171.140 Test equipment ... 318
171.145 Interruption to service ... 319
171.150 Document control ... 319
171.155 Security program ... 319
171.160 Changes to procedures ... 319

Subpart 171.E—Suspension and cancellation of approvals, and directions to vary manuals 320
171.220 Suspension and cancellation of approvals ... 320
171.225 Notice to approval holder to show cause ... 320
171.230 Grounds for cancellation of approval ... 320
171.235 Cancellation of approval after show cause notice ... 321
171.237 Cancellation if cooperation or arrangement ceases ... 321
171.245 CASA's power to direct variation of manual ... 321

Part 172—Air Traffic Service Providers 322

Subpart 172.A—General 324
172.005 Applicability of this Part ... 324
172.010 Definitions for this Part ... 324
172.015 What is an ATS provider ... 325
172.020 Providing air traffic service without approval ... 325
172.022 Issue of Manual of Standards ... 325

Subpart 172.B—Approval as an ATS provider 326
172.024 Applicant for approval as ATS provider ... 326
172.030 When applicant is eligible for approval ... 326
172.055 Variation of approvals ... 326

Subpart 172.C—Requirements to be complied with by ATS providers 327

Division 172.C.1—Operations manual 327
172.060 Operations manual ... 327

Division 172.C.2—Air traffic service 328
172.065 Standards for air traffic service ... 328
172.070 Aeronautical telecommunications procedures ... 328
172.075 ICAO Doc. 4444 and ICAO Doc. 7030 ... 328
172.080 Compliance with provider's operations manual ... 328
172.085 Priority of standards ... 329
172.090 Priority of inconsistent procedures ... 329

Division 172.C.3—Standards for facilities and equipment 330
172.095 Facilities and equipment ... 330

Division 172.C.4—Organisation and personnel 331
172.100 Definition for this Division ... 331

Authorised Version F2022C00427 registered 14/04/2022

172.105 Organisation ... 331
172.110 Personnel ... 331
172.115 Supervisory personnel ... 331
172.120 Qualifications for certain personnel ... 331

Division 172.C.5—Arrangements to maintain service 333
172.125 Agreements with service providers ... 333
172.130 Agreements with aerodrome operators ... 333
172.135 Arrangements for transfer of information ... 333

Division 172.C.6—Management 334
172.140 Training and checking program ... 334
172.145 Safety management system ... 334
172.150 Contingency plan ... 334
172.155 Security program ... 334

Division 172.C.7—Reference materials, documents, records and log books 335
172.160 Reference materials ... 335
172.165 Documents and records ... 335
172.170 Document and record control system ... 335
172.175 Logbooks ... 336

Division 172.C.8—Notice of air traffic service 337
172.180 Availability of air traffic service ... 337

Subpart 172.D—Telling CASA about changes 338
172.185 Advice on organisational changes ... 338
172.190 Discontinuing air traffic service ... 338

Subpart 172.E—Miscellaneous 339
172.195 ATS provider must not provide unauthorised air traffic service ... 339

Subpart 172.F—Administration 340

Division 172.F.1—Preliminary 340
172.200 Applicability of this Subpart ... 340

Division 172.F.2—Approvals 341
172.202 Applying for approval ... 341
172.205 Joint applications not permitted ... 341
172.215 Applications by corporations etc—what must be included ... 341
172.230 CASA may require demonstrations of procedures or equipment ... 341
172.260 When CASA must approve an applicant ... 341
172.265 When decision must be made ... 342
172.270 Conditions ... 342

Division 172.F.4—Directions to amend provider's operations manual 343
172.300 CASA may direct amendments to provider's operations manual ... 343

Division 172.F.5—Suspension and cancellation of approvals 344
172.305 Definition for this Division ... 344

Authorised Version F2022C00427 registered 14/04/2022

172.310 Suspension of approval by show cause notice 344
172.315 Grounds for cancellation of approval..... 344
172.320 Notice to show cause 344
172.325 Cancellation of approval after show cause notice 345
172.327 Cancellation if cooperation or arrangement ceases 345

Part 173—Instrument flight procedure design 346

Subpart 173.A—General 349
173.005 Applicability 349
173.010 Definitions for this Part..... 349
173.015 What is a *certified designer* 350
173.020 What is a *procedure design certificate*..... 350
173.025 What is an *authorised designer*..... 351
173.030 What is a *procedure design authorisation* 351
173.035 Design, review or amendment of terminal instrument flight procedures—requirement for procedure design certificate etc..... 351
173.040 Designing instrument flight procedures other than terminal instrument flight procedures 352

Subpart 173.B—Certified designers 353

Division 173.B.1—Certification as certified designer 353
173.045 Applications for procedure design certificates..... 353
173.050 Criteria for grant of procedure design certificates..... 353
173.055 Procedure design certificate 354
173.065 How long procedure design certificates remain in force 354
173.070 Applications to vary procedure design certificates 354

Division 173.B.2—Requirements to be complied with by certified designers 355
173.075 Certified designer to maintain operations manual..... 355
173.080 Compliance with operations manual..... 355
173.085 Standards for design of terminal instrument flight procedures etc 355
173.090 Verification of terminal instrument flight procedures..... 355
173.095 Validation of terminal instrument flight procedures 356
173.100 Publication of terminal instrument flight procedures..... 357
173.105 Radio navigation aids..... 357
173.110 Maintenance of terminal instrument flight procedures..... 357
173.115 Certified designer to provide facilities etc 358
173.120 Certified designer to have appropriate organisation..... 358
173.125 Certified designer to have sufficient personnel..... 358
173.130 Supervisory personnel..... 358
173.135 Certified designer to appoint chief designer 359
173.140 Certified designer to provide training and checking program..... 359
173.145 Certified designer to have safety management system 359

Authorised Version F2022C00427 registered 14/04/2022

173.150 Certified designer to maintain reference materials 359
173.155 Certified designer to keep documents and records 360
173.160 Certified designer to have document and record control system 360

Division 173.B.3—Chief designer 361
173.165 Approval for appointment of chief designer 361
173.170 Approval for appointment to act as chief designer 361
173.175 Appointment likely to have adverse effect on air safety 361
173.180 Chief designer's functions and duties 362
173.185 Duration of approval 362
173.190 Withdrawal or suspension of approval of appointment 362

Division 173.B.4—Miscellaneous 363
173.195 Advice on organisational changes 363
173.200 Discontinuing design work on terminal instrument flight procedures of a particular type 363
173.205 Notifying the AIS of a variation to a procedure design certificate 363
173.210 Discontinuing maintenance of particular terminal instrument flight procedures 363
173.215 Transfer of maintenance responsibility 363

Subpart 173.C—Authorised designers 365

Division 173.C.1—Authorisation as authorised designer 365
173.220 Applications for procedure design authorisations 365
173.225 Criteria for grant of procedure design authorisations 365
173.240 How long procedure design authorisations remain in force 365
173.245 Applications to vary procedure design authorisations 366

Division 173.C.2—Requirements to be complied with by authorised designers 367
173.250 Operations manual 367
173.255 Compliance with operations manual 367
173.260 Standards for design of terminal instrument flight procedures etc 367
173.265 Off-shore installations 367
173.270 Maintenance of terminal instrument flight procedures 368
173.275 Authorised designer to have sufficient personnel 368
173.280 Authorised designer to maintain reference materials 369
173.285 Authorised designer to keep documents and records 369
173.290 Authorised designer to have document and record control system 369

Division 173.C.3—Miscellaneous 370
173.295 Discontinuing design work on terminal instrument flight of a particular type 370

Authorised Version F2022C00427 registered 14/04/2022

173.300 Discontinuing maintenance of terminal instrument flight procedures ... 370
173.305 Transfer of maintenance responsibility ... 370

Subpart 173.D—Performance of design work 372
173.310 Certified designer not to exceed the limitations of the designer's procedure design certificate ... 372
173.315 Authorised designer not to exceed the limitations of authorisation ... 372

Subpart 173.E—Administration 373

Division 173.E.1—Grant of procedure design certificates and procedure design authorisations 373
173.330 CASA may require demonstrations of equipment etc ... 373
173.335 Grant of procedure design certificate or procedure design authorisation ... 373
173.345 CASA may grant certificate or authorisation subject to conditions ... 373
173.350 When decision must be made ... 373

Division 173.E.3—Directions to amend certified designer's or authorised designer's operations manual 375
173.375 CASA may direct amendments to designer's operations manual ... 375

Division 173.E.4—Suspension and cancellation of procedure design certificates and procedure design authorisations 376
173.380 Suspension or cancellation of procedure design certificate or procedure design authorisation by CASA ... 376

Division 173.E.5—Authorised inspectors 377
173.390 CASA may appoint authorised inspectors ... 377
173.395 Identity card ... 377
173.400 Powers of authorised inspector ... 377

Part 175—Aeronautical information management 379

Subpart 175.A—Aeronautical information management—general 383
175.005 What Part 175 is about ... 383
175.010 Application of Part 175 ... 383
175.015 Definitions for Part 175 ... 383
175.020 References in Part 175 to Annexes 3, 4 and 15 ... 384
175.025 Issue of Manual of Standards for Part 175 ... 384

Subpart 175.B—Aeronautical information management—AIS providers 385

Division 175.B.1—AIS providers—general 385
175.030 Definitions for Subpart 175.B ... 385
175.035 Provision of AIS—requirement for certificate ... 385

Authorised Version F2022C00427 registered 14/04/2022

Division 175.B.2—AIS provider certificates 386
175.040 AIS provider certificates—who may apply ... 386
175.045 AIS provider certificates—requirements for application ... 386
175.050 AIS provider certificates—CASA may ask for demonstration of service, facility or equipment ... 387
175.055 AIS provider certificates—issue of certificate ... 387
175.060 AIS provider certificates—approval of exposition ... 387
175.065 AIS provider certificates—conditions ... 388
175.067 AIS provider certificates—cancellation of certificate if cooperation or arrangement ceases ... 388
Division 175.B.3—AIS providers—changes 389
175.070 AIS providers—changes to services—matters included in certificate ... 389
175.075 AIS providers—other changes ... 389
175.080 AIS providers—CASA directions relating to exposition ... 389
175.085 AIS providers—notifying CASA of changes in circumstances ... 390
Division 175.B.4—AIS providers—requirements for provision of AIS 391
175.090 AIS providers—provision of AIS must comply with laws ... 391
175.095 AIS providers—compliance with exposition ... 391
175.100 AIS providers—provision of AIS must comply with standards ... 391
175.105 AIS providers—standards for development and publication of Integrated Aeronautical Information Package and aeronautical charts ... 392
175.110 AIS providers—standards for aeronautical data processing system ... 392
175.115 AIS providers—contravention of exposition or standards ... 393
175.120 AIS providers—NOTAM service ... 393
175.125 AIS providers—briefing service ... 394
175.130 AIS providers—post-flight information service ... 394
175.135 AIS providers—CASA directions about NOTAMS for a location ... 394
175.140 AIS providers—aerodromes not covered by Part 139—removal of references in AIP ... 395
175.145 AIS providers—publication of aeronautical charts relating to areas etc. outside authority ... 395
Division 175.B.5—AIS providers—requirements about aeronautical data and aeronautical information 396
175.150 AIS providers—CASA directions relating to aeronautical data or aeronautical information ... 396
175.155 AIS providers—integrity of aeronautical data and aeronautical information ... 396
175.160 AIS providers—giving data product specifications to aeronautical data originators ... 397
175.165 AIS providers—revoking data product specifications ... 398

Authorised Version F2022C00427 registered 14/04/2022

175.170 AIS providers—compliance with data product specification ... 398
175.175 AIS providers—correction and notification of errors and omissions in aeronautical data and aeronautical information ... 398
175.180 AIS providers—storage and security of aeronautical data and aeronautical information ... 398
175.185 AIS providers—timing of effective dates and distribution of certain documents and information ... 399
175.190 AIS providers—licence agreements with data service providers for supply of data sets ... 399
175.195 AIS providers—compliance with licence agreement ... 400

Division 175.B.6—AIS providers—organisational requirements 401
175.200 AIS providers—exposition ... 401
175.205 AIS providers—organisational structure ... 403
175.210 AIS providers—personnel—general ... 403
175.215 AIS providers—personnel—accountable manager ... 403
175.220 AIS providers—personnel—training and checking system for operational personnel ... 403
175.225 AIS providers—safety management system ... 404
175.230 AIS providers—quality management system ... 404
175.235 AIS providers—facilities, equipment, data and information ... 405
175.240 AIS providers—contingency plan ... 405
175.245 AIS providers—reference materials ... 405
175.250 AIS providers—annual review by accountable manager ... 405
175.255 AIS providers—records ... 406
175.260 AIS providers—retention period for aeronautical data, aeronautical information and records ... 406

Subpart 175.C—Aeronautical information management—data service providers 408

Division 175.C.1—Data service providers—general 408
175.265 Definitions for Subpart 175.C ... 408
175.270 Conduct of data service activity—requirement for certificate ... 408
175.275 CASA to publish list of data service providers ... 409

Division 175.C.2—Data service provider certificates 410
175.280 Data service provider certificates—who may apply ... 410
175.285 Data service provider certificates—requirements for application ... 410
175.290 Data service provider certificates—CASA may ask for demonstration of service, facility or equipment ... 410
175.295 Data service provider certificates—issue of certificate ... 410
175.300 Data service provider certificates—approval of exposition ... 411
175.305 Data service provider certificates—conditions ... 411

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.3—Data service providers—changes 412
175.310 Data service providers—changes to authorised data service activities—matters included in certificate ... 412
175.315 Data service providers—other changes ... 412
175.320 Data service providers—CASA directions relating to exposition ... 413
175.325 Data service providers—notifying CASA of changes in circumstances ... 413
175.330 Data service providers—notifying CASA of intention to cease activities ... 413
Division 175.C.4—Data service providers—requirements for provision of data service 414
175.335 Data service providers—standards for data service provision ... 414
175.340 Data service providers—compliance with exposition ... 415
175.345 Data service providers—standards for aeronautical data processing system ... 415
Division 175.C.5—Data service providers—requirements about aeronautical data and aeronautical information 416
175.350 Data service providers—CASA directions to amend aeronautical data or aeronautical information ... 416
175.355 Data service providers—integrity of aeronautical data and aeronautical information ... 416
175.360 Data service providers—correction and notification of errors and omissions in aeronautical data and aeronautical information ... 416
175.365 Data service providers—storage and security of aeronautical data and aeronautical information ... 417
175.370 Data service providers—effective dates and validity of aeronautical data, information and charts ... 418
175.375 Data service providers—compliance with licence agreement with AIS providers ... 418
Division 175.C.6—Data service providers—organisational requirements 419
175.380 Data service providers—exposition ... 419
175.385 Data service providers—organisational structure ... 421
175.390 Data service providers—personnel—general ... 421
175.395 Data service providers—personnel—accountable manager ... 421
175.400 Data service providers—personnel—training and checking system for operational personnel ... 421
175.405 Data service providers—safety management system ... 421
175.410 Data service providers—quality management system ... 422
175.415 Data service providers—facilities, equipment, data and information ... 422
175.420 Data service providers—contingency plan ... 423

Authorised Version F2022C00427 registered 14/04/2022

175.425 Data service providers—reference materials 423
175.430 Data service providers—annual review by accountable manager..... 423
175.435 Data service providers—records..... 424
175.440 Data service providers—retention period for aeronautical data, aeronautical information and records 424

Subpart 175.D—Aeronautical information management—aeronautical data originators 426

Division 175.D.1—Aeronautical data originators—general 426
175.445 Aeronautical data originators—AIP responsible person and NOTAM authorised persons..... 426
175.450 Aeronautical data originators—telling AIS provider of AIP responsible person and NOTAM authorised persons 427
175.455 Aeronautical data originators—requirement to provide updated aeronautical data or aeronautical information published other than in NOTAMS 427
175.460 Aeronautical data originators—requirements in relation to providing aeronautical data or aeronautical information published other than in NOTAMS 428
175.465 Aeronautical data originators—annual review of aeronautical data and aeronautical information..... 428
175.470 Aeronautical data originators—requirements in relation to requests for issue of NOTAMS 429

Division 175.D.2—Aeronautical data originators—Geoscience Australia 431
175.475 Aeronautical data originators—responsibilities of Geoscience Australia 431

Subpart 175.E—Aeronautical information management—objects and structures that affect aviation safety 432
175.480 Objects and structures that affect aviation safety—application of Subpart 175.E..... 432
175.485 Objects and structures that affect aviation safety—requests for data by AA 432
175.490 Objects and structures that affect aviation safety—requests for data from owners etc. 433
175.495 Objects and structures that affect aviation safety—requests for data from aerodrome operators..... 433
175.500 Objects and structures that affect aviation safety—requests for data from government authorities..... 434

Authorised Version F2022C00427 registered 14/04/2022

Authorised Version F2022C00427 registered 14/04/2022

Part 137—Aerial application operations—other than rotorcraft

Table of contents

Subpart 137.A—Applicability and definitions

137.005 Applicability
137.010 Definitions

Subpart 137.B—General

137.015 Approvals
137.020 Effect of other provisions
137.025 Aeroplane—type certificate
137.030 Authority of the pilot

Subpart 137.C—Operator certification and supervision

137.035 Applicant to prepare manual
137.040 Standard operations manual
137.045 Application for an AOC or variation of an AOC
137.050 Decision on AOC and manual
137.055 Offences concerning operations manual
137.060 Operator's organisational structure
137.065 Head of flight operations
137.070 Head of aeroplane maintenance control
137.075 Replacement of holder of key personnel position
137.080 Amendments to operations manual by operator
137.085 Amendments to schedule of differences
137.090 Amendments to standard operations manual

Subpart 137.D—Operational procedures

137.095 Operation to be in VMC
137.100 Use of weather forecasts or observations
137.105 Landing areas
137.110 Safety of persons other than crew at landing areas
137.115 Refuelling
137.120 Documents to be carried on a flight
137.125 Manipulation of flight controls
137.130 Use of seats, seatbelts and harnesses
137.135 Carriage of passengers
137.140 Minimum height and lateral separation for operation
137.145 Application over populous areas
137.150 In-flight fuel management
137.160 Aerodrome circuit requirements
137.165 Close proximity operations
137.170 Night operations
137.175 Firefighting operations

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.E—All-weather operations

Subpart 137.H—Aeroplane performance

137.180 General
137.185 Take-off over a populous area

Subpart 137.J—Weight and balance

137.190 Weight limitations
137.195 Loading—supervision

Subpart 137.K—Instruments and equipment

137.200 Installation of instruments and equipment
137.210 Position of instruments and equipment
137.215 Instruments and equipment required
137.220 Crew intercom system
137.225 Seatbelts and harnesses

Subpart 137.M—Aeroplane maintenance

137.230 Fitting and removal of role equipment

Subpart 137.N—Pilots

137.235 Pilot in command must be authorised under Part 61
137.240 Operator proficiency checks

Subpart 137.P—Manuals, logs and records

137.245 Flight manual
137.250 Checking records
137.255 Document retention periods
137.260 Maintenance record to be given to new operator

Subpart 137.Q—Flight duty time limitations and rest requirements

137.265 Application of Subpart 137.Q
137.270 Subpart not to affect subsection 1 of CAO 48.1
137.275 Limit on flying hours
137.280 Off-duty period before and after tour of duty
137.285 Tour of duty—duration
137.290 Off-duty period each 14 days
137.295 Limit on time spent on tours of duty
137.300 Pilot to be fit for duty

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.A—Applicability and definitions

137.005 Applicability

(1) Subject to this regulation, this Part applies to aerial application operations using aeroplanes.

Operators

(2) This Part applies to a person who is applying for an AOC, on or after the commencing day, to authorise the person to undertake application operations.

(3) If:

(a) a person has applied, on or after the application day but before the commencing day, for an AOC to authorise the holder to undertake agricultural operations or purposes substantially similar to agricultural operations; and

(b) before the commencing day, the person has not been issued with the AOC;

this Part applies to the person and the application as if:

(c) the application had been made on the commencing day; and

(d) the application was for an authorisation to undertake application operations.

(4) If, on the commencing day, a person holds an AOC that covers agricultural operations or purposes substantially similar to agricultural operations:

(a) the person may, after the commencing day, prepare and submit to CASA an operations manual; and

(b) this Part applies to the person and the manual as if the person was applying for an AOC on or after the commencing day to authorise the person to undertake application operations.

(5) This Part applies on and after the day that falls 12 months after the commencing day to a person who has an AOC that authorises the person to undertake agricultural operations or purposes substantially similar to agricultural operations if:

(a) that AOC is in effect on that day; and

(b) this Part does not otherwise apply to the person.

Pilots

(6) If:

(a) a pilot is engaged in an application operation on or after the commencing day; and

(b) the pilot is not employed by an operator for that operation;

this Part applies to the pilot for that operation.

(7) If:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 137.010

(a) this Part applies to an operator on a particular day; and
(b) a pilot employed by the operator undertakes an application operation for the operator on that day;

this Part applies to the pilot for that operation.

(8) In this regulation:

application day means the day that falls 30 days before the day this Part commences.

commencing day means the day this Part commences.

137.010 Definitions

In this Part:

aerial application operation (or application operation) means:
(a) a flight that is carried out by an aeroplane to apply application material; and
(b) a flight by an aeroplane that is for, or partly for, 1 or more of the following:
(i) inspection of a work area;
(ii) pilot training or checking relating to a flight mentioned in paragraph (a);
(iii) training of a crew member other than the pilot;
(iv) travel from a landing area to a work area and back;
(v) the carriage of a passenger specified in regulation 137.135 for a purpose set out in that regulation; and
(c) preparation for any activities mentioned in paragraphs (a) and (b).

application material means fertiliser, trace elements, seeds, baits, water, pesticides or other material.

apply, in relation to application material, means to drop or spray the material onto the ground or water.

crew member includes a person who is on board an aeroplane to give, or receive, training in an aspect of application operations.

employ, in relation to a pilot, includes to engage as an independent contractor.

GPS marking system means a system that uses global positioning system equipment to show the flight path required for an aeroplane when applying application material.

head of aeroplane maintenance control, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.070.

head of flight operations, in relation to an operator, means the person who holds the position whose duties include those mentioned in regulation 137.065.

Authorised Version F2022C00427 registered 14/04/2022

key personnel position, in relation to an operator, means the positions of head of aeroplane maintenance control and head of flight operations for the operator.

landing area means a place, whether or not an aerodrome, where an aeroplane is able to take off and land.

MEL, or ***minimum equipment list***, for an aeroplane, means an approved list that provides for the operation of the aeroplane with particular equipment inoperative, and sets out any special conditions for such operation.

operations manual, in relation to an operator or an application operation carried out by an operator, means:

(a) the manual, and the schedule of differences (if any), approved under regulation 137.050; and

(b) any amendments approved under regulation 137.080, 137.085 or 137.090, as appropriate.

Note: An operations manual may comprise a standard operations manual and a schedule of differences: see subregulation 137.035(2).

operator, in relation to an aeroplane, means a person who holds an AOC that authorises the use of the aeroplane in application operations.

populous area, in relation to a flight by an aeroplane, means an area where, if the aeroplane's engine failed, the aeroplane would not be able to glide safely clear of any occupied building.

resting time, for a pilot, means any time during a tour of duty when the pilot:

(a) has no duties to perform; and

(b) has access to accommodation that is conducive to rest and includes a comfortable chair.

role equipment means equipment fitted to an aeroplane for an application operation, including booms, spreaders and mirrors.

schedule of differences, for an operator, means the schedule prepared by the operator under paragraph 137.045(3)(c) and approved by CASA under regulation 137.050.

sleeping time, for a pilot, means any time during a tour of duty when the pilot:

(a) has no duties to perform; and

(b) has access to a comfortable room that:

(i) is subject to minimal noise levels; and

(ii) is well ventilated; and

(iii) is equipped with a method of controlling the entry of light; and

(iv) is equipped with a comfortable bed and chair.

standard operations manual means an operations manual approved under regulation 137.040.

work area, in relation to an application operation, means:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 137.010

(a) the area of ground or water where application material is to be applied; and
(b) the area over which the aeroplane concerned flies as it approaches and departs from the area mentioned in paragraph (a).

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.B—General

137.015 Approvals

If a provision of this Part provides that anything (including a document, body or activity) must be approved, CASA may approve the thing, in writing, for the provision.

137.020 Effect of other provisions

If a provision in these Regulations is inconsistent with a provision in this Part, the provision in this Part prevails to the extent of the inconsistency.

137.025 Aeroplane—type certificate

(1) If an aeroplane does not conform to a type certificate or type acceptance certificate in the normal, restricted or utility category:

(a) the operator of the aeroplane must not allow it to be used for an application operation; and

(b) a pilot must not use it to carry out an application operation.

Penalty: 50 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

Note: CASA may grant an exemption from a provision of these Regulations: see Subpart 11.F.

137.030 Authority of the pilot

The operator of an aeroplane must take all reasonable measures to ensure that, if the pilot in command of the aeroplane, acting in accordance with a provision of these Regulations, directs anybody to do something, or not do something, the person complies with the direction.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.C—Operator certification and supervision

137.035 Applicant to prepare manual

(1) A person applying for an AOC to cover application operations must prepare a manual that:
  (a) specifies procedures to be followed by crew members and other persons to ensure the safety of the operations that are to be covered by the AOC; and
  (b) includes the names of the persons who are to be the CEO and holders of the key personnel positions.

(2) The person may comply with subregulation (1) by:
  (a) nominating a standard operations manual to apply to the person's operations; and
  (b) preparing a schedule of differences to the standard operations manual.

(3) The manual may:
  (a) consist of 1 or more volumes; and
  (b) include material prepared by someone other than the person making the application; and
  (c) incorporate another document or documents by reference.

Note: CASA approves the manual under regulation 137.050 when approving the application for the AOC.

137.040 Standard operations manual

(1) CASA may approve, in writing, a manual prepared by a person other than an operator, as a standard operations manual.

(2) The manual must specify procedures to be followed by crew members of aeroplanes and other persons engaged in application operations to ensure the safety of the operations.

137.045 Application for an AOC or variation of an AOC

(1) An application by a person for an AOC to cover application operations must be submitted to CASA at least 90 days before the date of intended operation.

(2) The manual that, for subsection 27AB(2) of the Act, must be lodged with CASA by the person need not include landing area information.

(3) If the person nominates a standard operations manual the application must include:
  (a) a statement identifying the standard operations manual; and
  (b) an undertaking to comply with the standard operations manual as in force from time to time; and

Authorised Version F2022C00427 registered 14/04/2022

(c) a schedule to the standard operations manual, prepared by the applicant, showing:

(i) the ways (if any) in which the person's application operations are proposed to differ from those described in the standard operations manual adopted by the person under paragraph (b); and

(ii) the names of the persons who are proposed to be the CEO and holders of the key personnel positions.

(4) The manual or schedule (if any) that relates to the application must be submitted to CASA at least 60 days before the date of intended operation.

(5) An application for a variation of an AOC must be submitted to CASA at least 30 days before the date of the proposed change to the operation.

Note: For matters about which CASA must be satisfied before issuing an AOC, see section 28 of the Act.

(6) CASA may accept an application later than required under subregulation (1) or (5), or a late submission under subregulation (4).

137.050 Decision on AOC and manual

(1) CASA must, in writing, approve or refuse to approve:

(a) an application for an AOC; and

(b) an application for a variation of an AOC.

(2) If CASA approves an application for an AOC under subregulation (1), it is taken to have approved:

(a) the applicant's manual; and

(b) if applicable—the schedule mentioned in paragraph 137.045(3)(c).

(3) CASA is taken to have refused an application for an AOC if it has not approved or refused the application within the period of 90 days starting on the later of the following:

(a) the day the application is made;

(b) the day the applicant has complied with any notice given by CASA under section 27AC of the Act.

(4) CASA is taken to have refused an application for a variation of an AOC if it has not approved or refused the application within the period of 90 days starting when the application is made.

137.055 Offences concerning operations manual

(1) An operator must conduct application operations in accordance with:

(a) the operations manual; and

(b) if the operator has an exemption given by CASA under Part 11—the exemption.

Penalty: 25 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

(2) The operator must ensure that the manual, and information relating to any exemption, is available to crew members and other persons engaged in application operations for the operator.

Penalty: 25 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.060 Operator's organisational structure

(1) An operator must nominate an individual to be chief executive officer (***CEO***) of the operator's organisation.

(2) The CEO must be responsible for ensuring that all application operations and aeroplane maintenance can be carried out to the standard required by these Regulations.

(3) An operator must nominate individuals to hold the key personnel positions in the organisation.

(4) If, having regard to the size of an operator's organisation or the nature and scope of operations authorised by the operator's AOC, it would not adversely affect the safety of the operations to do so, an operator may:
  (a) appoint a person to a key personnel position on a part-time basis; or
  (b) appoint a person to more than 1 key personnel position.

(5) An operator must ensure that, at all times, a person is occupying, or acting in, each key personnel position.

137.065 Head of flight operations

(1) Subject to subregulation (5), an operator must nominate an individual to be head of flight operations in the operator's organisation.

(2) The duties of the head of flight operations must include being responsible for the following:
  (a) monitoring the operator's compliance with the Act, these Regulations and the conditions to which the operator's AOC is subject, and reporting on compliance to the operator's CEO;
  (b) monitoring the adequacy of the operator's systems and procedures to ensure safe operations under the operator's AOC, and reporting on the adequacy of the systems and procedures to the CEO;
  (c) arranging rosters for the pilots employed to carry out application operations for the operator;
  (d) maintaining an efficient system for recording flight and duty times for each pilot;
  (e) maintaining up-to-date records of all licences, ratings, medical certificates and endorsements held by each pilot;

Authorised Version F2022C00427 registered 14/04/2022

(f) maintaining a system that will ensure compliance with the relevant loading procedures for each type of aeroplane used in operations carried out under the operator's AOC;

(g) ensuring that the operator keeps any documents required by the Act, these Regulations and the conditions of the operator's AOC;

(h) setting and monitoring the standard of application operations, including activities on the ground, carried out under the operator's AOC;

(i) ensuring that the checking required by Subpart 137.N is carried out and, if a pilot fails a check, that the appropriate retraining and re-checking are carried out;

(j) allocating an aeroplane for use in each operation carried out under the operator's AOC.

(3) If an operator uses only 1 aeroplane for application operations, the person occupying the position of head of flight operations must have at least 300 hours total flight time as pilot in command in application operations.

(4) If an operator uses more than 1 aeroplane for application operations, the person occupying the position of head of flight operations must hold an agricultural pilot (aeroplane) grade 1 rating within the meaning given in Civil Aviation Order 40.6.

(5) A person who, under Civil Aviation Order 82.0, is approved as Chief Pilot of an operator, is taken to be the head of flight operations for the operator.

137.070 Head of aeroplane maintenance control

(1) An operator must nominate an individual to be head of aeroplane maintenance control in the operator's organisation.

(2) The duties of the head of aeroplane maintenance control must include ensuring that the operator complies with Subpart 137.M.

137.075 Replacement of holder of key personnel position

If an operator proposes a replacement of the holder of a key personnel position, the operator must:

(a) notify CASA as soon as is practicable before the proposed replacement; and

(b) if the replacement does not take effect—notify CASA accordingly.

137.080 Amendments to operations manual by operator

(1) This regulation applies to an operator that:

(a) is using an operations manual prepared by the operator; and

(b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the manual.

(2) The operator must:

Authorised Version F2022C00427 registered 14/04/2022

(a) prepare an amendment to the manual to reflect the proposed change; and
(b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.

(3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.085 Amendments to schedule of differences

(1) This regulation applies to an operator that:
(a) has adopted a standard operations manual; and
(b) proposes a change to a procedure or another matter that, because of its nature, would require amendment of the schedule of differences.

(2) The operator must:
(a) prepare an amendment to the schedule to reflect the proposed change; and
(b) give the amendment to CASA as soon as practicable after preparing it and before implementing the change.

(3) CASA must, in writing, approve or refuse to approve the proposed amendment.

137.090 Amendments to standard operations manual

(1) A person that has prepared a standard operations manual may prepare an amendment of the manual.

(2) The person must submit the amendment to CASA.

(3) CASA must, in writing, approve or refuse to approve the amendment.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.D—Operational procedures

137.095 Operation to be in VMC

(1) The pilot in command of an aeroplane may only conduct an application operation in VMC.

Penalty: 25 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

137.100 Use of weather forecasts or observations

(1) This regulation applies to the operator of the aeroplane and its pilot in command if the operator is planning an application operation that is to take place more than 50 nautical miles from the take-off aerodrome.

(2) The operator and pilot must:
(a) use a weather forecast or report prepared by the Bureau of Meteorology or another approved body; or
(b) if the pilot is not reasonably able to obtain a weather forecast or report of a kind mentioned in paragraph (a)—satisfy subregulation (4).

Penalty: 5 penalty units.

(3) The operator must provide any equipment necessary to obtain the forecast or report.

Penalty: 10 penalty units.

(4) The operator and pilot satisfy this subregulation if the pilot:
(a) uses his or her observations, or weather information from a source other than those mentioned in paragraph (2)(a); and
(b) the pilot reasonably believed it was safe to use the observations or information.

(5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.105 Landing areas

Despite any other provision of these Regulations, the pilot in command of an aeroplane engaged in an application operation may use any landing area that can be used safely for take-offs and landings.

137.110 Safety of persons other than crew at landing areas

(1) The operator of an aeroplane must, for the safety of persons during application operations at a landing area:

Authorised Version F2022C00427 registered 14/04/2022

(a) use appropriate procedures, including those necessary for the safe loading and unloading of aeroplanes; and

(b) provide appropriate equipment, including any necessary lighting.

Penalty: 25 penalty units.

(2) The procedures must be set out in the operations manual.

(3) A contravention of subregulation (1) is an offence of strict liability.

137.115 Refuelling

(1) An operator must use appropriate safety procedures for the refuelling of each of the operator's aeroplanes that is used in an application operation.

Penalty: 25 penalty units.

(2) The operations manual must set out the procedures.

(3) A contravention of subregulation (1) is an offence of strict liability.

137.120 Documents to be carried on a flight

(1) The pilot in command of an aeroplane being used for an application operation must have a copy of the aeroplane's flight manual, or an approved alternative document, on board the aeroplane on every flight.

Penalty: 10 penalty units.

(2) The pilot must also have the documents or copies mentioned in subregulations (4) and (5) on board the aeroplane on a flight if the aeroplane will be more than 1 hour's flying time (at cruise speed in still air) from the operator's principal operating base.

Penalty: 10 penalty units.

(3) However, if:

(a) the aeroplane is to be based for more than 7 days at a place that is not the operator's principal operating base (a ***substitute base***); and

(b) the aeroplane is less than 1 hour's flying time (at cruise speed in still air) from the substitute base;

the documents or copies mentioned in subregulations (4) and (5) may be kept at the substitute base.

(4) For subregulations (2) and (3), the documents are:

(a) the aeroplane's flight and maintenance records; and

(b) each of the following documents, or copies of the documents:

(i) the aeroplane's certificate of registration;

(ii) the aeroplane's certificate of airworthiness (or, if applicable, special flight permit);

(iii) the current medical certificate for, and licence of, the pilot.

Authorised Version F2022C00427 registered 14/04/2022

(5) However, if the operations manual states that only a specified part of a document mentioned in subregulation (1) or paragraph (4)(a) must be carried during a flight, only that part need be carried.

(6) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.125 Manipulation of flight controls

(1) While an aeroplane is engaged in an application operation its flight controls may be manipulated by a person only if the person is:
  (a) the pilot in command of the aeroplane; or
  (b) a pilot who is being trained in application operations; or
  (c) a person authorised to do so by CASA.

  Penalty: 25 penalty units.

(2) If an aeroplane engaged in an application operation is on the ground with the engine running, the pilot in command must be at the controls unless:
  (a) the pilot is refuelling the aeroplane in accordance with the operations manual; or
  (b) the following apply:
    (i) the pilot remains near the aeroplane;
    (ii) the wheel brakes are locked and, if practicable, the wheels are chocked;
    (iii) the aeroplane's power controls are friction locked and, if possible, the propeller is feathered;
    (iv) the engine is retarded to idle and, if possible, ground idle.

  Penalty: 25 penalty units.

(3) Subregulation (4) applies if a person who is not, under these Regulations, entitled to manipulate the aeroplane's flight controls:
  (a) occupies a control seat fitted with fully or partially functioning controls; or
  (b) is seated in a position where he or she could interfere with the controls.

(4) The pilot in command of the aeroplane must:
  (a) instruct the person not to interfere with the controls; and
  (b) be satisfied on reasonable grounds that the person has understood the instruction.

  Penalty: 25 penalty units.

(5) A contravention of subregulation (1) or (2) is an offence of strict liability.

(6) Strict liability applies to the physical element mentioned in paragraph (4)(a).

Authorised Version F2022C00427 registered 14/04/2022

Regulation 137.130

137.130 Use of seats, seatbelts and harnesses

(1) A person in an aeroplane engaged in an application operation must occupy a seat and wear a seatbelt or harness whenever the aeroplane is moving under its own power.

Penalty: 10 penalty units.

(2) However, subregulation (1) does not apply to a person in the aeroplane if, during the operation:

(a) he or she is acting in accordance with an instruction by the pilot in command; or

(b) he or she is wearing an approved restraint device and either:

(i) has satisfactorily completed a course of training in the operation and is directly involved in the operation; or

(ii) is being trained in the operation.

(3) A contravention of subregulation (1) is an offence of strict liability.

137.135 Carriage of passengers

(1) If an aeroplane is engaged in an application operation, neither the operator nor the pilot in command may allow a passenger to be carried unless subregulation (2), (3) or (4) applies to the operation and the passenger.

Penalty: 50 penalty units.

(2) This subregulation applies if the passenger is an officer, or delegate of CASA, who is on board the aeroplane to carry out his or her duties.

(3) This subregulation applies if:

(a) the passenger is on board the aeroplane to identify the area where the application material is to be applied; and

(b) no application material is applied during the operation.

(4) This subregulation applies if:

(a) the passenger is on board the aeroplane to carry out duties necessary for his or her employment; and

(b) both the operator and the pilot agree to the carriage of the passenger.

(5) A contravention of subregulation (1) is an offence of strict liability.

137.140 Minimum height and lateral separation for operation

(1) Subject to subregulations (2), (3) and (4) the pilot in command of an aeroplane engaged in an application operation may fly at any height while:

(a) over the work area; or

(b) travelling from the landing area used for loading the aeroplane to the work area.

Authorised Version F2022C00427 registered 14/04/2022

(2) In a populous area, the aeroplane must not fly closer than 100 metres, measured horizontally, from an occupied building.

Penalty: 25 penalty units.

(3) In an area other than a populous area the aeroplane must not fly less than 350 feet AGL while closer than 100 metres, measured horizontally, from an occupied building.

Penalty: 25 penalty units.

(4) The aeroplane may fly closer to a building and to the ground than provided for in subregulation (2) or (3) if:
  (a) more than 48 hours before the proposed operation, the occupier of the building was notified in writing about the operation and did not object to the operator about it; or
  (b) if it was not reasonably practicable to give written notice—the occupier was notified verbally before the operation and did not object to the operator about it.

(5) A contravention of subregulation (2) or (3) is an offence of strict liability.

137.145 Application over populous areas

(1) A person may conduct an application operation over a populous area only if:
  (a) the person is an operator; and
  (b) the procedures for the operation are set out in the operations manual; and
  (c) the operation was requested by a person that, under a law of a State or Territory, may authorise the operation.

Penalty: 25 penalty units.

(2) An operator must, before conducting the operation, make a plan for the operation that:
  (a) includes consultation with the person that requested the operation; and
  (b) identifies any obstructions to flight and sets out how these will be avoided; and
  (c) identifies the most suitable emergency landing area for the operation; and
  (d) sets out any coordination with ATC that is necessary for the operation.

Penalty: 25 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.150 In-flight fuel management

(1) The pilot in command of an aeroplane engaged in an application operation must plan a flight for the operation so that, at all times, the aeroplane has enough fuel to complete the flight safely.

Penalty: 50 penalty units.

(2) If an operations manual applies to the pilot, it must set out:
  (a) the procedures that the pilot must follow to ensure that the aeroplane carries enough fuel; and
  (b) a procedure to ensure that in-flight fuel checks and fuel management are carried out.

(3) A contravention of subregulation (1) is an offence of strict liability.

137.160 Aerodrome circuit requirements

(1) The pilot in command of an aeroplane engaged in an application operation that involves a take-off from, or landing at, an aerodrome need not conform with the circuit traffic protocol specified in the AIP for the aerodrome if:
  (a) the aeroplane is fitted with a radio; and
  (b) the pilot:
    (i) maintains a continuous listening watch on the aerodrome frequency; and
    (ii) broadcasts his or her intentions in accordance with the AIP; and
    (iii) gives priority to other traffic.

(2) However, subregulation (1) does not apply if the flight is subject to ATC instructions.

(3) In this regulation, ***AIP*** includes a document that is equivalent to the AIP.

137.165 Close proximity operations

(1) For this regulation, 2 or more aeroplanes are engaged in a ***close proximity operation*** if they are flying so close to each other during an application operation as to create a collision hazard if special measures are not taken.

(2) A person must not operate an aeroplane in a close proximity operation if the person is not an operator.

  Penalty: 25 penalty units.

(3) The pilot in command of an aeroplane must not engage in a close proximity operation unless the operation is coordinated by:
  (a) if the operation is to be conducted by 1 operator—the operator's head of flight operations, or another person nominated by the operator; or
  (b) otherwise—a suitably qualified pilot agreed to by all pilots involved in the operation.

  Penalty: 25 penalty units.

(4) The coordinator must give, to all pilots involved in the operation, instructions about the following:
  (a) transit between the landing area and the work area;
  (b) radio communications, including loss-of-communication procedures;

Authorised Version F2022C00427 registered 14/04/2022

(c) refuelling arrangements;
(d) the conduct of the operation.

Penalty: 25 penalty units.

(5) During the operation each pilot must:
(a) maintain safe lateral separation from the other aeroplanes by visual and radio contact; and
(b) comply with the instructions of the person coordinating the operation.

Penalty: 25 penalty units.

(6) A contravention of subregulation (2), (3), (4) or (5) is an offence of strict liability.

137.170 Night operations

(1) This regulation applies to an application operation conducted at night.

(2) The pilot in command of the aeroplane to be used in the operation must, by inspection during daylight, be familiar with:
(a) the work area; and
(b) the route between the work area and the landing area.

Penalty: 25 penalty units.

(3) The operator of the aeroplane must plan the operation so the distance from a work area to a landing area is less than 30 minutes flying time at normal cruise power in still air, unless:
(a) the aeroplane is equipped, and certificated under Part 21, for night VFR flight; and
(b) the pilot holds, in addition to any rating required for night application operations, the rating required for a VFR flight at night.

Penalty: 25 penalty units.

(4) The operator must not allow the operation to commence unless the aeroplane is equipped with a two-way radio that enables the pilot to communicate with each person on the ground who has a role in the operation.

Penalty: 25 penalty units.

(5) The pilot must not commence or continue the operation if horizontal visibility from the aeroplane is less than 5 km.

Penalty: 25 penalty units.

(6) The operator must ensure that lights are placed at the work area to help the pilot with orientation.

Penalty: 25 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

(7) A contravention of subregulation (2), (3), (4), (5) or (6) is an offence of strict liability.

137.175 Firefighting operations

(1) A person must not operate an aeroplane for an application operation that involves firefighting unless the emergency control authority responsible for the firefighting:

(a) has not, when the operation commences, taken control of the fighting of the fire; or

(b) has taken control of the firefighting and asks the person to carry out the operation.

Penalty: 50 penalty units.

(2) A pilot is authorised to conduct an application operation that:

(a) involves firefighting; and

(b) is requested by the relevant emergency control authority;

only if he or she has more than 500 hours experience as pilot in command in application operations when the operation commences.

Penalty: 50 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.E—All-weather operations

Note: Reserved for future use.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.H—Aeroplane performance

137.180 General

(1) The pilot in command of an aeroplane engaged in an application operation must, before take-off, take reasonable steps to satisfy himself or herself that the take-off can be safely carried out by considering the aeroplane's take-off weight and each other relevant factor.

Penalty: 50 penalty units.

(2) Before landing, the pilot must satisfy himself or herself that the landing can be safely carried out by considering the aeroplane's landing weight and each other relevant factor.

Penalty: 50 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.185 Take-off over a populous area

(1) The pilot in command of an aeroplane engaged in an application operation may commence a take off over a populous area only if the aeroplane's performance will allow it to be 200 feet or more AGL when it crosses the aerodrome boundary and climbing at 200 feet or more per minute.

Penalty: 50 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.J—Weight and balance

137.190 Weight limitations

(1) The pilot in command of an aeroplane engaged in an application operation must not commence a take-off if the aeroplane's gross weight exceeds:

(a) the maximum gross weight shown in the aeroplane's flight manual; or

(b) any maximum gross weight that:

(i) has been established for that type of aeroplane by a flight test supervised by CASA; and

(ii) is shown on a placard, approved by CASA and displayed in the aeroplane's cockpit; or

(c) the maximum gross weight shown on the type certificate, or type certificate data sheet, that is issued for the aeroplane by the national aviation authority of the State of Design (within the meaning given in Annex 8 to the Chicago Convention) of the aeroplane.

Penalty: 50 penalty units.

(2) The pilot must calculate the take-off weight by a method that includes calculating the weight of:

(a) the crew and any equipment carried; and

(b) the aeroplane's fuel and load.

Penalty: 50 penalty units.

(3) The operator of the aeroplane must not specify a minimum load to be carried by the aeroplane that is greater than the load that the pilot reasonably considers to be safe.

Penalty: 50 penalty units.

(4) A contravention of subregulation (1), (2) or (3) is an offence of strict liability.

137.195 Loading—supervision

(1) The pilot in command of an aeroplane to be used in an application operation must:

(a) supervise the loading of the aeroplane; and

(b) not commence the operation unless the load is placed in a way that is consistent with the data used for the calculation of the aeroplane's weight and balance.

Penalty: 25 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.K—Instruments and equipment

137.200 Installation of instruments and equipment

(1) Subject to subregulation (3), the operator of an aeroplane that is to be used in an application operation must ensure that instruments and items of equipment, other than role equipment, used in the aeroplane are:
  (a) other than items mentioned in subregulation (3)—approved; and
  (b) properly installed so they are fit for their purpose, and do not interfere with the operation of any other equipment; and
  (c) except as provided in the applicable MEL—serviceable.

  Penalty: 50 penalty units.

(2) For paragraph (1)(b), an instrument or item of equipment is properly installed if:
  (a) there is a Part 21 approval that covers the installation; and
  (b) the instrument or item is installed in accordance with its approved design; and
  (c) the instrument or item is compatible with the configuration of the aircraft; and
  (d) the instrument or item is installed by a person who:
    (i) has been trained to carry out the installation; and
    (ii) is authorised, under these Regulations, to carry out the installation.

(3) The following items are not required to be approved:
  (a) electric torch;
  (b) timepiece;
  (c) a GPS marking system;
  (d) chart holder;
  (e) first-aid kit;
  (f) survival and pyrotechnic signalling equipment.

(4) A contravention of subregulation (1) is an offence of strict liability.

(5) In this regulation:

  approved design: see subregulation 42.015(1).

  Part 21 approval: see subregulation 42.015(1).

137.210 Position of instruments and equipment

(1) The operator of an aeroplane must not allow the aeroplane to be used in an application operation unless:

Authorised Version F2022C00427 registered 14/04/2022

(a) equipment on the aeroplane that is operated during flight by only 1 crew member is installed so that it can readily be operated from the member's station; and

(b) an instrument that need only be read by 1 crew member is installed:

(i) so the crew member can easily read the instrument from his or her station; and

(ii) as close as practicable to the crew member's line of vision in the direction of the flight path.

Penalty: 50 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

137.215 Instruments and equipment required

(1) The operator of an aeroplane must not allow the aeroplane to engage in an application operation unless it is fitted with the equipment mentioned in each item of Table 137.215-1.

Penalty: 50 penalty units.

Table 137.215-1 Equipment for all application operations

Item	Equipment
1	A magnetic compass
2	A timepiece showing the time in hours, minutes and seconds (unless the pilot in command carries such a timepiece)
3	A sensitive pressure altimeter that: (a) reads in feet; and (b) has a sub-scale setting, calibrated in hectopascals, that can be set to any barometric pressure that may occur during flight
4	An airspeed indicator calibrated in knots
5	A slip indicator
6	An outside air temperature indicator calibrated in degrees Celsius
7	If the aeroplane is equipped with radio—a headset, whether or not built into a helmet, with a boom microphone or an equivalent microphone
8	Any other instruments and equipment required to be fitted for type certification.

(2) The operator must not allow the aeroplane to engage in an application operation at night unless it is fitted with the equipment mentioned in each item of Table 137.215-2.

Penalty: 50 penalty units.

Table 137.215-2 Equipment for night application operations

Item	Equipment
1	At least 2 serviceable work lights that are suitable for the operation, installed so as

Authorised Version F2022C00427 registered 14/04/2022

Table 137.215-2 Equipment for night application operations

Item	Equipment
	to minimise glare in the cockpit
2	Navigation lights
3	An approved anti-collision lighting system
4	A system of cockpit lighting that is appropriate to the operation
5	Either: (a) a turn indicator; or (b) an attitude indicator that provides pitch and roll information at all attitudes

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.220 Crew intercom system

(1) The operator of an aeroplane that requires a crew of more than 1 person must not allow it to engage in an application operation unless it is equipped with an intercom system that:

(a) can be used by all members of the crew; and

(b) includes headsets, whether or not built into a helmet, and microphones that are not of a handheld type.

Penalty: 25 penalty units.

(2) Subregulation (1) does not apply to the operation if:

(a) the use of any item of intercom equipment may adversely affect the safety of the operation; and

(b) another appropriate method of communication between the crew is arranged before the operation commences.

(3) A contravention of subregulation (1) is an offence of strict liability.

137.225 Seatbelts and harnesses

(1) This regulation applies to an aeroplane, other than an aeroplane that has been certified in the normal category.

(2) The operator of the aeroplane must not allow it to engage in an application operation unless:

(a) the pilot's seat is equipped with a four-point restraint harness with a single point release; and

(b) a harness or seatbelt for any other crew member is equipped with a single point release.

Penalty: 50 penalty units.

(3) A contravention of subregulation (2) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.M—Aeroplane maintenance

137.230 Fitting and removal of role equipment

(1) A person must not fit role equipment to, or remove role equipment from, an aeroplane that is used in an application operation.

Penalty: 25 penalty units.

(2) Subregulation (1) does not apply to a person who:

(a) has been trained by an operator, or an approved person, in the fitting and removal of a kind of role equipment; and

(b) fits or removes equipment of that kind.

(3) A contravention of subregulation (1) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.N—Pilots

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.

137.240 Operator proficiency checks

(1) For this regulation, a pilot holds a ***valid operator proficiency check*** if:
  (a) he or she has satisfactorily completed a check that satisfies the criteria in subregulations (3), (4), (5) and (9); and
  (b) under subregulations (7) and (8), the check is valid.

(2) The operator of an aeroplane 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.

(3) An operator proficiency check for a pilot who is employed by an operator must be conducted by:
  (a) the operator's head of flight operations; or
  (b) a flight examiner or instructor authorised under Part 61 to conduct application operations.

(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).

(5) Despite subregulations (3) and (4), an operator proficiency check for a pilot who, in the 12 months immediately before the check, has completed less than 50 hours flight time in application operations must be conducted by an examiner or instructor mentioned in paragraph (3)(b).

(6) A synthetic flight trainer may be used for a check, or part of a check, if CASA approves its use for the purpose.

(7) A check is valid for 12 months from the day on which the check is completed.

Authorised Version F2022C00427 registered 14/04/2022

(8) However, if the check is completed less than 3 months before the day on which the check would otherwise expire (the ***expiry day***), the check is valid for 12 months commencing at the end of the expiry day.

(9) To complete an operator proficiency check the pilot must demonstrate that he or she is familiar with the systems, the normal and emergency flight manoeuvres, performance, fuel consumption rates, and weight and balance requirements for an aeroplane that he or she flies.

Note: A check of a pilot of a single seat aeroplane may be conducted by observation from the ground and may include review of GPS data logs, job planning and post flight records.

(11) A contravention of subregulation (2) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.P—Manuals, logs and records

137.245 Flight manual

(1) An operator must maintain a current aircraft flight manual, or another approved document, for each aeroplane used by the operator for application operations.

Penalty: 25 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

137.250 Checking records

(1) An operator must:
  (a) make a record of the checking that is:
    (i) required, under Subpart 137.N, for each pilot employed by the operator; and
    (ii) completed by each pilot; and
  (b) allow each pilot to examine and copy the records that relate to him or her.

Penalty: 10 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

Note: Records made for this regulation must be retained: see regulation 137.255.

137.255 Document retention periods

(1) The operator of an aeroplane that is used for application operations must keep an aircraft maintenance record relating to the aeroplane (including a record of the time in service of each component for which that information is kept):
  (a) for at least 90 days after the aeroplane concerned is in a condition that prevents it being flown in the future; and
  (b) in a form that is suitable for, and allows access to, the information.

Penalty: 50 penalty units.

(2) The operator of an aeroplane must keep each record mentioned in column 2 of an item in Table 137.255:
  (a) for at least the period mentioned in column 3 of the item; and
  (b) in a form that is suitable for, and allows access to, the information.

Penalty: 25 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Table 137.255

Item	Record	Period
1	A copy of the following that relates to each pilot employed by the operator: (a) medical certificate; (b) licence; (c) any rating, endorsement or approval that is relevant to the pilot's employment by the operator	Until the pilot ceases to be employed as a pilot by the operator
2	The 2 most recent records of any training undertaken by a pilot employed by the operator if: (a) the training is required under the operations manual; and (b) the record is not retained for item 2	Until the pilot ceases to be employed as a pilot by the operator
3	A report about an event relating to the safety of an application operation made by a pilot employed by the operator	90 days from the day on which it is made
4	Pilot flight, duty and rest times	15 months from the day of the most recent entry in the document
5	Pilot conversion training	36 months from the day of the most recent entry in the document
6	Pilot recurrent training and annual proficiency check for Subpart 137.N	36 months from the day of the most recent entry in the document

137.260 Maintenance record to be given to new operator

(1) A person that ceases to be the operator of an aeroplane that is used for application operations must, if another person becomes the operator, give the aeroplane's aircraft maintenance record, or a copy of the record, to the other person.

Penalty: 25 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 137.Q—Flight duty time limitations and rest requirements

137.265 Application of Subpart 137.Q

This Subpart sets out requirements about duty and rest times for a pilot who conducts application operations.

137.270 Subpart not to affect subsection 1 of CAO 48.1

This Subpart does not affect the operation of subsection 1 of Civil Aviation Order 48.1.

137.275 Limit on flying hours

(1) The pilot must not fly more than:
  (a) 1 200 hours in 365 consecutive days; or
  (b) 170 hours in 28 consecutive days.

  Penalty: 25 penalty units.

(2) A contravention of subregulation (1) is an offence of strict liability.

137.280 Off-duty period before and after tour of duty

(1) Subject to subregulations (2) and (3), the pilot must not undertake duties relating to his or her employment by an operator, including being on call or planning less than:
  (a) 8 hours before commencing a tour of duty; or
  (b) 8 hours after completing a tour of duty of 10 hours or less; or
  (c) 10 hours after completing a tour of duty of more than 10 hours.

  Penalty: 25 penalty units.

(2) No less than 8 hours after completing a tour of duty of more than 10 hours, the pilot may choose to recommence duty up to 1 hour earlier than the time required under paragraph (1)(c) if the pilot believes he or she is mentally and physically able to do so.

(3) The pilot must not recommence duty under subregulation (2) if, in doing so, he or she would be in breach of regulation 137.275, 137.285, 137.290, 137.295 or 137.300.

(4) A contravention of subregulation (1) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

137.285 Tour of duty—duration

(1) The pilot must not undertake, and a person must not require the pilot to undertake, a tour of duty that exceeds 14 hours.

Penalty: 25 penalty units.

(2) However, the pilot may extend a tour of duty in accordance with subregulation (3), (4) or (5) if:

(a) the pilot reasonably believes he or she is mentally and physically able to do so; and

(c) in doing so, the pilot would not be in breach of regulation 137.275, 137.280, 137.290, 137.295 or 137.300.

(3) After the pilot has completed 14 hours of a tour of duty, he or she may extend the tour of duty by no more than 1 hour.

(4) If, during a tour of duty, the pilot has had 3 or more consecutive hours of resting time, the pilot may extend the tour of duty by no more than the lesser of the following:

(a) 50% of the duration of the resting time;

(b) 2 hours.

(5) If, during a tour of duty, the pilot has had 2 or more consecutive hours of sleeping time, the pilot may extend the tour of duty by no more than the lesser of the following:

(a) the duration of the sleeping time;

(b) 3 hours.

(6) A contravention of subregulation (1) is an offence of strict liability.

137.290 Off-duty period each 14 days

(1) In any 14 consecutive days the pilot must have a continuous period of at least 36 hours during which he or she carries out no duties for an operator.

Penalty: 25 penalty units.

(2) A person must not require the pilot to contravene subregulation (1).

Penalty: 25 penalty units.

(3) A contravention of subregulation (1) or (2) is an offence of strict liability.

137.295 Limit on time spent on tours of duty

(1) The pilot must not spend more than:

(a) 44 hours on tours of duty in any 3 consecutive days; or

(b) 98 hours on tours of duty in any 7 consecutive days.

Penalty: 25 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 137.300

(2) However, if:
  (a) the pilot has 1 or more periods of resting time during any of the days mentioned in subregulation (1); and
  (b) each period is 6 or more continuous hours;
the maximum amount of time for the subregulation is increased by 50% of the duration of the resting time (or the total of those resting times).

(3) Despite subregulation (2), the maximum time for subregulation (1) is not increased if, in doing so, the pilot would be in breach of regulation 137.275, 137.280, 137.285, 137.290 or 137.300.

(4) A person must not require the pilot to contravene subregulation (1).

Penalty: 25 penalty units.

(5) A contravention of subregulation (1) or (4) is an offence of strict liability.

137.300 Pilot to be fit for duty

(1) The pilot must not commence an application operation if he or she is not fit for duty.

Penalty: 25 penalty units.

(2) The operator of an aeroplane to be used in an application operation must not allow the pilot to commence the operation if the operator has reason to believe that the pilot is not fit for duty.

Penalty: 25 penalty units.

(3) For subregulations (1) and (2), a pilot is ***not fit for duty*** if, for example:
  (a) he or she has not had adequate rest, food or drink; or
  (b) he or she is adversely affected by a medical condition or a psychoactive substance.

Note: The expression ***psychoactive substances*** refers to alcohol, drugs and volatile solvents, but not coffee and tobacco: see clause 60 of Part 2 of the Dictionary.

(4) In paragraph (3)(b):

medical includes psychological and psychiatric.

(5) A contravention of subregulation (1) or (2) is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Part 138—Aerial work operations

Table of contents

Subpart 138.A—Preliminary

138.005 Application of Part 138
138.010 Definition of ***aerial work operation*** etc.
138.012 Definition of ***significant change***
138.015 Definition of ***task specialist***
138.020 Issue of Manual of Standards for Part 138
138.025 Approvals by CASA for Part 138

Subpart 138.B—Certification

Division 138.B.1—Requirement for certification for certain operations

138.030 Requirement to hold aerial work certificate

Division 138.B.2—Aerial work certificates

138.035 Application for aerial work certificate
138.040 Issue of aerial work certificate
138.045 Approval of manuals
138.050 Conditions of aerial work certificates
138.055 Compliance with conditions of aerial work certificates

Division 138.B.3—Changes relating to aerial work operators

138.060 Changes of name etc.
138.062 Application for approval of significant changes
138.064 Approval of significant changes
138.066 Changes must be made in accordance with process in operations manual
138.068 CASA directions relating to operations manual or key personnel

Division 138.B.4—Organisation and personnel

138.070 Organisation and personnel
138.075 Key personnel cannot carry out responsibilities
138.080 Familiarisation training for key personnel
138.085 Responsibilities and accountabilities of chief executive officer
138.090 Qualifications and experience of head of operations
138.095 Responsibilities of head of operations
138.100 Qualifications and experience of head of training and checking
138.105 Responsibilities of head of training and checking
138.110 Experience of safety manager
138.115 Responsibilities of safety manager
138.120 Additional qualification and experience requirements for key personnel

Division 138.B.5—Training and checking

138.125 Operators who are required to have a training and checking system

Authorised Version F2022C00427 registered 14/04/2022

138.130 Requirements for flight crew
138.135 Requirements for other operational safety-critical personnel

Division 138.B.6—Safety management system

138.140 Operators who are required to have a safety management system
138.145 Safety management system requirements

Division 138.B.7—Personnel fatigue management

138.150 Operators who are required to have a crew fatigue management system

Division 138.B.8—Operations manuals

138.155 Content of operations manual
138.157 Compliance with operations manual by operator
138.160 Compliance with operations manual by personnel
138.165 Providing personnel with operations manual

Division 138.B.9—Records and documents

138.170 Personnel training and checking records
138.175 Availability of records
138.180 Copies of flight crew licences and medical certificates
138.185 Retention periods for personnel records

Division 138.B.10—Miscellaneous

138.195 Reference library
138.200 Maximum period for use of foreign registered aircraft in Australian territory

Subpart 138.C—General

Division 138.C.1—General flight limitations

138.205 Permitted categories of aircraft for aerial work operations

Division 138.C.2—Operational documents

138.210 Compliance with flight manual
138.215 Availability of checklists

Division 138.C.3—Flight related documents

138.220 Electronic documents
138.225 Availability of parts of operations manual

Division 138.C.4—Reporting and recording defects and incidents etc.

138.230 Procedures for reporting and recording defects etc.
138.235 Reporting and recording incidents

Division 138.C.5—Search and rescue services and emergency and survival equipment

Division 138.C.6—Miscellaneous requirements

Subpart 138.D—Operational procedures

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.1—Operational control

Division 138.D.2—Flight preparation

138.265 Flight preparation requirements

Division 138.D.3—Flight planning

138.270 Availability of flight planning information

Division 138.D.4—Flight rules

138.275 Minimum height rules

Division 138.D.5—Take-offs and landings

138.280 Procedures for safety at aerodromes

Division 138.D.6—Fuel requirements

138.285 Fuel procedures
138.290 Oil requirements
138.300 Hot fuelling
138.302 Fuelling safety procedures

Division 138.D.7—Carriage of passengers or cargo

138.305 Carriage of passengers—general
138.320 Procedures for carriage of restricted persons

Division 138.D.8—Instruments, indicators, equipment and systems

138.340 Head-up displays, enhanced vision systems and synthetic vision systems
138.345 Survival equipment procedures
138.350 NVIS flights

Division 138.D.9—Miscellaneous

138.370 Operator must conduct risk assessments
138.375 Wearing of seatbelts and other restraint devices
138.380 Procedures in relation to frost etc.
138.385 Procedures in relation to polar operations

Division 138.D.10—Rules for external load operations

138.400 Certain night operations prohibited unless operation is an emergency service operation or approved by CASA
138.410 Manual of Standards may prescribe requirements for external load operations

Division 138.D.11—Rules for dispensing operations

138.425 Manual of Standards may prescribe requirements for dispensing operations

Division 138.D.12—Rules for task specialist operations

138.430 Manual of Standards may prescribe requirements for task specialist operations
138.432 Possessing and discharging firearms

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.F—Performance

138.435 Take-off performance
138.440 Landing performance

Subpart 138.J—Weight and balance

138.450 Loading of aircraft
138.460 Weight and balance documents

Subpart 138.K—Equipment

138.465 Requirements relating to equipment

Subpart 138.N—Flight crew

138.475 Composition, number, qualifications and training
138.480 Training for new or inexperienced flight crew members
138.485 Competence
138.490 Assignment to duty of pilot in command
138.500 Qualification as pilot in command
138.505 Training and checking to be conducted by certain persons

Subpart 138.P—Air crew members and task specialists

Division 138.P.1—Air crew members

138.535 Application of Division 138.P.1
138.540 Composition, number, qualifications and training
138.550 Training and checking to be conducted by certain persons

Division 138.P.2—Task specialists

138.575 Application of Division 138.P.2
138.580 Qualifications and training
138.590 Training and checking to be conducted by certain persons

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.A—Preliminary

138.005 Application of Part 138

(1) This Part applies in relation to the operation of an aircraft for an aerial work operation if:
  (a) the aircraft is an aeroplane or rotorcraft; and
  (b) Part 101 does not apply to the operation of the aircraft.

(2) Despite subregulation (1), a provision of this Part does not apply in relation to the operation of an aircraft if:
  (a) the aircraft is engaged in any of the following:
    (i) a police, national security or customs operation;
    (ii) a search and rescue operation conducted by, or at the request of, a search and rescue body; and
  (b) in the circumstances, it is reasonable that the provision not apply to the operation.

(3) Despite subregulation (1), a provision of this Part or the Part 138 Manual of Standards applies in relation to an operator of an aircraft for an aerial work operation only if the operator holds an aerial work certificate authorising that operation.

(4) Despite subregulation (3), a provision of this Part or the Part 138 Manual of Standards applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising that operation if the provision is expressed to so apply.

Note: See Part 137 for matters relating to aerial application operations.

138.010 Definition of *aerial work operation* etc.

(1) An ***aerial work operation*** means one or more of the following (and each of the following is a kind of aerial work operation):
  (a) an external load operation;
  (b) a dispensing operation;
  (c) a task specialist operation.

(2) An ***external load operation*** means carrying or towing a load outside an aircraft in flight and includes training for such an operation.

(3) A ***dispensing operation*** means dropping or releasing any substance or object from an aircraft in flight and includes training for such an operation.

(4) A ***task specialist operation*** means carrying out a specialised activity using an aircraft in flight and includes training for such an activity.

Authorised Version F2022C00427 registered 14/04/2022

(5) Despite subregulation (1), an ***aerial work operation*** does not include the following:

(a) a medical transport operation;

(b) an external load operation involving winching a person, if the operation is conducted as part of an air transport operation;

(c) glider towing;

(d) a person undertaking a parachute descent;

(e) an aerial application operation (including any external load operation undertaken as part of that operation) to apply fire retardants (including water), or oil or chemical dispersants, if the operation is conducted by a person holding a civil aviation authorisation under Part 137 to undertake the operation;

(f) any other aerial application operation;

(g) any other operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

138.012 Definition of *significant change*

A ***significant change***, for an aerial work operator, means:

(a) a change in relation to any of the following:

(i) the location and operation of the operator's main operating bases, including the opening or closing of main operating bases;

(ii) the operator's key personnel;

(iii) a person authorised to carry out the responsibilities of any of the key personnel if the position holder is absent from the position or cannot carry out the responsibilities of the position;

(iv) the formal reporting lines for a managerial or operational position with safety functions and responsibilities that reports directly to any of the key personnel;

(v) the operator's process for making changes that relate to the safe conduct and management of the operator's aerial work operations;

(vi) the kinds of aerial work operations the operator is authorised to conduct under the operator's aerial work certificate;

(vii) the kind of operations involving a Class D external load conducted by the operator, including beginning to operate that kind of operation (but not including ceasing to conduct that kind of operation);

(viii) for an aerial work operator that is not required to have either a training and checking system under regulation 138.125 or a safety management system under regulation 138.140—the flight rules under which the operator conducts the operator's aerial work operations (but not including starting operations under the visual flight rules if operations were already conducted under the instrument flight rules); or

(b) any of the following changes in relation to the aircraft used in the operator's aerial work operations:

Authorised Version F2022C00427 registered 14/04/2022

(i) the operator first starts to use an aircraft for which a pilot of the aircraft would need a type rating for the aircraft and no other aircraft is already used by the operator that requires the same type rating;

(ii) the operator first starts to use an aircraft that is in a different category of aircraft (within the meaning of Part 61) compared to the category of aircraft already used by the operator;

(iii) the operator first starts to use an aircraft that is a multi-engine aeroplane or a multi-engine rotorcraft; 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 plans, processes, procedures, programs and systems for the safe conduct and management of the operator's aerial work operations;

(ii) the qualifications, experience and responsibilities required by the operator for any of the operator's key personnel;

(iii) any other aeronautical or aviation safety related services provided to the operator by third parties;

(iv) any leasing or other arrangements for the supply of an aeroplane or rotorcraft used in the operator's aerial work operations; 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.

138.015 Definition of *task specialist*

(1) A ***task specialist***, for an aerial work operation, means a crew member for a flight:

(a) who carries out a function for the flight relating to the aerial work operation; and

(b) who is not a flight crew member or an air crew member for the flight.

(2) Despite subregulation (1), a ***task specialist***:

(a) includes a crew member of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph; and

(b) does not include a crew member of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

138.020 Issue of Manual of Standards for Part 138

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

(a) required or permitted by these Regulations to be prescribed by the Part 138 Manual of Standards; or

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

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 138.025

138.025 Approvals by CASA for Part 138

(1) If a provision of this Part, or of the Part 138 Manual of Standards, refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.

(2) Subject to regulation 11.055, CASA must grant the approval.

(3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for either of the following provisions:

(a) paragraph 138.090(2)(a);

(b) paragraph 138.100(3)(a).

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.B—Certification

Division 138.B.1—Requirement for certification for certain operations

138.030 Requirement to hold aerial work certificate

(1) A person contravenes this subregulation if:
  (a) the person conducts an aerial work operation (other than an aerial work operation covered by subregulation (2)); and
  (b) the person does not hold an aerial work certificate that authorises the person to conduct the operation.

(2) An aerial work operation in an aircraft is covered by this subregulation if either or both of the following apply:
  (a) the operation is spotting or photography and no remuneration is received by any of the following for the operation:
    (i) the pilot;
    (ii) the person mentioned in subregulation (3);
    (iii) a person or organisation on whose behalf the operation is conducted;
  (b) the operation:
    (i) is conducted over land owned or occupied by the person mentioned in subregulation (3); and
    (ii) is not conducted over a populous area or public gathering; and
    (iii) is not an external load operation involving the carriage of a person as an external load.

(3) The person is:
  (a) if the aircraft is required to be registered—the registered operator of the aircraft; or
  (b) otherwise—the owner of the aircraft.

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

  Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.2—Aerial work certificates

138.035 Application for aerial work certificate

(1) A person may apply to CASA, in writing, for an aerial work certificate.

(2) The application must include the following:
  (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
  (b) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
  (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 aerial work operations that the applicant proposes to conduct;
  (f) a written undertaking that, if CASA issues the certificate, the organisation established by the applicant to conduct the applicant's proposed aerial work operations (the ***applicant's organisation***) will:
    (i) be capable of operating in accordance with the applicant's proposed operations manual and the civil aviation legislation; and
    (ii) operate in accordance with the applicant's proposed operations manual and the civil aviation legislation.

(3) The application must be accompanied by:
  (a) a copy of the applicant's proposed operations manual; and
  (b) if the applicant proposes to conduct operations mentioned in regulation 138.125—a copy of the applicant's proposed training and checking manual; and
  (c) if the applicant proposes to conduct operations mentioned in regulation 138.140—a copy of the applicant's proposed safety management system manual.

(4) The application must be signed by the person appointed, or proposed to be appointed, as the chief executive officer of the applicant's organisation.

138.040 Issue of aerial work certificate

(1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
  (a) the applicant's proposed operations manual complies with regulation 138.155;
  (b) the applicant can conduct the proposed aerial work operations safely and in accordance with its operations manual and the civil aviation legislation;
  (c) the organisation established, or proposed to be established, by the applicant to conduct the applicant's proposed aerial work operations (the ***applicant's***

Authorised Version F2022C00427 registered 14/04/2022

organisation) is suitable to ensure that the operations can be conducted safely, having regard to the nature of the operations;

(d) the chain of command of the applicant's organisation is appropriate to ensure that the operations can be conducted safely;

(e) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the operations safely;

(f) the facilities of the applicant's organisation are sufficient to enable the operations to be conducted safely;

(g) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the operations can be conducted safely;

(h) each of the key personnel appointed, or proposed to be appointed, to a position in the applicant's organisation:

(i) is a fit and proper person to be appointed to the position; and

(ii) has the qualifications and experience required by Division 138.B.4 for the position; and

(iii) has the qualifications and experience for the position (if any) required by the applicant's operations manual; and

(iv) has the additional qualifications and experience (if any) required by CASA under regulation 138.120 for the position.

(2) For paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:

(a) the applicant's proposed:

(i) operations manual; and

(ii) training and checking manual (if any); and

(iii) safety management system manual (if any);

(b) whether the applicant can comply with the proposed operations manual, training and checking manual and safety management system manual;

(c) the content of the undertaking mentioned in paragraph 138.035(2)(f);

(d) details of, and 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 under the law of a foreign country; or

(iii) an equivalent authorisation issued to the applicant by a multinational aviation authority;

(e) the suitability of the applicant's corporate and organisational structures for the proposed operations;

(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)(h)(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).

Authorised Version F2022C00427 registered 14/04/2022

(4) If CASA decides to issue the certificate, CASA must determine the aerial work operations the applicant is authorised to conduct, including any limitations or conditions in relation to the aerial work operations.

(5) The certificate must include:
  (a) the matters mentioned in subregulation (4); and
  (b) a certificate reference number determined by CASA.

138.045 Approval of manuals

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed:
  (a) operations manual; and
  (b) training and checking manual (if any); and
  (c) safety management system manual (if any).

138.050 Conditions of aerial work certificates

(1) Each of the following is a condition of an aerial work certificate issued to an aerial work operator:
  (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 the civil aviation legislation that applies to the operator's aerial work operations mentioned in 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 the civil aviation legislation that applies to the operator's aerial work operations mentioned in the certificate;
  (c) each vacancy in the operator's key personnel must be:
    (i) notified to CASA within the period specified in the operator's operations manual; and
    (ii) filled within the period specified in the operator's operations manual;
  (d) each of the operator's personnel must comply with each provision of the civil aviation legislation that applies to the operator's aerial work operations mentioned in the certificate;
  (e) if the operator is an individual—the individual must be the chief executive officer of the operator's organisation;
  (f) if the operator is required by regulation 138.125 to have a training and checking system:
    (i) the positions of chief executive officer and head of training and checking may be occupied by the same person only if the operator holds an approval under regulation 138.025 for this subparagraph; and

Authorised Version F2022C00427 registered 14/04/2022

(ii) the positions of head of operations and head of training and checking may be occupied by the same person only if the operator holds an approval under regulation 138.025 for this subparagraph;

(g) if the operator is required by regulation 138.140 to have a safety management system:

(i) the positions of chief executive officer and safety manager may be occupied by the same person only in an unforeseen circumstance, and only for the period mentioned in subregulation (2); and

(ii) the positions of head of operations and safety manager may be occupied by the same person only in an unforeseen circumstance, and only for the period mentioned in subregulation (2).

(2) For subparagraphs (1)(g)(i) and (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 138.025 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

138.055 Compliance with conditions of aerial work certificates

(1) An aerial work operator contravenes this subregulation if the operator contravenes a condition of its aerial work certificate.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.3—Changes relating to aerial work operators

138.060 Changes of name etc.

(1) An aerial work operator contravenes this subregulation if the operator:
  (a) makes a change mentioned in subregulation (2); and
  (b) does not, before making the change:
    (i) amend the operator's operations manual to reflect the change; and
    (ii) give CASA written notice of the change and a copy of the amended part of the operations manual clearly identifying the change.

(2) For the purposes of paragraph (1)(a), the changes are the following:
  (a) a change to the operator's name (including any operating or trading name) or contact details;
  (b) if the address of the operator's operational headquarters is different from the operator's mailing address—a change to the address of the operator's operational headquarters.

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

  Penalty: 50 penalty units.

138.062 Application for approval of significant changes

(1) An aerial work operator contravenes this subregulation 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.

(2) An aerial work operator contravenes this subregulation if:
  (a) the operator makes a significant change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), 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 138.155(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.

(3) An aerial work operator contravenes this subregulation 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 138.155(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.

(4) An application for approval of a significant change must:

Authorised Version F2022C00427 registered 14/04/2022

(a) be in writing; and
(b) set out the change; and
(c) be accompanied by a copy of the part of the operator's operations manual affected by the change, clearly identifying the change.

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

Penalty: 50 penalty units.

138.064 Approval of significant changes

(1) CASA must approve a significant change for an aerial work operator if satisfied that the requirements mentioned in subregulation 138.040(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 operations manual covered by the application.

138.066 Changes must be made in accordance with process in operations manual

(1) An aerial work operator contravenes this subregulation if:
(a) the operator makes a change; and
(b) the change is not made in accordance with the process included in the operator's operations manual in accordance with paragraph 138.155(1)(m).

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

Penalty: 50 penalty units.

138.068 CASA directions relating to operations manual or key personnel

(1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may direct an aerial work operator to change its operations manual:
(a) to remove particular information, procedures or instructions from the operations manual; or
(b) to include particular information, procedures or instructions in the operations manual; or
(c) to revise or vary the information, procedures or instructions in the operations manual.

(2) CASA may direct an aerial work 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:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 138.068

(a) be in writing; and
(b) state the time within which the direction must be complied with.

(4) An aerial work operator contravenes this subregulation 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.

(5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.4—Organisation and personnel

138.070 Organisation and personnel

(1) An aerial work operator must maintain an organisational structure that effectively manages the operator's aerial work operations, taking into account the size, nature and complexity of the operations.

(2) An aerial work operator contravenes this subregulation if any of the operator's key personnel carries out a responsibility of the person's position in a way that contravenes the operator's operations manual or this Subpart.

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

Penalty: 50 penalty units.

138.075 Key personnel cannot carry out responsibilities

(1) An aerial work operator contravenes this subregulation 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).

(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.

(3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

138.080 Familiarisation training for key personnel

An aerial work 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.

138.085 Responsibilities and accountabilities of chief executive officer

(1) The chief executive officer of an aerial work operator's organisation is responsible for the following:

Authorised Version F2022C00427 registered 14/04/2022

(a) ensuring that, for the safe conduct of the operator's aerial work operations in accordance with the operator's aerial work certificate and operations manual, and the 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 operations in accordance with the operator's operations manual; and
  (ii) complies with the civil aviation legislation; and
  (iii) for each foreign registered aircraft (if any) used in the operations—maintains the aircraft in accordance with the law of the country in which the aircraft is registered; and
  (iv) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
  (v) has processes for identifying and addressing deficiencies in the operator's aerial work operations;

(c) if the operator is required to have a safety management system—ensuring that the operator:
  (i) implements and manages the operator's safety management system; and
  (ii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence;

(d) establishing and regularly reviewing the operator's safety performance indicators and targets;

(e) ensuring that the operator's operations manual is monitored and managed for continuous improvement;

(f) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
  (i) the operator's operations manual; and
  (ii) the civil aviation legislation.

(2) The chief executive officer of an aerial work operator's organisation is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

138.090 Qualifications and experience of head of operations

(1) The head of operations of an aerial work operator must:
  (a) be qualified to pilot an aircraft in each kind of aerial work operation that the operator conducts; and
  (b) hold the pilot type rating or class rating (within the meaning of Part 61) for the type or class of aircraft that is used to conduct the greatest proportion of the operator's aerial work operations; and
  (c) have the experience required under subregulation (2); and

Authorised Version F2022C00427 registered 14/04/2022

(d) have a satisfactory record in the conduct or management of air operations; and

(e) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's aerial work operations safely and in accordance with its operations manual and the civil aviation legislation.

(2) For paragraph (1)(c), the experience required is:

(a) if the operator holds an approval under regulation 138.025 for this paragraph—the experience mentioned in paragraph (3)(a) or (b); or

(b) if paragraph (a) does not apply—the experience mentioned in paragraphs (3)(a) and (b).

(3) For subregulation (2), the experience is the following:

(a) at least 300 hours flight time on an aircraft of the category used to conduct the greatest proportion of the operator's aerial work operations;

(b) at least 6 months experience in the conduct or management of air operations.

(4) CASA may, by written notice given to a head of operations, or a proposed head of operations, of an aerial work operator, direct the person to undertake an assessment mentioned in subregulation (5).

(5) For subregulation (4), the assessment:

(a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate a person's suitability as head of operations for the operator; and

(b) may include assessment in an aircraft or flight simulation training device.

(6) In this regulation:

category has the meaning given by regulation 61.015.

138.095 Responsibilities of head of operations

(1) The head of operations of an aerial work operator must safely manage the operator's aerial work operations.

(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 the civil aviation legislation and the operator's operations manual that apply to the operations;

(b) setting and maintaining the operator's standards for the operations in accordance with the operator's operations manual;

(c) developing, managing and maintaining the operator's dangerous goods manual (if any);

(d) ensuring the proper allocation and deployment of aircraft and personnel for use in the operations;

Authorised Version F2022C00427 registered 14/04/2022

(e) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;

(f) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);

(g) ensuring the operator's personnel understand the operator's safety policy;

(h) if the operator is required to have a training and checking system—ensuring that training and checking of the operator's operational safety critical personnel (other than flight crew) conducted by or for the operator is conducted in accordance with the operator's operations manual.

138.100 Qualifications and experience of head of training and checking

(1) This regulation applies to an aerial work operator that is required by regulation 138.125 to have a training and checking system.

(2) The head of training and checking must:

(a) be qualified to fly each kind of aerial work operation that the operator conducts; and

(b) hold the pilot type or class rating (within the meaning of Part 61) for the type or class of aircraft used to conduct the greatest proportion of the operator's aerial work operations; and

(c) have the experience required under subregulation (3); and

(d) have a satisfactory record in the conduct or management of air operations; and

(e) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's aerial work operations safely and in accordance with its operations manual and the civil aviation legislation.

(3) For paragraph (2)(c), the experience required is:

(a) if the operator holds an approval under regulation 138.025 for this paragraph—the experience mentioned in paragraph (4)(a) or (b); or

(b) if paragraph (a) does not apply—the experience mentioned in paragraphs (4)(a) and (b).

(4) For subregulation (3), the experience is the following:

(a) at least 300 hours flight time conducting training in an aircraft of the category used to conduct the greatest proportion of the operator's aerial work operations;

(b) at least 6 months experience in the conduct or management of air operations.

(5) CASA may, by written notice given to a head of training and checking, or proposed head of training and checking, of an aerial work operator, direct the person to undertake an assessment mentioned in subregulation (6).

(6) For subregulation (5), the assessment:

Authorised Version F2022C00427 registered 14/04/2022

(a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of training and checking for the operator; and

(b) may include assessment in an aircraft or flight simulation training device.

(7) In this regulation:

category has the meaning given by regulation 61.015.

138.105 Responsibilities of head of training and checking

(1) This regulation applies to an aerial work operator that is required by regulation 138.125 to have a training and checking system.

(2) The head of training and checking must safely manage the training and checking activities of the operator for the operator's flight crew.

(3) Without limiting subregulation (2), the responsibilities of the head of training and checking include the following:

(a) ensuring that the operator complies with each provision of the civil aviation legislation that relates to the qualifications, training or checking of the operator's flight crew;

(b) reporting to the head of operations on the operator's compliance with the provisions mentioned in paragraph (a);

(c) ensuring that training and checking of flight crew conducted by the operator is conducted in accordance with the operator's training and checking manual;

(d) if the operator has a contract with a Part 142 operator for the Part 142 operator to conduct training or checking for the operator's flight crew:

(i) ensuring that each person who conducts the training or checking for the Part 142 operator is authorised under Part 61 to conduct the training or checking; and

(ii) ensuring that the training or checking is conducted in accordance with the aerial work operator's training and checking manual; and

(iii) telling the Part 142 operator, in writing, of any change in the aerial work operator's training and checking manual.

138.110 Experience of safety manager

(1) This regulation applies to an aerial work operator that is required by regulation 138.140 to have a safety management system.

(2) The operator's safety manager must have:

(a) sufficient relevant experience in carrying out, or managing other persons in carrying out, air operations; and

(b) 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 operations manual; and

(c) a satisfactory record in the conduct or management of air operations; and

Authorised Version F2022C00427 registered 14/04/2022

(d) sufficient safety and regulatory knowledge to enable the operator to conduct the operator's aerial work operations safely and in accordance with its operations manual and the civil aviation legislation.

138.115 Responsibilities of safety manager

(1) This regulation applies to an aerial work operator that is required by regulation 138.140 to have a safety management system.

(2) The operator's safety manager must manage the operator's safety management system.

(3) Without limiting subregulation (2), 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 safety management system.

138.120 Additional qualification and experience requirements for key personnel

(1) This regulation applies to:
   (a) an applicant for an aerial work certificate; or
   (b) an aerial work operator.

(2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.

(3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
   (a) to undertake a stated examination; or
   (b) to be interviewed by CASA; or
   (c) to complete a stated training course.

(4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
   (a) the need to ensure that the applicant or operator can conduct safe aerial work operations in accordance with its operations manual and the civil aviation legislation;
   (b) the nature and complexity of the operations;
   (c) the leadership, management and standards-setting skills required by the person for the operations;
   (d) how recently the person has used the person's aviation skills;

Authorised Version F2022C00427 registered 14/04/2022

(e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

Division 138.B.5—Training and checking

138.125 Operators who are required to have a training and checking system

(1) An aerial work operator who conducts one or more of the following must have a training and checking system:
  (a) operations transporting marine pilots;
  (b) operations in:
    (i) multi-engine transport category rotorcraft with a maximum take-off weight of more than 3,175 kg; or
    (ii) multi-engine aeroplanes with a maximum take-off weight of more than 5,700 kg; or
    (iii) turbine-engine aeroplanes (other than turbine-engine propeller-driven aeroplanes);
  (c) operations prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

(2) Despite subregulation (1), an aerial work operator is not required to have a training and checking system for an aerial work operation conducted in an aeroplane or a rotorcraft if circumstances prescribed by the Part 138 Manual of Standards apply to the aeroplane or rotorcraft and the operation.

(3) The training and checking system must meet the requirements of regulations 138.130 and 138.135.

138.130 Requirements for flight crew

(1) This regulation applies to an operator of an aeroplane or a rotorcraft if the operator is required, under regulation 138.125, to have a training and checking system.

(2) Despite subregulation (1), this regulation does not apply in relation to the following:
  (a) for an operator that is also a Part 141 operator—training that is authorised Part 141 flight training for the operator;
  (b) for an operator that is also a Part 142 operator—training or checking that is an authorised Part 142 activity for the operator.

(3) The operator's training and checking for flight crew, including recurrent training and line checking, must include the matters mentioned in subregulation (4).

(4) The training and checking system must include the following:
  (a) a description of how the training and checking is conducted by or for the operator;
  (b) an auditable system for maintaining records of the results of the training and checking;
  (c) procedures that ensure that each of the operator's flight crew:

Authorised Version F2022C00427 registered 14/04/2022

(i) completes training and checking in accordance with the training and checking system; and

(ii) is supervised effectively during training and checking;

(d) a description of:

(i) the operator's requirement for conversion training for flight crew; and

(ii) how the operator manages conversion training for flight crew;

(e) a description of the operator's requirement for differences training for flight crew;

(f) any additional training required to familiarise a flight crew member with their duties;

(g) a description of how the operator assesses the competence of a flight crew member to perform the duties assigned to the member for a flight;

(h) the remedial training requirements for flight crew;

(i) if the operator has a contract with a person for the person to conduct training or checking of flight crew for the operator:

(i) details of the person; and

(ii) details of the training or checking covered by the contract; and

(iii) details of how the operator ensures that the person is complying with the operator's training and checking system;

(j) for each kind of aeroplane or rotorcraft operated by the operator:

(i) the number of flight hours of supervised line flying as pilot in command a pilot must complete on that kind of aeroplane or rotorcraft to be qualified as pilot in command for the aeroplane or rotorcraft; and

(ii) the number of flight hours of supervised line flying as co-pilot a pilot must complete on that kind of aeroplane or rotorcraft to be qualified as a co-pilot for the aeroplane or rotorcraft.

(5) Without limiting paragraph (4)(a), the description must include the following:

(a) details of the training resources used in the training and checking;

(b) details of the persons conducting the training and checking;

(c) for each position in the operator's organisation the holder of which has managerial or operational responsibilities under the system:

(i) selection criteria for the position; and

(ii) the responsibilities of the position; and

(iii) details of the training, assessment and certification of competence that must be completed before the position-holder begins carrying out the position-holder's responsibilities;

(d) for each kind of training 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);

(e) for each kind of training conducted by or for the operator—a course outline, detailed syllabus, standards to be met and record forms;

(f) the requirements that a person conducting conversion training, other than flying training and training conducted in a flight simulator, must meet;

Authorised Version F2022C00427 registered 14/04/2022

(g) training checklists (if any) and the circumstances when use of a training checklist is permitted;
(h) a description of the normal line operation covered by a line check;
(i) command responsibility during flights for training and checking;
(j) any general restrictions, specifications or safety precautions for training and checking (including in relation to fuel load, ballast and minimum weather conditions);
(k) methods of conducting training and checking sequences including the following:
(i) the standards to be achieved;
(ii) training sequences for common faults;
(iii) the method of simulating emergencies or malfunctions;
(l) the procedure to be followed when a standard is not met;
(m) details of how the operator will address matters of high risk that are identified by the operator's safety management system.

138.135 Requirements for other operational safety-critical personnel

(1) The training and checking system must include the following in relation to operational safety-critical personnel who are not flight crew:
(a) a description of how training and checking, including recurrent training, for the personnel is conducted by or for the operator;
(b) an auditable system for maintaining records of the results of the training and checking;
(c) the circumstances in which training is required to familiarise a member of the personnel with their duties;
(d) the remedial training requirements for the personnel;
(e) if the operator has a contract with a person for the person to conduct the training or checking for the operator:
(i) details of the person; and
(ii) details of the training or checking covered by the contract; and
(iii) details of how the operator ensures that the person is complying with the operator's training and checking system;
(f) if any of the training or checking is conducted by a member of the personnel—a description of the operator's system for training and assessing such personnel.

(2) Without limiting paragraph (1)(a), the description must include the following:
(a) any general restrictions, specifications or safety precautions for the training and checking;
(b) for each kind of training conducted by or for the operator—a course outline, detailed syllabus, standards to be met and record forms;
(c) the procedure to be followed when a standard is not met.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.6—Safety management system

138.140 Operators who are required to have a safety management system

(1) An aerial work operator who conducts one or more of the following must have a safety management system:
  (a) aerial work operations transporting marine pilots;
  (b) operations in:
    (i) multi-engine transport category rotorcraft with a maximum take-off weight of more than 3,175 kg; or
    (ii) multi-engine aeroplanes with a maximum take-off weight of more than 5,700 kg; or
    (iii) turbine-engine aeroplanes (other than turbine-engine propeller-driven aeroplanes);
  (c) operations prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

(2) Despite subregulation (1), an aerial work operator is not required to have a safety management system for an aerial work operation conducted in an aeroplane or a rotorcraft if circumstances prescribed by the Part 138 Manual of Standards apply to the aeroplane or rotorcraft and the operation.

(3) The safety management system must meet the requirements of regulation 138.145.

138.145 Safety management system requirements

The safety management system must include the following matters:
  (a) a statement of the operator's safety policy and objectives, 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) coordination of an emergency response plan;
    (v) safety management system documentation;
  (b) a safety risk management process, including:
    (i) hazard identification processes; and
    (ii) safety risk assessment and mitigation processes;
  (c) a safety assurance system, including details of processes for:
    (i) safety performance monitoring and measurement; and
    (ii) management of change; and
    (iii) continuous improvement of the safety management system;
  (d) a safety training and promotion system, including details of the following:
    (i) safety management system training and education;
    (ii) safety management system safety communication.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.7—Personnel fatigue management

138.150 Operators who are required to have a crew fatigue management system

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(2) The aerial work operator must have a system for managing crew fatigue that meets the requirements prescribed by the Part 138 Manual of Standards for the purposes of this subregulation.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.8—Operations manuals

138.155 Content of operations manual

(1) An operations manual for an aerial work operator must include the following:

(a) the operator's name (including any operating or trading name), contact details and ABN (if any);

(b) the address of:

(i) the operator's operational headquarters; and

(ii) each of the operator's main operating 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 Division 138.B.4 for the position;

(ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Division 138.B.4 for the position;

(iii) the name of the person appointed to the position;

(iv) the name of each person (if any) authorised to carry out the responsibilities of the position when the position holder is absent from the position or 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 138.085;

(g) an outline of the aerial work operations conducted by the operator under the operator's aerial work certificate;

(h) details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their aerial work operations in compliance with the civil aviation legislation;

(i) for each registered aircraft operated by the operator under their aerial work certificate—the kind of aircraft;

(j) for each foreign registered aircraft operated by the operator under their aerial work certificate—the kind of aircraft and its nationality;

(k) a description of the arrangements for managing the continuing airworthiness of the aircraft used by the operator under its aerial work certificate;

(l) for operators that are not required to have a safety management system under regulation 138.140—a description of the operator's safety policy;

(m) a description of the operator's process for making changes, including:

Authorised Version F2022C00427 registered 14/04/2022

(i) identifying changes that are significant changes; and
(ii) identifying changes that are not significant changes; and
(iii) telling CASA and the operator's personnel of the changes;

(n) a description of anything else required to be approved by CASA under these Regulations in relation to the operations mentioned in paragraph (g);

(o) any other matter required to be included in the operations manual under these Regulations.

Note: The plans, processes, procedures, programs and systems mentioned in paragraph (h) may be set out in one or more operator manuals.

(2) An aerial work operator contravenes this subregulation if the operator's operations manual does not comply with subregulation (1).

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

Penalty: 50 penalty units.

138.157 Compliance with operations manual by operator

(1) An aerial work operator contravenes this subregulation if the operator does not meet a requirement of the operator's operations manual.

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

Penalty: 50 penalty units.

138.160 Compliance with operations manual by personnel

(1) A member of an aerial work operator's personnel contravenes this subregulation if:
(a) the member is subject to a requirement in relation to an aircraft under the operator's operations manual; and
(b) the requirement relates to:
(i) the operation of the aircraft; or
(ii) the safety of the aircraft, or of a person on board the aircraft or in the vicinity of the aircraft; and
(c) the member does not meet the requirement.

(2) An aerial work operator contravenes this subregulation if:
(a) a member of the aerial work operator's personnel is subject to a requirement in relation to an aircraft under the operator's operations manual; and
(b) the requirement relates to:
(i) the operation of the aircraft; or
(ii) the safety of the aircraft, or of a person on board the aircraft or in the vicinity of the aircraft; and

Authorised Version F2022C00427 registered 14/04/2022

(c) the member does not meet the requirement.

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

Penalty: 50 penalty units.

138.165 Providing personnel with operations manual

(1) An aerial work operator contravenes this subregulation if:

(a) the operator's operations manual 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 operations manual that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.

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

Penalty: 50 penalty units.

Division 138.B.9—Records and documents

138.170 Personnel training and checking records

(1) An aerial work operator contravenes this subregulation if:

(a) a person who is a member of the operator's personnel undertakes a training activity, obtains a qualification or certificate relating to aerial work operations or gains flying experience; and

(b) the following records are not made within 21 days after the person undertakes the activity, obtains the qualification or certificate or gains the flying experience:

(i) the date the activity was undertaken, the qualification or certificate obtained or the flying experience gained;

(ii) if the activity was training or a check, flight test, flight review or assessment of competency—whether the training, check, flight test, flight review or assessment was successfully completed.

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

Penalty: 50 penalty units.

138.175 Availability of records

(1) An aerial work operator contravenes this subregulation if:

(a) the operator makes a record about a person under regulation 138.170; and

(b) the person requests that the record be made available to the person; and

(c) the operator does not make the record available to the person within 7 days after receiving the request.

(2) An aerial work operator contravenes this subregulation if:

(a) a record is made under regulation 138.170; and

(b) the operator receives a request from another aerial work 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 aerial work operator if requested; and

(d) the operator does not give a copy of the record to the other aerial work operator within 7 days after receiving the request.

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

Penalty: 50 penalty units.

138.180 Copies of flight crew licences and medical certificates

(1) An aerial work operator contravenes this subregulation if:

Authorised Version F2022C00427 registered 14/04/2022

(a) a person who is a flight crew member of the operator's personnel exercises a privilege of the person's flight crew licence for the operator; and

(b) the operator does not have the following:

(i) a copy of the person's flight crew licence;

(ii) a copy of the person's medical certificate.

Note: A reference to a flight crew licence or medical certificate includes a certificate of validation of an overseas flight crew licence or overseas medical certificate: see the definitions of ***flight crew licence*** and ***medical certificate*** in Part 1 of the Dictionary.

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

Penalty: 50 penalty units.

138.185 Retention periods for personnel records

(1) An aerial work operator contravenes this subregulation if:

(a) the operator is required under regulation 138.170 to make a record about a member of the operator's personnel, other than a member mentioned in subregulation (2) of this regulation; and

(b) the operator does not keep the record for the period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel.

(2) An aerial work operator contravenes this subregulation if:

(a) the operator is required under regulation 138.170 to make a record about a member of the operator's personnel who carries out ground support duties; and

(b) the operator does not keep the record for the period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.B.10—Miscellaneous

138.195 Reference library

(1) An aerial work operator contravenes this subregulation if the operator does not maintain a reference library that complies with subregulation (2).

(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 aerial work operations;
    (iii) the parts of the AIP that are relevant to the operations;
    (iv) documents that include information about each kind of aircraft operated, and each kind of aerial work operation conducted, by the operator;
    (v) any other material required for the reference library by the operator's operations manual; 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; and
  (d) include a system for notifying the operator's personnel of any updates to the documents mentioned in paragraph (a).

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

Penalty: 50 penalty units.

138.200 Maximum period for use of foreign registered aircraft in Australian territory

(1) An aerial work operator contravenes this subregulation if, in a period mentioned in subregulation (2), the operator uses a particular foreign registered aircraft to conduct aerial work operations in Australian territory on a consecutive number of days during that period that is more than:
  (a) 90; or
  (b) if the operator holds an approval under regulation 138.025 in relation to the aircraft—the number mentioned in the approval for the aircraft.

(2) The periods are:
  (a) the 12 month period from the day the foreign registered aircraft first becomes available to conduct the aerial work operations in Australian territory; and
  (b) each subsequent 12 month period.

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

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.C—General

Division 138.C.1—General flight limitations

138.205 Permitted categories of aircraft for aerial work operations

(1) The operator of an aircraft contravenes this subregulation if:
  (a) the aircraft is operated for a flight involving an aerial work operation; and
  (b) if the operation is covered by subregulation (2)—the aircraft is not type certificated in the normal, commuter or transport category; and
  (c) if the operation is not covered by subregulation (2)—the aircraft is not type certificated in the normal, commuter, transport, restricted or utility category.

(2) An operation is covered by this subregulation if the operation is one in which the aircraft carries an aerial work passenger.

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

  Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.C.2—Operational documents

138.210 Compliance with flight manual

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.

(2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if the aircraft is operated in a way during the flight that does not meet a requirement or limitation that:

(a) is set out in the aircraft flight manual instructions for the aircraft; and

(b) relates to the operation of the aircraft.

(3) Subregulation (2) does not apply to a limitation or requirement if circumstances prescribed by the Part 138 Manual of Standards apply to the aircraft for the flight.

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

Penalty: 50 penalty units.

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

138.215 Availability of checklists

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if the requirement mentioned in subregulation (2) is not met.

(2) The requirement is that, before a crew member for the aircraft begins to carry out a duty of the crew member's position, the operator must make each checklist of normal, abnormal and emergency procedures for the aircraft that is relevant to the duty available to the crew member.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.C.3—Flight related documents

138.220 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aircraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

138.225 Availability of parts of operations manual

(1) The operator of an aircraft for a flight contravenes this subregulation if the following parts of the aircraft operator's operations manual are not available to a crew member for the flight before the flight begins:

(a) a part that is relevant to the duties of the crew member for the flight;

(b) a part that is required for the conduct of the flight.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.C.4—Reporting and recording defects and incidents etc.

138.230 Procedures for reporting and recording defects etc.

An aerial work operator's operations manual must include procedures for the reporting and recording by a flight crew member for a flight of the aircraft of any of the following that occur during the flight:

(a) an abnormal instrument indication;

(b) abnormal behaviour by the aircraft;

(c) exceedence of an operating limit specified in the aircraft flight manual instructions for the aircraft;

(d) a defect in the aircraft.

Note: For other provisions dealing with aircraft defects, see Part 42 and regulation 37 of CAR.

138.235 Reporting and recording incidents

An aerial work operator's operations manual must include procedures for the reporting and recording by crew members of incidents relating to a flight of an aircraft for an aerial work operation that endanger, or could endanger, the safe operation of the aircraft.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.C.5—Search and rescue services and emergency and survival equipment

Note: This Division is reserved for future use.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.C.6—Miscellaneous requirements

Note: This Division is reserved for future use.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.D—Operational procedures

Division 138.D.1—Operational control

Note: This Division is reserved for future use.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.2—Flight preparation

138.265 Flight preparation requirements

An aerial work operator's operations manual must include procedures for complying with the following for a flight of an aircraft involving an aerial work operation:

(a) the flight preparation (weather assessments) requirements;

(b) the flight preparation (alternate aerodromes) requirements.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.3—Flight planning

138.270 Availability of flight planning information

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.

(2) The requirements are the following:

(a) the pilot in command of the aircraft must have access to the information mentioned in subregulation (3) before and during the flight;

(b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;

(c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;

(d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.

(3) The information is the following:

(a) authorised weather forecasts and authorised weather reports:

(i) in relation to the flight; and

(ii) if a destination alternate aerodrome is required for the flight by the flight planning (alternate aerodromes) requirements—in relation to the destination alternate aerodrome;

(b) NOTAMs for the flight.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.4—Flight rules

138.275 Minimum height rules

Regulation 91.265, 91.267, 91.277 or 91.305 does not apply to a pilot in command of an aircraft for a flight involving an aerial work operation if:

(a) circumstances prescribed by the Part 138 Manual of Standards for the purposes of this paragraph apply to the aircraft and the operation; or

(b) requirements prescribed by the Part 138 Manual of Standards for the purposes of this paragraph are complied with in relation to the flight.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.5—Take-offs and landings

138.280 Procedures for safety at aerodromes

An aerial work operator's operations manual must include procedures to ensure the safety of persons in the vicinity of an aircraft when any of the following circumstances apply:

(a) a person is embarking or disembarking the aircraft;

(b) the aircraft is being loaded or unloaded;

(c) the aircraft is on the ground with its engine or engines running;

(d) the aircraft is landing or taking off at an aerodrome that is not a certified aerodrome.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.6—Fuel requirements

138.285 Fuel procedures

An aerial work operator's operations manual must include procedures to ensure that a flight of an aircraft operated by the operator is conducted in accordance with the requirements mentioned in subregulation 91.455(1).

138.290 Oil requirements

(1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if, when the flight begins, the aircraft is not carrying sufficient oil to complete the flight safely.

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

Penalty: 50 penalty units.

138.300 Hot fuelling

(1) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:
  (a) the aircraft is hot fuelled; and
  (b) the following are not set out in the aircraft flight manual instructions for the aircraft or the operator's operations manual:
    (i) procedures for the hot fuelling of the aircraft;
    (ii) the circumstances in which the aircraft can be hot fuelled;
    (iii) procedures to be followed if an emergency occurs during hot fuelling;
    (iv) procedures to ensure a person involved in hot fuelling the aircraft is trained and competent to be involved in hot fuelling the aircraft.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
  (a) a requirement of a procedure mentioned in subparagraph (1)(b)(i), (iii) or (iv) is not met in relation to the hot fuelling of the aircraft for the flight; or
  (b) the aircraft is hot fuelled in a circumstance that is not mentioned in subparagraph (1)(b)(ii).

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

Penalty: 50 penalty units.

138.302 Fuelling safety procedures

(1) An aerial work operator's operations manual must include the following in relation to an aircraft operated by the operator:
  (a) procedures to ensure the aircraft is fuelled safely;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 138.302

(b) procedures relating to the safety of:
(i) any aerial work passengers; and
(ii) crew members other than air crew members, cabin crew members or flight crew members;
who are embarking or disembarking, or on board, the aircraft during fuelling, including the procedures mentioned in subregulation (2);
(c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the aircraft while the aircraft is being fuelled—procedures to ensure that, before an engine of the aircraft is started, any effects of radio frequency emissions from those devices have been corrected.

(2) For the purposes of paragraph (1)(b), the procedures must include the normal, emergency and communication procedures to be followed by the following persons:
(a) any air crew members;
(b) any cabin crew members;
(c) any flight crew members who are on duty in the cockpit of the aircraft;
(d) any of the operator's personnel who carry out a ground support duty for a flight of the aircraft.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.7—Carriage of passengers or cargo

138.305 Carriage of passengers—general

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(2) A person contravenes this subregulation if:
  (a) the person is the operator, or the pilot in command, of an aircraft for a flight involving an aerial work operation; and
  (b) a passenger is carried on the aircraft for the flight; and
  (c) any of the following circumstances exist in relation to the flight:
    (i) the passenger is not an aerial work passenger;
    (ii) when the passenger is carried on the aircraft, the operator of the flight does not hold an aerial work certificate authorising the operation;
    (iii) when the passenger is carried on the aircraft, the operator's operations manual does not include procedures to ensure the safety of the passenger;
    (iv) any requirements about carrying the passenger that are prescribed by the Part 138 Manual of Standards for the purposes of this subparagraph are not met.

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

Penalty: 50 penalty units.

138.320 Procedures for carriage of restricted persons

An aerial work operator's operations manual must state whether or not the operator will carry restricted persons as part of aerial work operations.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.8—Instruments, indicators, equipment and systems

138.340 Head-up displays, enhanced vision systems and synthetic vision systems

(1) This regulation applies to an aircraft for a flight involving an aerial work operation if:
  (a) the aircraft is fitted with any of the following systems:
    (i) a head-up display;
    (ii) an enhanced vision system;
    (iii) a synthetic vision system; and
  (b) the flight is:
    (i) an IFR flight; or
    (ii) a VFR flight at night.

(2) An aerial work operator's operations manual must include the following:
  (a) procedures for using each system mentioned in paragraph (1)(a) that is fitted to an aircraft for a flight mentioned in paragraph (1)(b);
  (b) procedures for conducting such a flight without an element of the system, for use if the element is inoperative.

138.345 Survival equipment procedures

(1) This regulation applies to a flight of an aircraft if:
  (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
  (b) the aircraft is required, under Subpart 138.K, to carry a life raft for the flight.

(2) If an aircraft is, or will be, used to conduct a flight to which this regulation applies, an aerial work operator's operations manual must include the following:
  (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
  (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

138.350 NVIS flights

(1) This regulation applies to a flight of an aircraft if:
  (a) the flight involves use of a night vision imaging system; and
  (b) the flight is:
    (i) an IFR flight; or
    (ii) a VFR flight at night.

(2) An aerial work operator's operations manual must include the following:

Authorised Version F2022C00427 registered 14/04/2022

(a) procedures for using a night vision imaging system during a flight to which subregulation (1) applies;

(b) procedures for conducting such a flight without an element of a night vision imaging system, for use if the element is inoperative.

(3) The Part 138 Manual of Standards may prescribe requirements for the use of a night vision imaging system for a flight of an aircraft.

(4) The operator and the pilot in command of an aircraft for a flight each contravene this subregulation if:

(a) a night vision imaging system is used during the flight; and

(b) a requirement mentioned in subregulation (3) is not met for the flight.

(5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.9—Miscellaneous

138.370 Operator must conduct risk assessments

(1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(1) The Part 138 Manual of Standards may prescribe requirements relating to:
   (a) risk criteria that must be met to conduct an aerial work operation; and
   (b) risk assessment and mitigation processes to be undertaken before conducting an aerial work operation.

(2) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
   (a) a requirement mentioned in subregulation (1) applies for the flight; and
   (b) the requirement is not met for the flight.

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

Penalty: 50 penalty units.

138.375 Wearing of seatbelts and other restraint devices

(1) The Part 138 Manual of Standards may prescribe requirements relating to the wearing of seatbelts or other restraint devices during aerial work operations.

(2) A person contravenes this subregulation if:
   (a) the person is subject to a requirement mentioned in subregulation (1); and
   (b) the person does not comply with the requirement.

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

Penalty: 50 penalty units.

138.380 Procedures in relation to frost etc.

An aerial work operator's operations manual must include the following:
   (a) procedures for the inspection of the aircraft by the pilot in command before a flight for which frost or freezing conditions exist or are forecast;
   (b) procedures for carrying out de-icing and anti-icing measures before a flight for which these measures are necessary;
   (c) procedures for using de-icing and anti-icing equipment during a flight.

Authorised Version F2022C00427 registered 14/04/2022

138.385 Procedures in relation to polar operations

(1) This regulation applies to an aircraft if it is used to conduct a flight to or from an aerodrome in a polar region.

(2) The aerial work operator's operations manual must include procedures for the following:

(a) monitoring and dealing with fuel freezing;

(b) ensuring communication capability for the duration of an operation that includes a flight mentioned in subregulation (1);

(c) training the aircraft's flight crew in polar operations;

(d) ensuring that maintenance personnel who will carry out maintenance on the aircraft in a polar region are appropriately trained;

(e) mitigating crew member and aerial work passenger exposure to cosmic radiation during solar flare activity;

(f) if the aircraft will not be flown over water during a flight mentioned in subregulation (1) and it is reasonably likely a normal or emergency landing will expose persons on the aircraft to the polar environment in a location without support personnel immediately available—ensuring that each person on the aircraft will wear a serviceable, cold-weather, anti-exposure suit;

(g) if the aircraft will be flown over water during a flight mentioned in subregulation (1) and it is reasonably likely that an emergency landing will expose the persons on the aircraft to a landing on or in water—ensuring that each person on the aircraft will wear an immersion suit that is appropriate for the temperatures in which the flight will be conducted;

(h) dealing with emergency landings, or instruments, indicators, equipment or systems becoming inoperative, while the aircraft is away from the base for an operation that includes a flight mentioned in subregulation (1).

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.10—Rules for external load operations

138.400 Certain night operations prohibited unless operation is an emergency service operation or approved by CASA

(1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(1) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if:
  (a) the operation is an external load operation at night; and
  (b) the operation is not conducted as part of an emergency service operation; and
  (c) the requirement in subregulation (2) is not met.

(2) The requirement is that the operator must hold an approval under regulation 138.025 to conduct the operation at night.

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

Penalty: 50 penalty units.

138.410 Manual of Standards may prescribe requirements for external load operations

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.

(2) The Part 138 Manual of Standards may prescribe requirements relating to flights of aircraft involving external load operations.

(3) Without limiting subregulation (2), the Part 138 Manual of Standards may prescribe classes of external loads.

(4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
  (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

(5) The operator of an aircraft for a flight contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

(6) A person commits an offence of strict liability if the person contravenes subregulation (4) or (5).

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.11—Rules for dispensing operations

138.425 Manual of Standards may prescribe requirements for dispensing operations

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.

(2) The Part 138 Manual of Standards may prescribe requirements relating to dispensing operations.

(3) The pilot in command of an aircraft for a flight contravenes this subregulation if:
  (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

(4) The operator of an aircraft for a flight contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

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

  Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.D.12—Rules for task specialist operations

138.430 Manual of Standards may prescribe requirements for task specialist operations

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.

(2) The Part 138 Manual of Standards may prescribe requirements relating to flights of aircraft involving task specialist operations.

(3) The pilot in command of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
  (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

(4) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

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

  Penalty: 50 penalty units.

138.432 Possessing and discharging firearms

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if:
  (a) either or both of the following apply for the flight:
    (i) a person carries or otherwise possesses a firearm on an aircraft;
    (ii) a person discharges a firearm while on an aircraft; and
  (b) a requirement prescribed by the Part 138 Manual of Standards for the purposes of this paragraph is not met for the flight.

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

  Penalty: 50 penalty units.

(4) This regulation applies despite regulations 91.160, 91.165 and 91.190.

Subpart 138.F—Performance

138.435 Take-off performance

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(2) The Part 138 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aircraft.

(3) Without limiting subregulation (2), the Part 138 Manual of Standards may prescribe requirements that relate to one or more of the following:
  (a) the kinds of operations to be carried out during the flight;
  (b) characteristics of the aerodrome at which the aircraft takes off;
  (c) characteristics of the route flown by the aircraft;
  (d) characteristics of the aerodrome at which the aircraft lands.

(4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
  (a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

(5) The operator of an aircraft for a flight contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
  (b) the requirement is not met for the flight.

(6) A person commits an offence of strict liability if the person contravenes subregulation (4) or (5).

  Penalty: 50 penalty units.

138.440 Landing performance

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(2) The Part 138 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aircraft.

(3) Without limiting subregulation (2), the Part 138 Manual of Standards may prescribe requirements relating to one or more of the following:
  (a) the aircraft's configuration;
  (b) the operation of any equipment for the flight;
  (c) characteristics of the aerodrome at which the aircraft lands;

Authorised Version F2022C00427 registered 14/04/2022

(d) safety factor percentages to be applied.

(4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
(a) the pilot is subject to a requirement mentioned in subregulation (2) for the flight; and
(b) the requirement is not met for the flight.

(5) The operator of an aircraft for a flight contravenes this subregulation if:
(a) the operator is subject to a requirement mentioned in subregulation (2) for the flight; and
(b) the requirement is not met for the flight.

(6) A person commits an offence of strict liability if the person contravenes subregulation (4) or (5).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.J—Weight and balance

138.450 Loading of aircraft

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate.

(2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, when the flight begins, the aircraft is loaded in a way that contravenes the aircraft's weight and balance limits.

(3) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, during the flight, the aircraft ceases to be loaded in accordance with the aircraft's weight and balance limits.

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

Penalty: 50 penalty units.

138.460 Weight and balance documents

(1) The Part 138 Manual of Standards may prescribe the weight and balance documents that are required for flights involving aerial work operations, and requirements in relation to those documents.

(2) The operator and the pilot in command of an aircraft for a flight involving an aerial work operation each contravene this subregulation if, when the flight begins:

(a) weight and balance documents for the flight are required by the Part 138 Manual of Standards; and

(b) either:

(i) there are no weight and balance documents for the flight; or

(ii) the weight and balance documents for the flight do not comply with the requirements prescribed by the Part 138 Manual of Standards.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.K—Equipment

138.465 Requirements relating to equipment

(1) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(2) The Part 138 Manual of Standards may prescribe requirements relating to:
  (a) the fitment and non-fitment of equipment to an aircraft; and
  (b) the carrying of equipment on an aircraft; and
  (c) equipment that is fitted to, or carried on, an aircraft.

(3) A person contravenes this subregulation if:
  (a) the person is subject to a requirement mentioned in subregulation (2); and
  (b) the requirement is not met.

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

  Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.N—Flight crew

138.475 Composition, number, qualifications and training

(1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.

(2) The requirements are as follows:

(a) the composition of the aircraft's flight crew for the flight must comply with the aircraft flight manual instructions for the aircraft;

(b) if the aerial work operation is one for which the operator's operations manual requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;

(c) each flight crew member must:

(i) if the aircraft is an Australian aircraft—be authorised to pilot the aircraft during the flight under Part 61; or

(ii) if the aircraft is a foreign registered aircraft—be authorised to pilot the aircraft during the flight by the aircraft's State of registry;

(f) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (3).

(3) The Part 138 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.

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

Penalty: 50 penalty units.

138.480 Training for new or inexperienced flight crew members

An aerial work operator's operations manual must include the requirements that must be met for new or inexperienced flight crew members to be assigned to duty on the aircraft for an aerial work operation conducted by the operator.

138.485 Competence

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:

(a) the operator assigns a person to duty as a flight crew member for the flight; and

Authorised Version F2022C00427 registered 14/04/2022

(b) the person has not been assessed by the operator as competent to perform the duties assigned to the person for the flight in accordance with the operator's operations manual.

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

Penalty: 50 penalty units.

138.490 Assignment to duty of pilot in command

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the aircraft for the flight.

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

Penalty: 50 penalty units.

138.500 Qualification as pilot in command

(1A) This regulation applies to the operator of an aircraft for an aerial work operation whether or not the operator holds an aerial work certificate authorising the operation.

(1) A pilot is qualified as pilot in command of an aircraft for a flight involving an aerial work operation if:

(a) the pilot is:

(i) if the aircraft is an Australian aircraft—authorised under Part 61 to carry out, in relation to the flight, the duties assigned to the pilot by the operator of the flight; or

(ii) if the aircraft is a foreign registered aircraft—authorised by the aircraft's State of registry to carry out, in relation to the flight, the duties assigned to the pilot by the operator of the flight; and

(b) the pilot has the qualifications and experience required by the operator's operations manual (if any) for the flight; and

(c) the pilot has the qualifications and experience prescribed by the Part 138 Manual of Standards for the flight.

(2) The pilot in command of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:

(a) the pilot performs a duty as pilot in command for the flight; and

(b) the pilot is not qualified under subregulation (1) as pilot in command for the flight.

(2A) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if:

Authorised Version F2022C00427 registered 14/04/2022

(a) the operator assigns a pilot to duty as pilot in command of the aircraft for the flight; and

(b) the pilot is not qualified under subregulation (1) as pilot in command for the flight.

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

Penalty: 50 penalty units.

138.505 Training and checking to be conducted by certain persons

(1) The operator of an aircraft contravenes this subregulation if:

(a) a flight crew member of the operator's personnel undertakes training or a check mentioned in this Subpart; and

(b) the training or check is conducted other than in accordance with subregulation (2).

(2) The training or check must be conducted by:

(a) an individual who:

(i) is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and

(ii) meets the requirements prescribed by the Part 138 Manual of Standards; or

(b) a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the training or check for the operator.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 138.P—Air crew members and task specialists

Division 138.P.1—Air crew members

138.535 Application of Division 138.P.1

This Division applies in relation to an operator of an aircraft for a flight involving an aerial work operation if an air crew member is carried on the aircraft for the flight.

138.540 Composition, number, qualifications and training

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.

(2) The requirements are as follows:
   (a) if the aerial work operation is one for which the operator's operations manual requires the carriage of air crew members—those air crew members must be carried on the flight;
   (b) each air crew member must meet the training and checking requirements for the air crew member and the flight mentioned in subregulation (3).

(3) The Part 138 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight.

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

Penalty: 50 penalty units.

138.550 Training and checking to be conducted by certain persons

(1) The operator of an aircraft contravenes this subregulation if:
   (a) an air crew member of the operator's personnel undertakes training or a check mentioned in this Subpart; and
   (b) the training or check is conducted other than in accordance with subregulation (2).

(2) The training or check must be conducted by an individual:
   (a) who is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
   (b) who meets the requirements prescribed by the Part 138 Manual of Standards.

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

Authorised Version F2022C00427 registered 14/04/2022

Regulation 138.550

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 138.P.2—Task specialists

138.575 Application of Division 138.P.2

This Division applies in relation to an operator of an aircraft for a flight involving an aerial work operation if a task specialist is carried on the aircraft for the flight.

138.580 Qualifications and training

(1) The operator of an aircraft for a flight involving an aerial work operation contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.

(2) The requirements are as follows:
   (a) if the aerial work operation is one for which the operator's operations manual requires the carriage of task specialists—those task specialists must be carried on the flight;
   (b) each task specialist must meet the training and checking requirements for the task specialist and the flight mentioned in subregulation (3).

(3) The Part 138 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a task specialist for a flight.

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

Penalty: 50 penalty units.

138.590 Training and checking to be conducted by certain persons

(1) The operator of an aircraft contravenes this subregulation if:
   (a) a task specialist of the operator's personnel undertakes training or a check mentioned in this Subpart; and
   (b) the training or check is conducted other than in accordance with subregulation (2).

(2) The training or check must be conducted by an individual:
   (a) who is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
   (b) who meets the requirements prescribed by the Part 138 Manual of Standards.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Part 139—Aerodromes

Table of contents

Subpart 139.A—Preliminary

139.001 Simplified outline of this Part
139.005 Issue of Manual of Standards for Part 139
139.010 Approvals by CASA for Part 139
139.015 Effect on operation of other laws

Subpart 139.B—Aerodrome certificates

139.020 Application for aerodrome certificate
139.025 When aerodromes are required to have an aerodrome certificate
139.030 Grant of aerodrome certificate
139.035 Suspension or cancellation of aerodrome certificate by CASA
139.040 Notification requirement if aerodrome ceases to be certified

Subpart 139.C—Operation and maintenance of a certified aerodrome

Division 139.C.1—Aerodrome manual

139.045 Requirement to have aerodrome manual
139.050 Amendments of aerodrome manual
139.055 Compliance with aerodrome manual
139.060 Notice of non-compliance with aerodrome manual

Division 139.C.2—Aerodrome facilities and equipment

139.065 Aerodrome facilities and equipment
139.070 Planning and carrying out aerodrome works

Division 139.C.3—Aerodrome inspections, monitoring and reporting

139.075 Aerodrome inspections
139.080 Reporting information to AIS providers
139.085 Reporting changes or occurrences at aerodromes
139.090 Monitoring airspace and reporting infringements

Division 139.C.4—Safety management, emergency preparedness and other systems

139.095 Safety management systems and risk management plans
139.100 Emergency preparedness and aerodrome emergency plans
139.105 Other aerodrome systems

Division 139.C.5—Aerodrome personnel

139.110 Aerodrome personnel
139.115 Training etc. of aerodrome personnel
139.120 Aerodrome personnel carrying out responsibilities

Authorised Version F2022C00427 registered 14/04/2022

Division 139.C.6—Aerodrome ground surveillance systems

139.125 Condition on aerodrome certificate to operate aerodrome ground surveillance system
139.130 Requirements for aerodrome ground surveillance systems

Division 139.C.7—Other matters

139.135 Access to aerodromes to conduct tests
139.140 Requests for data from aerodrome operator
139.145 Requests for data from ATS providers

Subpart 139.D—Aerodrome radiocommunication services

Division 139.D.1—Frequency confirmation system

139.150 Frequency confirmation systems for aerodromes

Division 139.D.2—Air/ground radio service

139.155 Air/ground radio service must be approved
139.160 Requirements for operating certified air/ground radio service

Subpart 139.E—Hazards to aircraft operations

Division 139.E.1—Notifying potential hazards

139.165 Notifying CASA of certain proposed objects or structures
139.170 Notifying CASA of activities that create certain emissions sources

Division 139.E.2—Determination of hazards

139.175 Determination that certain existing objects, structures or emissions sources are a hazard to aircraft operations
139.180 Determination that certain proposed objects, structures or emissions sources are a hazard to aircraft operations
139.185 Kinds of objects, structures or emissions sources that may be hazards

Subpart 139.H—Aerodrome rescue and firefighting services

Division 139.H.1—General

139.700 Applicability of this Subpart
139.705 Definitions for this Subpart
139.710 Functions of ARFFS
139.711 Person not to provide service without approval
139.712 Issue of Manual of Standards
139.715 Effect of Manual of Standards

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

139.750 Requirements in this Division
139.755 Definition for Division—*applicable standards and requirements*
139.760 Inconsistency between Manual and chapter 9 of Annex 14
139.765 Knowledge, equipment and expertise to deal with aviation hazards
139.770 General obligation to maintain service
139.771 Response time of ARFFS
139.772 Buildings and emergency facilities

Authorised Version F2022C00427 registered 14/04/2022

139.773 Officer in charge
139.775 Notice about times service is available etc
139.780 Agreements with other fire fighting bodies
139.785 Stock of fire extinguishing agents
139.795 Extinguishing equipment and vehicles
139.800 Other vehicles and equipment
139.805 Vehicles and equipment for firefighting and rescue in difficult environments
139.810 Commissioning of certain equipment
139.815 Protective clothing and equipment
139.820 Communications
139.825 Test and maintenance equipment
139.830 Commissioning of new vehicles and equipment
139.835 Number of operating personnel
139.840 Medical standard of firefighters
139.845 Qualifications and training of firefighters
139.850 Operations manual
139.855 Amendment of operations manual
139.860 Voice data recording
139.865 Record of accidents or incidents
139.870 Contingency plan
139.875 Records management
139.880 Organisation
139.885 System for rectification of service failures
139.890 Quality control
139.895 Change management
139.900 Safety management
139.905 Applicant's organisation
139.910 Telling users and CASA about changes

Division 139.H.4—Conduct of ARFFS operations

139.915 Powers of officer in charge or firefighter

Division 139.H.5—Administration

139.920 Definition for Division
139.925 How to apply for approval as ARFFS provider
139.965 When CASA must grant approval
139.970 When decision must be made
139.995 Application for variation of approval
139.1005 Suspension or continued suspension of approval by show cause notice
139.1010 Grounds for cancellation of approval
139.1015 Notice to approved ARFFS provider to show cause
139.1020 Cancellation of approval after show cause notice
139.1022 Cancellation if holder ceases to provide ARFFS

Authorised Version F2022C00427 registered 14/04/2022

Subpart 139.A—Preliminary

139.001 Simplified outline of this Part

- The operator of an aerodrome may apply to CASA for an aerodrome certificate. An aerodrome that has an aerodrome certificate is a certified aerodrome.
- Certain aerodromes are required to be certified. Generally these are aerodromes with terminal instrument flight procedures. Other aerodromes can opt to become certified.
- The operator of a certified aerodrome must meet certain requirements for operating and maintaining the aerodrome. The Part 139 Manual of Standards has detailed requirements (which may be different for different classes of aerodrome).
- An aerodrome (whether certified or not) that provides a frequency confirmation service or air/ground radio service must also meet certain requirements.
- Some objects, structures or emissions sources can create a hazard to aircraft operations at an aerodrome and more generally. CASA can make determinations that such things are hazards, and must be notified of proposed building or other activity that will potentially create such hazards.
- Providers of aerodrome rescue and firefighting services must be approved by CASA and must comply with operating and technical standards.

Note 1: ***Aerodrome*** is defined in section 3 of the Act. For the reference in that definition to an area being authorised under the regulations for use as an aerodrome, see also regulations 91.410 and 121.205.

Note 2: There are requirements relating to aerodromes that are not in this Part. For example:
(a) aerodrome operators may have obligations about drug and alcohol management plans (Part 99), or as aeronautical data originators (Part 175); and
(b) aerodromes may need to meet certain requirements to support operational rules that apply to aircraft operators and pilots (such as in Part 121).

Note 3: Other legislation apart from these Regulations may regulate aspects of aerodromes, such as the *Air Navigation Act 1920*, the *Airports Act 1996*, the *Air Services Act 1995*, the *Airspace Act 2007* and regulations made under those Acts.

139.005 Issue of Manual of Standards for Part 139

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

(a) required or permitted by these Regulations to be prescribed by the Part 139 Manual of Standards; or

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

139.010 Approvals by CASA for Part 139

(1) If a provision of this Part refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.

(2) Subject to regulation 11.055, the approval must be granted.

(3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

139.015 Effect on operation of other laws

Nothing in this Part affects the operation of the following:

(a) the *Airports (Building Control) Regulations 1996*;

(b) the *Airports (Protection of Airspace) Regulations 1996*;

(c) the *Airports (Control of On-Airport Activities) Regulations 1997*.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 139.B—Aerodrome certificates

139.020 Application for aerodrome certificate

(1) A person may apply to CASA, in writing, for an aerodrome certificate for an aerodrome.

(2) The application must be accompanied by a copy of the applicant's proposed aerodrome manual for the aerodrome.

(3) Regulation 11.045 applies in relation to an aerodrome certificate.

139.025 When aerodromes are required to have an aerodrome certificate

(1) The operator of an aerodrome must hold an aerodrome certificate for the aerodrome if:
  (a) there is a terminal instrument flight procedure for the aerodrome; and
  (b) the procedure is not only for use in a specialised helicopter operation.

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

Penalty: 50 penalty units.

139.030 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 facilities and equipment comply with this Part and the Part 139 Manual of Standards; and
  (b) the proposed aerodrome manual for the aerodrome complies with the requirements mentioned in regulation 139.045; and
  (c) the aerodrome complies with the requirements that apply in relation to the aerodrome under Division 139.C.4 (safety management, emergency preparedness and other systems); and
  (d) the applicant would, if the certificate were granted, be able to operate and maintain the aerodrome safely and in accordance with the aerodrome manual for the aerodrome and the civil aviation legislation.

139.035 Suspension or cancellation of aerodrome certificate by CASA

(1) CASA may, by written notice given to the holder of an aerodrome certificate, suspend or cancel the certificate if CASA reasonably believes that:
  (a) the aerodrome facilities and equipment do not comply with this Part or the Part 139 Manual of Standards; or
  (b) the aerodrome manual for the aerodrome does not comply with the requirements mentioned in regulation 139.045; or

Authorised Version F2022C00427 registered 14/04/2022

(c) the aerodrome does not comply with the requirements that apply in relation to the aerodrome under Division 139.C.4 (safety management, emergency preparedness and other systems); or

(d) the holder is not operating or maintaining the aerodrome safely and in accordance with the aerodrome manual for the aerodrome and the civil aviation legislation; or

(e) the holder has failed to operate and maintain the aerodrome with a reasonable degree of care and diligence; or

(f) a condition to which the certificate is subject has been breached; or

(g) the aerodrome facilities and equipment, or the operations or maintenance of the aerodrome, are not of the standard necessary in the interests of the safety of air navigation; or

(h) the holder has failed to comply with regulation 139.135.

(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).

(3) Suspension or cancellation under this regulation has effect:

(a) if a time is specified in the notice given by CASA under subregulation (1)—at that time; or

(b) otherwise—at the time the holder is given the written notice under subregulation (1).

(4) Suspension under this regulation ceases to have effect:

(a) if the notice given by CASA under subregulation (1) specifies a time at which the suspension is to cease—at that time; or

(b) otherwise—at the time CASA directs, by written notice to the person who, immediately before the suspension, was the holder of the aerodrome certificate.

(5) If an aerodrome certificate is suspended under this regulation, the certificate is not in force during the period of the suspension.

139.040 Notification requirement if aerodrome ceases to be certified

(1) The operator of an aerodrome contravenes this subregulation if:

(a) the operator holds an aerodrome certificate for the aerodrome; and

(b) the aerodrome ceases to be a certified aerodrome because the aerodrome certificate has been suspended or cancelled under these Regulations or the Act; and

Authorised Version F2022C00427 registered 14/04/2022

(c) the operator does not, as soon as possible after the cessation, give written notice of the cessation to:

(i) the AIS; and

(ii) if the aerodrome has one or more terminal instrument flight procedures—each certified designer (within the meaning of regulation 173.015) responsible for maintaining a terminal instrument flight procedure for the aerodrome.

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

Penalty: 10 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 139.C—Operation and maintenance of a certified aerodrome

Division 139.C.1—Aerodrome manual

139.045 Requirement to have aerodrome manual

(1) The operator of a certified aerodrome must have an aerodrome manual for the aerodrome that complies with the requirements prescribed by the Part 139 Manual of Standards.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) the information that must be included in an aerodrome manual;
  (b) keeping an aerodrome manual up-to-date;
  (c) the accessibility of an aerodrome manual.

(3) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (1); and
  (b) the operator does not comply with the requirement.

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

  Penalty: 10 penalty units.

139.050 Amendments of aerodrome manual

(1) If the operator of a certified aerodrome amends the aerodrome manual for the aerodrome, the operator must:
  (a) give CASA written notice of the amendment and a copy of the amended part of the aerodrome manual clearly identifying the amendment; and
  (b) do so within 30 days after the amendment is made.

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

  Penalty: 5 penalty units.

139.055 Compliance with aerodrome manual

(1) The operator of a certified aerodrome must operate the aerodrome in accordance with the procedures set out in the aerodrome's aerodrome manual.

  Note: Section 3 of the Act defines ***operate***, in relation to an aerodrome, to include manage, maintain and improve the aerodrome.

(2) However, subregulation (1) does not apply to the operator if:

Authorised Version F2022C00427 registered 14/04/2022

(a) the operator does not comply with the procedures set out in the aerodrome's aerodrome manual; and

(b) the non-compliance is necessary to ensure the safety of aircraft, aircraft operations or individuals using the aerodrome; and

(c) the operator tells CASA of the non-compliance in accordance with regulation 139.060.

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

Penalty: 25 penalty units.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

139.060 Notice of non-compliance with aerodrome manual

(1) This regulation applies if the operator of a certified aerodrome does not comply with a procedure set out in the aerodrome's aerodrome manual as mentioned in paragraphs 139.055(2)(a) and (b).

(2) The operator must tell CASA, in writing, of the non-compliance within 30 days after the non-compliance.

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

Penalty: 5 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 139.C.2—Aerodrome facilities and equipment

139.065 Aerodrome facilities and equipment

(1) The Part 139 Manual of Standards may prescribe requirements relating to aerodrome facilities and equipment for certified aerodromes.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) the physical characteristics of the movement area of an aerodrome;
  (b) visual aids for the movement area and other areas of an aerodrome;
  (c) the maintenance of visual aids at an aerodrome;
  (d) wind direction indicators at an aerodrome;
  (e) visual approach slope indicator systems at an aerodrome;
  (f) lighting systems at an aerodrome;
  (g) reference code systems at an aerodrome;
  (h) the installation, operation or maintenance of aerodrome facilities and equipment;
  (i) access to an aerodrome, including requirements relating to fencing for the aerodrome;
  (j) design requirements to avoid the creation of hazards from aircraft propulsion systems at an aerodrome.

(3) The operator of a certified aerodrome must ensure that the aerodrome facilities and equipment for the aerodrome comply with the requirements mentioned in subregulation (1).

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

  Penalty: 10 penalty units.

139.070 Planning and carrying out aerodrome works

(1) The Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) planning aerodrome works at a certified aerodrome;
  (b) giving notice of planned aerodrome works at a certified aerodrome;
  (c) carrying out aerodrome works at a certified aerodrome.

(2) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (1); and
  (b) the requirement is not met.

(3) 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 cause confusion to pilots.

Authorised Version F2022C00427 registered 14/04/2022

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

Penalty: 10 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 139.C.3—Aerodrome inspections, monitoring and reporting

139.075 Aerodrome inspections

(1) The Part 139 Manual of Standards may prescribe requirements relating to aerodrome inspections.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) different kinds of inspections that must be conducted;
  (b) aerodrome facilities and equipment that must be inspected as part of inspections;
  (c) when inspections must be conducted;
  (d) the qualifications and experience of persons conducting inspections;
  (e) records of inspections that the operator of an aerodrome must keep;
  (f) reports of inspections that the operator of an aerodrome must provide to CASA;
  (g) notifications that the operator of an aerodrome must give to CASA in relation to matters identified in inspections.

(3) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (1); and
  (b) the requirement is not met.

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

  Penalty: 10 penalty units.

139.080 Reporting information to AIS providers

(1) The Part 139 Manual of Standards may prescribe requirements relating to the operator of a certified aerodrome reporting information to an AIS provider.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) information that must be reported;
  (b) the form and manner in which information must be reported;
  (c) establishing procedures for reporting.

(3) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the operator is subject to a requirement mentioned in subregulation (1); and
  (b) the requirement is not met.

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

  Penalty: 10 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

139.085 Reporting changes or occurrences at aerodromes

(1) The Part 139 Manual of Standards may prescribe requirements relating to reporting changes or occurrences at certified aerodromes.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
   (a) changes or occurrences at a certified aerodrome that must be reported;
   (b) persons to whom changes or occurrences must be reported;
   (c) how changes or occurrences must be reported;
   (d) information that must be reported;
   (e) the form and manner in which information must be reported;
   (f) establishing procedures for reporting.

(3) The operator of a certified aerodrome contravenes this subregulation if:
   (a) the operator is subject to a requirement mentioned in subregulation (1); and
   (b) the requirement is not met.

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

   Penalty: 10 penalty units.

139.090 Monitoring airspace and reporting infringements

(1) The Part 139 Manual of Standards may prescribe requirements relating to:
   (a) monitoring the airspace around a certified aerodrome for infringements, or potential infringements, of the airspace; and
   (b) reporting such infringements, or potential infringements.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
   (a) monitoring the obstacle limitation surfaces of an aerodrome;
   (b) monitoring other surfaces and obstacles associated with the airspace around an aerodrome;
   (c) establishing procedures for monitoring;
   (d) kinds of infringements that must be monitored for and reported;
   (e) persons to whom infringements must be reported;
   (f) how infringements must be reported;
   (g) information that must be reported;
   (h) the form and manner in which information must be reported;
   (i) establishing procedures for reporting.

(3) To avoid doubt, and without limiting subregulation (1) or (2), an infringement of airspace may include a gaseous efflux or other emissions source that affects the airspace.

(4) The operator of a certified aerodrome contravenes this subregulation if:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 139.090

(a) the operator is subject to a requirement mentioned in subregulation (1); and
(b) the requirement is not met.

(5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 10 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 139.C.4—Safety management, emergency preparedness and other systems

139.095 Safety management systems and risk management plans

(1) The Part 139 Manual of Standards may prescribe:
  (a) the circumstances in which a certified aerodrome must have a safety management system; and
  (b) requirements relating to safety management systems for aerodromes; and
  (c) the circumstances in which a certified aerodrome must have a risk management plan; and
  (d) requirements relating to risk management plans for aerodromes.

(2) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the Part 139 Manual of Standards requires the aerodrome to have a safety management system; and
  (b) any of the following apply:
    (i) the aerodrome does not have a safety management system;
    (ii) a requirement mentioned in paragraph (1)(b) that applies in relation to the safety management system for the aerodrome is not met;
    (iii) a procedure under the safety management system for the aerodrome is not complied with.

(3) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the Part 139 Manual of Standards requires the aerodrome to have a risk management plan; and
  (b) either:
    (i) the aerodrome does not have a risk management plan; or
    (ii) a requirement mentioned in paragraph (1)(d) that applies in relation to the risk management plan for the aerodrome is not met.

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

  Penalty: 10 penalty units.

139.100 Emergency preparedness and aerodrome emergency plans

(1) The Part 139 Manual of Standards may prescribe:
  (a) requirements relating to emergency preparedness of aerodromes; and
  (b) the circumstances in which a certified aerodrome must have an aerodrome emergency plan; and
  (c) requirements relating to aerodrome emergency plans for aerodromes.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:

Authorised Version F2022C00427 registered 14/04/2022

(a) maintaining and reviewing aerodrome emergency plans;
(b) conducting emergency exercises to test the adequacy of procedures and facilities provided for in an aerodrome emergency plan;
(c) keeping and retaining records of reviews of an aerodrome emergency plan and exercises conducted to test the plan.

(3) The operator of a certified aerodrome contravenes this subregulation if:
(a) the operator is subject to a requirement relating to emergency preparedness mentioned in paragraph (1)(a); and
(b) the requirement is not met.

(4) The operator of a certified aerodrome contravenes this subregulation if:
(a) the Part 139 Manual of Standards requires the aerodrome to have an aerodrome emergency plan; and
(b) either:
(i) the aerodrome does not have an aerodrome emergency plan; or
(ii) a requirement mentioned in paragraph (1)(c) that applies in relation to the aerodrome emergency plan for the aerodrome is not met.

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

Penalty: 10 penalty units.

139.105 Other aerodrome systems

(1) The Part 139 Manual of Standards may prescribe:
(a) a kind of system (other than a safety management system) that an aerodrome must have, including (but not limited to) the following:
(i) a wildlife hazard management system;
(ii) an airside vehicle control system;
(iii) an aircraft parking control system; and
(b) the circumstances in which a certified aerodrome must have a system of a kind mentioned in paragraph (a); and
(c) requirements relating to that kind of system.

(2) The operator of a certified aerodrome contravenes this subregulation if:
(a) the Part 139 Manual of Standards requires the aerodrome to have a system of a kind mentioned in paragraph (1)(a); and
(b) any of the following apply:
(i) the aerodrome does not have a system of that kind;
(ii) a requirement mentioned in paragraph (1)(c) that applies in relation to the system for the aerodrome is not met;
(iii) a procedure under the system for the aerodrome is not complied with.

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

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 10 penalty units.

Division 139.C.5—Aerodrome personnel

139.110 Aerodrome personnel

Requirement to have personnel

(1) The operator of a certified aerodrome must have personnel who carry out the responsibilities of the following positions for the aerodrome:
  (a) accountable manager;
  (b) reporting officer;
  (c) if aerodrome works are being carried out at the aerodrome—works safety officer;
  (d) any other position prescribed by the Part 139 Manual of Standards.

(2) Without limiting subregulation (1):
  (a) the personnel of an operator of a certified aerodrome may include any of the following persons:
    (i) an employee of the operator;
    (ii) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
    (iii) an employee of a person mentioned in subparagraph (ii); and
  (b) more than one person may carry out the responsibilities of a position mentioned in subregulation (1).

(3) The operator of a certified aerodrome contravenes this subregulation if the operator does not have the personnel for the aerodrome mentioned in subregulation (1).

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

Penalty: 20 penalty units.

Accountable manager

(5) The responsibilities of an accountable manager for a certified aerodrome are:
  (a) ensuring that the operator of the aerodrome complies with the civil aviation legislation; and
  (b) ensuring that the operator of the aerodrome operates and maintains the aerodrome safely and with a reasonable degree of care and diligence; and
  (c) ensuring that the operator of the aerodrome operates and maintains the aerodrome in accordance with the aerodrome manual for the aerodrome.

Reporting officer

(6) The responsibilities of a reporting officer for a certified aerodrome are:
  (a) monitoring the serviceability of the aerodrome; and

Authorised Version F2022C00427 registered 14/04/2022

(b) reporting information to AIS providers as required under regulation 139.080; and

(c) reporting changes or occurrences at the aerodrome as required under regulation 139.085; and

(d) monitoring airspace and reporting as required under regulation 139.090.

Works safety officer

(7) The responsibilities of a works safety officer for a certified aerodrome are ensuring aerodrome safety while aerodrome works are being carried out at the aerodrome.

139.115 Training etc. of aerodrome personnel

(1) The Part 139 Manual of Standards may prescribe requirements relating to the training, knowledge, qualifications or experience of personnel carrying out the responsibilities of positions mentioned in subregulation 139.110(1).

(2) The operator of a certified aerodrome contravenes this subregulation if:

(a) a person who is a member of the operator's personnel for the aerodrome carries out the responsibilities of a position mentioned in subregulation 139.110(1); and

(b) the person does not meet the requirements relating to the position mentioned in subregulation (1) of this regulation.

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

Penalty: 20 penalty units.

139.120 Aerodrome personnel carrying out responsibilities

(1) The Part 139 Manual of Standards may prescribe requirements relating to personnel carrying out the responsibilities of positions mentioned in subregulation 139.110(1).

(2) The operator of a certified aerodrome contravenes this subregulation if:

(a) a person who is a member of the operator's personnel for the aerodrome carries out the responsibilities of a position mentioned in subregulation 139.110(1); and

(b) the person does not meet a requirement relating to the position mentioned in subregulation (1) of this regulation.

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

Penalty: 20 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 139.C.6—Aerodrome ground surveillance systems

139.125 Condition on aerodrome certificate to operate aerodrome ground surveillance system

Request by ATS provider for condition to be imposed or varied

(1) An ATS provider for a certified aerodrome may request CASA:
  (a) to impose a condition on the aerodrome certificate that an aerodrome ground surveillance system must operate in relation to one or more areas of the aerodrome; or
  (b) if such a condition has been imposed on the aerodrome certificate—to vary the condition.

(2) A request under paragraph (1)(a) must:
  (a) specify the areas of the aerodrome in relation to which the aerodrome ground surveillance system is to operate; and
  (b) include a safety assessment demonstrating that the use of an aerodrome ground surveillance system is necessary to ensure the safe control of aircraft and vehicles operating in those areas of the aerodrome.

(3) A request under paragraph (1)(b) must:
  (a) if the variation includes a change to the areas of the aerodrome in relation to which an aerodrome ground surveillance system operates—specify the changes to those areas; and
  (b) include a safety assessment demonstrating that the requested variation in relation to the use of an aerodrome ground surveillance system is necessary to ensure the safe control of aircraft and vehicles operating in the relevant areas of the aerodrome.

(4) Before making a request under subregulation (1), the ATS provider must consult the operator of the aerodrome in relation to the request.

CASA may impose or vary condition

(5) CASA may, in accordance with regulation 11.067:
  (a) impose the condition mentioned in subregulation (1) of this regulation on an aerodrome certificate; or
  (b) if such a condition has been imposed on the aerodrome certificate—vary the condition.

Note: For breach of a condition imposed under regulation 11.067, see the offence in regulation 11.077.

(6) The condition may include requirements relating to the aerodrome ground surveillance system to be operated.

(7) The condition, or variation of the condition, may be different from the condition or variation requested by the ATS provider.

Authorised Version F2022C00427 registered 14/04/2022

Notice of decisions etc.

(8) If CASA decides to impose or vary the condition mentioned in subregulation (1):
  (a) CASA must give notice of the decision to both the ATS provider and the holder of the aerodrome certificate; and
  (b) the time the condition or variation takes effect must not be less than 6 months after the date of the notice of the decision.

(9) If CASA decides to refuse a request from an ATS provider under subregulation (1), CASA must:
  (a) give written notice of the decision, and the reasons for the decision, to the ATS provider; and
  (b) do so as soon as practicable.

CASA's other powers to impose or vary conditions not affected

(10) This regulation does not limit any other power of CASA to impose a condition on an aerodrome certificate or vary a condition of an aerodrome certificate.

Note: See for example the powers in regulations 11.056, 11.067 and 11.068.

139.130 Requirements for aerodrome ground surveillance systems

(1) The Part 139 Manual of Standards may prescribe requirements relating to aerodrome ground surveillance systems.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) surveillance and communications equipment that must be installed on vehicles moving in areas of an aerodrome in which an aerodrome ground surveillance system operates;
  (b) establishing procedures for vehicle movements in areas of an aerodrome in which an aerodrome ground surveillance system operates.

(3) The operator of a certified aerodrome contravenes this subregulation if:
  (a) it is a condition of the aerodrome certificate that an aerodrome ground surveillance system operate in relation to the aerodrome; and
  (b) a requirement mentioned in subregulation (1) applies in relation to the aerodrome ground surveillance system; and
  (c) the requirement is not met.

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

Penalty: 25 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 139.C.7—Other matters

139.135 Access to aerodromes to conduct tests

(1) The operator of a certified aerodrome must allow CASA to conduct tests of aerodrome facilities and equipment for the aerodrome, 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, any aerodrome facilities and equipment for the aerodrome or any of the operator's records relating to the aerodrome 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) The operation of regulation 305 of CAR is not limited by subregulation (1) or (2) of this regulation.

139.140 Requests for data from aerodrome operator

(1) CASA may, by written notice given to the operator of a certified aerodrome, request the operator to provide aircraft movement data of a kind prescribed by the Part 139 Manual of Standards for the purposes of this subregulation.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe data relating to the following:
  (a) the number of aircraft using the aerodrome;
  (b) the type of aircraft using the aerodrome.

(3) A person contravenes this subregulation if:
  (a) CASA gives the person a request under subregulation (1); and
  (b) the person does not comply with the request within the period mentioned in subregulation (4).

(4) The person must comply with the request within:
  (a) if paragraph (b) does not apply—28 days after the request is given; or
  (b) if CASA specifies a longer period in the request—that period.

(5) Subregulation (3) does not apply if:
  (a) the person does not possess the data requested; and
  (b) the person has taken all reasonable steps available to the person to obtain the data requested and has been unable to obtain the data.

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

Authorised Version F2022C00427 registered 14/04/2022

(6) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 10 penalty units.

139.145 Requests for data from ATS providers

(1) CASA may, by written notice given to an ATS provider, request the ATS provider to provide aircraft movement data of a kind prescribed by the Part 139 Manual of Standards for the purposes of this subregulation.

(2) Without limiting subregulation (1), the Part 139 Manual of Standards may prescribe data relating to the following:
   (a) the number of aircraft using an aerodrome;
   (b) the type of aircraft using an aerodrome;
   (c) the nature of the operations undertaken by aircraft at an aerodrome;
   (d) the flight rules applying to aircraft at an aerodrome.

(3) The ATS provider must comply with the request within:
   (a) if paragraph (b) does not apply—28 days after the request is given; or
   (b) if CASA specifies a longer period in the request—that period.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 139.D—Aerodrome radiocommunication services

Division 139.D.1—Frequency confirmation system

139.150 Frequency confirmation systems for aerodromes

(1) The Part 139 Manual of Standards may prescribe:
  (a) the circumstances in which a certified aerodrome must have a frequency confirmation system for the aerodrome; and
  (b) requirements relating to frequency confirmation systems for aerodromes.

(2) The operator of an aerodrome contravenes this subregulation if:
  (a) the aerodrome has a frequency confirmation system; and
  (b) a requirement mentioned in paragraph (1)(b) that applies in relation to the frequency confirmation system for the aerodrome is not met.

(3) The operator of a certified aerodrome contravenes this subregulation if:
  (a) the Part 139 Manual of Standards requires the aerodrome to have a frequency confirmation system; and
  (b) the aerodrome does not have a frequency confirmation system.

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

  Penalty: 10 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 139.D.2—Air/ground radio service

139.155 Air/ground radio service must be approved

(1) The operator of an aerodrome contravenes this subregulation if:
  (a) there is an air/ground radio service for the aerodrome; and
  (b) the operator does not hold an approval under regulation 139.010 for the air/ground radio service.

(2) CASA may grant an approval mentioned in paragraph (1)(b) only if CASA is satisfied that the service meets the requirements for an air/ground radio service prescribed by the Part 139 Manual of Standards.

(3) Regulation 11.045 applies in relation to approval of an air/ground radio service.

(4) An air/ground radio service for which there is an approval mentioned in paragraph (1)(b) is a ***certified air/ground radio service***.

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

Penalty: 10 penalty units.

139.160 Requirements for operating certified air/ground radio service

Operator of radio service must hold approval

(1) The operator of an aerodrome contravenes this subregulation if:
  (a) there is a certified air/ground radio service for the aerodrome; and
  (b) the service is operated by a person who does not hold an approval under regulation 139.010 to operate the service.

(2) CASA may grant an approval mentioned in paragraph (1)(b) only if CASA is satisfied that the person meets the requirements for operating a certified air/ground radio service prescribed by the Part 139 Manual of Standards.

Part 139 Manual of Standards may prescribe requirements

(3) The Part 139 Manual of Standards may prescribe requirements relating to the operation of certified air/ground radio services.

(4) Without limiting subregulation (3), the Part 139 Manual of Standards may prescribe requirements relating to the following:
  (a) the facilities to be provided for the operation of a certified air/ground radio service;
  (b) when a certified air/ground radio service must be operating for an aerodrome;
  (c) documenting operational procedures for a certified air/ground radio service;

Authorised Version F2022C00427 registered 14/04/2022

(d) information and notifications about a certified air/ground radio service for an aerodrome that the operator of the aerodrome must provide to the NOTAM Office.

(5) The operator of an aerodrome contravenes this subregulation if:
(a) there is a certified air/ground radio service for the aerodrome; and
(b) a requirement mentioned in subregulation (3) applies in relation to the service; and
(c) the requirement is not met.

Offence

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

Penalty: 10 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 139.E—Hazards to aircraft operations

Division 139.E.1—Notifying potential hazards

139.165 Notifying CASA of certain proposed objects or structures

(1) This regulation applies if a person proposes to construct or erect an object or structure that:
  (a) will have a height of 100 metres or more above ground level; or
  (b) will include an emissions source that generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
  (c) is of a kind prescribed by the Part 139 Manual of Standards.

(2) The person must, as soon as practicable after forming the intention to construct or erect the proposed object or structure, give written notice to CASA of the following:
  (a) the proposal;
  (b) the proposed height and location of the object or structure;
  (c) if the object or structure includes an emissions source—the details of the velocity and location of the emissions;
  (d) the proposed timeframe for constructing or erecting the object or structure;
  (e) any other information about the proposal that is prescribed by the Part 139 Manual of Standards for the purposes of this paragraph.

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

  Penalty: 10 penalty units.

(4) The kinds of objects or structures that may be prescribed by the Part 139 Manual of Standards under paragraph (1)(c) are not limited by paragraph (1)(a) or (b).

  Note: See also Subpart 175.E in relation to requests for data about objects or structures that affect aviation safety.

139.170 Notifying CASA of activities that create certain emissions sources

(1) This regulation applies if a person proposes to undertake an activity (other than constructing or erecting an object or structure) that will create an emissions source that:
  (a) generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
  (b) is of a kind prescribed by the Part 139 Manual of Standards.

(2) The person must, as soon as practicable after forming the intention to undertake the proposed activity, give written notice to CASA of the following:
  (a) the proposal;
  (b) the proposed location of the activity;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 139.170

(c) the proposed timeframe for undertaking the activity;
(d) the details of the emissions source that will be created;
(e) any other information about the proposal that is prescribed by the Part 139 Manual of Standards for the purposes of this paragraph.

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

Penalty: 10 penalty units.

(4) The kinds of emissions sources that may be prescribed by the Part 139 Manual of Standards under paragraph (1)(b) are not limited by paragraph (1)(a).

Authorised Version F2022C00427 registered 14/04/2022

Division 139.E.2—Determination of hazards

139.175 Determination that certain existing objects, structures or emissions sources are a hazard to aircraft operations

(1) CASA may determine, in writing, that an object or structure that:
  (a) has a height of 100 metres or more above ground level; or
  (b) includes an emissions source that generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
  (c) is of a kind mentioned in regulation 139.185;

is a hazard to aircraft operations.

(2) CASA may determine, in writing, that an emissions source that:
  (a) generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
  (b) is of a kind mentioned in regulation 139.185;

is a hazard to aircraft operations.

(3) If CASA makes a determination under subregulation (1) or (2), CASA must:
  (a) publish in the AIP or NOTAMS the particulars of the hazard to which the determination relates, unless the hazard is of a kind that the operator of a certified aerodrome is required to report under Division 139.C.3 (aerodrome inspections, monitoring and reporting); and
  (b) if CASA can identify a person who owns, or is in occupation or control of, the object, structure or emissions source—give written notice of the determination to the person.

139.180 Determination that certain proposed objects, structures or emissions sources are a hazard to aircraft operations

(1) If there is a proposal to construct or erect an object or structure that:
  (a) will have a height of 100 metres or more above ground level; or
  (b) will include an emissions source that generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
  (c) is of a kind mentioned in regulation 139.185;

CASA may determine, in writing, that the proposed object or structure will be a hazard to aircraft operations.

(2) If there is a proposal to undertake an activity (other than constructing or erecting an object or structure) that will create an emissions source that:
  (a) generates a gaseous efflux with a velocity exceeding 4.3 metres per second at the point of emission; or
  (b) is of a kind mentioned in regulation 139.185;

CASA may determine, in writing, that the proposed activity will be a hazard to aircraft operations.

Authorised Version F2022C00427 registered 14/04/2022

(3) If CASA makes a determination under subregulation (1) or (2), CASA must give written notice of the determination to:

(a) the person proposing to construct or erect the object or structure, or undertake the activity; and

(b) if the approval of an authority is required to construct or erect the object or structure, or undertake the activity—the authority.

139.185 Kinds of objects, structures or emissions sources that may be hazards

(1) For the purposes of regulations 139.175 and 139.180, the Part 139 Manual of Standards may prescribe:

(a) kinds of objects or structures that may constitute a hazard to aircraft operations; and

(b) kinds of emissions sources that may constitute a hazard to aircraft operations.

(2) The kinds of objects or structures that may be prescribed by the Part 139 Manual of Standards under subregulation (1) are not limited by paragraph 139.175(1)(a) or (b) or 139.180(1)(a) or (b).

(3) The kinds of emissions sources that may be prescribed by the Part 139 Manual of Standards under subregulation (1) are not limited by paragraph 139.175(2)(a) or 139.180(2)(a).

Note: For powers to remove or mark hazards affecting an aerodrome, see the following:

(a) Division 9 of Part 9 of CAR;

(b) the *Civil Aviation (Buildings Control) Regulations 1988*;

(c) Part 12 of the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.

Authorised Version F2022C00427 registered 14/04/2022

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:

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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;

Authorised Version F2022C00427 registered 14/04/2022

(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. It must be registered in accordance with the *Legislation Act 2003* 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 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.

Authorised Version F2022C00427 registered 14/04/2022

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:

(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.

Authorised Version F2022C00427 registered 14/04/2022

Note: ***Department*** means the Department administered by the Minister who administers these Regulations (see section 19A of the *Acts Interpretation Act 1901* as it applies because of section 13 of the *Legislation Act 2003*).

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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

(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:

Authorised Version F2022C00427 registered 14/04/2022

(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:

(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.

Authorised Version F2022C00427 registered 14/04/2022

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

Authorised Version F2022C00427 registered 14/04/2022

(b) other protective equipment in the quantity required by, and of a kind in accordance with, those standards and requirements.

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 an aeronautical radio operator certificate.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

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 is 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, 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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 139.880

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
  (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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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;

(i) shore up or destroy a wall or building that is insecure or may be dangerous to persons or property;

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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
  (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.

Table 139.925

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

Authorised Version F2022C00427 registered 14/04/2022

Table 139.925

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

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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

Part 141—Recreational, private and commercial pilot flight training, other than certain integrated training courses

Table of contents

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 operations manual
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
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 operations manual or key personnel

Subpart 141.D—Part 141 operators—organisation and personnel

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
141.155 Part 141 operators—key personnel: additional qualification and experience requirements
141.160 Part 141 operators—reference library

Subpart 141.E—Part 141 operators—instructors

141.165 Part 141 operators—instructors must comply with Part 141 certificate
141.170 Part 141 operators—instructors must comply with operations manual

Authorised Version F2022C00427 registered 14/04/2022

141.175 Part 141 operators—instructors must be authorised under Part 61
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—instructors—training in human factors principles and non-technical skills
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

Subpart 141.G—Part 141 operators—quality system

141.225 Part 141 operators—quality system for flight simulation training devices

Subpart 141.H—Part 141 operators—personnel fatigue management

Subpart 141.I—Part 141 operators—operations manuals

141.260 Part 141 operators—content of operations manual
141.265 Part 141 operators—compliance with operations manual by operator
141.270 Part 141 operators—providing personnel with operations manual

Subpart 141.J—Part 141 operators—logs and records

141.275 Part 141 operators—making and keeping flight training records
141.280 Part 141 operators—availability of flight training records

Subpart 141.K—Part 141 operators—miscellaneous offences

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—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.
141.310 Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required
141.315 Part 141 operators—maximum period for use of foreign registered aircraft in Australian territory

Authorised Version F2022C00427 registered 14/04/2022

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 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, 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;

(d) training for the grant under Part 61 of a type rating mentioned in a legislative instrument under regulation 142.045;

(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;

(g) differences training:

(i) that is required as mentioned in regulation 61.780 or 61.835 for a variant covered by a type rating mentioned in a legislative instrument under regulation 142.045; and

Authorised Version F2022C00427 registered 14/04/2022

(ii) that is not conducted by an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138.

(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.

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;

(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 dangerous goods manual (if any);

(iv) the way the operator manages the risk of fatigue in its personnel;

(v) the operator's safety policy;

(vi) the operator's quality system; 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.

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.

operations manual, for a Part 141 operator, means:

(a) the set of documents approved by CASA under regulation 141.065 in relation to the operator; or

(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.

Part 141 certificate: see subregulation 141.015(4).

Part 141 flight training: see subregulation 141.015(1).

Authorised Version F2022C00427 registered 14/04/2022

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, in writing, for the approval.

(2) Subject to regulation 11.055, CASA must grant the approval.

(3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

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:

(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 operator's operations manual 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).

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.050

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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 141.B—Part 141 certificates

141.055 Part 141 certificates—application

(1) A person may apply to CASA, in writing, for a Part 141 certificate.

(2) The application must include the following:

(a) the applicant's name (including any operating or trading name), contact details and ABN (if any);

(aa) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;

(b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;

(c) if the applicant is a corporation 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 operations manual and civil aviation legislation; and

(ii) operate in accordance with its operations manual and civil aviation legislation.

(3) The application must be:

(a) accompanied by a copy of the applicant's proposed operations manual; 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 operations manual complies with regulation 141.260;

(b) the applicant can conduct the proposed Part 141 flight training safely and in accordance with its operations manual 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;

(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;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.060

(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).

(2) For paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:

(a) the applicant's proposed operations manual;

(b) whether the applicant can comply with the proposed operations manual;

(c) the content of the undertaking mentioned in paragraph 141.055(2)(f);

(d) details of, and 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 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.

Authorised Version F2022C00427 registered 14/04/2022

141.065 Part 141 certificate—approval of operations manual

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed operations manual.

141.070 Part 141 certificate—conditions

Each of the following is a condition of a Part 141 certificate issued to an operator:

(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 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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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) makes a change mentioned in subregulation (2); and
  (b) does not, before making the change:
    (i) amend its operations manual to reflect the change; and
    (ii) give CASA written notice of the change and a copy of the amended part of the operations manual clearly identifying the change.

Penalty: 50 penalty units.

(2) For paragraph (1)(a), the changes are the following:
  (a) a change to its name (including any operating or trading name) or contact details;
  (b) if the address of 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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

(4) An application for approval of a significant change must:
  (a) be in writing; and
  (b) set out the change; and
  (c) be accompanied by a copy of the part of the operator's operations manual 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 operations manual 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 operations manual 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 operations manual 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 operations manual:
  (a) to remove particular information, procedures or instructions from the operations manual; or
  (b) to include particular information, procedures or instructions in the operations manual; or
  (c) to revise or vary the information, procedures or instructions in the operations manual.

(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:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.100

(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.

Authorised Version F2022C00427 registered 14/04/2022

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 operations manual 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.

Regulation 141.120

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, operations manual 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 operations manual; and

(ii) complies with civil aviation legislation;

(c) if the operator conducts the training in aircraft—ensuring that the operator:

(i) 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

(ii) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (i) may:

(A) affect the operator's safe conduct of the training; or

(B) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and

(iii) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the training; and

(iv) 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;

(ca) ensuring that the operator has procedures that ensure that all of the operator's personnel understand the operator's safety policy;

(cb) ensuring that the operator has processes for identifying and addressing deficiencies in the operator's authorised Part 141 training;

(d) if the operator conducts the training in a flight simulation training device—ensuring that the operator implements and manages the operator's quality system;

(f) ensuring that the operator's operations manual 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 operations manual; and

(ii) civil aviation legislation.

Authorised Version F2022C00427 registered 14/04/2022

(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 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.

(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
    (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 operations manual that apply to the training;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.130

(c) setting and maintaining the operator's standards for the training in accordance with the operator's operations manual;
(d) developing, managing and maintaining the operator's 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;
(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:
(i) ensuring the correct operation and maintenance of the device; and
(ii) ensuring that the device is used only in accordance with the operator's operations manual;
(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);
(m) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);
(n) ensuring the operator's personnel understand the operator's safety policy;
(o) implementing and managing the operator's processes for identifying and addressing deficiencies in training outcomes for the operator's authorised Part 141 training, including the processes mentioned in subregulation (5).

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

Authorised Version F2022C00427 registered 14/04/2022

(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

(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) meet the requirements in the operator's operations manual about training in human factors principles and non-technical skills; 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 operations manual.

(5) For paragraph (2)(o), the processes are 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 a process mentioned in paragraphs (a), (b), (c) or (d).

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) 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

Authorised Version F2022C00427 registered 14/04/2022

(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 operations manual 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.

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 operations manual; 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.

Authorised Version F2022C00427 registered 14/04/2022

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 operations manual

(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 operations manual.

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:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.190

(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

Authorised Version F2022C00427 registered 14/04/2022

(b) a person authorised to conduct the check by the operator's head of operations.

141.200 Part 141 operators—instructors—training in human factors principles and non-technical skills

(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 meet the requirements in the operator's operations manual about training in human factors principles and non-technical skills.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

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 operations manual 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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.225

Subpart 141.G—Part 141 operators—quality system

141.225 Part 141 operators—quality system for flight simulation training devices

(1) A Part 141 operator that conducts authorised Part 141 flight training in a flight simulation training device must have a quality system that ensures the correct operation and maintenance of the device.

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

Authorised Version F2022C00427 registered 14/04/2022

Subpart 141.H—Part 141 operators—personnel fatigue management

Note: This Subpart is reserved for future use.

Subpart 141.I—Part 141 operators—operations manuals

141.260 Part 141 operators—content of operations manual

(1) An operations manual for a Part 141 operator must include the following:

(a) the operator's name (including any operating or trading name), contact details and ABN (if any);

(b) the address of:

(i) the operator's operational headquarters; and

(ii) each of the operator's training bases;

(c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;

(d) if the operator is a corporation—a description of the operator's corporate structure;

(e) for each of the key personnel, the following information:

(i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 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 human factors principles and non-technical skills;

(i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;

(j) a description of the authorised Part 141 flight training conducted by the operator including the training plans and syllabuses for the training;

(k) a description of the procedures by which the operator conducts and manages the training, including the supervision of instructors and course participants;

(l) if the operator conducts the training in aircraft:

Authorised Version F2022C00427 registered 14/04/2022

(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;

(ma) a description of the operator's safety policy;

(mb) a description of how the operator will identify and address deficiencies in training outcomes of its authorised Part 141 flight training, including the operator's processes for:

(i) auditing the training; and

(ii) promoting the continual improvement of the training; and

(iii) evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners; and

(iv) regularly assessing the suitability of the operator's facilities and resources for conducting the training; and

(v) recommending changes to a process mentioned in subparagraph (i), (ii), (iii) or (iv);

(n) if the operator conducts the training in flight simulation training devices:

(ia) a description of the operator's quality system;

(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

(B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);

Authorised Version F2022C00427 registered 14/04/2022

Regulation 141.265

(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) a dangerous goods manual (if any);
(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) An operations manual 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 operations manual by operator

(1) A Part 141 operator commits an offence if the operator contravenes a provision of its operations manual.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

141.270 Part 141 operators—providing personnel with operations manual

(1) A Part 141 operator commits an offence if:
(a) the operator's operations manual 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 operations manual that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 141.K—Part 141 operators—miscellaneous offences

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

Authorised Version F2022C00427 registered 14/04/2022

(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—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 operations manual 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 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).

Authorised Version F2022C00427 registered 14/04/2022

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 operations manual 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.

Authorised Version F2022C00427 registered 14/04/2022

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:
  (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.

Regulation 141.315

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 141 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.

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

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

Part 142—Integrated and multi-crew pilot flight training, contracted training and contracted checking

Table of contents

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 *Part 142 activity*, *Part 142 flight training*, *Part 142 authorisation*, *Part 142 operator* and *authorised Part 142 activity* for Part 142
142.020 Definitions of *contracted checking*, *contracted training* and *contracting operator* for Part 142
142.025 Definition of *key personnel* for Part 142
142.030 Definition of *significant change* 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
142.060 Part 142 activities—compliance with conditions of Part 142 authorisations: offence for operators

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
142.070 Prescribed position—safety manager
142.075 Required material—reference library
142.080 AOC—application
142.085 AOC—conditions for issue
142.095 AOC—approval of exposition
142.100 AOC—conditions

Division 142.B.2—Certificates for Part 142 activities conducted in flight simulation training devices

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

Subpart 142.C—Part 142 operators—changes

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

Authorised Version F2022C00427 registered 14/04/2022

142.155 Part 142 operators—CASA directions relating to exposition or key personnel

Subpart 142.D—Part 142 operators—organisation and personnel

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

Subpart 142.E—Part 142 operators—instructors and examiners

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
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

Subpart 142.F—Part 142 operators—training management system

142.250 Part 142 operators—training management system
142.255 Part 142 operators—training management system requirements

Subpart 142.G—Part 142 operators—safety management system

142.260 Part 142 operators—safety management system
142.265 Part 142 operators—safety management system requirements

Subpart 142.H—Part 142 operators—quality assurance management system

142.270 Part 142 operators—quality assurance management system
142.275 Part 142 operators—quality assurance management system requirements

Subpart 142.I—Part 142 operators—personnel fatigue management

Subpart 142.J—Part 142 operators—internal training and checking

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
142.325 Part 142 operators—holding valid standardisation and proficiency check for operator
142.330 Part 142 operators—standardisation and proficiency check requirements
142.335 Part 142 operators—instructors and examiners—training in human factors principles and non-technical skills

Authorised Version F2022C00427 registered 14/04/2022

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

Subpart 142.M—Part 142 operators—miscellaneous offences

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
142.375 Part 142 operators—authorisation of carriage of passengers
142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator
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.
142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required
142.395 Part 142 operators—maximum period for use of foreign registered aircraft in Australian territory

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.A—General

142.005 What Part 142 is about

This Part:

(a) deals with the conduct of integrated and multi-crew pilot flight training, contracted training and contracted checking; and

(b) makes provision for applicants for, and holders of, Part 142 authorisations (which are AOCs or other certificates that deal with the training and checking mentioned in paragraph (a)).

Note: See also Division 2 of Part III of the Act in relation to AOCs generally.

142.010 Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices

(1) This Part applies only to:

(a) an aeroplane, rotorcraft or airship; or

(b) a flight simulation training device for an aircraft mentioned in paragraph (a).

(2) Accordingly, a reference in this Part to an ***aircraft*** is a reference to an aeroplane, rotorcraft or airship.

142.015 Definitions of *Part 142 activity*, *Part 142 flight training*, *Part 142 authorisation*, *Part 142 operator* and *authorised Part 142 activity* for Part 142

(1) A ***Part 142 activity*** is any of the following conducted in an aircraft or a flight simulation training device:

(a) Part 142 flight training;

(b) contracted training;

(c) contracted checking.

(2) ***Part 142 flight training*** is any of the following:

(a) an integrated training course for the grant under Part 61 of a private pilot licence or commercial pilot licence;

(b) training for the grant under Part 61 of a multi-crew pilot licence, air transport pilot licence or flight engineer licence;

(c) multi-crew cooperation training;

(d) training for the grant under Part 61 of a type rating other than a type rating mentioned in an instrument under regulation 142.045;

(da) training, conducted as a multi-crew operation, for the grant under Part 61 of a flight crew rating other than a type rating;

(e) training, conducted as a multi-crew operation, for the grant under Part 61 of a flight crew endorsement other than:

Authorised Version F2022C00427 registered 14/04/2022

(i) a design feature endorsement; or
(ii) a flight activity endorsement;

(f) training that is given as part of a flight review that is conducted as a multi-crew operation;

(g) differences training:
(i) that is required as mentioned in regulation 61.780, 61.835 or 61.1370 for a variant covered by a type rating that is not a type rating mentioned in a legislative instrument under regulation 142.045; and
(ii) that is not conducted by an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138.

(3) An ***authorised Part 142 activity***, for a Part 142 operator, is a Part 142 activity mentioned in the operator's Part 142 authorisation.

(4) A ***Part 142 operator*** is the holder of a Part 142 authorisation.

(5) A ***Part 142 authorisation*** is:
(a) an AOC that authorises the conduct of a Part 142 activity in an aircraft; or
(b) a certificate under Division 142.B.2 that authorises the conduct of a Part 142 activity in a flight simulation training device.

142.020 Definitions of *contracted checking*, *contracted training* and *contracting operator* for Part 142

In this Part:

contracted checking means checking conducted by a Part 142 operator for a contracting operator.

contracted training means training that is:
(a) conducted by a Part 142 operator for a contracting operator; and
(b) the responsibility of the contracting operator under these Regulations.

contracting operator means an aircraft operator who enters into a contract with a Part 142 operator for the Part 142 operator to conduct training or checking that is the responsibility of the aircraft operator under these Regulations.

142.025 Definition of *key personnel* for Part 142

In this Part:

key personnel, for a Part 142 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:
(a) chief executive officer;
(b) head of operations;
(c) if the operator conducts authorised Part 142 activities only in aircraft, or aircraft and flight simulation training devices—safety manager;

Authorised Version F2022C00427 registered 14/04/2022

(d) if the operator conducts authorised Part 142 activities only in flight simulation training devices—quality assurance manager.

142.030 Definition of *significant change* for Part 142

In this Part:

significant change, for a Part 142 operator, means:

(a) a change in relation to any of the following:
  (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;
  (ii) the operator's corporate structure;
  (iii) the operator's organisational structure;
  (iv) the operator's key personnel;
  (v) a person authorised to carry out the responsibilities of any of the key personnel;
  (vi) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;
  (vii) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
  (viii) the familiarisation training mentioned in regulation 142.170 for any of the key personnel;
  (ix) the operator's process for making changes:
    (A) that are significant changes; and
    (B) that are not significant changes;
  (x) the authorised Part 142 activities conducted by the operator;
  (xi) if the operator conducts the activities in aircraft—the kinds of aircraft used to conduct the activities;
  (xii) if the operator conducts the activities in turbine-engined aircraft—any leasing or other arrangements for the supply of a turbine-engined aircraft;
  (xiii) if the operator conducts the activities in flight simulation training devices:
    (A) the ownership arrangements for a device; or
    (B) the types of devices; or

(b) if the operator conducts the activities in foreign registered aircraft:
  (i) a change in the foreign registered aircraft used in the activities; or
  (ii) a change in relation to a foreign registered aircraft used in the activities, including a change to its nationality or registration mark; or

(c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
  (i) the procedures by which the operator conducts and manages the activities;
  (ii) the operator's operations manual;
  (iii) the operator's dangerous goods manual (if any);

Authorised Version F2022C00427 registered 14/04/2022

(iv) the operator's training management system manual;
(v) the way that the operator manages the risk of fatigue in its personnel;
(vi) the operator's internal training and checking system manual;
(vii) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—the operator's safety management system manual;
(viii) if the operator conducts the activities only in flight simulation training devices—the operator's quality assurance management system manual;
(ix) if the operator conducts the activities in aircraft:
(A) the way the aircraft are managed or maintained; or
(B) the way the continuing airworthiness of the aircraft is assured; or

(d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

142.035 Definitions for Part 142

In this Part:

aircraft: see regulation 142.010.

authorised Part 142 activity, for a Part 142 operator: see subregulation 142.015(3).

checking means the assessment of proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

conducts: a Part 142 operator ***conducts*** a Part 142 activity if an instructor or examiner for the operator conducts the activity on behalf of the operator.

contracted checking: see regulation 142.020.

contracting operator: see regulation 142.020.

corporation: see regulation 11.015.

examiner, for a Part 142 operator, means a flight examiner or flight engineer examiner engaged by the operator:
(a) to conduct flight tests for the grant of a licence, rating or endorsement under Part 61 on behalf of the operator; or
(b) to conduct contracted checking on behalf of the operator.

exposition, for a Part 142 operator, means:
(a) the set of documents approved by CASA under regulation 142.095 or 142.115 in relation to the operator; and

Authorised Version F2022C00427 registered 14/04/2022

(b) if the set of documents is changed under regulation 142.135, 142.145 or 142.155, or the process mentioned in regulation 142.150—the set of documents as changed.

instructor, for a Part 142 operator, means a person engaged by the operator to conduct Part 142 flight training or contracted training on behalf of the operator.

key personnel, for a Part 142 operator: see regulation 142.025.

low-flying activity means a flight that is conducted below 500 feet AGL, other than:

(a) climbing from take-off; and

(b) descending for the purpose of landing.

officer, of a corporation, means:

(a) for a corporation that is a company (within the meaning of the *Corporations Act 2001*)—a director, secretary or executive officer of the corporation; or

(b) for a corporation of any other kind—a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a company (within the meaning of the *Corporations Act 2001*).

Part 142 activity: see subregulation 142.015(1).

Part 142 authorisation: see subregulation 142.015(5).

Part 142 flight training: see subregulation 142.015(2).

personnel, for a Part 142 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 142 activities:

(a) an employee of the operator;

(b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;

(c) an employee of a person mentioned in paragraph (b).

significant change, for a Part 142 operator: see regulation 142.030.

training base, for a Part 142 operator, means a facility at or from which the operator conducts Part 142 activities.

142.040 Approvals by CASA for Part 142

(1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.

(2) Subject to regulation 11.055, CASA must grant the approval.

(3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for the following provisions:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 142.045

(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.

Authorised Version F2022C00427 registered 14/04/2022

142.060 Part 142 activities—compliance with conditions of Part 142 authorisations: offence for operators

(1) A Part 142 operator commits an offence if the operator contravenes a condition of its Part 142 authorisation.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Subpart 142.B—Part 142 authorisations

Division 142.B.1—AOCs for Part 142 activities that involve operation of aircraft

142.065 Prescribed purpose—Part 142 activities involving the operation of aircraft

For subsection 27(9) of the Act, conducting a Part 142 activity that involves the operation of an aircraft is a prescribed purpose.

142.070 Prescribed position—safety manager

For paragraph (e) of the definition of ***key personnel*** in subsection 28(3) of the Act, the position of safety manager is prescribed for this Part.

142.075 Required material—reference library

For paragraph 28BH(2)(b) of the Act, the following material is required for a Part 142 operator that holds an AOC that authorises the conduct of Part 142 activities that involve the operation of aircraft:

(a) the civil aviation legislation that is relevant to the activities;
(b) the parts of the AIP that are relevant to the activities;
(c) all information about the flight operations of each kind of aircraft that is necessary to ensure the safe conduct of the activities;
(d) any other publications, information or data required for the reference library by the operator's exposition.

142.080 AOC—application

(1) A person may apply to CASA for the issue of an AOC that authorises the person to conduct a Part 142 activity that involves the operation of an aircraft.

(2) The application must include the following:
(a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
(aa) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
(b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
(c) if the applicant is a corporation—the name of each of the officers of the corporation;
(d) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
(e) if the applicant is a corporation not registered in Australia—the place at which it was incorporated or formed;

Authorised Version F2022C00427 registered 14/04/2022

(f) the Part 142 activities that the applicant proposes to conduct;

(g) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the AOC, the applicant will:

(i) be capable of operating in accordance with its exposition and civil aviation legislation; and

(ii) operate in accordance with its exposition and civil aviation legislation.

Note: See also sections 27AB and 27AC of the Act.

(3) The application must be:

(a) accompanied by a copy of the applicant's proposed exposition; and

(b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

142.085 AOC—conditions for issue

(1) It is a condition for the issue to the applicant of an AOC that authorises the applicant to conduct Part 142 activities that CASA is satisfied of each of the following:

(a) the applicant's proposed exposition complies with regulation 142.340;

(b) the applicant can conduct the activities safely and in accordance with its exposition and civil aviation legislation;

(c) if the applicant is an individual—the applicant:

(i) is a fit and proper person to be issued an AOC that authorises the conduct of the activities; and

(ii) is, or proposes to be, the applicant's chief executive officer;

(d) if the applicant is a corporation—each officer of the corporation is a fit and proper person to be an officer of a corporation that is issued an AOC that authorises the conduct of the activities;

(e) each of the applicant's proposed key personnel;

(i) is a fit and proper person to be appointed to the position; and

(ii) has the qualifications and experience required by Subpart 142.D for the position; and

(iii) has the qualifications and experience required by the applicant under subparagraph 142.340(1)(e)(i) for the position (if any); and

(iv) has the additional qualifications and experience required by CASA under regulation 142.215 for the position (if any).

Note: These matters are in addition to the matters specified in section 28 of the Act.

(2) For paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:

(a) the applicant's proposed exposition;

(b) whether the applicant can comply with the proposed exposition;

(c) the content of the undertaking mentioned in paragraph 142.080(2)(g);

(d) details of, and the reasons for, any suspension or cancellation of:

(i) a civil aviation authorisation issued to the applicant; or

Authorised Version F2022C00427 registered 14/04/2022

(ii) an equivalent authorisation issued to the applicant:
(A) under the law of a foreign country; or
(B) by a multinational aviation authority;

(e) the suitability of the applicant's corporate and organisational structures for the activities;

(f) any other information:
(i) accompanying the application; or
(ii) in any other document submitted to CASA by the applicant for the application, including any document requested by CASA in relation to the application.

(3) For paragraphs (1)(c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:

(a) the person's criminal record (if any), whether in Australia or a foreign country;

(b) the person's bankruptcy (if any), whether in Australia or a foreign country;

(c) the person's history (if any) of serious behavioural problems;

(d) any evidence held by CASA that the person has contravened:
(i) civil aviation legislation; or
(ii) another law relating to transport (including aviation) safety, whether in Australia or a foreign country;

(e) the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;

(f) the record of compliance with regulatory requirements relating to transport (including aviation) safety of any corporation in Australia or a foreign country in which the person:
(i) is or was an officer or partner (however described); or
(ii) holds or held a position equivalent to any of the applicant's key personnel;

(g) for any corporation in which the person is or was an officer, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country, the following records:
(i) the corporation's criminal record (if any);
(ii) the corporation's record of insolvency, bankruptcy, receivership or winding up (if any);
(iii) the corporation's record (if any) as a body subject to investigation or comment by any statutory authority established to regulate the share dealings or financial affairs of corporations;

(h) any other matter relating to the fitness of the person to:
(i) for an applicant—hold an AOC that authorises the conduct of the activities; or
(ii) for an officer or proposed officer—be an officer of a corporation that holds an AOC that authorises the conduct of the activities.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

Division 142.B.2—Certificates for Part 142 activities conducted in flight simulation training devices

142.105 Certificate—application

(1) A person may apply to CASA, in writing, for a certificate authorising the person to conduct Part 142 activities in flight simulation training devices.

(2) The application must include the following:
  (a) the information and documents mentioned in paragraphs 142.080(2)(a) to (f);
  (b) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:
    (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
    (ii) operate in accordance with its exposition and civil aviation legislation.

(3) The application must be:
  (a) accompanied by a copy of the applicant's proposed exposition; and
  (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

142.110 Certificate—issue

(1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
  (a) the matters mentioned in subregulation 142.085(1);
  (b) the applicant's organisation is suitable to ensure that the activities can be conducted safely, having regard to the nature of the activities;
  (c) the chain of command of the applicant's organisation is appropriate to ensure that the activities can be conducted safely;
  (d) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the activities safely;
  (e) the facilities of the applicant's organisation are sufficient to enable the activities to be conducted safely;
  (f) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the activities can be conducted safely.

(2) For subregulation (1), in deciding whether an applicant is capable of conducting the activities safely and in accordance with its exposition and civil aviation legislation, CASA must consider:
  (a) the matters set out in paragraphs 142.085(2)(a), (b) and (d) to (f); and
  (b) the content of the undertaking mentioned in paragraph 142.105(2)(b).

Authorised Version F2022C00427 registered 14/04/2022

(3) For subregulation (1), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 142.085(3).

(4) For this regulation, regulation 142.085 applies to an application for a certificate as if:
  (a) a reference to an AOC were a reference to a certificate; and
  (b) any other necessary changes had been made.

(5) If CASA decides to issue the certificate, CASA must determine the Part 142 activities the applicant is authorised to conduct in flight simulation training devices, including any limitations or conditions in relation to the activities.

(6) The certificate must include:
  (a) the matters mentioned in subregulation (5); and
  (b) a certificate reference number determined by CASA.

(7) If, under regulation 142.145, CASA approves a significant change to a Part 142 operator that holds a certificate under this Division, CASA may issue a new certificate to the operator.

142.115 Certificate—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

142.120 Certificate—conditions

(1) Each of the following is a condition of a certificate issued to an operator under this Division:
  (a) the operator must comply with:
    (i) each provision of this Part that applies to the operator; and
    (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
    (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 142 activities covered by the certificate;
  (b) each of the operator's key personnel must comply with:
    (i) each provision of this Part that applies to the person; and
    (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
    (iii) each other provision of civil aviation legislation that applies to the activities covered by the certificate;
  (c) each of the positions of the operator's key personnel must be filled;
  (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the activities;
  (e) if the operator is an individual—the individual must be the operator's chief executive officer;

Authorised Version F2022C00427 registered 14/04/2022

(f) the positions of chief executive officer and quality assurance manager may be occupied by the same person only:
  (i) in an unforeseen circumstance; and
  (ii) for the period mentioned in subregulation (2);
(g) the positions of head of operations and quality assurance manager may be occupied by the same person only:
  (i) in an unforeseen circumstance; and
  (ii) for the period mentioned in subregulation (2).

(2) For subparagraphs (1)(f)(ii) and (g)(ii), the period is:
  (a) no more than 7 consecutive days for each unforeseen circumstance; or
  (b) if the operator holds an approval under regulation 142.040 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

142.125 Certificate holders—reference library

(1) A Part 142 operator that holds a certificate under this Division commits an offence if the operator does not maintain a reference library that complies with subregulation (2).

Penalty: 50 penalty units.

(2) For subregulation (1), the reference library must:
  (a) include the following documents:
    (i) all operational documents and material;
    (ii) the civil aviation legislation that is relevant to the operator's authorised Part 142 activities covered by the certificate;
    (iii) the parts of the AIP that are relevant to the activities;
    (iv) documents that include information about the operation or maintenance of each kind of flight simulation training device operated by the operator to conduct the activities;
    (v) any other publications, information or data required for the reference library by the operator's exposition; and
  (b) be readily available to all members of the operator's personnel; and
  (c) be up-to-date and in a readily accessible form.

(3) A Part 142 operator commits an offence if the operator does not keep up-to-date records of the distribution of operational documents to members of the operator's personnel.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.C—Part 142 operators—changes

142.135 Part 142 operators—changes of name etc

(1) A Part 142 operator commits an offence if the operator:
  (a) makes a change mentioned in subregulation (2); and
  (b) does not, before making the change:
    (i) amend its exposition to reflect the change; and
    (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Penalty: 50 penalty units.

(2) For paragraph (1)(a), the changes are the following:
  (a) a change to its name (including any operating or trading name) or contact details;
  (b) if the address of the applicant's operational headquarters is different from its mailing address—a change to the address of its operational headquarters.

(3) An offence against this regulation is an offence of strict liability.

142.140 Part 142 operators—application for approval of significant change

(1) A Part 142 operator commits an offence if:
  (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
  (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

(2) A Part 142 operator commits an offence if:
  (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340(1)(e)(iv); and
  (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

(3) A Part 142 operator commits an offence if:
  (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340(1)(e)(iv); and

Authorised Version F2022C00427 registered 14/04/2022

(b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

Penalty: 50 penalty units.

(4) An application for approval of a significant change must:
(a) be in writing; and
(b) set out the change; and
(c) be accompanied by a copy of the part of the operator's exposition affected by the change, clearly identifying the change.

(5) An offence against this regulation is an offence of strict liability.

142.145 Part 142 operators—approval of significant changes

(1) CASA may approve a significant change for a Part 142 operator that holds an AOC that authorises the operator to conduct Part 142 activities only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 142.085(1) will continue to be met.

(2) Subject to regulation 11.055, CASA must approve a significant change for a Part 142 operator that holds a certificate under Division 142.B.2 if satisfied that the requirements mentioned in subregulation 142.110(1) will continue to be met.

(3) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application.

142.150 Part 142 operators—process for making changes

(1) A Part 142 operator commits an offence if:
(a) the operator makes a change; and
(b) the change is not made in accordance with the process described in the operator's exposition for making changes.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

142.155 Part 142 operators—CASA directions relating to exposition or key personnel

(1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 142 operator to change its exposition:
(a) to remove particular information, procedures or instructions from the exposition; or
(b) to include particular information, procedures or instructions in the exposition; or
(c) to revise or vary the information, procedures or instructions in the exposition.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 142.155

(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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.D—Part 142 operators—organisation and personnel

Note: For the qualifications for the position of head of aircraft airworthiness and maintenance control, see the qualifications specified in the Part 42 Manual of Standards for the position of continuing airworthiness manager.

142.160 Part 142 operators—organisation and personnel

(1) A Part 142 operator must maintain an organisational structure that effectively manages its authorised Part 142 activities, taking into account the following:
   (a) the nature and complexity of the activities;
   (b) the number and kinds of aircraft or flight simulation training devices used to conduct the activities;
   (c) the number and location of training bases used by the operator to conduct the activities;
   (d) the number of the operator's personnel;
   (e) for Part 142 flight training—the number of course participants undertaking the training;
   (f) for contracted training—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted training;
   (g) for contracted checking—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted checking.

(2) A Part 142 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's exposition or this Subpart.

Penalty: 50 penalty units.

142.165 Part 142 operators—key personnel cannot carry out responsibilities

(1) A Part 142 operator commits an offence if:
   (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days; and
   (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

(2) For paragraph (1)(b), the time is:
   (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or

Authorised Version F2022C00427 registered 14/04/2022

(b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

142.170 Part 142 operators—familiarisation training for key personnel

A Part 142 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

142.175 Part 142 operators—chief executive officer: experience

The chief executive officer of a Part 142 operator must have sufficient relevant experience in organisational, operational, financial and people management of air operations to enable the operator to conduct safe operations in accordance with its exposition and civil aviation legislation.

142.180 Part 142 operators—chief executive officer: responsibilities and accountabilities

(1) The chief executive officer of a Part 142 operator is responsible for the following:

(a) ensuring that, for the safe conduct of the operator's authorised Part 142 activities in accordance with the operator's Part 142 authorisation, exposition and civil aviation legislation, the operator:

(i) has sufficient suitably experienced, qualified and competent personnel; and

(ii) has a suitable management structure; and

(iii) is adequately financed and resourced;

(b) ensuring that the operator:

(i) sets and maintains standards for the activities in accordance with the operator's exposition; and

(ii) complies with civil aviation legislation;

(c) if the operator conducts the activities in aircraft—ensuring that the operator:

(i) implements and manages the operator's safety management system; and

(ii) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and

(iii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and

(iv) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the activities; and

(v) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (iv) may:

Authorised Version F2022C00427 registered 14/04/2022

(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

Authorised Version F2022C00427 registered 14/04/2022

(b) in any other case—a commercial pilot licence or an air transport pilot licence.

(4) For paragraph (2)(d), the experience required is:
(a) if the operator holds an approval under regulation 142.040 for this paragraph—the experience mentioned in paragraph (5)(a) or (b); or
(b) if paragraph (a) does not apply—the experience mentioned in paragraphs (5)(a) and (b).

(5) For subregulation (4), the experience is the following:
(a) at least 500 hours flight time on a kind of aircraft used to conduct a significant proportion of the activities;
(b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.

(6) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 142 operator, direct the person to undertake an assessment mentioned in subregulation (7).

(7) For subregulation (6), the assessment:
(a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
(b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

142.190 Part 142 operators—head of operations: responsibilities

(1) The head of operations of a Part 142 operator must safely manage the authorised Part 142 activities of the operator.

(2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
(a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's exposition that apply to the activities;
(b) setting and maintaining the operator's standards for the activities in accordance with the operator's exposition;
(c) if the activities include flight training or contracted training—ensuring that the training is conducted in accordance with the operator's training management system;
(d) ensuring that the activities are monitored effectively;
(e) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);
(f) ensuring the proper allocation and deployment of aircraft, flight simulation training devices and personnel for use in the activities;
(g) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;

Authorised Version F2022C00427 registered 14/04/2022

(h) if the operator conducts an activity in a flight simulation training device—ensuring that the device is used only in accordance with the operator's exposition;

(i) if the operator conducts an activity in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;

(j) if the operator conducts an activity in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;

(k) if the operator conducts an activity in any other device—ensuring that the device:

(i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or

(ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);

(l) ensuring that each instructor who conducts an activity for the operator:

(i) has access to the parts of the operator's exposition that relate to the instructor's duties; and

(ii) holds a valid standardisation and proficiency check for the operator under regulation 142.325;

(m) ensuring that each examiner who conducts an activity for the operator has access to the parts of the operator's exposition that relate to the examiner's duties;

(n) ensuring that each instructor or examiner who conducts an activity for the operator:

(i) is authorised to conduct the activity under Part 61; and

(ii) has successfully completed the training set out in the operator's internal training and checking system manual; and

(iii) meets the requirements in the operator's exposition about training in human factors principles and non-technical skills;

(o) reporting to the chief executive officer on the operator's compliance with the matters mentioned in paragraph (n);

(p) ensuring that each instructor or examiner who conducts contracted training or contracted checking for the operator has access to the contracting operator's training and checking manual;

(q) if an instructor attempts but does not successfully complete a standardisation and proficiency check mentioned in the operator's internal training and checking system manual—telling CASA, in writing, within 14 days after the date of the attempt, of the person's name, position and ARN;

(r) ensuring that the operator establishes and maintains effective communication, in relation to the activities, with CASA and each contracting operator for which the operator conducts contracted training or contracted checking;

(s) ensuring that written reports are provided to the head of training and checking of each contracting operator in relation to the performance of each person for whom the operator conducts contracted training or contracted checking;

Authorised Version F2022C00427 registered 14/04/2022

(t) if the operator conducts the activities in aircraft—ensuring that the operator complies with section 28BH of the Act in relation to flight crew.

142.195 Part 142 operators—safety manager: experience

The safety manager of a Part 142 operator must have:

(a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement its safety management system in accordance with its exposition; and

(b) a satisfactory record in the conduct or management of air operations; and

(c) sufficient safety and regulatory knowledge to enable the operator to conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a safety manager if the operator conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices: see regulation 142.025, definition of ***key personnel***.

142.200 Part 142 operators—safety manager: responsibilities

(1) The safety manager of a Part 142 operator must manage the safety management system of the operator.

(2) Without limiting subregulation (1), the responsibilities of the safety manager include:

(a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and

(b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and

(c) managing the maintenance and continuous improvement of the following systems:

(i) safety management system;

(ii) fatigue risk management system (if any).

142.205 Part 142 operators—quality assurance manager: experience

The quality assurance manager of a Part 142 operator must have:

(a) sufficient relevant quality assurance management experience to capably lead, manage and set standards to enable the operator to safely implement its quality assurance management system in accordance with its exposition; and

(b) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 142 activities safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a quality assurance manager if the operator conducts authorised Part 142 activities only in flight simulation training devices: see regulation 142.025, definition of ***key personnel***.

Authorised Version F2022C00427 registered 14/04/2022

142.210 Part 142 operators—quality assurance manager: responsibilities

(1) The quality assurance manager of a Part 142 operator must manage the quality assurance management system of the operator.

(2) Without limiting subregulation (1), the responsibilities of the quality assurance manager include:
  (a) managing the operation of the quality assurance management system including managing corrective, remedial and preventative action in relation to the system; and
  (b) regularly reporting to the chief executive officer on the effectiveness of the quality assurance management system; and
  (c) managing the maintenance and continuous improvement of the quality assurance management system.

142.215 Part 142 operators—key personnel: additional qualifications and experience requirements

(1) This regulation applies to:
  (a) an applicant for a Part 142 authorisation; and
  (b) a Part 142 operator.

(2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.

(3) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
  (a) to undertake a stated examination; or
  (b) to be interviewed by CASA; or
  (c) to complete a stated training course.

(4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
  (a) the need to ensure that the applicant or operator can conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation;
  (b) the nature and complexity of the activities;
  (c) the leadership, management and standards-setting skills required by the person for the activities;
  (d) how recently the person has used his or her aviation skills;
  (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.F—Part 142 operators—training management system

142.250 Part 142 operators—training management system

A Part 142 operator must have a training management system that meets the requirements of regulation 142.255.

142.255 Part 142 operators—training management system requirements

The training management system must include the following:

(a) for each kind of Part 142 flight training or contracted training that is an authorised Part 142 activity for the operator—a course outline, detailed syllabus, standards to be met and record forms;

(b) the procedures to be followed when a standard is not met;

(c) an auditable system for maintaining records of the results of the operator's flight training or contracted training.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.G—Part 142 operators—safety management system

142.260 Part 142 operators—safety management system

A Part 142 operator that conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices, must have a safety management system that meets the requirements of regulation 142.265.

142.265 Part 142 operators—safety management system requirements

(1) The safety management system must be a systemic approach to managing safety that:
  (a) includes the matters mentioned in subregulation (2); and
  (b) ensures that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes; and
  (c) if the operator conducts the training in flight simulation training devices:
    (i) ensures the correct operation and maintenance of the devices; and
    (ii) without limiting subparagraph (i), includes the matters mentioned in subregulation 142.275(2); and
  (d) integrates human factors principles.

(2) For paragraph (1)(a), the matters are the following:
  (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
  (b) a statement of the operator's safety policy, objectives and planning, including details of the following:
    (i) the management commitment to, and responsibility for, safety;
    (ii) the safety accountabilities of managers (including key personnel);
    (iii) the appointment of safety management personnel;
    (iv) how human factors principles are integrated into the safety management system;
    (v) a safety management system implementation plan;
    (vi) relevant third party relationships and interactions;
    (vii) coordination of an emergency response plan;
    (viii) safety management system documentation;
  (c) a safety risk management system, including:
    (i) hazard identification processes; and
    (ii) risk assessment and mitigation processes;
  (d) a safety assurance system, including:
    (i) details of processes for:
      (A) safety performance monitoring and measurement; and

Authorised Version F2022C00427 registered 14/04/2022

Regulation 142.265

(B) internal safety investigation; and
(C) management of change; and
(D) continuous improvement of the safety management system; and

(ii) if the operator operates an aircraft mentioned in subregulation (3) for the activities—a flight data analysis program that meets the requirements mentioned in subregulation (4);

(e) a safety training and promotion system, including details of the following:
(i) safety management system training and education;
(ii) safety management system safety communication.

(3) For subparagraph (2)(d)(ii), the aircraft are the following:
(a) an aeroplane with a maximum certificated take-off weight of more than 27 000 kg;
(b) a rotorcraft with a maximum certificated take-off weight of more than 7 000 kg.

(4) For subparagraph (2)(d)(ii), the requirements are that the flight data analysis program must:
(a) regularly record and analyse the operational flight data of individual and aggregated operations for the purpose of improving the safety of flight operations; and
(b) be provided by:
(i) the operator; or
(ii) another appropriate person; and
(c) ensure that, except as mentioned in subregulations (6) and (7):
(i) the identity of a person who is the source of data is protected from disclosure to anyone other than the following:
(A) a person whose duties require the person to analyse operational flight data;
(B) a person who has access to the person's identity solely for the purpose of analysing operational flight data;
(C) a pilot appointed by the operator to liaise with flight crew in relation to matters arising from the flight data analysis program; and
(ii) no punitive action in relation to the data may be taken by the operator against the person.

(5) For subparagraph (4)(b)(ii), the provision of the flight data analysis program by an appropriate person does not in any way compromise the operator's responsibility to provide, and ensure the effectiveness of, the program.

(6) For paragraph (4)(c), the identity of a person who is the source of data may be disclosed:
(a) with the written consent of the person; or
(b) under a court order.

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.H—Part 142 operators—quality assurance management system

142.270 Part 142 operators—quality assurance management system

A Part 142 operator that conducts authorised Part 142 activities only in flight simulation training devices must have a quality assurance management system that meets the requirements of regulation 142.275.

142.275 Part 142 operators—quality assurance management system requirements

(1) The quality assurance system must:
  (a) ensure the correct operation and maintenance of the flight simulation training devices; and
  (b) ensure that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes.

(2) Without limiting paragraph (1)(a), the system must include the following:
  (a) quality policy;
  (b) management responsibility;
  (c) document control;
  (d) resource allocation;
  (e) quality procedures;
  (f) internal audit.

(3) Without limiting paragraph (1)(b), the system must include the following:
  (a) a process for auditing the activities;
  (b) a process for promoting the continual improvement of the activities;
  (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;
  (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
  (e) a process for recommending changes to the following:
    (i) the quality assurance management system;
    (ii) the training management system;
    (iii) the internal training and checking system.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.I—Part 142 operators—personnel fatigue management

Note: This Subpart is reserved for future use.

Subpart 142.J—Part 142 operators—internal training and checking

142.310 Part 142 operators—internal training and checking system

A Part 142 operator must have an internal training and checking system for its personnel that meets the requirements of regulation 142.315.

142.315 Part 142 operators—internal training and checking system requirements

The internal training and checking system must include the following:

(a) a description of the operator's internal training and checking, including details of how the training and checking is conducted;

(b) a description of the duties and responsibilities assigned to personnel conducting internal training and checking;

(d) procedures that ensure that each of the operator's personnel:

(i) has an understanding of the operator's training management system; and

(ii) completes internal training and checking as described under paragraph (a); and

(iii) is supervised effectively;

(e) command responsibility during flights for internal training and checking;

(f) for each kind of internal training and checking conducted by or for the operator—the minimum number of check pilots and the minimum crew qualifications required by the operator for the training (if any);

(g) any general restrictions, specifications or safety precautions for internal training and checking (including in relation to fuel load, ballast and minimum weather conditions);

(h) methods of conducting internal training and checking including the following:

(i) the standards to be achieved;

(ii) training sequences for common faults;

(iii) the method of simulating emergencies or malfunctions;

(i) procedures that ensure that an instructor who conducts an authorised Part 142 activity for the operator holds a valid standardisation and proficiency check for the operator under regulation 142.325;

(j) procedures that ensure that an instructor who uses a flight simulation training device to conduct an authorised Part 142 activity for the operator is competent to use the device to conduct the activity.

142.320 Part 142 operators—proficiency of instructors

(1) A Part 142 operator commits an offence if:

Authorised Version F2022C00427 registered 14/04/2022

(a) an instructor for the operator conducts an authorised Part 142 activity for the operator; and
(b) the instructor does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

(2) For paragraph (1)(b), the requirement is that the instructor must:
(a) hold a valid standardisation and proficiency check for the operator under regulation 142.325; or
(b) be successfully participating in the operator's internal training and checking system.

(3) An offence against this regulation is an offence of strict liability.

142.325 Part 142 operators—holding valid standardisation and proficiency check for operator

(1) An instructor for a Part 142 operator holds a valid standardisation and proficiency check for the operator if:
(a) the instructor has successfully completed the operator's standardisation and proficiency check; and
(b) the check complies with regulation 142.330; and
(c) under subregulation (2) or (3), the check is valid.

(2) A standardisation and proficiency check is valid for the period comprising:
(a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
(b) the period of 12 months immediately following the month in which the check was completed.

(3) If:
(a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the ***existing check***); and
(b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire;
the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

142.330 Part 142 operators—standardisation and proficiency check requirements

(1) A Part 142 operator's standardisation and proficiency check for an instructor must check the competency of the instructor to conduct the Part 142 activity that the operator has engaged the instructor to conduct.

(2) The check must be carried out by:
(a) the operator's head of operations; or

Authorised Version F2022C00427 registered 14/04/2022

(b) a person authorised to conduct the check by the operator's head of operations.

142.335 Part 142 operators—instructors and examiners—training in human factors principles and non-technical skills

(1) A Part 142 operator commits an offence if:

(a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and

(b) the instructor or examiner does not meet the requirements in the operator's exposition about training in human factors principles and non-technical skills.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.K—Part 142 operators—expositions

142.340 Part 142 operators—content of exposition

(1) An exposition for a Part 142 operator must include the following:

(a) the operator's name (including any operating or trading name), contact details and ABN (if any);

(b) the address of:

(i) the operator's operational headquarters; and

(ii) each of the operator's training bases;

(c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;

(d) if the operator is a corporation—a description of the operator's corporate structure;

(e) for each of the key personnel, the following information:

(i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 142.D for the position;

(ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 142.D for the position;

(iii) the name of the person appointed to the position;

(iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:

(A) is absent from the position; or

(B) cannot carry out the responsibilities;

(v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);

(f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 142.180;

(g) if the operator's authorised Part 142 activities include Part 142 flight training—the name of each instructor appointed by the operator's head of operations to have responsibility for particular flight training;

(h) a description of the operator's program for training and assessing personnel in human factors principles and non-technical skills;

(i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;

(j) a description of the authorised Part 142 activities conducted by the operator including:

(i) for Part 142 flight training or contracted training:

(A) the training plans and syllabuses for the training; and

(B) the areas of operation for the training; and

Authorised Version F2022C00427 registered 14/04/2022

Regulation 142.340

(C) checklists (if any) and the circumstances when the use of a checklist is permitted; and

(ii) minimum qualifications and experience for personnel conducting the activities; and

(iii) command responsibility during flights for the activities; and

(iv) for contracted training or contracted checking—procedures to ensure that the operator conducts the training or checking in accordance with the contracting operator's training and checking manual and standard operating procedures (if any);

(k) a description of the procedures by which the operator conducts and manages the activities, including the supervision of instructors and persons participating in activities;

(l) if the operator conducts the activities in aircraft:

(i) for each registered aircraft that is flown into, out of or outside Australian territory in the course of conducting the activities—the kind of aircraft and its registration mark; and

(ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and

(iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and

(iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and

(v) a description of each flight training area;

(m) if the operator conducts the activities in relation to a flight crew licence or rating of a kind for which a low-flying activity is required—a description of how the operator will determine a suitable flight training area for the activity;

(n) if the operator conducts the activities in flight simulation training devices:

(i) a description of the devices used by the operator in conducting the activities; and

(ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and

(iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and

(iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and

(v) for any other device—a description of the procedures by which the operator ensures that the device:

(A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or

(B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);

Authorised Version F2022C00427 registered 14/04/2022

(o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
(p) the facilities used by the operator for the activities;
(q) a description of any operations, other than authorised Part 142 activities, conducted, or proposed to be conducted, by the operator;
(r) a description of any aeronautical or aviation-related services provided, or to be provided, by third parties to the operator;
(s) the following manuals:
  (i) an operations manual;
  (ii) a dangerous goods manual (if any);
  (iii) a training management system manual that describes the operator's training management system;
  (iv) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—a safety management system manual that describes the operator's safety management system;
  (v) if the operator conducts the activities only in flight simulation training devices—a quality assurance management system manual that describes the operator's quality assurance management system;
  (vi) an internal training and checking system manual that describes the operator's internal training and checking system;
(t) a description of the operator's process for making changes including:
  (i) identifying changes that are significant changes; and
  (ii) identifying changes that are not significant changes; and
  (iii) telling CASA of the changes;
(u) a description of any other matter required to be approved by CASA under these Regulations in relation to Part 142 activities;
(v) a matter prescribed by a legislative instrument under regulation 142.045 for this paragraph.

(2) A manual mentioned in paragraph (o) or any of subparagraphs (1)(s)(ii) to (vi) may be included as part of the operator's operations manual.

(3) An exposition for a Part 142 operator may include a list of material required for the operator's reference library.

142.345 Part 142 operators—compliance with exposition by operator

(1) A Part 142 operator commits an offence if the operator contravenes a provision of its exposition.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

142.350 Part 142 operators—providing personnel with exposition

(1) A Part 142 operator commits an offence if:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 142.350

(a) the operator's exposition relates to a duty or responsibility of a person who is a member of the operator's personnel; and

(b) the operator does not make the part of the exposition that relates to the duty or responsibility available to the person before the person first begins carrying out the duty or responsibility.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 142.M—Part 142 operators—miscellaneous offences

142.365 Part 142 operators—pilot in command for training to be authorised under Part 61

(1) A Part 142 operator commits an offence if:
  (a) a person flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator; and
  (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB(1) of the Act.

142.370 Part 142 operators—carriage of passengers prohibited during abnormal operations or low-flying activity

(1) A Part 142 operator commits an offence if:
  (a) during a flight of an aircraft for an authorised Part 142 activity for the operator:
    (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
    (ii) a low-flying activity is conducted; and
  (b) a passenger is carried on the flight.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

142.375 Part 142 operators—authorisation of carriage of passengers

(1) A Part 142 operator commits an offence if:
  (a) a person flies an aircraft used in an authorised Part 142 activity for the operator as pilot in command; and
  (b) the operator authorises the carriage of a passenger on the flight; and
  (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator

(1) This regulation applies if:
  (a) a person seeks to undertake part of an integrated training course with a Part 142 operator (the ***current operator***); and
  (b) the person has previously undertaken part of the course with one or more other Part 142 operators (the ***previous operators***).

(2) The current operator commits an offence if:
  (a) the operator provides part of the course to the person; and
  (b) the operator does not meet the requirement mentioned in subregulation (3).

  Penalty: 50 penalty units.

(3) For paragraph (2)(b), the requirement is that the current operator must have determined:
  (a) what part of the course the person has completed with the previous operators; and
  (b) what part of the course the person needs to complete with the current operator to ensure that, taken together, the parts of the course provided by the previous and current operators will meet the standards specified in the Part 61 Manual of Standards for the course.

(4) An offence against this regulation is an offence of strict liability.

142.385 Part 142 operators—completion of training and assessment of competency for certain solo flights

Student pilots

(1) A Part 142 operator commits an offence if:
  (a) a student pilot who is undertaking authorised Part 142 flight training with the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
  (b) the student pilot does not meet the requirements mentioned in subregulation (3).

  Penalty: 50 penalty units.

(2) For paragraph (1)(a), the kinds of solo flight are the following:
  (a) a circuit training flight;
  (b) a flight between an aerodrome and the flight training area for the aerodrome;
  (c) a cross-country flight;
  (d) a flight at night.

(3) For paragraph (1)(b), the requirements are the following:

Authorised Version F2022C00427 registered 14/04/2022

(a) the student pilot must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight of that kind by a student pilot;
(b) the student pilot must have been assessed by the operator as competent to conduct the solo flight;
(c) if the flight is a flight of a kind mentioned in paragraph (2)(c) or (d)—the student pilot must have completed at least 2 hours of dual instrument time, 1 hour of which is conducted during dual instrument flight time.

Holders of pilot licences

(4) A Part 142 operator commits an offence if:
(a) the holder of a pilot licence who is receiving flight training from the operator for a rating or endorsement on the pilot's licence conducts a solo flight at night for the first time; and
(b) the flight training is authorised Part 142 training for the operator; and
(c) the holder does not meet the requirements mentioned in subregulation (5).

Penalty: 50 penalty units.

(5) For paragraph (4)(c), the requirements are the following:
(a) the holder must have completed the training mentioned in the operator's exposition that relates to the conduct of a solo flight for flight training for the rating or endorsement;
(b) the holder must have been assessed by the operator as competent to conduct the solo flight.

Penalty: 50 penalty units.

(6) An offence against this regulation is an offence of strict liability.

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

142.386 Part 142 operators—appropriate briefing and capability to conduct certain solo flights etc.

(1) A Part 142 operator commits an offence if:
(a) a person who is undertaking authorised Part 142 flight training with the operator conducts a solo flight for the first time; and
(b) the person does not meet the requirements mentioned in subregulation (2).

Penalty: 50 penalty units.

(2) For paragraph (1)(b), the requirements are the following:
(a) the person must have been briefed appropriately for the flight;
(b) the person must be capable of conducting the flight safely;
(c) if the person is a student pilot—the person must:
(i) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or

Authorised Version F2022C00427 registered 14/04/2022

(ii) have completed an approved course of training in English language proficiency;

(d) the person must have an ARN.

(3) Strict liability applies to paragraph (1)(a).

Note: See also Subdivision 61.A.3.1 and regulation 61.1225.

142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required

Requirement for approval

(1) A Part 142 operator commits an offence if:

(a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and

(b) the operator does not hold an approval under regulation 142.040 to do the act.

Penalty: 50 penalty units.

Acts in relation to cancelled authorisations

(2) For paragraph (1)(a), the acts are the following:

(a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which was authorised by a cancelled authorisation;

(b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the cancellation, employed in connection with an operation the conduct of which was authorised by a cancelled authorisation;

(c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

(3) Subregulation (4) applies in relation to a suspended or varied authorisation.

(4) For paragraph (1)(a), the acts are the following:

(a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which:

(i) was, immediately before the suspension or variation, authorised by the authorisation; but

(ii) is no longer authorised by the authorisation as suspended or varied;

(b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:

(i) was, immediately before the suspension or variation, authorised by the authorisation; but

(ii) is no longer authorised by the authorisation as suspended or varied;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 142.390

(c) to conduct an operation, or part of an operation, the conduct of which:
(i) was, immediately before the suspension or variation, authorised by the authorisation; but
(ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB of the Act in relation to varying AOC conditions.

Pending applications for authorisations

(5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.

(6) For paragraph (1)(a), the acts are the following:
(a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which would be authorised by the authorisation;
(b) to employ, in connection with any of the operator's authorised Part 142 activities, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
(c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

Application for authorisation refused

(7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.

(8) For paragraph (1)(a), the acts are the following:
(a) to use, in any of the operator's authorised Part 142 activities, an aircraft the use of which would have been authorised by the authorisation;
(b) to employ, in connection with any of the operator's authorised Part 142 activities, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
(c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.

(9) An offence against this regulation is an offence of strict liability.

(10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on application by the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

suspended authorisation means a civil aviation authorisation that has been suspended otherwise than on application by the holder of the authorisation.

varied authorisation means a civil aviation authorisation that has been varied otherwise than on application by the holder of the authorisation.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

Part 143—Air Traffic Services Training Providers

Table of contents

Subpart 143.A—General

143.005 Applicability of this Part
143.010 Definitions for this Part
143.015 What is an ATS training provider
143.016 Person not to provide service without approval
143.017 Issue of Manual of Standards

Subpart 143.B—Approval as an ATS training provider

143.020 What an application must be accompanied by
143.025 When applicant is eligible for approval
143.027 CASA may impose conditions on approvals
143.050 Variation of approvals

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

Division 143.C.1—Requirements for training

143.055 Standard for training
143.060 Training plan

Division 143.C.2—Personnel

143.065 Personnel
143.070 Qualifications for certain personnel

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

143.075 Reference materials
143.080 Material to be included in reference materials
143.085 Documents and records
143.090 Document and record control system

Subpart 143.D—Telling CASA about changes

143.095 Advice on organisational changes
143.100 Discontinuing training
143.105 Status as registered training organisation

Subpart 143.E—Miscellaneous

143.110 Unapproved training

Subpart 143.F—Administration

Division 143.F.1—Preliminary

143.115 Applicability of this Subpart

Authorised Version F2022C00427 registered 14/04/2022

Division 143.F.2—Approvals

143.118 Applying for approval
143.120 Joint applications not permitted
143.130 Applications by corporations etc—what must be included
143.145 CASA may require demonstrations of procedures or equipment
143.175 Grant of approval
143.180 When decision must be made

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

143.215 Definition for this Division
143.220 Suspension of approval by show cause notice
143.225 Grounds for cancellation of approval
143.230 Notice to show cause
143.235 Cancellation of approval after show cause notice
143.245 Cancellation if cooperation or arrangement ceases

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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:

(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. It must be registered in accordance with the *Legislation Act 2003* 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.

Authorised Version F2022C00427 registered 14/04/2022

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

(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*.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

Part 144—Distribution organisations

Note: This Part heading is reserved for future use.

Authorised Version F2022C00427 registered 14/04/2022

Part 145—Continuing airworthiness—Part 145 approved maintenance organisations

Table of contents

Subpart 145.A—General

145.005 Purpose of Part
145.010 Definitions for Part
145.015 Part 145 Manual of Standards
145.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Subpart 145.B—Approval of Part 145 organisations

145.025 Applying for approval
145.030 Issuing approval
145.035 Approval certificate
145.040 Privileges for Part 145 organisations
145.045 Approval subject to conditions

Subpart 145.C—Changes to Part 145 organisations

145.050 Application for approval of significant changes to organisations
145.055 Approval of significant changes
145.060 Changes to Part 145 organisations that are not significant changes
145.065 CASA may direct Part 145 organisations to change exposition

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

145.070 Provision of maintenance services
145.075 Provision of permitted training
145.080 Providing employees with exposition
145.085 Complying with directions

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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;

(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;

Authorised Version F2022C00427 registered 14/04/2022

(ii) managers;
(iii) certifying employees;
(iv) employee qualifications;
(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.

Authorised Version F2022C00427 registered 14/04/2022

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
  (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

Authorised Version F2022C00427 registered 14/04/2022

(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
(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

Authorised Version F2022C00427 registered 14/04/2022

(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

(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.

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

(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
  (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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

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

Authorised Version F2022C00427 registered 14/04/2022

Part 147—Continuing airworthiness—maintenance training organisations

Table of contents

Subpart 147.A—General

147.005 Purpose of Part
147.010 Definitions for Part
147.015 Part 147 Manual of Standards
147.020 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Subpart 147.B—Approval of maintenance training organisations

147.025 Applying for approval
147.030 Issuing approval
147.035 Approval certificate
147.040 Privileges for maintenance training organisations
147.045 Approval subject to conditions

Subpart 147.C—Changes to maintenance training organisations

147.050 Application for approval of significant changes to organisations
147.055 Decision on application for approval of significant changes
147.060 Changes to maintenance training organisations that are not significant changes
147.065 CASA may direct maintenance training organisations to change exposition

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

147.070 Provision of maintenance training and assessment
147.075 Assessment of foreign licences
147.080 Providing employees with exposition
147.085 Complying with directions

Authorised Version F2022C00427 registered 14/04/2022

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;

(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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 147.010

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.

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;

Authorised Version F2022C00427 registered 14/04/2022

(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 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.

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

Authorised Version F2022C00427 registered 14/04/2022

Regulation 147.020

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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

Authorised Version F2022C00427 registered 14/04/2022

(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

(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).

Authorised Version F2022C00427 registered 14/04/2022

(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

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

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

Part 149—Approved self-administering aviation organisations

Table of contents

Subpart 149.A—General

149.005 Approvals by CASA for Part 149
149.010 Manual of Standards for Part 149
149.015 Aviation administration functions—ASAO certificate required
149.020 Compliance with conditions of ASAO certificate

Subpart 149.B—ASAO certificates

149.060 CASA may limit number of ASAO certificates
149.070 Application for ASAO certificate
149.075 Issue of ASAO certificate
149.080 Approval of exposition
149.085 Conditions of ASAO certificate
149.090 Form of ASAO certificate

Subpart 149.C—Changes to exposition or personnel

149.110 Certain changes to exposition must be pre-approved by CASA
149.115 Approval of changes to exposition
149.120 CASA directions relating to exposition or personnel

Subpart 149.D—Organisation and personnel

149.195 Organisation and personnel
149.200 Notifying CASA if key personnel cannot carry out responsibilities
149.205 Familiarisation training for key personnel
149.210 Experience etc. of key personnel
149.215 Reporting interference with decisions of key personnel
149.220 Register of key personnel and appointed persons

Subpart 149.E—Systems, facilities, reference materials and rules

149.270 Safety management system
149.275 Audit and surveillance system
149.280 Facilities and equipment
149.285 Reference materials
149.290 Aviation administration and enforcement rules

Subpart 149.F—Expositions

149.340 Content of exposition
149.345 Compliance with exposition
149.350 Access to exposition etc.

Subpart 149.G—Authorisations

149.400 Grounds for refusal of application for authorisation

Authorised Version F2022C00427 registered 14/04/2022

149.405 Disclosure of information in application for authorisation
149.410 Authorisation holders must comply with ASAO's exposition
149.415 Notice of suspension, variation or cancellation of authorisation
149.425 Reporting conduct of authorisation holders etc.
149.430 Reporting applications for authorisations in certain circumstances
149.435 ASAO to refuse to issue authorisation if suspended etc.
149.440 ASAO to refuse to issue authorisation if exclusion period is in force

Subpart 149.H—Authorisations and enforcement

149.490 Direction to ASAO to exercise ASAO enforcement powers
149.495 Variation, suspension and cancellation of authorisations issued by ASAOs
149.500 Effect of suspension or cancellation by CASA of authorisations issued by ASAOs

Subpart 149.J—Information and documents

149.540 Providing information or documents to CASA
149.550 Copies of documents to CASA

Subpart 149.K—Review of ASAO decisions

149.605 Application for internal review by ASAO
149.610 Application for review by CASA
149.615 Notifying the ASAO of application
149.620 ASAO to provide information and documents to CASA
149.625 CASA may request further information etc. from applicant for review
149.630 Review procedures and review decision

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.A—General

149.005 Approvals by CASA for Part 149

(1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.

(2) Subject to regulation 11.055, CASA must grant the approval.

149.010 Manual of Standards for Part 149

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

(a) required or permitted by these Regulations to be prescribed by the Part 149 Manual of Standards; or

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

149.015 Aviation administration functions—ASAO certificate required

(1) A person must not perform an aviation administration function if the person does not hold an ASAO certificate authorising the person to perform the function.

Note: This regulation does not apply to certain sport aviation bodies for a limited period: see regulation 202.861.

(2) Subregulation (1) does not apply if the person is otherwise permitted, under these Regulations, to perform the function.

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

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

Penalty: 50 penalty units.

149.020 Compliance with conditions of ASAO certificate

(1) An ASAO must not contravene a condition of its ASAO certificate.

(2) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.B—ASAO certificates

149.060 CASA may limit number of ASAO certificates

(1) For the purposes of subsection 98(5A) of the Act, CASA may issue a legislative instrument imposing limits on the number of ASAO certificates that may be issued if CASA is satisfied that exceeding the limit is likely to have an adverse effect on the safety of air navigation.

(2) A limit may be imposed:
  (a) indefinitely or for a specified period; or
  (b) generally or in relation to a specified class of aviation administration functions.

(3) CASA may, by legislative instrument, vary or revoke an instrument made under subregulation (1).

149.070 Application for ASAO certificate

(1) A person may apply to CASA, in writing, for the issue of an ASAO certificate to the person.

(2) However, a body corporate may make an application only if it is incorporated in Australia.

(3) An application for an ASAO certificate must include the following:
  (a) the applicant's name and contact details;
  (b) any operating or business name of the organisation (the ***applicant's organisation***) established, or proposed to be established, by the applicant to perform the aviation administration functions covered by the application on behalf of the ASAO, including its ABN (if any);
  (c) the principal physical address at which the person proposed to be appointed as the accountable manager of the applicant's organisation will perform their duties and responsibilities;
  (d) if the applicant is a corporation—the name of each of the officers of the corporation, its ACN and the address of its registered office;
  (e) details of the aviation administration functions covered by the application, including:
    (i) the kinds of aircraft (if any) that the applicant proposes to administer; and
    (ii) the activities that the applicant proposes to administer; and
    (iii) any ASAO enforcement powers that the ASAO proposes to exercise;
  (f) a written undertaking from the person proposed to be appointed as the accountable manager of the applicant's organisation that, if CASA issues the certificate, the applicant and the applicant's organisation will:

Authorised Version F2022C00427 registered 14/04/2022

(i) be capable of operating in accordance with the applicant's exposition and the civil aviation legislation; and

(ii) operate in accordance with the applicant's exposition and the civil aviation legislation.

(4) The application must be:

(a) accompanied by a copy of the applicant's proposed exposition; and

(b) signed by the person proposed to be appointed as the accountable manager of the applicant's organisation.

149.075 Issue of ASAO certificate

(1) Subject to regulations 11.055 and 149.060, CASA must issue an ASAO certificate to an applicant if CASA is satisfied:

(a) that the applicant's proposed exposition complies with regulation 149.340; and

(b) about the following matters in relation to the organisation (the ***applicant's organisation***) established, or proposed to be established, by the applicant to perform, on behalf of the applicant, the aviation administration functions covered by the application:

(i) the applicant's organisation can perform the functions safely and in accordance with the applicant's exposition and the civil aviation legislation;

(ii) the applicant's organisation has the facilities and equipment required by regulation 149.280;

(iii) the applicant's organisation has the reference materials required by regulation 149.285; and

(c) that the applicant has nominated an individual for each of the key personnel positions of the applicant's organisation; and

(d) that the individuals nominated to hold the positions of accountable manager and safety manager of the applicant's organisation have the qualifications and experience required by the applicant's proposed exposition; and

(e) that each individual nominated to hold any other key personnel position of the applicant's organisation is appropriately qualified to hold the position.

(2) If CASA decides to issue the ASAO certificate, CASA must:

(a) determine the aviation administration functions that the applicant is authorised to perform, including:

(i) the kinds of aircraft (if any) that the applicant is authorised to administer; and

(ii) the activities that the applicant is authorised to administer; and

(iii) the ASAO enforcement powers (if any) that the ASAO may exercise; and

(b) determine the period (not exceeding 5 years) for which the certificate is in force.

Authorised Version F2022C00427 registered 14/04/2022

149.080 Approval of exposition

If CASA issues an ASAO certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

149.085 Conditions of ASAO certificate

Each of the following is a condition of an ASAO certificate issued to an ASAO:

(a) the ASAO must comply with the ASAO's exposition and the civil aviation legislation;

(b) the ASAO must comply with any direction given to the ASAO, or obligation imposed on the ASAO, by CASA under these Regulations;

(c) each of the key personnel of the ASAO 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 the civil aviation legislation that applies to the ASAO's approved functions;

(d) each vacancy in the key personnel of the ASAO must be:

(i) notified to CASA within the period specified in the ASAO's exposition; and

(ii) filled within the period specified in the ASAO's exposition;

(e) each of the personnel of the ASAO must comply with each provision of the civil aviation legislation that applies to the ASAO's approved functions;

(f) the position of safety manager and any other key personnel position in the ASAO's organisation may be occupied by the same person simultaneously only:

(i) in an unforeseen circumstance, and for the period specified in the ASAO's exposition; or

(ii) in the circumstances, and for the period, for which the ASAO holds an approval under regulation 149.005.

149.090 Form of ASAO certificate

An ASAO certificate must include the following:

(a) the name of the ASAO;

(b) the date of issue of the certificate;

(c) the aviation administration functions of the ASAO determined under paragraph 149.075(2)(a);

(d) the period determined under paragraph 149.075(2)(b) for which the certificate is in force;

(e) a certificate reference number determined by CASA.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.C—Changes to exposition or personnel

149.110 Certain changes to exposition must be pre-approved by CASA

(1) A change to an ASAO's exposition must be approved by CASA under regulation 149.115 before the change is made.

(2) Subregulation (1) does not apply if the change is of a kind specified in the ASAO's exposition in accordance with paragraph 149.340(h).

Note: Such a change may need to be notified to CASA within a specified period after the change is made: see paragraph 149.340(i).

149.115 Approval of changes to exposition

Application for approval

(1) An ASAO may apply to CASA for the approval of a change to the ASAO's exposition.

(2) The application must:
(a) be in the approved form; and
(b) be accompanied by a copy of the part of the ASAO's exposition affected by the change, clearly identifying the change; and
(c) comply with the requirements (if any) prescribed by the Part 149 Manual of Standards.

Decision on application

(3) CASA must, by written notice given to the applicant, do one of the following within 21 days after receiving the application:
(a) if subregulation (4) applies—grant the approval;
(b) refuse to grant the approval.

(4) For the purposes of paragraph (3)(a), this subregulation applies if CASA is satisfied that:
(a) the requirements mentioned in subregulation 149.075(1) will continue to be met in relation to the ASAO; and
(b) approving the change would not be likely to have an adverse effect on the safety of air navigation.

Request for further information

(5) CASA may, by written notice, request further information from the applicant about the application.

(6) If a notice is given under subregulation (5):
(a) the 21-day period stops on the day the notice is given; and

Authorised Version F2022C00427 registered 14/04/2022

(b) that period begins again on the day after the information is received by CASA.

(7) More than one notice may be given under subregulation (5) in relation to an application.

149.120 CASA directions relating to exposition or personnel

(1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to an ASAO, direct the ASAO to change the ASAO's 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.

(2) CASA may, by written notice given to an ASAO, direct the ASAO to remove any of the key personnel of the ASAO from the person's position if CASA is satisfied that the person is not:

(a) carrying out the responsibilities of the position; or

(b) if the person is the accountable manager of the ASAO's organisation—properly managing matters for which the person is accountable.

(3) A notice under this regulation must state the time within which the direction must be complied with.

(4) If CASA gives an ASAO a direction under this regulation, the ASAO must comply with the direction within the time specified in the notice.

(5) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (4).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.D—Organisation and personnel

149.195 Organisation and personnel

(1) An ASAO's organisation must maintain a structure that effectively manages the ASAO's approved functions, taking into account the nature and complexity of the functions.

(2) An ASAO's organisation must have enough suitably competent, qualified and trained personnel to enable the ASAO to perform the ASAO's approved functions in accordance with the ASAO's exposition and the civil aviation legislation.

(3) An ASAO contravenes this subregulation if any of the ASAO's key personnel carries out a responsibility of the person's position in a way that contravenes the ASAO's exposition or this Subpart.

(4) An ASAO commits an offence if the ASAO contravenes subregulation (3).

Penalty: 50 penalty units.

149.200 Notifying CASA if key personnel cannot carry out responsibilities

(1) If an ASAO becomes aware that any of the ASAO's 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, the ASAO must tell CASA of that fact within:
   (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—5 days after the ASAO becomes aware of that fact; or
   (b) if there is another person authorised to carry out the responsibilities for all or part of the period—10 days after the ASAO becomes aware of that fact.

(2) An ASAO commits an offence if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

149.205 Familiarisation training for key personnel

An ASAO must ensure that, before a person appointed as any of the ASAO'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.

149.210 Experience etc. of key personnel

(1) The accountable manager of an ASAO:
   (a) must have the experience and qualifications required by the ASAO's exposition; and

Authorised Version F2022C00427 registered 14/04/2022

(b) is responsible for managing, and is accountable for, the matters set out in the ASAO's exposition.

(2) The safety manager of an ASAO:
(a) must have the experience and qualifications required by the ASAO's exposition; and
(b) is responsible for the matters set out in the ASAO's exposition.

(3) The key personnel of an ASAO, other than the accountable manager and the safety manager of the ASAO:
(a) are responsible for the matters set out in the ASAO's exposition; and
(b) must have experience and qualifications that are commensurate with the risk associated with the ASAO's approved functions.

149.215 Reporting interference with decisions of key personnel

(1) If the accountable manager of an ASAO becomes aware that a person has overridden an aviation safety-related decision of a member of the key personnel of the ASAO, the accountable manager must report the matter to CASA, in writing, as soon as practicable, and in any case not later than 7 days, after becoming aware of the matter.

Note: CASA may direct an ASAO to remove the accountable manager of the ASAO if he or she does not comply with this subregulation: see subregulation 149.120(2).

(2) If the safety manager of an ASAO becomes aware that a person has overridden an aviation safety-related decision of a member of the key personnel of the ASAO, the safety manager must report the matter to CASA, in writing, as soon as practicable, and in any case not later than 7 days, after becoming aware of the matter.

Note: CASA may direct an ASAO to remove the safety manager of the ASAO if he or she does not comply with this subregulation: see subregulation 149.120(2).

149.220 Register of key personnel and appointed persons

(1) An ASAO must maintain a register containing the following information for each of the ASAO's key personnel:
(a) the title of the position;
(b) the name of the person occupying the position;
(c) the date the person began occupying the position;
(d) if applicable—the date the person ceased to occupy the position.

(2) An ASAO must maintain a register containing the following information for each person appointed by the ASAO to perform an approved function on behalf of the ASAO:
(a) the name of the person;
(b) each approved function of the ASAO that the person performs on behalf of the ASAO;
(c) the date the person began performing each function;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 149.220

(d) if applicable—the date the person ceased performing each function.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.E—Systems, facilities, reference materials and rules

149.270 Safety management system

An ASAO must have a safety management system that:

(a) is appropriate for the ASAO's approved functions, taking into account the nature and complexity of the functions, and the size of the ASAO; and

(b) complies with the requirements prescribed by the Part 149 Manual of Standards.

149.275 Audit and surveillance system

An ASAO must have an audit and surveillance system that complies with the requirements prescribed by the Part 149 Manual of Standards.

149.280 Facilities and equipment

An ASAO's organisation must have the facilities and equipment that are necessary for performing the ASAO's approved functions, including appropriate equipment to allow the ASAO's personnel to perform their duties.

149.285 Reference materials

(1) An ASAO must provide access to up-to-date copies of the following reference materials that are relevant to the performance of the ASAO's approved functions:

(a) the civil aviation legislation;

(b) technical standards and practices;

(c) technical bulletins and instructions;

(d) manuals for equipment used by the ASAO's personnel;

(e) any other materials prescribed by the Part 149 Manual of Standards.

(2) An ASAO must ensure that the ASAO's personnel have ready access to the reference materials.

149.290 Aviation administration and enforcement rules

(1) An ASAO must prepare rules (the ***aviation administration and enforcement rules***) that provide for the following:

(a) the process for applying for an authorisation from the ASAO to undertake an activity administered by the ASAO, including the information that must be included in the application;

(b) the eligibility criteria for the issuing of an authorisation by the ASAO to undertake an activity administered by the ASAO;

(c) conditions that may be attached to an authorisation issued by the ASAO;

Authorised Version F2022C00427 registered 14/04/2022

Regulation 149.290

(d) procedures relating to the variation, suspension and cancellation of authorisations at the authorisation holder's request;
(e) procedures relating to the internal review of decisions made by the ASAO;
(f) if the ASAO is authorised to exercise ASAO enforcement powers:
(i) the circumstances in which those powers may be exercised; and
(ii) procedures relating to the exercise of those powers;
(g) procedures that require safe conduct by authorisation holders at all times;
(h) measures for providing an authorisation holder with preventative, corrective or remedial solutions to identified training or skills deficiencies;
(i) any disciplinary action that may be undertaken by the ASAO in relation to authorisation holders;
(j) an effective and appropriate review process in relation to any preventative, corrective, remedial or disciplinary action undertaken by the ASAO;
(k) any other matter prescribed by the Part 149 Manual of Standards.

(2) The aviation administration and enforcement rules of an ASAO must have due regard to procedural fairness.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.F—Expositions

149.340 Content of exposition

An exposition for an ASAO must include the following:

(a) for each of the ASAO's key personnel, the following information:
  (i) the qualifications and experience (if any) required by the ASAO for the position in addition to the qualifications and experience required under the Part 149 Manual of Standards for the position;
  (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in the Part 149 Manual of Standards 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 is absent from the position or cannot carry out the responsibilities;
  (v) a description of how the ASAO will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);

(b) for each position occupied by a person appointed by the ASAO to perform an approved function on behalf of the ASAO, the following information:
  (i) the duties and responsibilities of the position;
  (ii) how a person will be selected, trained and authorised to perform the duties and responsibilities of the position;
  (iii) the qualifications, knowledge and experience required for the position;

(c) a description of the approved functions of the ASAO;

(d) a description of the procedures by which the ASAO ensures that the performance of the ASAO's approved functions comply with:
  (i) the ASAO's exposition; and
  (ii) the civil aviation legislation;

(e) a description of the ASAO's safety management system required by regulation 149.270;

(f) a description of the ASAO's audit and surveillance system required by regulation 149.275;

(g) the ASAO's aviation administration and enforcement rules;

(h) the kinds of changes to the ASAO's exposition that do not require approval by CASA;

(i) the ASAO's process for managing changes to the ASAO's exposition that do not require approval by CASA, including:
  (i) procedures for notifying the ASAO's personnel and CASA of such changes; and
  (ii) the period within which such changes are to be so notified;

Authorised Version F2022C00427 registered 14/04/2022

(j) a description of the procedures by which the ASAO will ensure compliance with regulation 149.550, should any of the circumstances specified in that regulation arise;

(k) any other matter required to be included in the exposition by the Part 149 Manual of Standards or these Regulations.

149.345 Compliance with exposition

(1) An ASAO must not contravene a provision of the ASAO's exposition.

(2) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

149.350 Access to exposition etc.

(1) An ASAO contravenes this subregulation if:

(a) the ASAO does not keep its exposition in a readily accessible form; or

(b) a member of the ASAO's personnel does not have ready access to the exposition; or

(c) the holder of an authorisation issued by the ASAO does not have ready access to the exposition; or

(d) CASA does not have ready access to the exposition; or

(e) the ASAO does not keep the exposition up-to-date.

(2) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.G—Authorisations

149.400 Grounds for refusal of application for authorisation

(1) An ASAO must not reject an application by a person for an authorisation to undertake an activity administered by the ASAO on grounds other than the eligibility criteria set out in the ASAO's aviation administration and enforcement rules.

Note: For review by CASA of decisions by ASAOs, see Subpart 149.K.

(2) Subregulation (1) does not apply if the ASAO reasonably believes that acceptance of the application would constitute an offence against the civil aviation legislation.

149.405 Disclosure of information in application for authorisation

(1) A person contravenes this subregulation if:
  (a) the person applies to an ASAO for an authorisation to undertake an activity; and
  (b) the person does not disclose, in the application, details of each cancellation, variation or suspension (other than at the person's request) of authorisations:
    (i) held by the person that are the same in substance as the authorisation applied for; and
    (ii) issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country;
  in the period starting 10 years before the making of the application.

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

Penalty: 50 penalty units.

149.410 Authorisation holders must comply with ASAO's exposition

(1) The holder of an authorisation issued by an ASAO contravenes this subregulation if:
  (a) a provision of the ASAO's exposition applies to the holder; and
  (b) the holder contravenes the provision.

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

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 149.415

149.415 Notice of suspension, variation or cancellation of authorisation

CASA-issued authorisation—cancellation etc. by CASA

(1) Subregulation (2) applies if:
  (a) a person holds an authorisation (the ***first authorisation***) issued by CASA; and
  (b) CASA suspends, varies or cancels the first authorisation other than at the person's request; and
  (c) a person holds an authorisation (the ***second authorisation***) issued by an ASAO.

(2) The person must, within 7 days after the suspension, variation or cancellation takes effect, give written notice of the suspension, variation or cancellation to the ASAO.

ASAO-issued authorisation—cancellation etc. by ASAO or CASA

(3) Subregulation (4) applies if:
  (a) a person holds an authorisation (the ***first authorisation***) issued by an ASAO to undertake an activity; and
  (b) CASA or the ASAO suspends, varies or cancels the first authorisation other than at the person's request; and
  (c) the person holds an authorisation issued by another sport aviation body.

(4) The person must, within 7 days after the suspension, variation or cancellation takes effect, give written notice of the suspension, variation or cancellation to the other sport aviation body.

ASAO-issued authorisation—cancellation etc. by national aviation authority of a foreign country

(5) Subregulation (6) applies if:
  (a) a person holds an authorisation (the ***first authorisation***) issued by an ASAO; and
  (b) the person holds an authorisation (the ***other authorisation***) issued by a national aviation authority of a foreign country; and
  (c) the other authorisation is suspended, varied or cancelled other than at the person's request.

(6) The person must, within 7 days after the suspension, variation or cancellation takes effect, give written notice of the suspension, variation or cancellation to the ASAO and CASA.

Offence

(7) A person commits an offence of strict liability if the person contravenes subregulation (2), (4) or (6).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

149.425 Reporting conduct of authorisation holders etc.

(1) An ASAO must give a report to CASA, in writing, if the ASAO reasonably believes that:

(a) both of the following apply:

(i) the holder of an authorisation issued by the ASAO has contravened the ASAO's exposition;

(ii) despite remedial or disciplinary action taken by the ASAO, the conduct of the holder of the authorisation jeopardises the safety of civil aviation; or

(b) both of the following apply:

(i) a person is undertaking an activity for which the person is required, under these Regulations, to hold an authorisation issued by an ASAO;

(ii) the person does not hold an authorisation issued by the ASAO to undertake the activity; or

(c) a person is undertaking an activity for which the person holds an authorisation issued by an ASAO in a way that contravenes the authorisation; or

(d) an aircraft that has ceased to be registered under Part 47 or administered by the ASAO is being flown.

(2) An ASAO must give the report to CASA within the time specified in the ASAO's exposition.

(3) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (2).

Penalty: 50 penalty units.

149.430 Reporting applications for authorisations in certain circumstances

Reporting of all variations and cancellations

(1) An ASAO contravenes this subregulation if:

(a) a person applies to the ASAO for an authorisation to undertake an activity; and

(b) the ASAO knows that the person holds, or has held, an authorisation (the ***other authorisation***):

(i) that is the same in substance as the authorisation applied for; and

(ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and

(c) the ASAO knows that the other authorisation was varied or cancelled other than at the person's request; and

(d) the ASAO does not report details of the application to CASA, in writing, within 7 days after the person makes the application.

Authorised Version F2022C00427 registered 14/04/2022

Reporting of current suspensions

(2) An ASAO contravenes this subregulation if:
  (a) a person applies to the ASAO for an authorisation to undertake an activity; and
  (b) the ASAO knows that the person holds an authorisation (the ***other authorisation***):
    (i) that is the same in substance as the authorisation applied for; and
    (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
  (c) the ASAO knows that, at the time of the application, the other authorisation is suspended other than at the person's request; and
  (d) the ASAO does not report details of the application to CASA, in writing, within 7 days after the person makes the application.

(3) An ASAO commits an offence if the ASAO contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

149.435 ASAO to refuse to issue authorisation if suspended etc.

Other authorisation currently suspended

(1) An ASAO contravenes this subregulation if:
  (a) a person applies to the ASAO for an authorisation (the ***new authorisation***) to undertake an activity; and
  (b) the ASAO knows that the person holds an authorisation (the ***other authorisation***):
    (i) that is the same in substance as the new authorisation; and
    (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
  (c) the ASAO knows that, at the time of the application, the other authorisation is suspended other than at the person's request; and
  (d) the ASAO issues the new authorisation to the person.

Other authorisation is or has been varied

(2) An ASAO contravenes this subregulation if:
  (a) a person applies to the ASAO for an authorisation (the ***new authorisation***) to undertake an activity; and
  (b) the ASAO knows that the person holds, or has held, an authorisation (the ***other authorisation***):
    (i) that is the same in substance as the new authorisation; and
    (ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
  (c) the ASAO knows that the other authorisation was varied other than at the person's request; and

Authorised Version F2022C00427 registered 14/04/2022

(d) the ASAO issues the new authorisation to the person.

Other authorisation has been cancelled

(3) An ASAO contravenes this subregulation if:
(a) a person applies to the ASAO for an authorisation (the ***new authorisation***) to undertake an activity; and
(b) the ASAO knows that the person has held an authorisation (the ***other authorisation***):
(i) that is the same in substance as the new authorisation; and
(ii) that was issued by the ASAO, another sport aviation body, CASA or the national aviation authority of a foreign country; and
(c) the ASAO knows that the other authorisation was cancelled other than at the person's request; and
(d) the ASAO issues the new authorisation to the person.

Exception—CASA approval

(4) Subregulation (1), (2) or (3) does not apply if, before the new authorisation is issued, CASA has given approval under this subregulation to the ASAO to issue the new authorisation to the person.

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

Offence

(5) An ASAO commits an offence if the ASAO contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

(6) Strict liability applies to paragraphs (1)(a) and (d), (2)(a) and (d) and (3)(a) and (d).

149.440 ASAO to refuse to issue authorisation if exclusion period is in force

(1) An ASAO contravenes this subregulation if:
(a) a person applies to the ASAO for an authorisation authorising the person to undertake an activity; and
(b) the ASAO knows that an exclusion period is in force under an order under section 30A of the Act in relation to the person and an authorisation that is the same in substance as the authorisation applied for; and
(c) the ASAO issues the authorisation.

(2) Subregulation (1) does not apply if, before the authorisation is issued, CASA has given approval under this subregulation to the ASAO to issue the authorisation to the person.

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

Authorised Version F2022C00427 registered 14/04/2022

Regulation 149.440

(3) An ASAO commits an offence if the ASAO contravenes subregulation (1).

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.H—Authorisations and enforcement

149.490 Direction to ASAO to exercise ASAO enforcement powers

(1) CASA may, if satisfied that it is necessary in the interests of the safety of air navigation, direct an ASAO to exercise an ASAO enforcement power in relation to the holder of an authorisation issued by the ASAO.

(2) The ASAO must comply with the direction within 20 days.

(3) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (2).

Penalty: 50 penalty units.

149.495 Variation, suspension and cancellation of authorisations issued by ASAOs

(1) CASA may exercise the powers in subregulation (2):
  (a) if an ASAO does not comply with a direction under regulation 149.490 within 20 days; or
  (b) on written request of an ASAO; or
  (c) on CASA's own initiative;
if CASA is satisfied that it is necessary in the interests of the safety of air navigation to do so.

(2) CASA may, by written notice given to the holder of an authorisation issued by an ASAO, vary, suspend or cancel the authorisation.

(3) Before making a decision under subregulation (2), CASA must:
  (a) give the holder of the authorisation a notice setting out the reasons why CASA is considering making the decision; and
  (b) allow the holder of the authorisation to show cause, within such reasonable time as CASA specifies in the notice, why CASA should not make the decision.

(4) A variation or suspension has effect for the period specified in the notice, unless earlier revoked by CASA.

(5) A cancellation takes effect on the day specified in the notice.

(6) If CASA varies, suspends or cancels an authorisation issued by an ASAO, CASA must notify the ASAO in writing of the variation, suspension or cancellation as soon as practicable.

(7) The suspension of an authorisation issued by an ASAO under this regulation does not prevent the revocation of the authorisation by the ASAO or by CASA.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 149.500

149.500 Effect of suspension or cancellation by CASA of authorisations issued by ASAOs

(1) If CASA suspends an authorisation issued by an ASAO under regulation 149.495, the authorisation is taken not to be in force during the period of suspension.

(2) If:

(a) CASA suspends an authorisation issued by an ASAO under regulation 149.495; and

(b) under the civil aviation legislation, a person is required to hold the authorisation to undertake an activity;

the person to whom the authorisation was issued is taken not to be the holder of the authorisation for the period of the suspension.

(3) If an authorisation is cancelled by CASA under regulation 149.495, the person to whom the authorisation was issued is not eligible to apply for the grant of, and must not be granted, another authorisation that is the same in substance as the cancelled authorisation until 3 years after the day the cancellation takes effect.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.J—Information and documents

149.540 Providing information or documents to CASA

(1) CASA may, by notice given to an ASAO, require the ASAO to:
  (a) give to CASA information of the kind specified in the notice; or
  (b) produce to CASA documents of the kind specified in the notice.

(2) The information or documents must relate to the ASAO's approved functions.

(3) The notice must:
  (a) be in writing; and
  (b) specify the manner and form in which the information or documents must be given.

(4) If an ASAO is given a notice under this regulation, the ASAO must comply with the notice within the period specified in the notice (which must end at least 7 days after the notice is given).

(5) An ASAO commits an offence of strict liability if the ASAO contravenes subregulation (4).

Penalty: 50 penalty units.

149.550 Copies of documents to CASA

(1) An ASAO must provide to CASA copies of all documents used by the ASAO in the performance of its approved functions if any of the following events occur:
  (a) the ASAO becomes incapable of complying with the ASAO's obligations under the civil aviation legislation;
  (b) if the ASAO is an individual—the ASAO becomes insolvent under administration;
  (c) if the ASAO is a body corporate—the ASAO becomes a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
  (d) CASA cancels the ASAO certificate issued to the ASAO.

(2) The copies of documents required by subregulation (1) must be provided to CASA within 30 days after the event occurs.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 149.K—Review of ASAO decisions

149.605 Application for internal review by ASAO

(1) This regulation applies if a person is dissatisfied with one of the following decisions:
  (a) a decision of an ASAO to refuse to issue an authorisation to the person;
  (b) a decision of an ASAO to issue an authorisation to the person in terms different from those applied for;
  (c) a decision of an ASAO to vary, suspend or cancel an authorisation issued to the person other than at the person's request;
  (d) a decision to attach conditions to an authorisation issued to the person, other than at the person's request;
  (e) a decision to vary conditions attached to an authorisation issued to the person, other than at the person's request.

(2) The person may apply to the ASAO for internal review of the decision, in accordance with the procedures specified in the ASAO's aviation administration and enforcement rules.

(3) The ASAO may:
  (a) affirm, vary or set aside the decision; and
  (b) if the ASAO sets aside the decision—make such other decision as the ASAO considers appropriate.

(4) If the ASAO has not made a decision on the application within 21 days after receiving the application, the ASAO is taken to have affirmed the decision on that day.

(5) A decision made under subregulation (3), or taken to have been made because of the operation of subregulation (4), by an ASAO is an ***internal review decision***.

149.610 Application for review by CASA

(1) If a person who made an application under subregulation 149.605(2) is dissatisfied with the internal review decision of the ASAO, the person may apply to CASA for a review of the internal review decision.

(2) The application must be made:
  (a) in the approved form; and
  (b) within 21 days after the internal review decision, or such longer period as CASA allows.

(3) An application under this regulation is not taken to have been made unless:
  (a) it is made in the manner approved by CASA for that purpose; and
  (b) it is made in the approved form; and
  (c) it includes all of the information required by the form; and

Authorised Version F2022C00427 registered 14/04/2022

(d) the applicant has notified the ASAO of the application in accordance with regulation 149.615; and

(e) if a fee is payable for the application—that fee has been paid.

(4) The making of an application to CASA for review of an internal review decision of an ASAO does not affect the operation of the decision or prevent the taking of action to implement the decision.

149.615 Notifying the ASAO of application

If a person makes an application under regulation 149.610 for review of an internal review decision made by an ASAO, the person must notify the ASAO, in writing, of that fact.

149.620 ASAO to provide information and documents to CASA

(1) If an ASAO receives a notice under regulation 149.615, the ASAO must, within 28 days after receiving the notice, give the following to CASA:

(a) a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the internal review decision of the ASAO;

(b) copies of every document that is in the ASAO's possession or under the ASAO's control and is relevant to the review by CASA of the internal review decision.

(2) An ASAO commits an offence of strict liability if:

(a) the ASAO is subject to a requirement under subregulation (1); and

(b) the ASAO fails to comply with the requirement.

Penalty: 50 penalty units.

149.625 CASA may request further information etc. from applicant for review

(1) If CASA reasonably believes that it is necessary to do so for the purposes of conducting the review, CASA may request that the applicant for review of an internal review decision of an ASAO do one or more of the following:

(a) provide further information or documents to CASA:

(b) submit to an examination or test conducted by CASA;

(c) attend an interview with CASA.

(2) CASA may refuse to make a decision on the application for review until a request under subregulation (1) is complied with.

149.630 Review procedures and review decision

(1) In conducting a review of an internal review decision of an ASAO:

(a) the procedures for conducting the review are within the discretion of CASA; and

(b) CASA is not bound by the rules of evidence; and

Authorised Version F2022C00427 registered 14/04/2022

Regulation 149.630

(c) CASA may inform itself in any way it thinks fit; and
(d) the review is to be conducted with as little technicality and formality, and as quickly and economically, as a proper consideration of the matters permit.

(2) On review of an internal review decision of an ASAO, CASA must make a decision:
(a) affirming the internal review decision; or
(b) varying the internal review decision; or
(c) setting the internal review decision aside and substituting a new decision; or
(d) setting the internal review decision aside and remitting the matter to the ASAO for reconsideration in accordance with any directions or recommendations of CASA.

(3) A decision under subregulation (2) comes into effect on the day specified by CASA.

(4) CASA must, as soon as practicable after making a decision under subregulation (2), give written notice to the applicant and the ASAO of:
(a) the decision; and
(b) the reasons for the decision.

Authorised Version F2022C00427 registered 14/04/2022

Part 171—Aeronautical telecommunication service and radionavigation service providers

Table of contents

Subpart 171.A—General

171.005 Applicability of this Part
171.010 Interpretation
171.012 Meaning of *telecommunication service*
171.015 Person not to provide service without approval
171.017 Issue of Manual of Standards

Subpart 171.B—Approval of service providers

171.020 Application
171.022 Joint applications not permitted
171.025 If applicant is a corporation
171.026 CASA may ask for demonstration of service
171.027 Grant of approval
171.028 When decision must be made
171.029 Conditions

Subpart 171.C—Obligations and privileges of service provider

171.030 Service by provider
171.035 Changes by service provider to service
171.040 Changes by service provider to operations manual
171.050 Technicians
171.055 Test transmissions
171.065 Interruption to service
171.070 Test equipment
171.075 Documents to be maintained
171.080 Records
171.085 Security program
171.086 Safety management system

Subpart 171.D—Contents of operations manual

171.090 Operations manual to contain or refer to information
171.095 Organisation and management of service provider
171.100 Way in which standards are met
171.105 Functional specification and performance values of services
171.110 Technical description
171.115 Safe operation
171.120 Facility operation and maintenance plan
171.125 Safety management system
171.140 Test equipment
171.145 Interruption to service
171.150 Document control

Authorised Version F2022C00427 registered 14/04/2022

171.155 Security program
171.160 Changes to procedures

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

171.220 Suspension and cancellation of approvals
171.225 Notice to approval holder to show cause
171.230 Grounds for cancellation of approval
171.235 Cancellation of approval after show cause notice
171.237 Cancellation if cooperation or arrangement ceases
171.245 CASA's power to direct variation of manual

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 171.010

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;
(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.

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:

Authorised Version F2022C00427 registered 14/04/2022

(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.

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***:

(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).

Authorised Version F2022C00427 registered 14/04/2022

Regulation 171.015

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. It must be registered in accordance with the *Legislation Act 2003* 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 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.

Authorised Version F2022C00427 registered 14/04/2022

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
  (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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

(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

Authorised Version F2022C00427 registered 14/04/2022

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
   (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*.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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:
  (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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 171.075

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.

(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.

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

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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:

(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:

Authorised Version F2022C00427 registered 14/04/2022

(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
(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;

Authorised Version F2022C00427 registered 14/04/2022

(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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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
(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Part 172—Air Traffic Service Providers

Table of contents

Subpart 172.A—General

172.005 Applicability of this Part
172.010 Definitions for this Part
172.015 What is an ATS provider
172.020 Providing air traffic service without approval
172.022 Issue of Manual of Standards

Subpart 172.B—Approval as an ATS provider

172.024 Applicant for approval as ATS provider
172.030 When applicant is eligible for approval
172.055 Variation of approvals

Subpart 172.C—Requirements to be complied with by ATS providers

Division 172.C.1—Operations manual

172.060 Operations manual

Division 172.C.2—Air traffic service

172.065 Standards for air traffic service
172.070 Aeronautical telecommunications procedures
172.075 ICAO Doc. 4444 and ICAO Doc. 7030
172.080 Compliance with provider's operations manual
172.085 Priority of standards
172.090 Priority of inconsistent procedures

Division 172.C.3—Standards for facilities and equipment

172.095 Facilities and equipment

Division 172.C.4—Organisation and personnel

172.100 Definition for this Division
172.105 Organisation
172.110 Personnel
172.115 Supervisory personnel
172.120 Qualifications for certain personnel

Division 172.C.5—Arrangements to maintain service

172.125 Agreements with service providers
172.130 Agreements with aerodrome operators
172.135 Arrangements for transfer of information

Division 172.C.6—Management

172.140 Training and checking program

Authorised Version F2022C00427 registered 14/04/2022

172.145 Safety management system
172.150 Contingency plan
172.155 Security program

Division 172.C.7—Reference materials, documents, records and log books

172.160 Reference materials
172.165 Documents and records
172.170 Document and record control system
172.175 Logbooks

Division 172.C.8—Notice of air traffic service

172.180 Availability of air traffic service

Subpart 172.D—Telling CASA about changes

172.185 Advice on organisational changes
172.190 Discontinuing air traffic service

Subpart 172.E—Miscellaneous

172.195 ATS provider must not provide unauthorised air traffic service

Subpart 172.F—Administration

Division 172.F.1—Preliminary

172.200 Applicability of this Subpart

Division 172.F.2—Approvals

172.202 Applying for approval
172.205 Joint applications not permitted
172.215 Applications by corporations etc—what must be included
172.230 CASA may require demonstrations of procedures or equipment
172.260 When CASA must approve an applicant
172.265 When decision must be made
172.270 Conditions

Division 172.F.4—Directions to amend provider's operations manual

172.300 CASA may direct amendments to provider's operations manual

Division 172.F.5—Suspension and cancellation of approvals

172.305 Definition for this Division
172.310 Suspension of approval by show cause notice
172.315 Grounds for cancellation of approval
172.320 Notice to show cause
172.325 Cancellation of approval after show cause notice
172.327 Cancellation if cooperation or arrangement ceases

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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;

(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. It must be registered in accordance with the *Legislation Act 2003* 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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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
  (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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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:
   (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:

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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:

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*.

Authorised Version F2022C00427 registered 14/04/2022

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).

Authorised Version F2022C00427 registered 14/04/2022

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.

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

Authorised Version F2022C00427 registered 14/04/2022

(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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Part 173—Instrument flight procedure design

Table of contents

Subpart 173.A—General

173.005 Applicability
173.010 Definitions for this Part
173.015 What is a *certified designer*
173.020 What is a *procedure design certificate*
173.025 What is an *authorised designer*
173.030 What is a *procedure design authorisation*
173.035 Design, review or amendment of terminal instrument flight procedures—requirement for procedure design certificate etc
173.040 Designing instrument flight procedures other than terminal instrument flight procedures

Subpart 173.B—Certified designers

Division 173.B.1—Certification as certified designer

173.045 Applications for procedure design certificates
173.050 Criteria for grant of procedure design certificates
173.055 Procedure design certificate
173.065 How long procedure design certificates remain in force
173.070 Applications to vary procedure design certificates

Division 173.B.2—Requirements to be complied with by certified designers

173.075 Certified designer to maintain operations manual
173.080 Compliance with operations manual
173.085 Standards for design of terminal instrument flight procedures etc
173.090 Verification of terminal instrument flight procedures
173.095 Validation of terminal instrument flight procedures
173.100 Publication of terminal instrument flight procedures
173.105 Radio navigation aids
173.110 Maintenance of terminal instrument flight procedures
173.115 Certified designer to provide facilities etc
173.120 Certified designer to have appropriate organisation
173.125 Certified designer to have sufficient personnel
173.130 Supervisory personnel
173.135 Certified designer to appoint chief designer
173.140 Certified designer to provide training and checking program
173.145 Certified designer to have safety management system
173.150 Certified designer to maintain reference materials
173.155 Certified designer to keep documents and records
173.160 Certified designer to have document and record control system

Division 173.B.3—Chief designer

173.165 Approval for appointment of chief designer
173.170 Approval for appointment to act as chief designer

Authorised Version F2022C00427 registered 14/04/2022

173.175 Appointment likely to have adverse effect on air safety
173.180 Chief designer's functions and duties
173.185 Duration of approval
173.190 Withdrawal or suspension of approval of appointment

Division 173.B.4—Miscellaneous

173.195 Advice on organisational changes
173.200 Discontinuing design work on terminal instrument flight procedures of a particular type
173.205 Notifying the AIS of a variation to a procedure design certificate
173.210 Discontinuing maintenance of particular terminal instrument flight procedures
173.215 Transfer of maintenance responsibility

Subpart 173.C—Authorised designers

Division 173.C.1—Authorisation as authorised designer

173.220 Applications for procedure design authorisations
173.225 Criteria for grant of procedure design authorisations
173.240 How long procedure design authorisations remain in force
173.245 Applications to vary procedure design authorisations

Division 173.C.2—Requirements to be complied with by authorised designers

173.250 Operations manual
173.255 Compliance with operations manual
173.260 Standards for design of terminal instrument flight procedures etc
173.265 Off-shore installations
173.270 Maintenance of terminal instrument flight procedures
173.275 Authorised designer to have sufficient personnel
173.280 Authorised designer to maintain reference materials
173.285 Authorised designer to keep documents and records
173.290 Authorised designer to have document and record control system

Division 173.C.3—Miscellaneous

173.295 Discontinuing design work on terminal instrument flight of a particular type
173.300 Discontinuing maintenance of terminal instrument flight procedures
173.305 Transfer of maintenance responsibility

Subpart 173.D—Performance of design work

173.310 Certified designer not to exceed the limitations of the designer's procedure design certificate
173.315 Authorised designer not to exceed the limitations of authorisation

Subpart 173.E—Administration

Division 173.E.1—Grant of procedure design certificates and procedure design authorisations

173.330 CASA may require demonstrations of equipment etc
173.335 Grant of procedure design certificate or procedure design authorisation
173.345 CASA may grant certificate or authorisation subject to conditions
173.350 When decision must be made

Authorised Version F2022C00427 registered 14/04/2022

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

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

Division 173.E.5—Authorised inspectors

173.390 CASA may appoint authorised inspectors

173.395 Identity card

173.400 Powers of authorised inspector

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 173.015

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.

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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 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 the distance specified in the Manual of Standards 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.

(4) For paragraph (3)(b), the following persons may review or amend the procedure:

(a) CASA;

Authorised Version F2022C00427 registered 14/04/2022

(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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

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

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

(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

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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

(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

Authorised Version F2022C00427 registered 14/04/2022

(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

Authorised Version F2022C00427 registered 14/04/2022

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

(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 designer's procedure design certificate must have ready access to the reference materials.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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;

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

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 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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 173.215

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 173.245

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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 the activity mentioned in subparagraph 173.030(b)(ii).

Authorised Version F2022C00427 registered 14/04/2022

(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:

(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

Authorised Version F2022C00427 registered 14/04/2022

(ii) are trained in accordance with the Manual of Standards and the designer's operations manual.

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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.

(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.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 173.350

(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.

Authorised Version F2022C00427 registered 14/04/2022

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).

Authorised Version F2022C00427 registered 14/04/2022

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.

Authorised Version F2022C00427 registered 14/04/2022

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;
  (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

Authorised Version F2022C00427 registered 14/04/2022

(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.

Authorised Version F2022C00427 registered 14/04/2022

Part 175—Aeronautical information management

Table of contents

Subpart 175.A—Aeronautical information management—general

175.005 What Part 175 is about
175.010 Application of Part 175
175.015 Definitions for Part 175
175.020 References in Part 175 to Annexes 3, 4 and 15
175.025 Issue of Manual of Standards for Part 175

Subpart 175.B—Aeronautical information management—AIS providers

Division 175.B.1—AIS providers—general

175.030 Definitions for Subpart 175.B
175.035 Provision of AIS—requirement for certificate

Division 175.B.2—AIS provider certificates

175.040 AIS provider certificates—who may apply
175.045 AIS provider certificates—requirements for application
175.050 AIS provider certificates—CASA may ask for demonstration of service, facility or equipment
175.055 AIS provider certificates—issue of certificate
175.060 AIS provider certificates—approval of exposition
175.065 AIS provider certificates—conditions
175.067 AIS provider certificates—cancellation of certificate if cooperation or arrangement ceases

Division 175.B.3—AIS providers—changes

175.070 AIS providers—changes to services—matters included in certificate
175.075 AIS providers—other changes
175.080 AIS providers—CASA directions relating to exposition
175.085 AIS providers—notifying CASA of changes in circumstances

Division 175.B.4—AIS providers—requirements for provision of AIS

175.090 AIS providers—provision of AIS must comply with laws
175.095 AIS providers—compliance with exposition
175.100 AIS providers—provision of AIS must comply with standards
175.105 AIS providers—standards for development and publication of Integrated Aeronautical Information Package and aeronautical charts
175.110 AIS providers—standards for aeronautical data processing system
175.115 AIS providers—contravention of exposition or standards
175.120 AIS providers—NOTAM service
175.125 AIS providers—briefing service
175.130 AIS providers—post-flight information service
175.135 AIS providers—CASA directions about NOTAMS for a location
175.140 AIS providers—aerodromes not covered by Part 139—removal of references in AIP

Authorised Version F2022C00427 registered 14/04/2022

175.145 AIS providers—publication of aeronautical charts relating to areas etc. outside authority

Division 175.B.5—AIS providers—requirements about aeronautical data and aeronautical information

175.150 AIS providers—CASA directions relating to aeronautical data or aeronautical information
175.155 AIS providers—integrity of aeronautical data and aeronautical information
175.160 AIS providers—giving data product specifications to aeronautical data originators
175.165 AIS providers—revoking data product specifications
175.170 AIS providers—compliance with data product specification
175.175 AIS providers—correction and notification of errors and omissions in aeronautical data and aeronautical information
175.180 AIS providers—storage and security of aeronautical data and aeronautical information
175.185 AIS providers—timing of effective dates and distribution of certain documents and information
175.190 AIS providers—licence agreements with data service providers for supply of data sets
175.195 AIS providers—compliance with licence agreement

Division 175.B.6—AIS providers—organisational requirements

175.200 AIS providers—exposition
175.205 AIS providers—organisational structure
175.210 AIS providers—personnel—general
175.215 AIS providers—personnel—accountable manager
175.220 AIS providers—personnel—training and checking system for operational personnel
175.225 AIS providers—safety management system
175.230 AIS providers—quality management system
175.235 AIS providers—facilities, equipment, data and information
175.240 AIS providers—contingency plan
175.245 AIS providers—reference materials
175.250 AIS providers—annual review by accountable manager
175.255 AIS providers—records
175.260 AIS providers—retention period for aeronautical data, aeronautical information and records

Subpart 175.C—Aeronautical information management—data service providers

Division 175.C.1—Data service providers—general

175.265 Definitions for Subpart 175.C
175.270 Conduct of data service activity—requirement for certificate
175.275 CASA to publish list of data service providers

Division 175.C.2—Data service provider certificates

175.280 Data service provider certificates—who may apply
175.285 Data service provider certificates—requirements for application
175.290 Data service provider certificates—CASA may ask for demonstration of service, facility or equipment
175.295 Data service provider certificates—issue of certificate
175.300 Data service provider certificates—approval of exposition
175.305 Data service provider certificates—conditions

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.3—Data service providers—changes

175.310 Data service providers—changes to authorised data service activities—matters included in certificate
175.315 Data service providers—other changes
175.320 Data service providers—CASA directions relating to exposition
175.325 Data service providers—notifying CASA of changes in circumstances
175.330 Data service providers—notifying CASA of intention to cease activities

Division 175.C.4—Data service providers—requirements for provision of data service

175.335 Data service providers—standards for data service provision
175.340 Data service providers—compliance with exposition
175.345 Data service providers—standards for aeronautical data processing system

Division 175.C.5—Data service providers—requirements about aeronautical data and aeronautical information

175.350 Data service providers—CASA directions to amend aeronautical data or aeronautical information
175.355 Data service providers—integrity of aeronautical data and aeronautical information
175.360 Data service providers—correction and notification of errors and omissions in aeronautical data and aeronautical information
175.365 Data service providers—storage and security of aeronautical data and aeronautical information
175.370 Data service providers—effective dates and validity of aeronautical data, information and charts
175.375 Data service providers—compliance with licence agreement with AIS providers

Division 175.C.6—Data service providers—organisational requirements

175.380 Data service providers—exposition
175.385 Data service providers—organisational structure
175.390 Data service providers—personnel—general
175.395 Data service providers—personnel—accountable manager
175.400 Data service providers—personnel—training and checking system for operational personnel
175.405 Data service providers—safety management system
175.410 Data service providers—quality management system
175.415 Data service providers—facilities, equipment, data and information
175.420 Data service providers—contingency plan
175.425 Data service providers—reference materials
175.430 Data service providers—annual review by accountable manager
175.435 Data service providers—records
175.440 Data service providers—retention period for aeronautical data, aeronautical information and records

Subpart 175.D—Aeronautical information management—aeronautical data originators

Division 175.D.1—Aeronautical data originators—general

175.445 Aeronautical data originators—AIP responsible person and NOTAM authorised persons
175.450 Aeronautical data originators—telling AIS provider of AIP responsible person and NOTAM authorised persons
175.455 Aeronautical data originators—requirement to provide updated aeronautical data or aeronautical information published other than in NOTAMS

Authorised Version F2022C00427 registered 14/04/2022

175.460 Aeronautical data originators—requirements in relation to providing aeronautical data or aeronautical information published other than in NOTAMS
175.465 Aeronautical data originators—annual review of aeronautical data and aeronautical information
175.470 Aeronautical data originators—requirements in relation to requests for issue of NOTAMS

Division 175.D.2—Aeronautical data originators—Geoscience Australia

175.475 Aeronautical data originators—responsibilities of Geoscience Australia

Subpart 175.E—Aeronautical information management—objects and structures that affect aviation safety

175.480 Objects and structures that affect aviation safety—application of Subpart 175.E
175.485 Objects and structures that affect aviation safety—requests for data by AA
175.490 Objects and structures that affect aviation safety—requests for data from owners etc.
175.495 Objects and structures that affect aviation safety—requests for data from aerodrome operators
175.500 Objects and structures that affect aviation safety—requests for data from government authorities

Authorised Version F2022C00427 registered 14/04/2022

Subpart 175.A—Aeronautical information management—general

175.005 What Part 175 is about

(1) This Part establishes standards and requirements for the quality and integrity of data and information used in air navigation.

(2) Subpart 175.B establishes standards and requirements for AIS providers—persons responsible for the publication of aeronautical data and aeronautical information in the Integrated Aeronautical Information Package and on aeronautical charts.

(3) Subpart 175.C establishes standards and requirements for data service providers—persons authorised to publish aeronautical data, aeronautical information or aeronautical charts, or to supply aeronautical data, that pilots may use as an alternative to the Integrated Aeronautical Information Package and aeronautical charts published by AIS providers.

(4) Subpart 175.D sets out requirements for aeronautical data originators—persons responsible for providing aeronautical data and aeronautical information to AIS providers for publication in the Integrated Aeronautical Information Package and on aeronautical charts.

(5) Subpart 175.E contains powers that can be used to gather data about objects and structures that affect aviation safety.

Note: The data gathered under Subpart 175.E will be used in air navigation applications, including the following:
(a) the design of terminal instrument flight procedures;
(b) the calculation of lowest safe altitudes;
(c) aircraft operating limitations analysis;
(d) minimum safe altitude warning systems;
(e) the publication of visual navigation charts.

175.010 Application of Part 175

This Part does not apply to the following:
(a) a person who is providing an AIS in the course of his or her duties for the Defence Force;
(b) an AIS provided by the Defence Force.

175.015 Definitions for Part 175

In this Part:

corporation has the meaning given by regulation 11.015.

officer, of a corporation, means:

Authorised Version F2022C00427 registered 14/04/2022

(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*).

175.020 References in Part 175 to Annexes 3, 4 and 15

In this Part, a reference to Annex 3, 4 or 15 to the Chicago Convention is a reference to the Annex subject to the differences mentioned in Gen 1.7 of Part 1 of the AIP.

175.025 Issue of Manual of Standards for Part 175

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

(a) required or permitted by this Part to be prescribed by the Manual of Standards; or

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

(2) CASA must give a copy of a notice mentioned in subregulation 11.275(3) or regulation 11.280, about a Manual of Standards for this Part, to each AIS provider and data service provider.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 175.B—Aeronautical information management—AIS providers

Division 175.B.1—AIS providers—general

175.030 Definitions for Subpart 175.B

In this Subpart:

accountable manager, for an AIS provider, means the individual, appointed by the provider, who has the following responsibilities:

(a) responsibility for ensuring that the provider's AIS is provided in accordance with the provider's exposition and this Subpart;

(b) responsibility for ensuring that the provider is able to finance, and has adequate resources to provide, its AIS in accordance with the provider's exposition and this Subpart;

(c) responsibility for the provider's safety management system required by regulation 175.225 and its implementation.

exposition, for an AIS provider, means:

(a) the documents approved by CASA under regulation 175.060 in relation to the provider; or

(b) if the documents are changed under regulation 175.070, 175.075 or 175.080—the documents as changed.

175.035 Provision of AIS—requirement for certificate

(1) A person commits an offence if:

(a) the person provides an AIS; and

(b) the person does not hold a certificate under regulation 175.055 that authorises the person to provide the AIS.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.B.2—AIS provider certificates

175.040 AIS provider certificates—who may apply

(1) A person mentioned in subregulation (2) may apply to CASA, in writing, for a certificate authorising the person to provide an AIS.

(2) For subregulation (1), the persons are the following:
  (a) the Commonwealth;
  (b) AA;
  (c) a person who proposes to provide the AIS:
    (i) in cooperation with AA, in accordance with paragraph 11(3)(b) of the *Air Services Act 1995*;
    (ii) by arrangement with AA, in accordance with paragraph 11(3)(c) of the *Air Services Act 1995*.

(3) However, an application cannot be made:
  (a) by 2 or more persons jointly; or
  (b) on behalf of a partnership.

175.045 AIS provider certificates—requirements for application

(1) An application under regulation 175.040 must include the following:
  (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
  (b) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
  (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 it was incorporated or formed;
  (f) the services that the applicant proposes to provide as part of the AIS;
  (g) the following information about each service:
    (i) the location from which the service is proposed to be provided;
    (ii) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service is proposed to cover;
    (iii) the hours during which the service is proposed to be available;
  (h) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's accountable manager that, if CASA issues the certificate, the applicant will:
    (i) be capable of operating in accordance with its exposition and this Subpart; and
    (ii) operate in accordance with its exposition and this Subpart.

Authorised Version F2022C00427 registered 14/04/2022

(2) The application must be accompanied by a copy of the applicant's proposed exposition.

175.050 AIS provider certificates—CASA may ask for demonstration of service, facility or equipment

Regulation 11.045 applies in relation to a certificate under regulation 175.055.

175.055 AIS provider certificates—issue of certificate

(1) Subject to regulation 11.055, CASA must issue a certificate to an applicant if satisfied that:
  (a) the applicant's proposed exposition complies with regulation 175.200; and
  (b) the individual named in the applicant's exposition as the applicant's accountable manager:
    (i) has the authority to carry out the responsibilities of the position; and
    (ii) has an understanding of this Part and the applicant's exposition; and
  (c) the applicant is able and willing to conduct the AIS safely and in accordance with its exposition and this Subpart; and
  (d) if the applicant proposes to provide the AIS in cooperation or by arrangement with another person—the AIS will be provided in accordance with any agreement relating to the cooperation or arrangement.

(2) If CASA decides to issue the certificate, CASA must determine:
  (a) the services that the applicant is authorised to provide as part of the AIS; and
  (b) the following about each service:
    (i) the location from which the service is to be provided;
    (ii) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service is to cover;
    (iii) the hours during which the service is to be available.

(3) The certificate must include the following:
  (a) the applicant's name and operational headquarters;
  (b) the matters mentioned in subregulation (2);
  (c) a certificate reference number determined by CASA.

(4) CASA must issue a new certificate to an AIS provider if CASA:
  (a) approves a change under subregulation 175.070(4); or
  (b) directs a change under regulation 175.080 that causes the certificate to contain anything that is not, or is no longer, correct.

175.060 AIS provider certificates—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

Authorised Version F2022C00427 registered 14/04/2022

175.065 AIS provider certificates—conditions

(1) It is a condition of a certificate issued to an AIS provider that the provider must comply with:

(a) this Subpart; and

(b) any direction given to the provider, or obligation imposed on the provider, by CASA under a provision of these Regulations.

(2) An AIS provider commits an offence if the provider contravenes the condition mentioned in subregulation (1).

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

175.067 AIS provider certificates—cancellation of certificate if cooperation or arrangement ceases

(1) CASA must cancel a certificate under regulation 175.055 held by a person mentioned in subparagraph 175.040(2)(c)(i) if the cooperation mentioned in that subparagraph ceases.

(2) CASA must cancel a certificate under regulation 175.055 held by a person mentioned in subparagraph 175.040(2)(c)(ii) if the arrangement mentioned in that subparagraph ceases.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.B.3—AIS providers—changes

175.070 AIS providers—changes to services—matters included in certificate

(1) An AIS provider must not make a change to the services that it provides as part of its AIS unless the change has been approved by CASA.

(2) An AIS provider must not make a change to any of the following about a service that it provides as part of its AIS unless the change has been approved by CASA:
  (a) the location from which the service is provided;
  (b) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service covers;
  (c) the hours during which the service is available.

(3) An application for approval of a change must:
  (a) be in writing; and
  (b) set out the change; and
  (c) be accompanied by a copy of the part of the provider's exposition affected by the change, clearly identifying the change.

(4) Subject to regulation 11.055, CASA must approve a change for an AIS provider if satisfied that the requirements mentioned in regulation 175.055 will continue to be met.

(5) If CASA approves the change, CASA is taken to have also approved the changes to the provider's exposition covered by the application.

175.075 AIS providers—other changes

An AIS provider must not make a change other than a change mentioned in regulation 175.070 unless the AIS provider has:
  (a) amended its exposition to reflect the change; and
  (b) given CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

175.080 AIS providers—CASA directions relating to exposition

(1) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to an AIS provider, direct the provider to change its exposition.

(2) A notice under this regulation must state the time within which the direction must be complied with.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 175.085

175.085 AIS providers—notifying CASA of changes in circumstances

An AIS provider must give CASA written notice of any change of circumstance which significantly affects its ability to provide its AIS within 7 days after the change occurs.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.B.4—AIS providers—requirements for provision of AIS

175.090 AIS providers—provision of AIS must comply with laws

(1) The requirements of this Subpart are in addition to requirements that apply to an AIS provider under the following:
  (a) the civil aviation legislation, other than this Subpart;
  (b) the *Airspace Act 2007*;
  (c) the *Airspace Regulations 2007*.

(2) However, if it is not possible for an AIS provider to comply with both a requirement under legislation mentioned in subregulation (1) and a requirement under this Subpart in relation to a particular matter, the provider is required to comply only with the requirement under the legislation mentioned in subregulation (1) in relation to the matter.

(3) If a circumstance mentioned in subregulation (2) arises, the AIS provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

175.095 AIS providers—compliance with exposition

An AIS provider must comply with its exposition.

175.100 AIS providers—provision of AIS must comply with standards

(1) An AIS provider must provide a service that it provides as part of its AIS in accordance with the standards mentioned in the following that apply to the service:
  (a) the Part 175 Manual of Standards;
  (b) Annexes 4 and 15 to the Chicago Convention;
  (c) if PANS-AIM is in force—that document;
  (d) ICAO Documents 8126 and 8697;
  (e) the other AIS applicable ICAO documents;
  (f) the aeronautical data processing standards.

(2) However, if 2 standards mentioned in different documents mentioned in subregulation (1) apply in relation to a particular matter, and it is not possible for the provider to comply with both standards in relation to the matter, then the provider is required to comply only with the standard mentioned in the document that is first mentioned in subregulation (1) in relation to the matter.

(3) If a circumstance mentioned in subregulation (2) arises, the provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

Authorised Version F2022C00427 registered 14/04/2022

175.105 AIS providers—standards for development and publication of Integrated Aeronautical Information Package and aeronautical charts

(1) An AIS provider must publish aeronautical data and aeronautical information as an Integrated Aeronautical Information Package or on aeronautical charts.

(2) The data and information must be developed from data that complies with the standards for data accuracy and integrity mentioned in Annexes 11 and 14 to the Chicago Convention.

(3) The format and quality of the data and information must be suitable for the intended end use of the data and information.

(4) The data and information must be published in accordance with the standards mentioned in the following:
  (a) the Part 175 Manual of Standards;
  (b) Annexes 4 and 15 to the Chicago Convention;
  (c) if PANS-AIM is in force—that document;
  (d) ICAO Documents 8126 and 8697;
  (e) the other AIS applicable ICAO documents.

(5) However, if 2 standards mentioned in different documents mentioned in subregulation (4) apply in relation to a particular matter, and it is not possible for the provider to comply with both standards in relation to the matter, then the provider is required to comply only with the standard mentioned in the document that is first mentioned in subregulation (4) in relation to the matter.

(6) If a circumstance mentioned in subregulation (5) arises, the provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

(7) An aeronautical chart published by the provider must:
  (a) be a chart of a type mentioned in Annex 4 to the Chicago Convention; and
  (b) contain the aeronautical data and aeronautical information required for the function of a chart of that type as mentioned in Annex 4 to the Chicago Convention.

AIS provided in cooperation or arrangement with AA

(8) If an AIS provider is providing its AIS in cooperation, or by arrangement, with AA, AA must ensure that subregulation (1) is complied with.

175.110 AIS providers—standards for aeronautical data processing system

(1) An AIS provider must:
  (a) have an automated system for the processing of aeronautical data and aeronautical information as part of providing its AIS; and
  (b) update the data in the system as necessary; and

Authorised Version F2022C00427 registered 14/04/2022

(c) ensure that the system:
(i) allows the digital exchange and supply of aeronautical data and aeronautical information; and
(ii) can provide the data and information in a format suitable for its intended use; and
(d) ensure that the format and standards for the exchange and supply of aeronautical data and aeronautical information comply with the following:
(i) Annexes 4 and 15 to the Chicago Convention;
(ii) if PANS-AIM is in force—that document;
(iii) ICAO Documents 8126 and 8697;
(iv) the other AIS applicable ICAO documents; and
(e) ensure that aeronautical data and aeronautical information is exchanged and supplied as required by the following:
(i) Annexes 4 and 15 to the Chicago Convention;
(ii) if PANS-AIM is in force—that document;
(iii) ICAO Documents 8126 and 8697;
(iv) the other AIS applicable ICAO documents.

(2) However, if 2 documents mentioned in paragraph (1)(d) apply in relation to a particular matter, and it is not possible for the provider to comply with both documents in relation to the matter, then the provider is required to comply only with the document that is first mentioned in paragraph (1)(d) in relation to the matter.

(3) Also, if 2 documents mentioned in paragraph (1)(e) apply in relation to a particular matter, and it is not possible for the provider to comply with both documents in relation to the matter, then the provider is required to comply only with the document that is first mentioned in paragraph (1)(e) in relation to the matter.

(4) If a circumstance mentioned in subregulation (2) or (3) arises, the provider must, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

175.115 AIS providers—contravention of exposition or standards

(1) An AIS provider may contravene regulation 175.095, 175.100, 175.105 or 175.110 if the contravention is necessary in the interests of aviation safety.

(2) The provider must, as soon as practicable after the contravention occurs, give CASA written notice of the contravention, including an estimate of how long the contravention will last.

175.120 AIS providers—NOTAM service

If an AIS provider provides a NOTAM service, the provider must ensure that the service:

(a) operates 24 hours a day, every day of the year; and

Authorised Version F2022C00427 registered 14/04/2022

(b) issues a NOTAM in the following circumstances:
(i) the circumstances mentioned in Annex 15 to the Chicago Convention;
(ii) when required by Australian law;
(iii) when it is necessary in the interests of aviation safety; and
(c) has agreements with international NOTAM offices for the exchange of NOTAMS; and
(d) is connected to the aeronautical fixed service.

175.125 AIS providers—briefing service

If an AIS provider provides a briefing service, the provider must ensure that the service:
(a) is an automated pre-flight information service; and
(b) operates 24 hours a day, every day of the year; and
(c) allows self-briefing by flight crew members and other operational personnel; and
(d) is capable of providing flight crew members and other operational personnel with:
(i) aeronautical data and aeronautical information to enable pre-flight planning of flights; and
(ii) pre-flight information bulletins, within the meaning of Annex 15 to the Chicago Convention; and
(iii) NOTAMS that are relevant to a proposed flight; and
(iv) meteorological information that is relevant to a proposed flight; and
(e) allows flight crew members or other operational personnel to enter a flight plan; and
(f) provides information that assists in the provision of a flight information service.

175.130 AIS providers—post-flight information service

If an AIS provider provides a post-flight information service, the provider must ensure that the service:
(a) is capable of receiving reports by flight crew members on:
(i) the state and operation of air navigation facilities and services; and
(ii) the presence of birds and other wildlife that may affect aircraft operations; and
(b) disseminates the information received in a format and timeframe appropriate to the operational significance of the information.

175.135 AIS providers—CASA directions about NOTAMS for a location

(1) CASA may, by written notice given to an AIS provider, direct the provider to do the following:
(a) allow NOTAMS to be published that relate only to a particular location;
(b) publish NOTAMS:

Authorised Version F2022C00427 registered 14/04/2022

(i) that relate only to the location; and
(ii) that contain details stated in the notice.

(2) A notice under this regulation must state the time within which the direction must be complied with.

175.140 AIS providers—aerodromes not covered by Part 139—removal of references in AIP

(1) This regulation applies if an AIS provider becomes aware of an aeronautical data originator:
(a) who is responsible for aeronautical data or aeronautical information about an aerodrome that is not a certified aerodrome; and
(b) who has not complied with Subpart 175.D in relation to the aerodrome.

(2) The provider must remove any references to the aerodrome that the provider has published in the AIP from the AIP when the AIP is next amended.

Note: The aeronautical data or aeronautical information for which the aeronautical data originator is responsible must be specified in a data product specification: see paragraph 175.160(4)(a).

175.145 AIS providers—publication of aeronautical charts relating to areas etc. outside authority

(1) This regulation applies if an AIS provider publishes an aeronautical chart that includes aeronautical data or aeronautical information that relates to an area, aerodrome, airspace or ATS route not covered by the provider's certificate.

(2) This Subpart, other than this regulation, does not apply to the publication of the data or information if the data or information accurately reflects data or information that is published:
(a) by another AIS provider under this Subpart; or
(b) by an AIS of a foreign country.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.B.5—AIS providers—requirements about aeronautical data and aeronautical information

175.150 AIS providers—CASA directions relating to aeronautical data or aeronautical information

(1) This regulation applies in relation to aeronautical data or aeronautical information that an AIS provider publishes:
  (a) in the Integrated Aeronautical Information Package; or
  (b) on an aeronautical chart.

(2) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to the provider, direct the AIS provider to do the following:
  (a) add to, amend, or remove the data or information;
  (b) give CASA stated information or records relating to any change to the data or information.

(3) A notice under this regulation must state the time within which the direction must be complied with.

175.155 AIS providers—integrity of aeronautical data and aeronautical information

(1) This regulation applies in relation to aeronautical data or aeronautical information that an AIS provider publishes:
  (a) in the Integrated Aeronautical Information Package; or
  (b) on an aeronautical chart.

(2) The provider must ensure that the integrity of the data or information is maintained during the processing of the data and information by the provider.

(3) The provider must ensure that the data or information:
  (a) is obtained from entities responsible for the data or information; and
  (b) is kept up-to-date; and
  (c) is traceable to its origin.

(4) The provider must verify that the data or information:
  (a) has not been altered from the source data while it is in storage or transit or while it is being formatted; and
  (b) has been checked for accuracy against the source data before publication; and
  (c) has been published only during the period when the data or information is valid.

(5) The provider must verify:
  (a) that the data or information is complete; and

Authorised Version F2022C00427 registered 14/04/2022

(b) that all of the data or information needed to support the intended use of the data or information has been published.

(6) If the data or information was provided to the provider, the provider must verify that the data or information was provided in a format that is suitable for use by the provider.

(7) If the data or information is for inclusion in a NOTAM, the provider must verify that the data or information was provided to the provider by a NOTAM authorised person.

175.160 AIS providers—giving data product specifications to aeronautical data originators

(1) An AIS provider must give a person a written data product specification that complies with subregulation (4) if the person is responsible for aeronautical data or aeronautical information that the provider has published, or will publish:
(a) in the Integrated Aeronautical Information Package; or
(b) on an aeronautical chart.

(2) Subregulation (3) applies if the provider is also responsible for aeronautical data or aeronautical information that the provider has published, or will publish:
(a) in the Integrated Aeronautical Information Package; or
(b) on an aeronautical chart.

(3) The provider must give a written data product specification that complies with subregulation (4) to the area of the provider's organisation responsible for the data or information.

(4) For subregulations (1) and (3), the data product specification must include the following:
(a) the aeronautical data or aeronautical information for which the person or area is responsible;
(b) the standards for the accuracy and resolution of the data or information that the person or area will provide to the provider;
(c) the dates by which the data or information must be provided;
(d) the format for the data or information;
(e) the details of the authenticated electronic means for providing the data or information;
(f) the procedures for managing requests for alterations to the data or information;
(g) the procedures for giving notice of, and for rectifying, errors and omissions detected in the data or information;
(h) the procedures the provider will follow to verify that changes to the data or information have been approved by the person or area;
(i) the circumstances (if any) in which the person or area must ask the provider to issue a NOTAM.

Authorised Version F2022C00427 registered 14/04/2022

175.165 AIS providers—revoking data product specifications

An AIS provider must, in writing, revoke a data product specification given to a person, or an area of the provider's organisation, under regulation 175.160, if the person or part of the organisation is no longer responsible for the aeronautical data or aeronautical information mentioned in the data product specification.

175.170 AIS providers—compliance with data product specification

An AIS provider must comply with the procedures mentioned in a data product specification given by the provider under regulation 175.160.

175.175 AIS providers—correction and notification of errors and omissions in aeronautical data and aeronautical information

(1) This regulation applies if an AIS provider becomes aware of an error or omission in aeronautical data or aeronautical information that the provider publishes:
  (a) in the Integrated Aeronautical Information Package; or
  (b) on an aeronautical chart.

(2) The provider must, as soon as practicable after the provider becomes aware of the error or omission:
  (a) record and investigate the error or omission; and
  (b) ensure that the error or omission is corrected by the most appropriate means taking into account the operational significance of the error or omission; and
  (c) ensure that notice of the corrected aeronautical data or aeronautical information is given to persons who had received the data or information; and
  (d) identify the root cause of the error or omission; and
  (e) establish and implement processes to eliminate the root cause of the error or omission.

(3) The provider must give CASA written notice of any significant error or omission that may affect the safety of air navigation as soon as practicable after the provider becomes aware of the error or omission.

175.180 AIS providers—storage and security of aeronautical data and aeronautical information

An AIS provider must ensure that aeronautical data and aeronautical information necessary for the provision of its AIS:
  (a) is stored digitally; and
  (b) is kept secure to prevent unauthorised access or alteration.

Authorised Version F2022C00427 registered 14/04/2022

175.185 AIS providers—timing of effective dates and distribution of certain documents and information

(1) An AIS provider that publishes any of the following documents or information must ensure that the document or information becomes effective only on an AIRAC effective date:
  (a) an AIP Amendment;
  (b) an AIP Supplement;
  (c) an aeronautical chart;
  (d) information mentioned in Appendix 4 (Information to be notified by AIRAC) of Annex 15 to the Chicago Convention.

(2) The provider must distribute the document or information so that a recipient receives the document or information at least 28 days before the document or information becomes effective.

(3) However, if the document or information contains, or is, information mentioned in Part 3 of Appendix 4 (Information to be notified by AIRAC) of Annex 15 to the Chicago Convention, the provider must distribute the document or information so that a recipient receives the document or information at least 56 days before the document or information becomes effective.

(4) The provider must ensure that a document or information that becomes effective in accordance with subregulation (1) and is distributed in accordance with subregulation (2) or (3) is identified by the acronym "AIRAC".

(5) However, the provider may contravene subregulation (1), (2) or (3) if the contravention is necessary in the interests of aviation safety.

(6) If the provider contravenes subregulation (1), (2) or (3), the provider must give CASA written notice of the contravention as soon as practicable after the contravention occurs.

175.190 AIS providers—licence agreements with data service providers for supply of data sets

(1) An AIS provider must enter into a licence agreement with each data service provider.

(2) The licence agreement must cover any of the following that the data service provider requires for its authorised data service activities:
  (a) aeronautical data and aeronautical information that the AIS provider publishes in the Integrated Aeronautical Information Package;
  (b) aeronautical charts that the AIS provider publishes.

(3) The licence agreement must:
  (a) require the AIS provider to supply data sets containing the data, information or charts covered by the agreement to the data service provider; and

Authorised Version F2022C00427 registered 14/04/2022

(b) allow the data service provider to use, format and publish the data, information or charts; and
(c) include a complete data product specification of the data sets; and
(d) detail when the data sets will be supplied to the data service provider; and
(e) detail the authenticated electronic means by which the data sets will be supplied to the data service provider; and
(f) describe the method of protection to be applied to the data sets to ensure that data is not corrupted during the transfer; and
(g) include the method by which requests, by either party, for alterations to the data, information or charts are to be managed; and
(h) describe how errors and omissions detected in the data, information or charts are to be notified and rectified.

(4) The licence agreement may include charges for the supply of the data sets to the data service provider.

175.195 AIS providers—compliance with licence agreement

An AIS provider must comply with each licence agreement it has entered into under regulation 175.190.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.B.6—AIS providers—organisational requirements

175.200 AIS providers—exposition

(1) The exposition of an AIS provider must contain the following:

(a) the provider's name (including any operating or trading name), contact details and ABN (if any);

(b) the location and address of:

(i) the provider's operational headquarters; and

(ii) each of the provider's operational facilities;

(c) the name of the provider's accountable manager;

(d) a description and diagram of the provider's organisational structure showing formal reporting lines;

(e) if the provider is a corporation—a description of the provider's corporate structure;

(f) for each operational position, including each operational supervisory position, within the organisational structure:

(i) a statement of the duties and responsibilities of the position; and

(ii) the recent experience requirements for the position (if any); and

(iii) the endorsements and qualifications required for the position (if any); and

(iv) the currency requirements (if any) for the endorsements or qualifications;

(g) a description of how the provider determines the number of operational personnel, including operational supervisory personnel, required to provide its AIS;

(h) a list of the services that the provider provides as part of its AIS;

(i) the following information about each service:

(i) the location from which the service is provided;

(ii) the area of Australian territory, and the aerodromes, airspace and ATS routes, that the service covers;

(iii) the hours during which the service is available;

(j) a description of the procedures that ensure that each service is provided in accordance with this Subpart;

(k) a description and an example of the format used for the publication of the Integrated Aeronautical Information Package and aeronautical charts published by the provider;

(l) a description of the format for the digital exchange or supply of aeronautical data;

(m) a description of the arrangements that ensure that the AIS provider receives, on a daily basis, the aeronautical data and aeronautical information necessary for providing its AIS;

(n) a description of the arrangements that ensure that the provider is able to continue to provide its AIS to persons who reasonably require the service;

Authorised Version F2022C00427 registered 14/04/2022

(o) a copy of each agreement (if any) entered into by the provider to provide its AIS in cooperation or by arrangement with another person;

(p) a copy of:

(i) each data product specification given by the provider under regulation 175.160; and

(ii) each licence agreement entered into by the provider under regulation 175.190;

(q) a copy of any data product specification the provider has in relation to any aeronautical data it supplies or receives as part of its AIS;

(r) a copy of the provider's data, personnel and physical security program;

(s) a description of the processes and documents used to present to personnel the relevant standards, rules and procedures mentioned in the following:

(i) the Part 175 Manual of Standards;

(ii) Annexes 4 and 15 to the Chicago Convention;

(iii) if PANS-AIM is in force—that document;

(iv) ICAO Documents 8126 and 8697;

(v) the other AIS applicable ICAO documents;

(vi) the aeronautical data processing standards;

(vii) the provider's instructions for the provision of its AIS (if any) that relate to particular operational facilities;

(t) details of any recommended practices mentioned in the following documents that the provider does not follow:

(i) Annexes 4 and 15 to the Chicago Convention;

(ii) if PANS-AIM is in force—that document;

(iii) ICAO Documents 8126 and 8697;

(iv) the other AIS applicable ICAO documents;

(v) the aeronautical data processing standards;

(u) a copy of each document that contains operational instructions for personnel;

(v) a description of the procedures that ensure all operational personnel are familiar with any operational changes that have occurred since they last performed operational duties;

(w) a description of the provider's training and checking system, as required by regulation 175.220;

(x) a description of the provider's safety management system, as required by regulation 175.225;

(y) a description of the provider's quality management system, as required by regulation 175.230;

(z) a copy of the provider's contingency plan, as required by regulation 175.240;

(za) a description of the provider's record keeping procedures, as required by regulation 175.255;

(zb) a description of the procedures used in commissioning new facilities, equipment and services;

Authorised Version F2022C00427 registered 14/04/2022

(zc) a description of the procedures that ensure that all equipment, including software, is operated in accordance with the manufacturer's operating instructions and manuals;

(zd) a description of the procedures for making changes.

(2) The provider must:

(a) keep the exposition in a readily accessible form; and

(b) ensure that operational personnel and CASA have ready access to the exposition; and

(c) keep the exposition up-to-date.

175.205 AIS providers—organisational structure

An AIS provider must have an appropriate organisation with a sound and effective management structure that enables the provider to provide its AIS in accordance with its exposition and this Subpart.

175.210 AIS providers—personnel—general

An AIS provider must have enough suitably competent, qualified and trained personnel to:

(a) enable the provider to provide its AIS in accordance with its exposition and this Subpart; and

(b) supervise the provision of each service it provides as part of its AIS.

175.215 AIS providers—personnel—accountable manager

An AIS provider must have an accountable manager.

175.220 AIS providers—personnel—training and checking system for operational personnel

(1) An AIS provider must have a training and checking system that ensures that the provider's operational personnel maintain their competence and are provided with ongoing training appropriate to their duties.

(2) Without limiting subregulation (1), the training and checking system must ensure that each person who is a member of the provider's operational personnel:

(a) is trained and proven to be proficient in the performance of the person's duties; and

(b) meets the recent experience requirements (if any) under the provider's exposition for the person's position; and

(c) holds each endorsement or qualification (if any) that is required under the provider's exposition for the person's position; and

(d) meets the currency requirements (if any) under the provider's exposition for the endorsements and qualifications.

Authorised Version F2022C00427 registered 14/04/2022

175.225 AIS providers—safety management system

(1) An AIS provider must have a safety management system that:
  (a) is a systemic approach to managing safety; and
  (b) integrates human factors principles; and
  (c) includes the matters mentioned in subregulation (2).

(2) For paragraph (1)(c), 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 provider'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;
    (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 process, 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
    (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.

175.230 AIS providers—quality management system

An AIS provider must have a quality management system that:
  (a) is based on the elements of the latest edition of the ISO 9001 standard, as in force from time to time, that are relevant to the provision of AIS; and
  (b) includes quality management procedures that address the quality management requirements mentioned in the aeronautical data processing standards.

Authorised Version F2022C00427 registered 14/04/2022

175.235 AIS providers—facilities, equipment, data and information

(1) An AIS provider must have the facilities and equipment that are necessary for providing its AIS, including appropriate premises and equipment to allow operational personnel to perform their duties.

(2) An AIS provider must provide its operational personnel with access to the aeronautical data and aeronautical information required for the publication of the Integrated Aeronautical Information Package, or the aeronautical charts, that the provider publishes.

175.240 AIS providers—contingency plan

(1) An AIS provider must have a contingency plan that sets out the procedures to be followed if a service provided as part of its AIS is interrupted.

(2) The contingency plan must include:
- (a) the actions to be taken by personnel responsible for providing the service; and
- (b) possible alternative arrangements for providing the service; and
- (c) arrangements for resuming normal provision of the service.

175.245 AIS providers—reference materials

(1) An AIS provider must have up-to-date copies of the following reference materials in a readily accessible form:
- (a) the civil aviation legislation relevant to the provision of its AIS;
- (b) Annexes 4, 11, 14 and 15 to the Chicago Convention;
- (c) if PANS-AIM is in force—that document;
- (d) ICAO Documents 8126 and 8697;
- (e) the other AIS applicable ICAO documents;
- (f) the aeronautical data processing standards;
- (g) any instructions issued by the provider to its personnel in relation to the provision of its AIS;
- (h) manuals for equipment used by personnel in the provision of its AIS.

(2) The provider must ensure that operational personnel have ready access to the reference materials.

175.250 AIS providers—annual review by accountable manager

An AIS provider must ensure that its accountable manager:
- (a) conducts an annual review of the provider against the requirements of its exposition and this Subpart; and
- (b) addresses any deficiencies that are identified during the review; and
- (c) gives CASA a report of the annual review, including:
  - (i) any significant deficiencies identified since any previous annual review; and

Authorised Version F2022C00427 registered 14/04/2022

(ii) how the deficiencies are to be addressed.

175.255 AIS providers—records

(1) An AIS provider must have procedures for making, collecting, indexing, storing, securing, maintaining, accessing and disposing of the following:
   (a) records that identify all incoming and outgoing aeronautical data and aeronautical information;
   (b) records that identify each person who is authorised by the provider to process, check, edit, publish or supply aeronautical data and aeronautical information;
   (c) records that list the endorsements, qualifications and competencies of personnel who process, check, edit, publish or supply aeronautical data and aeronautical information;
   (d) records that identify each AIP responsible person for an aeronautical data originator that provides aeronautical data or aeronautical information to the provider;
   (e) records that identify each NOTAM authorised person for an aeronautical data originator that requests the provider to issue NOTAMS;
   (f) records that identify each occurrence of an error or omission in aeronautical data or aeronautical information published by the provider in the Integrated Aeronautical Information Package or on an aeronautical chart;
   (g) records that contain the results of any audit or review of the provider's AIS.

(2) The provider must ensure that a record mentioned in subregulation (1) is legible and permanent.

175.260 AIS providers—retention period for aeronautical data, aeronautical information and records

Aeronautical data and information

(1) Subregulation (2) applies if aeronautical data or aeronautical information necessary for the provision of an AIS provider's AIS:
   (a) has been published by the provider; and
   (b) has become effective; and
   (c) is not a Commonwealth record within the meaning of the *Archives Act 1983*.

(2) The provider must keep the data or information for at least 7 years after the data or information ceases to be effective.

Records

(3) Subregulation (4) applies if a record mentioned in subregulation 175.255(1) is not a Commonwealth record within the meaning of the *Archives Act 1983*.

Authorised Version F2022C00427 registered 14/04/2022

(4) The provider must keep the record:

(a) if the record relates to aeronautical data or aeronautical information mentioned in subregulation (1)—for as long as the data or information is required to be kept; or

(b) otherwise—for at least 7 years after the record is made.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 175.C—Aeronautical information management—data service providers

Division 175.C.1—Data service providers—general

175.265 Definitions for Subpart 175.C

In this Subpart:

accountable manager, for a data service provider, means the individual, appointed by the provider, who has the following responsibilities:

(a) responsibility for ensuring that the provider's authorised data service activities are conducted in accordance with its exposition and this Subpart;

(b) responsibility for ensuring that the provider is able to finance, and has adequate resources to conduct, its authorised data service activities in accordance with its exposition and this Subpart;

(c) responsibility for the provider's safety management system required by regulation 175.405 and its implementation.

exposition, for a data service provider, means:

(a) the documents approved by CASA under regulation 175.300 in relation to the provider; or

(b) if the documents are changed under regulation 175.310, 175.315 or 175.320—the documents as changed.

175.270 Conduct of data service activity—requirement for certificate

(1) A person commits an offence if:

(a) the person conducts a data service activity; and

(b) the person does not hold a certificate under regulation 175.295 that authorises the person to conduct the activity.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to an AIS provider publishing aeronautical data, aeronautical information or an aeronautical chart in the course of providing an AIS.

(3) Subregulation (1) does not apply to an aerodrome operator publishing one of the following charts, as mentioned in Annex 4 to the Chicago Convention:

(a) an Aerodrome Obstacle Chart—ICAO Type A;

(b) an Aerodrome Obstacle Chart—ICAO Type B;

(c) an Aerodrome Terrain and Obstacle Chart—ICAO (Electronic);

(d) a Precision Approach Terrain Chart—ICAO.

(4) Subregulation (1) does not apply to a person who supplies navigation equipment or a navigation system containing aeronautical data in a database, if the database

Authorised Version F2022C00427 registered 14/04/2022

has been supplied to the person by a third party for use in the equipment or system.

Note: A defendant bears an evidential burden in relation to the matters in subregulations (2), (3) and (4): see subsection 13.3(3) of the *Criminal Code*.

(5) An offence against this regulation is an offence of strict liability.

175.275 CASA to publish list of data service providers

(1) CASA must publish a list of:
  (a) data service providers; and
  (b) the matters mentioned in subregulation 175.295(2) for each of the data service providers.

(2) CASA must keep the list up-to-date.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.2—Data service provider certificates

175.280 Data service provider certificates—who may apply

(1) A person may apply to CASA, in writing, for a certificate authorising the person to conduct a data service activity.

(2) However, an application cannot be made:
  (a) by 2 or more persons jointly; or
  (b) on behalf of a partnership.

175.285 Data service provider certificates—requirements for application

(1) An application under regulation 175.280 must include the following:
  (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
  (b) if the address of the applicant's operational headquarters is different from its mailing address—the address of its operational headquarters;
  (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 it was incorporated or formed;
  (f) a description of the data service activities the applicant proposes to conduct;
  (g) the area of coverage of the aeronautical data, aeronautical information or aeronautical charts covered by the activities;
  (h) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's accountable manager that, if CASA issues the certificate, the applicant will:
    (i) be capable of operating in accordance with its exposition and this Subpart; and
    (ii) operate in accordance with its exposition and this Subpart.

(2) The application must be accompanied by a copy of the applicant's proposed exposition.

175.290 Data service provider certificates—CASA may ask for demonstration of service, facility or equipment

Regulation 11.045 applies in relation to a certificate under regulation 175.295.

175.295 Data service provider certificates—issue of certificate

(1) Subject to regulation 11.055, CASA must issue a certificate to an applicant if satisfied that:

Authorised Version F2022C00427 registered 14/04/2022

(a) the applicant's proposed exposition complies with regulation 175.380; and
(b) the individual named in the applicant's exposition as the applicant's accountable manager:
(i) has the authority to carry out the responsibilities of the position; and
(ii) has an understanding of this Part and the applicant's exposition; and
(c) the applicant is able and willing to conduct the data service activities mentioned in the application safely and in accordance with its exposition and this Subpart.

(2) If CASA decides to issue the certificate, CASA must determine:
(a) the data service activities the applicant is authorised to conduct; and
(b) the area of coverage of the aeronautical data, aeronautical information or aeronautical charts covered by the activities.

(3) The certificate must include the following:
(a) the applicant's name and operational headquarters;
(b) the matters mentioned in subregulation (2);
(c) a certificate reference number determined by CASA.

(4) CASA must issue a new certificate to a data service provider if CASA:
(a) approves a change under subregulation 175.310(4); or
(b) directs a change under regulation 175.320 that causes the certificate to contain anything that is not, or is no longer, correct.

175.300 Data service provider certificates—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

175.305 Data service provider certificates—conditions

(1) It is a condition of a certificate issued to a data service provider that the provider must comply with:
(a) this Subpart; and
(b) any direction given to the provider, or obligation imposed on the provider, by CASA under a provision of these Regulations.

(2) A data service provider commits an offence if the provider contravenes the condition mentioned in subregulation (1).

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.3—Data service providers—changes

175.310 Data service providers—changes to authorised data service activities—matters included in certificate

(1) A data service provider commits an offence if:
  (a) the provider makes a change to the provider's authorised data service activities; and
  (b) the change has not been approved by CASA.

  Penalty: 50 penalty units.

(2) A data service provider commits an offence if:
  (a) the provider makes a change to the area of coverage for aeronautical data, aeronautical information or an aeronautical chart covered by an authorised data service activity; and
  (b) the change has not been approved by CASA.

  Penalty: 50 penalty units.

(3) An application for approval of a change must:
  (a) be in writing; and
  (b) set out the change; and
  (c) be accompanied by a copy of the part of the provider's exposition affected by the change, clearly identifying the change.

(4) Subject to regulation 11.055, CASA must approve a change for a data service provider if satisfied that the requirements mentioned in regulation 175.295 will continue to be met.

(5) If CASA approves the change, CASA is taken to have also approved the changes to the provider's exposition covered by the application.

(6) An offence against this regulation is an offence of strict liability.

175.315 Data service providers—other changes

(1) A data service provider commits an offence if:
  (a) the provider makes a change other than a change mentioned in regulation 175.310; and
  (b) the provider did not, before making the change, comply with subregulation (2).

  Penalty: 50 penalty units.

(2) For paragraph (1)(b), the provider must:
  (a) amend its exposition to reflect the change; and
  (b) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Authorised Version F2022C00427 registered 14/04/2022

(3) An offence against this regulation is an offence of strict liability.

175.320 Data service providers—CASA directions relating to exposition

(1) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a data service provider, direct the provider to change its exposition.

(2) A direction under this regulation must state the time within which the direction must be complied with.

(3) The provider commits an offence if the provider does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

175.325 Data service providers—notifying CASA of changes in circumstances

(1) A data service provider commits an offence if:

(a) a change of circumstance occurs which significantly affects the provider's ability to conduct its authorised data service activities; and

(b) the provider does not give CASA written notice of the change of circumstance within 7 days after the change occurs.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

175.330 Data service providers—notifying CASA of intention to cease activities

(1) A data service provider commits an offence if:

(a) the provider ceases to conduct an authorised data service activity; and

(b) the provider did not, at least 2 months before ceasing to conduct the activity, give CASA written notice of the following:

(i) the provider's intention to cease conducting the activity;

(ii) the date on which the provider intended to cease conducting the activity.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.4—Data service providers—requirements for provision of data service

175.335 Data service providers—standards for data service provision

(1) A data service provider commits an offence if:
  (a) the provider publishes or supplies aeronautical data or aeronautical information in conducting a data service activity; and
  (b) the data or information does not meet the requirement mentioned in subregulation (2).

  Penalty: 50 penalty units.

(2) For paragraph (1)(b), the data or information must be the same as the data or information published in the following:
  (a) the AIP;
  (b) an AIP Amendment;
  (c) an AIP Supplement;
  (d) a permanent NOTAM;
  (e) an aeronautical chart published by an AIS provider;
  (f) an aeronautical chart mentioned in subregulation 175.270(3) published by an aerodrome operator.

(3) A data service provider commits an offence if the provider contravenes a provision of the Part 175 Manual of Standards.

  Penalty: 50 penalty units.

(4) A data service provider commits an offence if:
  (a) the provider processes aeronautical data or aeronautical information; and
  (b) the provider does so other than in accordance with the aeronautical data processing standards.

  Penalty: 50 penalty units.

(5) Subregulation (4) does not apply in relation to a particular matter if:
  (a) 2 standards mentioned in the Part 175 Manual of Standards and the aeronautical data processing standards apply in relation to the matter; and
  (b) it is not possible for the provider to comply with both standards in relation to the matter.

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

(6) A data service provider commits an offence if:
  (a) a circumstance mentioned in subregulation (5) arises; and
  (b) the provider does not, as soon as practicable after the circumstance arises, give CASA written notice of the circumstance.

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

175.340 Data service providers—compliance with exposition

(1) A data service provider commits an offence if the provider contravenes a provision of its exposition.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

175.345 Data service providers—standards for aeronautical data processing system

(1) A data service provider commits an offence if the provider does not meet a requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

(2) For subregulation (1), the requirements are the following:
   (a) the provider must have an automated system for the processing of aeronautical data and aeronautical information as part of conducting its authorised data service activities;
   (b) the provider must update the data in the system as necessary.

(3) A data service provider commits an offence if:
   (a) the provider has a system mentioned in paragraph (2)(a); but
   (b) the system does not:
      (i) allow the digital exchange and supply of aeronautical data and aeronautical information; or
      (ii) provide the data and information in a format suitable for its intended use.

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.5—Data service providers—requirements about aeronautical data and aeronautical information

175.350 Data service providers—CASA directions to amend aeronautical data or aeronautical information

(1) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a data service provider, direct the provider to add to, amend, or remove any aeronautical data or aeronautical information that the provider publishes or supplies in conducting a data service activity.

(2) A direction under this regulation must state the time within which the direction must be complied with.

(3) The provider commits an offence if the provider does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

175.355 Data service providers—integrity of aeronautical data and aeronautical information

(1) A data service provider commits an offence if:
(a) the provider publishes or supplies aeronautical data or aeronautical information in conducting a data service activity; and
(b) the provider has not verified the matters mentioned in subregulation (2).

Penalty: 50 penalty units.

(2) For paragraph (1)(b), the matters are the following:
(a) that the data or information was not altered from the source data while in storage or transit or while being formatted;
(b) that the data or information was checked for accuracy against the source data before publication or supply;
(c) that the data or information is complete;
(d) that all of the data or information needed to support the intended use of the data or information has been published or supplied.

175.360 Data service providers—correction and notification of errors and omissions in aeronautical data and aeronautical information

Correction of errors and omissions

(1) A data service provider commits an offence if:

Authorised Version F2022C00427 registered 14/04/2022

(a) the provider becomes aware of an error or omission in aeronautical data or aeronautical information that it publishes or supplies in conducting a data service activity; and

(b) the provider does not comply with subregulation (2) as soon as practicable after becoming aware of the error or omission.

Penalty: 50 penalty units.

(2) For paragraph (1)(b), the provider must do the following:

(a) record and investigate the error or omission;

(b) ensure that the error or omission is corrected by the most appropriate means taking into account the operational significance of the error or omission;

(c) ensure that notice of the corrected aeronautical data or aeronautical information is given to persons who had received the data or information;

(d) identify the root cause of the error or omission;

(e) establish and implement processes to eliminate the root cause of the error or omission.

Notifying CASA of errors and omissions

(3) A data service provider commits an offence if:

(a) the provider becomes aware of an error or omission in aeronautical data or aeronautical information that it publishes or supplies in conducting a data service activity; and

(b) the error or omission is a significant error or omission that may affect the safety of air navigation; and

(c) the provider does not give CASA written notice of the error or omission as soon as practicable after the provider becomes aware of the error or omission.

Penalty: 50 penalty units.

Notifying AIS provider of errors and omissions

(4) A data service provider commits an offence if:

(a) the provider identifies an error or omission in aeronautical data or aeronautical information supplied by an AIS provider; and

(b) the provider does not tell the AIS provider of the error or omission as soon as practicable after identifying the error or omission.

Penalty: 50 penalty units.

175.365 Data service providers—storage and security of aeronautical data and aeronautical information

(1) A data service provider commits an offence if aeronautical data or aeronautical information necessary for its authorised data service activities:

(a) is not stored digitally; or

Authorised Version F2022C00427 registered 14/04/2022

(b) is not kept secure to prevent unauthorised access or alteration.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

175.370 Data service providers—effective dates and validity of aeronautical data, information and charts

(1) A data service provider commits an offence if:

(a) the provider publishes or supplies aeronautical data, aeronautical information or an aeronautical chart in conducting a data service activity; and

(b) the data, information or chart does not become effective on the same date, or remain valid for the same period, as the corresponding data, information or chart contained in the following:

(i) the AIP;

(ii) an AIP Amendment;

(iii) an AIP Supplement;

(iv) a permanent NOTAM;

(v) an aeronautical chart published by an AIS provider;

(vi) an aeronautical chart mentioned in subregulation 175.270(3) published by an aerodrome operator.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply if:

(a) the corresponding data, information or chart was:

(i) published by an AIS provider in contravention of subregulation 175.185(1); or

(ii) distributed by an AIS provider in contravention of subregulation 175.185(2) or (3); and

(b) the data service provider publishes or supplies the data, information or chart by the next effective AIRAC date following the publication or distribution of the corresponding data, information or chart.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

(3) An offence against this regulation is an offence of strict liability.

175.375 Data service providers—compliance with licence agreement with AIS providers

A data service provider commits an offence if the provider contravenes a provision of a licence agreement, mentioned in regulation 175.190, entered into by the provider.

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.C.6—Data service providers—organisational requirements

175.380 Data service providers—exposition

(1) The exposition of a data service provider must contain the following:

(a) the provider's name (including any operating or trading name), address, contact details and ABN (if any);

(b) the location and address of:

(i) the provider's operational headquarters; and

(ii) each of the provider's operational facilities;

(c) the name of the provider's accountable manager;

(d) a description and diagram of the provider's organisational structure showing formal reporting lines;

(e) if the provider is a corporation—a description of the provider's corporate structure;

(f) for each operational position, including each operational supervisory position, within the organisational structure:

(i) a statement of the duties and responsibilities of the position; and

(ii) the recent experience requirements for the position (if any); and

(iii) the qualifications required for the position (if any); and

(iv) the currency requirements (if any) for the qualifications;

(g) a description of how the provider determines the number of operational personnel, including operational supervisory personnel, required for the provider's authorised data service activities;

(h) a description of the data service activities that the provider conducts;

(i) the area of coverage of the aeronautical data, aeronautical information and aeronautical charts covered by the activities;

(j) a description of the procedures that ensure that each of the provider's authorised data service activities is provided in accordance with this Subpart;

(k) a description and an example of the formats used for the aeronautical data, aeronautical information and aeronautical charts published or supplied by the provider in conducting its authorised data service activities;

(l) a description of the format for the digital exchange or supply of aeronautical data;

(m) a description of the arrangements that ensure that the provider receives, on a daily basis, the aeronautical data and aeronautical information necessary for conducting the provider's authorised data service activities;

(n) a description of the arrangements that ensure that the provider is able to continue to publish or supply aeronautical data or aeronautical information, in conducting its authorised data service activities, to persons who reasonably require the data or information;

Authorised Version F2022C00427 registered 14/04/2022

(o) a copy of any licence agreement mentioned in regulation 175.190 entered into by the provider;

(p) a copy of any data product specification in relation to any aeronautical data that the provider receives from an AIS provider;

(q) a copy of the provider's data, personnel and physical security program;

(r) a description of the processes and documents used to present to personnel the relevant aeronautical data and aeronautical information contained in the following:

(i) the AIP;

(ii) AIP Amendments;

(iii) AIP Supplements;

(iv) permanent NOTAM;

(v) aeronautical charts;

(vi) the provider's instructions for conducting its authorised data service activities that relate to particular operational facilities;

(s) a description of the processes and documents used to present to personnel the relevant standards, rules and procedures contained in:

(i) the Part 175 Manual of Standards; and

(ii) the aeronautical data processing standards;

(t) a copy of each document that contains operational instructions for personnel;

(u) a description of the procedures that ensure all operational personnel are familiar with any operational changes that have occurred since they last performed operational duties;

(v) a description of the provider's training and checking system, as required by regulation 175.400;

(w) a description of the provider's safety management system, as required by regulation 175.405;

(x) a description of the provider's quality management system, as required by regulation 175.410;

(y) a copy of the provider's contingency plan, as required by regulation 175.420;

(z) a description of the provider's record keeping procedures, as required by regulation 175.435;

(za) a description of the procedures used in commissioning new facilities, equipment and services;

(zb) a description of the procedures that ensure that all equipment, including software, is operated in accordance with the manufacturer's operating instructions and manuals;

(zc) a description of the procedures for making changes.

(2) The provider commits an offence if:

(a) the provider does not keep the exposition in a readily accessible form; or

(b) operational personnel do not have ready access to the exposition; or

(c) CASA does not have ready access to the exposition; or

Authorised Version F2022C00427 registered 14/04/2022

(d) the provider does not keep the exposition up-to-date.

Penalty: 50 penalty units.

175.385 Data service providers—organisational structure

A data service provider must have an appropriate organisation with a sound and effective management structure that enables the provider to conduct its authorised data service activities in accordance with its exposition and this Subpart.

175.390 Data service providers—personnel—general

A data service provider must have enough suitably competent, qualified and trained personnel to:

(a) enable the provider to conduct its authorised data service activities in accordance with its exposition and this Subpart; and

(b) supervise the conduct of each of its authorised data service activities.

175.395 Data service providers—personnel—accountable manager

A data service provider must have an accountable manager.

175.400 Data service providers—personnel—training and checking system for operational personnel

(1) A data service provider must have a training and checking system that ensures that the provider's operational personnel maintain their competence and are provided with ongoing training appropriate to their duties.

(2) Without limiting subregulation (1), the training and checking system must ensure that each person who is a member of the provider's operational personnel:

(a) is trained and proven to be proficient in the performance of the person's duties; and

(b) meets the recent experience requirements (if any) under the provider's exposition for the person's position; and

(c) holds each qualification (if any) that is required under the provider's exposition for the person's position; and

(d) meets the currency requirements (if any) under the provider's exposition for the qualifications.

175.405 Data service providers—safety management system

(1) A data service provider must have a safety management system that:

(a) is a systemic approach to managing safety; and

(b) integrates human factors principles; and

(c) includes the matters mentioned in subregulation (2).

(2) For paragraph (1)(c), the matters are the following:

Authorised Version F2022C00427 registered 14/04/2022

(a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;

(b) a statement of the data service provider'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;

(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 process, 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

(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.

175.410 Data service providers—quality management system

A data service provider must have a quality management system that:

(a) is based on the elements of the latest edition of the ISO 9001 standard, as in force from time to time, that are relevant to the processing, publication and supply of aeronautical data and aeronautical information for the provider's authorised data service activities; and

(b) includes quality management procedures that address the quality management requirements mentioned in the aeronautical data processing standards.

175.415 Data service providers—facilities, equipment, data and information

(1) A data service provider must have the facilities and equipment that are necessary for conducting its authorised data service activities, including appropriate premises and equipment to allow operational personnel to perform their duties.

(2) A data service provider must provide its operational personnel with access to the aeronautical data and aeronautical information required for conducting its authorised data service activities.

Authorised Version F2022C00427 registered 14/04/2022

175.420 Data service providers—contingency plan

(1) A data service provider must have a contingency plan that sets out the procedures to be followed if an authorised data service activity for the provider is interrupted.

(2) The contingency plan must include:
  (a) the actions to be taken by personnel responsible for conducting the activity; and
  (b) possible alternative arrangements for conducting the activity; and
  (c) arrangements for resuming normal conduct of the activity.

175.425 Data service providers—reference materials

(1) A data service provider must have up-to-date copies of the following reference materials in a readily accessible form:
  (a) the civil aviation legislation relevant to the conduct of the data service provider's authorised data service activities;
  (b) the AIP;
  (c) any AIP Amendments;
  (d) any AIP Supplements;
  (e) any permanent NOTAM;
  (f) any aeronautical charts published by an AIS provider;
  (g) any aeronautical charts mentioned in subregulation 175.270(3) published by an aerodrome operator;
  (h) the aeronautical data processing standards;
  (i) any instructions issued by the provider to its personnel in relation to the conduct of the data service provider's authorised data service activities;
  (j) manuals for equipment used by personnel in the conduct of the provider's authorised data service activities.

(2) The provider must ensure that operational personnel have ready access to the reference materials.

175.430 Data service providers—annual review by accountable manager

(1) A data service provider commits an offence if the provider's accountable manager contravenes subregulation (2).

  Penalty: 50 penalty units.

(2) For subregulation (1), the accountable manager must:
  (a) conduct an annual review of the provider against the requirements of its exposition and this Subpart; and
  (b) address any deficiencies that are identified during the review; and
  (c) give CASA a report of the annual review, including:
    (i) any significant deficiencies identified since any previous annual review; and

Authorised Version F2022C00427 registered 14/04/2022

(ii) how the deficiencies are to be addressed.

175.435 Data service providers—records

(1) A data service provider must have procedures for making, collecting, indexing, storing, securing, maintaining, accessing and disposing of the following:
   (a) records that identify all incoming and outgoing aeronautical data and aeronautical information;
   (b) records that identify each person who is authorised by the provider to process, check, edit, publish or supply aeronautical data and aeronautical information;
   (c) records that list the qualifications and competencies of personnel who process, check, edit, publish or supply aeronautical data and aeronautical information;
   (d) records that identify each occurrence of an error or omission in:
      (i) aeronautical data or aeronautical information that the provider receives; or
      (ii) aeronautical data or aeronautical information that the provider publishes or supplies in conducting a data service activity;
   (e) records that contain the results of any audit or review of the provider's activities.

(2) The provider must ensure that a record mentioned in subregulation (1) is legible and permanent.

175.440 Data service providers—retention period for aeronautical data, aeronautical information and records

Aeronautical data and information

(1) A data service provider commits an offence if:
   (a) the provider publishes or supplies aeronautical data or aeronautical information in conducting a data service activity; and
   (b) the provider does not keep a copy of the data or information for at least 7 years after the data or information ceases to be effective.

Penalty: 50 penalty units.

Records

(2) A data service provider commits an offence if the provider does not keep a record mentioned in subregulation 175.435(1):
   (a) if the record relates to aeronautical data or aeronautical information mentioned in subregulation (1)—for as long as the data or information is required to be kept; or
   (b) otherwise—for at least 7 years after the record is made.

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

(3) An offence against this regulation is an offence of strict liability.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 175.D—Aeronautical information management—aeronautical data originators

Division 175.D.1—Aeronautical data originators—general

175.445 Aeronautical data originators—AIP responsible person and NOTAM authorised persons

AIP responsible persons

(1) An aeronautical data originator commits an offence if:
   (a) the originator provides aeronautical data or aeronautical information to an AIS provider; and
   (b) the originator has not appointed a single senior manager within the originator's organisation as the AIP responsible person for the originator.

   Penalty: 50 penalty units.

(2) An AIP responsible person is responsible for the provision of aeronautical data or aeronautical information, other than in NOTAMS, from the originator to an AIS provider.

(3) An aeronautical data originator commits an offence if:
   (a) the originator appoints a person as the AIP responsible person for the originator; and
   (b) the person does not have the knowledge and competence to carry out the responsibilities of an AIP responsible person.

   Penalty: 50 penalty units.

NOTAM authorised persons

(4) An aeronautical data originator commits an offence if:
   (a) the originator asks an AIS provider to issue, review or cancel a NOTAM; and
   (b) the originator has not appointed a person in the originator's organisation as a NOTAM authorised person for the originator.

   Penalty: 50 penalty units.

(5) A NOTAM authorised person is responsible for requesting the issue, review and cancellation of NOTAMS for the originator.

(6) An aeronautical data originator commits an offence if:
   (a) the originator appoints a person as a NOTAM authorised person for the originator; and
   (b) the person does not have the knowledge and competence to request the issue, review and cancellation of NOTAMS.

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

175.450 Aeronautical data originators—telling AIS provider of AIP responsible person and NOTAM authorised persons

(1) An aeronautical data originator commits an offence if:
  (a) the originator provides aeronautical data or aeronautical information to an AIS provider; and
  (b) the originator has not told the AIS provider, in writing, of the following:
    (i) the name of the AIP responsible person for the originator;
    (ii) the names of the NOTAM authorised persons (if any) for the originator;
    (iii) any changes (if any) to the persons who occupy the positions mentioned in subparagraphs (i) and (ii) since any previous provision of aeronautical data or aeronautical information to the AIS provider.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

175.455 Aeronautical data originators—requirement to provide updated aeronautical data or aeronautical information published other than in NOTAMS

(1) This regulation applies if an aeronautical data originator becomes aware of a change that is needed to aeronautical data or aeronautical information:
  (a) for which the originator is responsible; and
  (b) that has been published by an AIS provider:
    (i) in the Integrated Aeronautical Information Package (other than in NOTAMS); or
    (ii) on an aeronautical chart.

Note: The aeronautical data or aeronautical information for which the aeronautical data originator is responsible must be specified in a data product specification: see paragraph 175.160(4)(a).

(2) The originator commits an offence if the originator does not, as soon as practicable after becoming aware of the need for the change, provide the AIS provider with the following:
  (a) updated aeronautical data or aeronautical information;
  (b) the date the updated data or information becomes effective.

Penalty: 50 penalty units.

Authorised Version F2022C00427 registered 14/04/2022

Regulation 175.460

175.460 Aeronautical data originators—requirements in relation to providing aeronautical data or aeronautical information published other than in NOTAMS

(1) This regulation applies if an aeronautical data originator provides aeronautical data or aeronautical information to an AIS provider for publication:

(a) in the Integrated Aeronautical Information Package (other than in NOTAMS); or

(b) on an aeronautical chart.

Requirements for providing data or information

(2) The originator must:

(a) provide the data or information to the AIS provider in accordance with the requirements of the data product specification given to the originator by the AIS provider, including in relation to the standards for accuracy and resolution and timeframes; and

(b) provide the data or information so that the AIS provider can readily identify any changes from existing published data or information; and

(c) provide, with the data or information, a statement of any consultation undertaken under subregulation (4); and

(d) provide, with the data or information, any consequential changes that need to be made to other aeronautical data or aeronautical information published:

(i) in the Integrated Aeronautical Information Package (other than in NOTAMS); or

(ii) on aeronautical charts.

Note: Compliance with the timeframes specified in the data product specification allows the AIS provider to comply with regulation 175.185.

Additional requirement for Bureau of Meteorology

(3) If the originator is the Bureau of Meteorology, the originator must provide the data or information in accordance with the standards and format mentioned in Annex 3 to the Chicago Convention.

Consultation with aviation organisations about data or information

(4) If the data or information will cause an aviation organisation to make plans for changes to the organisation's operations or procedures, the originator must, before providing the data or information to the AIS provider, consult the organisation about the data or information.

175.465 Aeronautical data originators—annual review of aeronautical data and aeronautical information

(1) An aeronautical data originator commits an offence if the originator contravenes subregulation (2).

Authorised Version F2022C00427 registered 14/04/2022

Penalty: 50 penalty units.

(2) For subregulation (1), the originator must:

(a) review, at least annually, the aeronautical data and aeronautical information in the Integrated Aeronautical Information Package (other than in NOTAMS), and on aeronautical charts, for which the originator is responsible; and

(b) keep a record of a review mentioned in paragraph (a) for at least 3 years; and

(c) if CASA requests a copy of a record mentioned in paragraph (b)—comply with the request.

Note: The aeronautical data or aeronautical information for which the aeronautical data originator is responsible must be specified in a data product specification: see paragraph 175.160(4)(a).

(3) An offence against this regulation is an offence of strict liability.

175.470 Aeronautical data originators—requirements in relation to requests for issue of NOTAMS

(1) This regulation applies if:

(a) an aeronautical data originator becomes aware that a circumstance exists; and

(b) the circumstance is specified in a data product specification given to the originator by an AIS provider as a circumstance that requires the originator to ask the AIS provider to issue a NOTAM.

Requesting issue of NOTAM

(2) The originator must, as soon as practicable after becoming aware of the circumstance, ask the AIS provider to issue a NOTAM in accordance with the data product specification.

Changes to data and information to be readily identifiable

(3) If the request for a NOTAM will change any existing published aeronautical data or aeronautical information, the originator must ensure that the change can be readily identified.

Data and information to be suitable for publication

(4) The originator must ensure that the aeronautical data or aeronautical information included in the request for a NOTAM is suitable for publication in NOTAM format.

Consultation with aviation organisations about NOTAM

(5) If a NOTAM that the originator asks the AIS provider to issue will cause an aviation organisation to make plans for changes to the organisation's operations

Authorised Version F2022C00427 registered 14/04/2022

or procedures, the originator must, before asking the AIS provider to issue the NOTAM, consult the organisation about the NOTAM.

Authorised Version F2022C00427 registered 14/04/2022

Division 175.D.2—Aeronautical data originators—Geoscience Australia

175.475 Aeronautical data originators—responsibilities of Geoscience Australia

The Commonwealth of Australia as represented by Geoscience Australia is responsible for:

(a) providing AIS providers with magnetic variation updates; and

(b) providing AIS providers with terrain, topographic and cultural data, as mentioned in Annexes 4 and 15 to the Chicago Convention, for publication:

(i) in the Integrated Aeronautical Information Package; or

(ii) on an aeronautical chart.

Authorised Version F2022C00427 registered 14/04/2022

Subpart 175.E—Aeronautical information management—objects and structures that affect aviation safety

175.480 Objects and structures that affect aviation safety—application of Subpart 175.E

This Subpart applies to an object or structure:

(a) that has a maximum height of at least 100 m above ground level; or

(b) that penetrates an obstacle limitation surface of an aerodrome; or

(c) that penetrates an obstacle data collection surface, as mentioned in Appendix 8 of Annex 15 to the Chicago Convention; or

(d) that is an obstacle that is required to be included on an Aerodrome Obstacle Chart—ICAO Type A, as mentioned in Annex 4 to the Chicago Convention; or

(e) that is an obstacle that is required to be included on an Aerodrome Obstacle Chart—ICAO Type B, as mentioned in Annex 4 to the Chicago Convention; or

(f) if AA requires data about the object or structure in the interests of aviation safety.

175.485 Objects and structures that affect aviation safety—requests for data by AA

(1) Under this Subpart, AA may request the following data about an object or structure:

(a) the person who owns, controls or operates the object or structure;

(b) the name, identification or designation of the object or structure;

(c) the type of object or structure, including whether the object or structure is a building, telecommunications tower or wind turbine;

(d) the geographic location of the object or structure;

(e) the height of the object or structure;

(f) the elevation above mean sea level of the object or structure;

(g) whether the object or structure is marked;

(h) if the object or structure is marked—how it is marked;

(i) whether the object or structure is lit;

(j) if the object or structure is lit—how it is lit;

(k) any other data that is necessary in the interests of aviation safety.

(2) A request for data under this Subpart must state the following:

(a) the format in which the data must be provided;

(b) that the request must be complied with within 28 days after receiving the request.

Authorised Version F2022C00427 registered 14/04/2022

(3) A request for data under this Subpart may state other requirements in relation to the data (for example, the degree of accuracy or resolution of the data).

Extension of time for compliance

(4) The recipient of a request may, before the end of 28 days after receiving the request, ask AA for an extension.

(5) AA may, by written notice given to the recipient, grant the extension.

175.490 Objects and structures that affect aviation safety—requests for data from owners etc.

(1) AA may, by written notice given to a person who owns, controls or operates an object or structure, request the person to give AA data mentioned in subregulation 175.485(1) about the object or structure.

(2) A person commits an offence if:
(a) AA gives the person a request under this regulation; and
(b) the person does not comply with subregulation (3) or (4).

Penalty: 50 penalty units.

(3) For paragraph (2)(b), the person must comply with the request within:
(a) if AA grants an extension under subregulation 175.485(5)—the time stated in the notice of extension; or
(b) if paragraph (a) does not apply—28 days after receiving the request.

(4) For paragraph (2)(b), the person must specify the degree of accuracy of the data the person supplies.

(5) Subregulation (2) does not apply if:
(a) the person does not possess the data requested; and
(b) the person has taken all reasonable steps available to the person to obtain the data requested and has been unable to obtain the data.

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

(6) An offence against this regulation is an offence of strict liability.

175.495 Objects and structures that affect aviation safety—requests for data from aerodrome operators

(1) AA may, by written notice given to an aerodrome operator, request the operator to give AA data mentioned in subregulation 175.485(1), that the operator possesses, about an object or structure.

(2) An aerodrome operator commits an offence if:
(a) AA gives the operator a request under this regulation; and
(b) the operator does not comply with the request within:

Authorised Version F2022C00427 registered 14/04/2022

Regulation 175.500

(i) if AA grants an extension under subregulation 175.485(5)—the time stated in the notice of extension; or

(ii) if subparagraph (i) does not apply—28 days after receiving the request.

Penalty: 50 penalty units.

(3) An offence against this regulation is an offence of strict liability.

175.500 Objects and structures that affect aviation safety—requests for data from government authorities

(1) AA may, by written notice given to a Commonwealth, State, Territory or local government authority, request the authority to give AA data mentioned in subregulation 175.485(1), that the authority possesses, about an object or structure.

(2) The authority must comply with the request.

Authorised Version F2022C00427 registered 14/04/2022