

Civil Aviation Amendment Order (No. R53) 2004

I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, issue the following Civil Aviation Order under paragraph 28BA (1) (b) of the *Civil Aviation Act 1988*.

[Signed Bruce Byron]

Bruce Byron
Director of Aviation Safety and
Chief Executive Officer

12 December 2004

1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R53) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 82.1 of the Civil Aviation Orders

Section 82.1 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 82.1 of the Civil Aviation Orders

SECTION 82.1

CONDITIONS ON AIR OPERATORS' CERTIFICATES AUTHORISING CHARTER OPERATIONS AND AERIAL WORK OPERATIONS

1 APPLICATION OF CONDITIONS

- 1.1 This section applies to certificates authorising charter operations and aerial work operations.
- 1.2 For the purposes of paragraph 28BA (1) (b) of the Act, each certificate authorising charter operations and aerial work operations is subject to the condition that the obligations set out in this section are complied with.
- 1.3 The condition and obligations set out in this section are in addition to the conditions set out in section 82.0.

2 OBLIGATIONS IN RELATION TO ORGANISATION AND FACILITIES

- 2.1 Each operator must provide sufficient qualified personnel to operate the services proposed by the operator.
- 2.2 Each operator must establish a position of Chief Pilot and appoint a person to that position.
- 2.3 CASA may, having regard to the size of the organisation or the nature and scope of services of an operator:
 - (a) require the operator to provide additional supervisory positions; or
 - (b) approve the allocation of the duties and responsibilities associated with more than 1 position to 1 person.
- 2.4 Each operator must provide and maintain facilities and documentation sufficient to enable the operator to conduct services with safety and in compliance with Appendix 1. The scale of the facilities and documentation required of each operator may vary according to the size and scope of the operation.
- 2.5 For the purposes of subregulations 215 (3) and (6) of the *Civil Aviation Regulations 1988*, each operator must include in the operator's operations manual so much of the information set out in CASA's publication 'Guide to the preparation of Operations Manuals' that is relevant to the operator's operations and must provide copies of the manual to all operating crew members employed by the operator.

3 OBLIGATIONS IN RELATION TO TRAINING AND CHECKING

- 3.1 Each operator who is required to provide a training and checking organisation under regulation 217 of the *Civil Aviation Regulations 1988*:
- (a) must do so in accordance with Appendix 2; or
 - (b) may use the training and checking organisation provided by another operator if:
 - (i) that use is in accordance with a written agreement with that other operator; and
 - (ii) that agreement has had the prior written approval of CASA.
- 3.2 An agreement under subparagraph 3.1 (b) must not be varied without the approval of CASA.
- 3.3 Persons must not be nominated to supervisory positions within the training and checking organisation without the approval of CASA.

4 OBLIGATIONS IN RELATION TO FLIGHT CREW REQUIREMENTS

- 4.1 Each operator who holds a certificate authorising charter operations must ensure that a person does not act as pilot in command of multi-engined aeroplanes not exceeding 5 700 kg MTOW that are engaged in charter operations unless the pilot satisfies the following requirements:
- (a) in the case of V.F.R. operations, the pilot must, unless he or she has at least 100 hours experience as pilot in command of multi-engined aeroplanes, have, in addition to endorsement time, at least 5 hours experience as pilot in command of the aircraft type;
 - (b) in the case of I.F.R. operations, the pilot must have at least 10 hours experience as pilot in command of the aircraft type which may include flight time accrued as pilot acting in command under supervision.
- 4.1.1 Each operator who holds a certificate authorising charter operations must ensure that a person does not act as pilot in command of a single engine turbine powered aeroplane approved for the purpose of carrying passengers for hire or reward while engaged in charter operations under the V.F.R. or under the I.F.R., unless the pilot satisfies the following requirements:
- (a) in the case of V.F.R. operations, the pilot must have:
 - (i) at least 5 hours experience as pilot in command of the aircraft type; or
 - (ii) at least 100 hours experience as pilot in command of either multi-engine aeroplanes or turbine powered aeroplanes;
 - (b) in the case of I.F.R. operations, the pilot must have at least 10 hours experience as pilot in command of the aircraft type which may include flight time accrued as pilot acting in command under supervision.

- 4.2 Each operator must ensure that a person does not act as pilot in command, or pilot acting in command under supervision, of a helicopter engaged in charter operations unless the pilot satisfies the aeronautical experience requirements in Appendix VI of section 40.3.0.

5 OBLIGATIONS IN RELATION TO FOREIGN REGISTERED AIRCRAFT

- 5.1 This subsection applies to foreign registered aircraft only.
- 5.2 Subject to paragraphs 5.3 and 5.5, an operator who holds a certificate authorising charter operations must ensure that a turbine engine aeroplane that:
- (a) has a maximum take-off weight of more than 15 000 kg; or
 - (b) is carrying 10 or more passengers;
- is not operated under the I.F.R. in charter operations unless it is fitted with a ground proximity warning system (GPWS) that meets the requirements of section 108.36.
- 5.3 Paragraph 5.2 does not apply to the operator if:
- (a) at any time before the aeroplane is operated under the I.F.R. in charter operations, the person who was, at that time, the holder of the certificate authorising the operation of the aeroplane has given to CASA an undertaking in an approved form that the aeroplane will, on or before 1 January 2001, be fitted with an approved GPWS that has a predictive terrain hazard warning function; and
 - (b) the operations manual provided by the holder of the certificate authorising the operation of the aeroplane sets out the details of a course of training in awareness of controlled flight into terrain; and
 - (c) the pilot in command of the aeroplane, and (if applicable) any other pilot occupying a control seat in the aeroplane, have completed the course of training.
- 5.4 Paragraphs 5.2 and 5.3 cease to have effect at the end of 31 December 2000.
- 5.5 On and after 1 January 2001, an operator who holds a certificate authorising charter operations must ensure that a turbine engine aeroplane that:
- (a) has a maximum take-off weight of more than 15 000 kg or is carrying 10 or more passengers; and
 - (b) is engaged in charter operations;
- is not operated under the I.F.R. unless it is fitted with a GPWS, being:
- (c) an approved GPWS that has a predictive terrain hazard warning function; or
 - (d) if paragraph 5.6 applies — a GPWS that meets the requirements of section 108.36 (a section 108.36 GPWS).

- 5.6 Up to the end of June 2005, an aeroplane may be fitted with a section 108.36 GPWS:
- (a) if, immediately before 1 January 2001, paragraph 5.2 applied to the aeroplane; or
 - (b) if the aeroplane first becomes a foreign registered aircraft on or after 1 January 2001 (unless it is an aircraft in respect of which an undertaking has been given under paragraph 9.1A of section 20.18, as in force immediately before 1 January 2001); or
 - (c) if:
 - (i) immediately before 1 January 2001, paragraph 5.2 did not apply to the aeroplane because of paragraph 5.3; and
 - (ii) the holder of the AOC authorising the operation of the aeroplane (the AOC holder) provides satisfactory evidence to CASA, in accordance with paragraph 5.7, that it is not possible to fit the aeroplane with an approved GPWS that has a predictive terrain hazard warning function.
- 5.7 For the purposes of sub-subparagraph 5.6 (c) (ii), evidence is taken to be satisfactory only if it is:
- (a) a statement in writing to the AOC holder from the manufacturer of an approved GPWS that has a predictive terrain hazard warning function; or
 - (b) a statutory declaration by the AOC holder;
- to the effect that the FAA's list of supplemental type certificates does not include any reference to a supplemental type certificate relating to the fitting of an approved GPWS that has that function.

APPENDIX 1

Paragraph 2.4

FACILITIES AND DOCUMENTATION

1 FACILITIES

- 1.1 Each operator must provide and maintain at least the following facilities:
- (a) an operating headquarters through which CASA may communicate with the person or persons responsible for any aspect of the operations conducted under the terms of the operator's certificate;
 - (b) buildings, at each place where operating crew are based, of adequate size and suitable for the conduct of the operator's operations.
- 1.2 Each operator who holds a certificate authorising aerial work operations and who conducts agricultural operations must ensure that the following facilities are provided:
- (a) agricultural aircraft suitable for the proposed operations and fitted with appropriate equipment;
 - (b) suitable equipment and methods for determining the weight of the agricultural load of the aircraft.

2 DOCUMENTATION

- 2.1 Each operator must provide a reference library of operational documents which is readily available to all operating crews and which includes:
- (a) a copy of the Act, the *Civil Aviation Regulations 1988*, the *Civil Aviation Regulations 1998* and those Parts of the Civil Aviation Orders that apply to the operator's operations; and
 - (b) those parts of the Aeronautical Information Publications that are relevant to the class of operations conducted by the operator; and
 - (c) an operations manual; and
 - (d) if the carriage of dangerous goods is intended — a dangerous goods manual or an operations manual supplement.
- 2.2 Each operator who distributes operational documents to flight crews and other operating staff must maintain records of that distribution and must provide an amendment system for such documents.
- 2.3 Each operator must maintain:
- (a) up-to-date records showing the recent experience status of each flight crew member and the currency of licences, ratings and endorsements held by each member; and
 - (b) up-to-date records showing the flight time and duty time achieved by each flight crew member during the immediately preceding 7 consecutive days, 30 consecutive days and 365 days and during each fortnight standing alone for the preceding 12 months.

- 2.4 Each operator must maintain a training file in respect of each flight crew member, recording at least:
- (a) each ground training course completed or attempted, including the results for each phase or subject and the final assessment of the standard achieved; and
 - (b) each endorsement training course completed or attempted, including the results of each phase of training, the number of times each exercise was undertaken and the results of each test or check; and
 - (c) each flight or simulator proficiency check completed or attempted, including the results of each phase of training, the number of times each exercise was undertaken and the results of each check; and
 - (d) each period of training, other than training referred to in paragraph (a), (b) or (c), undertaken in an aircraft or simulator, including the exercises completed or attempted, and an assessment of the standard achieved.
- 2.5 Each operator must provide the following documentation:
- (a) copies of expired maintenance releases and approved trip records for all aircraft covering the immediately preceding 12 months of operation, where applicable;
 - (b) for aircraft having a maximum take-off weight exceeding 5 700 kg, copies of previous loadsheets as required by section 20.16.1 for the immediately preceding 3 months of operations;
 - (c) copies of passenger lists as required by section 20.16.1 for the immediately preceding 3 months of operations;
 - (d) fuel instructions and records as required by regulation 220 for all aircraft for the immediately preceding 12 months of operations;
 - (e) in the case of aeroplanes — a catalogue of authorised landing and alighting areas where operations are frequently conducted showing, in diagrammatic form, location by co-ordinates or in reference to prominent geographic features or nearest navigation aid, direction of runways, length and width of runways, nature of surfaces, elevation above sea level, hazards in the area, and the name, and method, of contacting the owner or controlling authority;
 - (f) in the case of helicopters — a catalogue of heliports and helicopter landing sites in the area of operations showing, in diagrammatic form, location by co-ordinates or in reference to prominent geographic features or nearest navigation aid, direction of approach and departure paths, dimensions of the approach and take-off areas, ground effect area(s), nature and slope (if any) of the surfaces, elevation above sea level, hazards in the area, any restrictions or specific conditions relating to the use of the particular site and the name, and method, of contacting the owner or controlling authority.

APPENDIX 2

Paragraph 3.1

TRAINING AND CHECKING ORGANISATION

1 GENERAL

- 1.1 Subject to subsection 3, a training and checking organisation provided by an operator:
- (a) must be wholly contained within the operator's organisational structure; and
 - (b) must be wholly responsible to the operator for the standard of flight operations.

2 MANAGEMENT

- 2.1 Each operator must ensure that the Chief Pilot is responsible for the effective management of the training and checking organisation.
- 2.2 Where an operator provides training and checking on behalf of another operator, the operator must ensure that the Chief Pilot is responsible to the Chief Pilot of the other operator for the conduct of the training and checking functions.
- 2.3 Each operator must appoint sufficient personnel to ensure that all training programs, examinations and proficiency checks can be undertaken to the satisfaction of CASA.

3 GROUND FACILITIES, EQUIPMENT AND TRAINING AIDS

- 3.1 Each operator must provide facilities, equipment and training aids to meet the requirements of each training program.
- 3.2 Each operator must maintain an up-to-date library of training reference publications and other related operational documents for the use of staff and personnel under training.
- 3.3 Each operator may, subject to the approval of CASA, use flight simulators and/or synthetic trainers for training and testing purposes to the extent prescribed in each training program and provided for in section 45.0.
- 3.4 Flight simulators and synthetic trainers must be operated and maintained in accordance with procedures prescribed by CASA in its publications 'FSD 1 Operational Standards and Requirements — Approved Flight Simulators' and 'FSD 2 Operational Standards and Requirements — Approved Synthetic Trainers'.
- 3.5 Each operator must provide a facility suitably equipped for the periodic demonstrations of proficiency in emergency procedures required by

section 20.11 and must make available such items of emergency equipment as may be necessary.

4 TRAINING AND CHECKING MANUAL

- 4.1 Each operator must provide a training and checking manual acceptable to CASA which may be a section of an operations manual or a separate document.
- 4.2 Each operator must ensure that a copy of the manual is kept in a convenient and accessible place for use by all operating crew members.
- 4.3 If the training and checking manual is not part of the operations manual, the operator must provide a copy to CASA.
- 4.4 The training and checking manual must include the following matters:
 - (a) an outline of the structure of the training and checking organisation and a statement of its authority and role;
 - (b) the duties and responsibilities of all training and checking personnel;
 - (c) recent experience and proficiency requirements applicable to training and checking personnel and any special limitations;
 - (d) course outlines, syllabuses and completion standards for each flight or simulator training program currently in use;
 - (e) command responsibility requirements for the conduct of flight proficiency checks;
 - (f) special procedures and limitations relating to the conduct of practice and simulated emergency and abnormal flight operations;
 - (g) other general limitations and procedures to be observed for the conduct of flying training operations;
 - (h) instructions and general requirements relating to the conduct of training sequences and proficiency checks in flight simulators and synthetic trainers;
 - (i) administrative requirements and examples of all documents, records and certificates associated with each training program and proficiency check;
 - (j) details of security arrangements for all examination material;
 - (k) procedure to be followed when a satisfactory standard is not achieved.