



Civil Aviation Legislation Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 5, 2013 as amended

made under the

Civil Aviation Act 1988

Compilation start date: 18 December 2013

Includes amendments up to: SLI No. 274, 2013

Includes uncommenced provisions: see section 2

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* as in force on 18 December 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 16 January 2014.

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

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

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

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

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

Contents

1	Name of regulation.....	1
2	Commencement.....	1
3	Amendment of <i>Civil Aviation Safety Regulations 1998</i>	1
4	Amendment of <i>Civil Aviation Regulations 1988</i>	1
Schedule 1—Amendments of Civil Aviation Safety Regulations 1998		2
Schedule 2—Amendments of Civil Aviation Regulations 1988		438
Endnotes		489
Endnote 1—About the endnotes		489
Endnote 2—Abbreviation key		491
Endnote 3—Legislation history		492
Endnote 4—Amendment history		493
Endnote 5—Uncommenced amendments [none]		494
Endnote 6—Modifications [none]		494
Endnote 7—Misdescribed amendments [none]		494
Endnote 8—Miscellaneous [none]		494

1 Name of regulation

This regulation is the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*.

2 Commencement

This regulation commences on 1 September 2014.

3 Amendment of *Civil Aviation Safety Regulations 1998*

Schedule 1 amends the *Civil Aviation Safety Regulations 1998*.

4 Amendment of *Civil Aviation Regulations 1988*

Schedule 2 amends the *Civil Aviation Regulations 1988*.

Schedule 1—Amendments of Civil Aviation Safety Regulations 1998

(section 3)

1 After regulation 11.026

insert

11.028 Application of Part 11 to examiners, instructors and approval holders

If these Regulations allow an application for an authorisation to be made to an examiner or instructor, or the holder of an approval under regulation 61.040, 141.035 or 142.040, a reference in this Part to CASA includes, in relation to such an application, a reference to the examiner, instructor or approval holder to whom the application is made.

2 Table 13.375, item 5, column 2

omit

paragraph 5.08 (a)

insert

paragraph 5.08 (b)

3 Table 13.375, item 6, column 2

omit

paragraphs 5.08 (b) to (m) of CAR

insert

paragraph 5.08 (a) of CAR or a pilot licence

4 Table 13.375, item 7, column 2

omit

licence referred to in paragraph 5.08 (o) or (p) of CAR

insert

flight engineer licence

5 Regulation 21.037

substitute

21.037 Flight test pilot

Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) must provide a person holding an appropriate:

- (a) class rating; or
 - (b) type rating; or
 - (c) balloon class endorsement within the meaning of subregulation 5.01 (1) of CAR; or
 - (d) authorisation under regulation 61.140; or
 - (e) authorisation under regulation 5.50 of CAR;
- to make the flight tests required by this Part.

Source FARs section 21.37 modified.

6 Table 42.300, item 3, column 3, paragraph (c)

omit

under Part 5 of CAR,

insert

under Part 61,

7 Table 42.300, item 4, column 3, paragraph (b)

omit

under Part 5 of CAR,

insert

under Part 61,

8 Table 42.300, item 5, column 3, paragraph (b)

omit

under Part 5 of CAR,

insert

under Part 61,

9 Subparagraph 42.335 (c) (ii)

omit

under Part 5 of CAR

insert

under Part 61

10 Paragraph 42.630 (2) (c)

omit each mention of

under Part 5 of CAR,

insert

under Part 61,

11 Regulation 60.055, heading

substitute

**60.055 Flight simulator and flight training device approvals—
persons other than Part 141 operators and Part 142
operators**

12 Subregulation 60.055 (1), except the notes

substitute

(1) This regulation applies to a person, other than a Part 141 operator or a Part 142 operator, who proposes to be the user of a qualified flight simulator or a qualified flight training device.

(1AA) The person must apply to CASA, in writing, for approval to use the simulator or device.

13 Regulation 60.060, heading

substitute

**60.060 Quality system—operators other than Part 141 operators
and Part 142 operators**

14 Subregulation 60.060 (1)

substitute

- (1) This regulation applies to the operator of a qualified flight simulator or a qualified flight training device, other than a Part 141 operator or a Part 142 operator.
- (1A) The operator must establish and maintain a quality system that ensures the correct operation and maintenance of the simulator or device.

15 Parts 61 to 64

substitute

Part 61—Flight crew licensing

Note: *This Part is made up as follows:*

Subpart 61.A Preliminary

Division 61.A.1 General

- 61.005 What Part 61 is about
- 61.010 Definitions for Part 61
- 61.015 Definition of *category* of aircraft for Part 61
- 61.020 Definition of *class* of aircraft for Part 61
- 61.025 Definition of *aeroplane* for Part 61
- 61.030 Definition of *modified Austroads medical standards* for Part 61
- 61.035 Issue of Manual of Standards for Part 61
- 61.040 Approvals by CASA for Part 61
- 61.045 Prescription of qualification standards for flight simulation training devices
- 61.047 Prescription of recognised foreign States
- 61.050 Prescription of multi-engine aeroplanes included in single-engine aeroplane class
- 61.055 Prescription of type ratings and variants—multi-crew aircraft
- 61.060 Prescription of type ratings—single-pilot aircraft
- 61.065 Conduct of unauthorised activities—holders of flight crew licences

Division 61.A.2 Flight time and other aeronautical experience

- 61.070 Flight to which Division 61.A.2 applies
- 61.075 Definition of *aeronautical experience* for Part 61
- 61.080 Definition of *flight time* as pilot for Part 61
- 61.085 Definition of *flight time* as co-pilot for Part 61
- 61.090 Definition of *flight time* as pilot in command for Part 61
- 61.095 Definition of *flight time* as pilot in command under supervision for Part 61
- 61.100 Definition of *flight time* as flight engineer for Part 61

- 61.105 Definition of *instrument flight time* for Part 61
- 61.110 Definition of *instrument ground time* for Part 61

Division 61.A.3 Performing flight crew duties without licence, rating or endorsement

- 61.115 Flying without licence
- 61.120 Operation of aircraft radio without licence
- 61.125 Conducting flight activities without rating or endorsement
- 61.130 Operation of helicopter using auto flight control system without licence or rating
- 61.135 Authorisation to conduct flight training or flight test without holding type rating
- 61.140 Authorisation to test aircraft without holding type rating
- 61.145 Piloting glider without holding glider pilot licence

Subpart 61.B Grant of flight crew licences, ratings and endorsements

Division 61.B.1 General

- 61.150 People who may grant flight crew licences, ratings and endorsements
- 61.155 Applications for flight crew licences, ratings and endorsements
- 61.160 Grant of flight crew licences
- 61.165 Grant of flight crew ratings
- 61.170 Grant of flight crew endorsements
- 61.175 How CASA issues flight crew licences, ratings and endorsements
- 61.180 How examiner, instructor or approval holder issues rating or endorsement
- 61.185 New licence document if licence, rating or endorsement cancelled
- 61.190 Licence holder to comply with limitations and requirements of Part 61

Division 61.B.2 Flight training and other training

- 61.195 Flight training requirements
- 61.200 Differences training requirements
- 61.205 When training must not be conducted in aircraft
- 61.210 Other approved courses of training or professional development

Division 61.B.3 Aeronautical knowledge examinations

- 61.215 Aeronautical knowledge examinations—general
- 61.220 Aeronautical knowledge examinations—air transport pilot licence
- 61.225 Aeronautical knowledge examinations—pass standards
- 61.230 Aeronautical knowledge examinations—knowledge deficiency reports

Division 61.B.4 Flight tests

- 61.235 Flight tests for flight crew licences and ratings—prerequisites

- 61.240 Consequences of taking flight test when ineligible
- 61.245 Conduct of flight tests for flight crew licences, ratings and endorsements
- 61.250 Pass standards for flight tests

Division 61.B.5 English language proficiency

- 61.255 Aviation English language proficiency assessments
- 61.260 Duration of English language proficiency assessments
- 61.265 Recreational and student pilot licences—general English language proficiency
- 61.270 Approval of language proficiency assessors

Division 61.B.6 Recognition of overseas flight crew authorisations

- 61.275 Overseas flight crew authorisations—recognition
- 61.280 Grant of flight crew licences, ratings or endorsements under bilateral agreements

Division 61.B.7 Recognition of Australian Defence Force qualifications

- 61.285 Australian Defence Force qualifications—recognition

Subpart 61.C Certificates of validation

- 61.290 Grant of certificates of validation
- 61.295 Privileges of certificates of validation
- 61.300 Limitations on exercise of privileges of certificates of validation—medical certificate
- 61.305 Limitations on exercise of privileges of certificates of validation—recent experience, flight review and proficiency check
- 61.310 Limitations on exercise of privileges of certificates of validation—carriage of documents
- 61.315 Conduct of unauthorised activities by holders of certificates of validation
- 61.320 Certificates of validation—period of validity
- 61.325 Certificates of validation—renewal

Subpart 61.D General obligations of flight crew licence holders

- 61.330 Maintenance of aviation English language proficiency—conducting flight activities outside Australia
- 61.335 Identity checks
- 61.340 Production of licence documents, medical certificates and identification
- 61.345 Personal logbooks—pilots
- 61.350 Personal logbooks—flight engineers
- 61.355 Retention of personal logbooks
- 61.360 False entries in personal logbooks
- 61.365 Production of personal logbooks
- 61.370 Provision of photograph

Subpart 61.E Pilot licensing—general limitations and authorisations

Division 61.E.1 General limitations on exercise of pilot licence privileges

- 61.375 Limitations on exercise of privileges of pilot licences—ratings
- 61.380 Limitations on exercise of privileges of pilot licences—flight activity endorsements
- 61.385 Limitations on exercise of privileges of pilot licences—general competency requirement
- 61.390 Limitations on exercise of privileges of pilot licences—operating requirements and limitations
- 61.395 Limitations on exercise of privileges of pilot licences—recent experience
- 61.400 Limitations on exercise of privileges of pilot licences—flight review
- 61.405 Limitations on exercise of privileges of pilot licences—medical certificates: student and recreational pilot licence holders
- 61.410 Limitations on exercise of privileges of pilot licences—medical certificates: private pilot licence holders
- 61.415 Limitations on exercise of privileges of pilot licences—medical certificates: commercial, multi-crew and air transport pilot licence holders
- 61.420 Limitations on exercise of privileges of pilot licences—carriage of documents
- 61.425 Limitations on exercise of privileges of pilot licences—unregistered aircraft
- 61.427 Removal of certain pilot licence conditions about airspace

Division 61.E.2 General authorisations for pilot licences

- 61.430 Holders of pilot licences authorised to taxi aircraft
- 61.435 When holders of pilot licences authorised to operate aircraft radio

Subpart 61.F Student pilot licences

- 61.440 Privileges of student pilot licences
- 61.445 Limitations on exercise of privileges of student pilot licences—general
- 61.450 Limitations on exercise of privileges of student pilot licences—recent experience
- 61.455 Requirement for grant of student pilot licences

Subpart 61.G Recreational pilot licences

Division 61.G.1 Privileges and grant of licences

- 61.460 Privileges of recreational pilot licences
- 61.465 Limitations on exercise of privileges of recreational pilot licences—general
- 61.470 Limitations on exercise of privileges of recreational pilot licences—endorsements
- 61.475 Requirements for grant of recreational pilot licences
- 61.480 Grant of recreational pilot licences in recognition of pilot certificates granted by certain organisations

Division 61.G.2 Recreational pilot licence endorsements

- 61.485 Kinds of recreational pilot licence endorsements
- 61.490 Privileges of recreational pilot licence endorsements
- 61.495 Requirements for grant of recreational pilot licence endorsements
- 61.500 Grant of endorsement in recognition of other qualifications

Subpart 61.H Private pilot licences

Division 61.H.1 General

- 61.505 Privileges of private pilot licences
- 61.510 Limitations on exercise of privileges of private pilot licences—multi-crew operations
- 61.515 Requirements for grant of private pilot licences—general

Division 61.H.2 Aeronautical experience requirements for private pilot licences—applicants who have completed integrated training courses

- 61.520 Application of Division 61.H.2
- 61.525 Aeronautical experience requirements for grant of private pilot licences—
aeroplane category
- 61.530 Aeronautical experience requirements for grant of private pilot licences—
helicopter category
- 61.535 Aeronautical experience requirements for grant of private pilot licences—
gyroplane category

Division 61.H.3 Aeronautical experience requirements for private pilot licences—applicants who have not completed integrated training courses

- 61.540 Application of Division 61.H.3
- 61.545 Aeronautical experience requirements for grant of private pilot licences—
aeroplane category
- 61.550 Aeronautical experience requirements for grant of private pilot licences—
helicopter category
- 61.555 Aeronautical experience requirements for grant of private pilot licences—
powered-lift aircraft category
- 61.560 Aeronautical experience requirements for grant of private pilot licences—
gyroplane category
- 61.565 Aeronautical experience requirements for grant of private pilot licences—
airship category

Subpart 61.I Commercial pilot licences

Division 61.I.1 General

- 61.570 Privileges of commercial pilot licences
- 61.575 Limitations on exercise of privileges of commercial pilot licences—
multi-crew operations

61.580 Requirements for grant of commercial pilot licences—general

Division 61.I.2 Aeronautical experience requirements for commercial pilot licences—applicants who have completed integrated training courses

61.585 Application of Division 61.I.2

61.590 Aeronautical experience requirements for grant of commercial pilot licences— aeroplane category

61.595 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

61.600 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

Division 61.I.3 Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

61.605 Application of Division 61.I.3

61.610 Aeronautical experience requirements for grant of commercial pilot licences— aeroplane category

61.615 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

61.620 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

61.625 Aeronautical experience requirements for grant of commercial pilot licences—gyroplane category

61.630 Aeronautical experience requirements for grant of commercial pilot licences—airship category

Subpart 61.J Multi-crew pilot licences

61.635 Privileges of multi-crew pilot licences

61.640 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: general

61.645 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: recent experience

61.650 Limitations on exercise of privileges of multi-crew pilot licences—instrument proficiency check

61.655 Requirements for grant of multi-crew pilot licences

61.660 Aeronautical experience requirements for grant of multi-crew pilot licences— aeroplane category

Subpart 61.K Air transport pilot licences

61.665 Privileges of air transport pilot licences

61.670 Limitations on exercise of privileges of air transport pilot licences—helicopter IFR flight

-
- 61.675 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight
 - 61.680 Limitations on exercise of privileges of air transport pilot licences—IFR flight: general
 - 61.685 Limitations on exercise of privileges of air transport pilot licences—IFR flight: recent experience
 - 61.690 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight: recent experience
 - 61.695 Limitations on exercise of privileges of air transport pilot licences—instrument proficiency check
 - 61.700 Requirements for grant of air transport pilot licences—general
 - 61.705 Aeronautical experience requirements for grant of air transport pilot licences—airplane category
 - 61.710 Aeronautical experience requirements for grant of air transport pilot licences—helicopter category
 - 61.715 Aeronautical experience requirements for grant of air transport pilot licences—powered-lift aircraft category

Subpart 61.L Aircraft ratings and endorsements for pilot licences

Division 61.L.1 Preliminary

- 61.720 What Subpart 61.L is about

Division 61.L.2 Aircraft category ratings

- 61.725 Privileges of aircraft category ratings
- 61.730 Requirements for grant of aircraft category ratings

Division 61.L.3 Aircraft class ratings

- 61.735 Privileges of aircraft class ratings
- 61.740 Limitations on exercise of privileges of aircraft class ratings—design feature endorsements
- 61.745 Limitations on exercise of privileges of aircraft class ratings—flight review
- 61.750 Requirements for grant of aircraft class ratings

Division 61.L.4 Design feature endorsements

- 61.755 Design features that require design feature endorsement
- 61.760 Privileges of design feature endorsements
- 61.765 Requirements for grant of design feature endorsements

Division 61.L.5 Pilot type ratings

- 61.770 Privileges of pilot type ratings
 - 61.775 Limitations on exercise of privileges of pilot type ratings—flight test in flight simulator
 - 61.780 Limitations on exercise of privileges of pilot type ratings—variants
-

- 61.785 Limitations on exercise of privileges of pilot type ratings—single-pilot operation and multi-crew operation
- 61.790 Limitations on exercise of privileges of pilot type ratings—IFR operation
- 61.795 Limitations on exercise of privileges of pilot type ratings—recent experience on variant
- 61.800 Limitations on exercise of privileges of pilot type ratings—flight review
- 61.805 Limitations on exercise of privileges of type ratings—instrument proficiency check
- 61.810 Requirements for grant of pilot type ratings
- 61.815 Person taken to meet requirements for grant of pilot type rating—multi-crew or air transport pilot licence holder
- 61.820 Person taken to meet requirements for grant of pilot type rating—new type rating
- 61.822 Removal of type rating condition about acting as pilot in command

Division 61.L.6 Cruise relief type ratings

- 61.825 Kinds of cruise relief type rating
- 61.830 Privileges of cruise relief type ratings
- 61.835 Limitations on exercise of privileges of cruise relief type ratings—general
- 61.840 Limitations on exercise of privileges of cruise relief type ratings—recent experience
- 61.845 Requirements for grant of cruise relief type ratings
- 61.850 Person taken to meet requirements for grant of cruise relief type rating—new type rating

Subpart 61.M Instrument ratings

Division 61.M.1 Privileges and requirements for grant of instrument ratings

- 61.855 Privileges of instrument ratings
- 61.860 Limitations on exercise of privileges of instrument ratings—general
- 61.865 Limitations on exercise of privileges of instrument ratings—endorsements
- 61.870 Limitations on exercise of privileges of instrument ratings—recent experience: general
- 61.875 Limitations on exercise of privileges of instrument ratings—recent experience: single pilot
- 61.880 Limitations on exercise of privileges of instrument ratings—instrument proficiency check
- 61.885 Requirements for grant of instrument ratings
- 61.887 Removal of instrument rating conditions about acting as pilot in command under IFR

Division 61.M.2 Privileges and requirements for grant of instrument endorsements

- 61.890 Kinds of instrument endorsement
- 61.895 Privileges of instrument endorsements
- 61.900 Limitations on exercise of privileges of instrument endorsements
- 61.905 Requirements for grant of instrument endorsements

Subpart 61.N Private instrument ratings

Division 61.N.1 Privileges and requirements for grant of private instrument ratings

- 61.910 Privileges of private instrument ratings
- 61.915 Limitations on exercise of privileges of private instrument ratings—endorsements
- 61.920 Limitations on exercise of privileges of private instrument ratings—recent experience
- 61.925 Limitations on exercise of privileges of private instrument ratings—flight review
- 61.930 Requirements for grant of private instrument ratings

Division 61.N.2 Privileges and requirements for grant of private instrument endorsements

- 61.935 Kinds of private instrument endorsement
- 61.940 Privileges of private instrument endorsements
- 61.945 Limitations on exercise of privileges of private instrument endorsements
- 61.950 Requirements for grant of private instrument endorsements

Subpart 61.O Night VFR ratings

Division 61.O.1 Privileges and requirements for grant of night VFR ratings

- 61.955 Privileges of night VFR ratings
- 61.960 Limitations on exercise of privileges of night VFR ratings—endorsements
- 61.965 Limitations on exercise of privileges of night VFR ratings—recent experience
- 61.970 Limitations on exercise of privileges of night VFR ratings—flight review
- 61.975 Requirements for grant of night VFR ratings

Division 61.O.2 Privileges and requirements for grant of night VFR endorsements

- 61.980 Kinds of night VFR endorsement
- 61.985 Privileges of night VFR endorsements
- 61.990 Requirements for grant of night VFR endorsements

Subpart 61.P Night vision imaging system ratings

Division 61.P.1 Privileges and requirements for grant of night vision imaging system ratings

- 61.995 Privileges of night vision imaging system ratings
- 61.1000 Limitations on exercise of privileges of night vision imaging system ratings—general
- 61.1005 Limitations on exercise of privileges of night vision imaging system ratings—endorsements
- 61.1010 Limitations on exercise of privileges of night vision imaging system ratings—recent experience
- 61.1015 Limitations on exercise of privileges of night vision imaging system ratings—night vision imaging system proficiency check
- 61.1020 Requirements for grant of night vision imaging system ratings

Division 61.P.2 Privileges and requirements for grant of night vision imaging system endorsements

- 61.1025 Kinds of night vision imaging system endorsement
- 61.1030 Privileges of night vision imaging system endorsements
- 61.1035 Requirements for grant of night vision imaging system endorsements

Subpart 61.Q Low-level ratings

Division 61.Q.1 Privileges and requirements for grant of low-level ratings

- 61.1040 Privileges of low-level ratings
- 61.1045 Limitations on exercise of privileges of low-level ratings—general
- 61.1050 Limitations on exercise of privileges of low-level ratings—endorsements
- 61.1055 Limitations on exercise of privileges of low-level ratings—recent experience
- 61.1060 Limitations on exercise of privileges of low-level ratings—flight review
- 61.1070 Requirements for grant of low-level ratings

Division 61.Q.2 Privileges and requirements for grant of low-level endorsements

- 61.1075 Kinds of low-level endorsement
- 61.1080 Privileges of low-level endorsements
- 61.1085 Requirements for grant of low-level endorsements

Subpart 61.R Aerial application ratings

Division 61.R.1 Privileges and requirements for grant of aerial application ratings

- 61.1090 Privileges of aerial application ratings
- 61.1100 Limitations on exercise of privileges of aerial application ratings—endorsements

- 61.1105 Limitations on exercise of privileges of aerial application ratings—recent experience
- 61.1110 Limitations on exercise of privileges of aerial application ratings—aerial application proficiency check
- 61.1115 Requirements for grant of aerial application ratings

Division 61.R.2 Privileges and requirements for grant of aerial application endorsements

- 61.1120 Kinds of aerial application endorsement
- 61.1125 Privileges of aerial application endorsements
- 61.1130 Limitations on exercise of privileges of aerial application endorsements—supervision
- 61.1135 Limitations on exercise of privileges of night aerial application endorsements
- 61.1140 Requirements for grant of aerial application endorsements

Subpart 61.S Flight activity endorsements

- 61.1145 Kinds of flight activity endorsement
- 61.1150 Privileges of flight activity endorsements
- 61.1155 Limitations on exercise of privileges of flight activity endorsements—medical certificates
- 61.1160 Requirements for grant of flight activity endorsements

Subpart 61.T Pilot instructor ratings

Division 61.T.1 Privileges and requirements for grant of flight instructor ratings

- 61.1165 Privileges of flight instructor ratings
- 61.1170 Limitations on exercise of privileges of flight instructor ratings—general
- 61.1175 Limitations on exercise of privileges of flight instructor ratings—endorsements
- 61.1180 Limitations on exercise of privileges of flight instructor ratings—instructor proficiency check
- 61.1185 Requirements for grant of flight instructor ratings

Division 61.T.2 Privileges and requirements for grant of simulator instructor ratings

- 61.1190 Privileges of simulator instructor ratings
- 61.1195 Limitations on exercise of privileges of simulator instructor ratings—general
- 61.1200 Limitations on exercise of privileges of simulator instructor ratings—endorsements
- 61.1205 Limitations on exercise of privileges of simulator instructor ratings—instructor proficiency check

61.1210 Requirements for grant of simulator instructor ratings

Division 61.T.3 Obligations of pilot instructors

- 61.1215 Obligations of pilot instructors—training
- 61.1220 Obligations of pilot instructors—flight reviews
- 61.1225 Obligations of pilot instructors—holders of student pilot licences
- 61.1230 Obligations of pilot instructors—records of activities conducted independently of Part 141 or 142 operator

Division 61.T.4 Privileges and requirements for grant of training endorsements

- 61.1235 Kinds of training endorsement
- 61.1240 Privileges of training endorsements
- 61.1245 Limitations on exercise of privileges of training endorsements
- 61.1250 Requirements for grant of training endorsements

Subpart 61.U Flight examiner ratings

Division 61.U.1 Privileges and requirements for grant of flight examiner ratings

- 61.1255 Privileges of flight examiner ratings
- 61.1260 Limitations on exercise of privileges of flight examiner ratings—general
- 61.1265 Limitations on exercise of privileges of flight examiner ratings—endorsements
- 61.1270 Limitations on exercise of privileges of flight examiner ratings—professional development
- 61.1275 Limitations on exercise of privileges of flight examiner ratings—recent experience
- 61.1280 Limitations on exercise of privileges of flight examiner ratings—flight reviews and subject matter proficiency checks
- 61.1285 Limitations on exercise of privileges of flight examiner ratings—examiner proficiency check
- 61.1290 Requirements for grant of flight examiner ratings

Division 61.U.2 Obligations of flight examiners

- 61.1295 Obligations of flight examiners—flight tests: strict liability offences
- 61.1300 Obligations of flight examiners—flight tests: other offences
- 61.1305 Obligations of flight examiners—proficiency checks

Division 61.U.3 Privileges and requirements for grant of flight examiner endorsements

- 61.1310 Kinds of flight examiner endorsement
- 61.1315 Privileges of flight examiner endorsements

61.1320 Requirements for grant of flight examiner endorsements

Subpart 61.V Flight engineer licences

61.1325 Privileges of flight engineer licences

61.1330 Limitations on exercise of privileges of flight engineer licences—ratings

61.1335 Limitations on exercise of privileges of flight engineer licences—recent experience

61.1340 Limitations on exercise of privileges of flight engineer licences—flight review

61.1345 Limitations on exercise of privileges of flight engineer licences—current medical certificates

61.1350 Limitations on exercise of privileges of flight engineer licences—carriage of documents

61.1355 Certain holders of flight engineer licences authorised to operate aircraft radio

61.1360 Requirements for grant of flight engineer licences

Subpart 61.W Flight engineer type ratings

61.1365 Privileges of flight engineer type ratings

61.1370 Limitations on exercise of privileges of flight engineer type ratings—general

61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent experience on variant

61.1380 Limitations on exercise of privileges of flight engineer type ratings—flight review

61.1385 Requirements for grant of flight engineer type ratings

61.1390 Person taken to meet requirements for grant of flight engineer type rating—new type rating

Subpart 61.X Flight engineer instructor ratings

Division 61.X.1 Privileges and requirements for grant of flight engineer instructor ratings

61.1395 Privileges of flight engineer instructor ratings

61.1400 Limitations on exercise of privileges of flight engineer instructor ratings—general

61.1405 Limitations on exercise of privileges of flight engineer instructor ratings—endorsements

61.1410 Limitations on exercise of privileges of flight engineer instructor ratings—instructor proficiency check

61.1415 Requirements for grant of flight engineer instructor ratings

Division 61.X.2 Obligations of flight engineer instructors

61.1420 Obligations of flight engineer instructors—training

61.1425 Obligations of flight engineer instructors—flight review

Division 61.X.3 Privileges and requirements for grant of flight engineer training endorsements

61.1430 Kinds of flight engineer training endorsement

61.1435 Privileges of flight engineer training endorsements

61.1440 Requirements for grant of flight engineer training endorsements

Subpart 61.Y Flight engineer examiner ratings

Division 61.Y.1 Privileges and requirements for grant of flight engineer examiner ratings

61.1445 Privileges of flight engineer examiner ratings

61.1450 Limitations on exercise of privileges of flight engineer examiner ratings—general

61.1455 Limitations on exercise of privileges of flight engineer examiner ratings—endorsements

61.1460 Limitations on exercise of privileges of flight engineer examiner ratings—professional development

61.1465 Limitations on exercise of privileges of flight engineer examiner ratings—recent experience

61.1470 Limitations on exercise of privileges of flight engineer examiner ratings—examiner proficiency check

61.1475 Requirements for grant of flight engineer examiner ratings

Division 61.Y.2 Obligations of flight engineer examiners

61.1480 Obligations of flight engineer examiners—flight tests: strict liability offences

61.1485 Obligations of flight engineer examiners—flight tests: other offences

61.1490 Obligations of flight engineer examiners—proficiency checks

Division 61.Y.3 Privileges and requirements for grant of flight engineer examiner endorsements

61.1495 Kinds of flight engineer examiner endorsement

61.1500 Privileges of flight engineer examiner endorsements

61.1505 Requirements for grant of flight engineer examiner endorsements

Subpart 61.Z Glider pilot licences

61.1510 Privileges of glider pilot licences

61.1515 Limitations on exercise of privileges of glider pilot licences—general

61.1520 Limitations on exercise of privileges of glider pilot licences—recent experience

61.1525 Limitations on exercise of privileges of glider pilot licences—flight review

- 61.1530 Limitations on exercise of privileges of glider pilot licences—medical certificates
- 61.1535 Limitations on exercise of privileges of glider pilot licences—carriage of documents
- 61.1540 Requirements for grant of glider pilot licences

Subpart 45.A—General

Division 61.A.1—General

61.005 What Part 61 is about

- (1) This Part sets out the licensing scheme for pilots and flight engineers of registered aircraft.
 - (2) Subpart 61.A sets out:
 - (a) preliminary matters; and
 - (b) when a flight crew licence, rating or endorsement is not required.
 - (3) Subpart 61.B sets out:
 - (a) the general requirements for the grant of a flight crew licence, rating or endorsement; and
 - (b) the requirements for the grant of a flight crew licence, rating or endorsement in recognition of an overseas or military qualification.
- Note: A reference to a flight crew licence includes a glider pilot licence: see the definition of *flight crew licence* in regulation 61.010.
- (4) Subpart 61.C sets out rules relating to a certificate of validation of an overseas qualification, including:
 - (a) requirements for the grant of a certificate of validation; and
 - (b) the effect of a certificate of validation.
 - (5) Subpart 61.D sets out obligations that apply to all holders of flight crew licences, ratings and endorsements.
 - (6) Subpart 61.E:
 - (a) sets out limitations that apply to the exercise of the privileges of all pilot licences; and
 - (b) provides for the authorisations to taxi an aircraft and to operate an aircraft radio.

Note: A reference to a pilot licence does not include a glider pilot licence: see the definition of *pilot licence* in regulation 61.010.

- (7) Subparts 61.F to 61.K make particular provision for each kind of pilot licence, including:
 - (a) the privileges of the licence; and
 - (b) limitations on the exercise of the privileges; and
 - (c) the requirements for the grant of the licence.
- (8) Subparts 61.L to 61.U provide for ratings and endorsements on pilot licences, setting out:
 - (a) the privileges of each rating or endorsement; and
 - (b) limitations on the exercise of the privileges of the rating or endorsement; and
 - (c) the requirements for the grant of the rating or endorsement; and
 - (d) for the flight instructor, simulator instructor and flight examiner ratings—obligations that apply to the holder of the rating.
- (9) Subparts 61.V to 61.Y provide for flight engineer licences, and ratings and endorsements on flight engineer licences.
- (10) Subpart 61.Z makes particular provision for glider pilot licences.

61.010 Definitions for Part 61

In this Part:

aerial application endorsement means an endorsement mentioned in column 1 of table 61.1120.

aerial application operation means a flight that is carried out by an aircraft to apply application material.

aerial application proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to exercise the privileges of an aerial application rating.

aeronautical experience: see regulation 61.075.

aeronautical knowledge examination, for a flight crew licence, rating or endorsement, means an examination set under

regulation 61.215 for the grant of the licence, rating or endorsement.

aeroplane: see regulation 61.025.

approved course of professional development, for a provision of this Part, means a course of professional development for which the provider holds an approval under regulation 61.040 for the provision.

approved course of training, for a provision of this Part, means a course of training:

- (a) for which the provider holds an approval under regulation 61.040 for the provision; or
- (b) that a Part 141 or 142 operator is authorised to conduct; or
- (c) that a person holds an approval under regulation 141.035 or 142.040 to conduct.

approved cyclic training and proficiency program, for an operator, means a cyclic training and proficiency program for which the operator holds an approval under regulation 217 of CAR.

approved flight simulation training device: a flight simulation training device is an **approved flight simulation training device** for a purpose if:

- (a) a Part 141 or 142 operator's exposition states that the device may be used for the purpose; or
- (b) the operator of the device holds an approval under regulation 60.055 to use the device for the purpose; or
- (c) the device is:
 - (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
 - (ii) appropriate for the purpose.

approved flight simulator: a flight simulator is an **approved flight simulator** for a purpose if:

- (a) a Part 141 or 142 operator's exposition states that the simulator may be used for the purpose; or
- (b) the operator of the simulator holds an approval under regulation 60.055 to use the simulator for the purpose; or
- (c) the simulator is:

- (i) qualified (however described) by the national aviation authority of a recognised foreign State; and
- (ii) appropriate for the purpose.

associated: an aircraft category rating is **associated** with a pilot licence if:

- (a) for an application for the pilot licence—the application includes an application for the rating; or
- (b) in any other case—the rating was granted on the basis of the applicant having met the requirements for the grant of the pilot licence with the rating.

Note: An aircraft category rating has effect only for the pilot licence with which it is associated: see regulation 61.725.

aviation English language proficiency assessment means an aviation English language proficiency assessment conducted under regulation 61.255.

aviation English language proficiency assessor means the holder of an approval under regulation 61.270 to conduct an aviation English language proficiency assessment.

azimuth guidance procedure means an instrument approach procedure that uses azimuth bearings for lateral navigation guidance.

category of aircraft: see regulation 61.015.

category specific: a rating or endorsement is **category specific** if the rating or endorsement applies only to an aircraft category that is specified on the rating or endorsement.

Certificate IV in Training and Assessment means a Certificate IV in Training and Assessment issued by a registered training organisation under the Australian Qualifications Framework.

Note: See www.aqf.edu.au/.

certificate of validation means a certificate of validation granted under Subpart 61.C.

circling approach, for the landing of an aeroplane, means an instrument approach that includes a visual circling manoeuvre requiring a change of heading of greater than 90° to position the aeroplane on the centreline of the runway used for the landing.

class of aircraft: see regulation 61.020.

conduct, as a verb, means:

- (a) in relation to a flight operation—to occupy a flight control seat in an aircraft while the operation takes place; or
- (b) in relation to a simulated flight operation—to occupy a flight control seat in a flight simulation training device while the simulated operation takes place; or
- (c) in relation to an operation of a tethered helicopter—to occupy a flight control seat in the tethered helicopter while the operation takes place.

course deviation indicator procedure means an instrument approach procedure that uses a course deviation indicator for lateral guidance.

cross-country flight means a flight along a pre-planned route during which the pilot uses geometry, topography or radio navigation aids to determine the aircraft's position and course.

cross-country flight time means flight time accrued during a cross-country flight.

cruise relief type rating means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

current:

- (a) for an aviation English language proficiency assessment: see regulation 61.260; and
- (b) for a recreational aviation medical practitioner's certificate—see subregulation 61.405 (3); and
- (c) for a certificate of validation or medical certificate—means a certificate that is in force.

differences training, for a variant, means the training mentioned in regulation 61.200 for the variant.

dual cross-country flight time means cross-country flight time that is conducted in dual flight.

dual flight means flight conducted while receiving training from a pilot instructor occupying a flight control seat in an aircraft that is fitted with fully functional dual controls.

dual flight check means an in-flight assessment by a flight instructor of a student pilot licence holder's competency to conduct a solo training flight.

dual instrument flight time means instrument flight time that is conducted in dual flight.

dual instrument ground time means instrument ground time that is conducted in dual simulated flight.

dual instrument time means:

- (a) dual instrument flight time; or
- (b) dual instrument ground time.

dual simulated flight means simulated flight conducted while receiving training from a pilot instructor occupying a flight control seat in a flight simulation training device that is fitted with fully functional dual controls.

duration, of a flight, means:

- (a) for a flight in an aeroplane or gyroplane—the time from the moment the aircraft begins moving, whether or not under its own power, in preparation for flight until the moment it comes to rest at the end of the flight; or
- (b) for a flight in a helicopter or powered-lift aircraft—the time from the moment the aircraft's rotor blades start turning until the moment the rotor blades stop turning after the aircraft comes to rest at the end of the flight; or
- (c) for a flight in an airship—the time from the moment the airship is released from its mooring until the moment it is tethered at the end of the flight; or
- (d) for a flight in a glider—the time from the moment the glider first begins moving in preparation for flight, whether being towed or not, until the moment it comes to rest at the end of the flight.

endorsement means a flight crew endorsement.

equivalent, for an overseas flight crew licence, rating or endorsement: an overseas flight crew licence, rating or endorsement (however described) is ***equivalent*** to a flight crew licence, rating or endorsement granted under this Part (an ***Australian authorisation***) if it allows the holder to conduct substantially the same activities as the Australian authorisation.

examiner means:

- (a) a flight examiner; or
- (b) a flight engineer examiner.

examiner rating means:

- (a) a flight examiner rating; or
- (b) a flight engineer examiner rating.

flight means flight in:

- (a) an aeroplane; or
- (b) a helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

flight activity endorsement means an endorsement mentioned in column 1 of table 61.1145.

flight crew endorsement means an endorsement granted under this Part on a flight crew licence.

flight crew licence means:

- (a) a pilot licence; or
- (b) a flight engineer licence; or
- (c) a glider pilot licence.

flight crew rating means a rating granted under this Part on a flight crew licence.

flight engineer examiner means the holder of a flight engineer examiner rating.

flight engineer examiner endorsement means an endorsement mentioned in column 1 of table 61.1495.

flight engineer flight test endorsement means an endorsement mentioned in column 1 of Part 1 of table 61.1495.

flight engineer instructor means the holder of a flight engineer instructor rating.

flight engineer training endorsement means an endorsement mentioned in column 1 of table 61.1430.

flight examiner means the holder of a flight examiner rating.

flight examiner endorsement means an endorsement mentioned in column 1 of table 61.1310.

flight instructor means the holder of a flight instructor rating.

flight review means an assessment of the competency of a flight crew member to perform:

- (a) for the holder of a pilot licence or flight engineer licence—an activity authorised by a flight crew rating that the crew member holds; or
- (b) for the holder of a glider pilot licence—an activity authorised by the licence.

flight simulation training device means:

- (a) a qualified flight simulator; or
- (b) a qualified flight training device; or
- (c) a synthetic trainer that is approved under Civil Aviation Order 45.0; or
- (d) a device that meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
- (e) a device that is qualified (however described) by the national aviation authority of a recognised foreign State.

flight test, for a flight crew licence, rating or endorsement, means a test conducted under regulation 61.245 for the licence, rating or endorsement.

flight test endorsement means an endorsement mentioned in column 1 of Part 1 of table 61.1310.

flight time as:

- (a) a pilot: see regulation 61.080; and

- (b) a co-pilot: see regulation 61.085; and
- (c) a pilot in command: see regulation 61.090; and
- (d) a pilot in command under supervision: see regulation 61.095; and
- (e) a flight engineer: see regulation 61.100.

flight training, for a flight crew licence, rating or endorsement, means the training mentioned in regulation 61.195 for the licence, rating or endorsement.

instructor means:

- (a) a flight instructor; or
- (b) a simulator instructor; or
- (c) a flight engineer instructor.

instructor proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of an instructor's competency to conduct flight training.

instructor rating means:

- (a) a flight instructor rating; or
- (b) a simulator instructor rating; or
- (c) a flight engineer instructor rating.

instrument approach means an approach conducted in accordance with an instrument approach procedure.

instrument endorsement means an endorsement mentioned in column 1 of table 61.890.

instrument flight time: see regulation 61.105.

instrument ground time: see regulation 61.110.

instrument proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot an aircraft under the IFR.

instrument time means:

- (a) instrument flight time; or
- (b) instrument ground time.

knowledge deficiency report means a report prepared, and given to a person, under regulation 61.230.

licence means a flight crew licence.

licence document: see regulation 61.175.

low-level endorsement means an endorsement mentioned in column 1 of table 61.1075.

low-level operation means an operation below 500 ft AGL, other than the following:

- (a) climbing from take-off;
- (b) descending for the purpose of landing;
- (c) an aerial application operation.

maximum certificated passenger seating capacity, for an aircraft, means the maximum passenger seating capacity stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

maximum certificated take-off weight, for an aircraft, means the maximum take-off weight stated in the aircraft's type certificate, foreign type certificate, supplemental type certificate or foreign supplemental type certificate.

medical exemption, for the exercise of the privileges of a flight crew licence or rating, means an approval under regulation 61.040 to exercise the privileges of the licence or rating without holding a current:

- (a) medical certificate; or
- (b) recreational aviation medical practitioner's certificate.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory.

modified Austroads medical standards: see regulation 61.030.

multi-crew, in relation to an aircraft, means that the aircraft is certificated for operation by a crew of at least 2 pilots.

multi-crew operation means an operation that requires at least 2 pilots in:

- (a) a multi-crew aircraft; or

- (b) an aircraft that is equipped, and required by these Regulations, to be operated by a crew of at least 2 pilots.

multi-crew pilot licence training course means a course of training for the grant of a multi-crew pilot licence conducted by a Part 142 operator.

multi-crew type rating means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a multi-crew operation.

multi-engine aeroplane means an aeroplane that has 2 or more engines, other than:

- (a) a multi-engine centre-line thrust aeroplane; or
- (b) an aeroplane that is prescribed by a legislative instrument under regulation 61.050 as an aeroplane that is included in the single-engine aeroplane class.

multi-engine centre-line thrust aeroplane means an aeroplane with 2 or more engines that:

- (a) has the thrust line along the longitudinal axis of the aeroplane; and
- (b) has no asymmetric handling effect about the normal axis in the event of an engine failure.

night VFR endorsement means an endorsement mentioned in column 1 of table 61.980.

night vision goggles means a self-contained binocular night vision enhancement device that:

- (a) is helmet-mounted or otherwise worn by a person; and
- (b) can detect and amplify light in both the visual and near infra-red bands of the electromagnetic spectrum.

night vision imaging system endorsement means an endorsement mentioned in column 1 of table 61.1025.

night vision imaging system proficiency check means an assessment, against the standards mentioned in the Part 61 Manual of Standards, of a pilot's competency to pilot a helicopter using a night vision imaging system.

operational endorsement means any of the following endorsements:

- (a) an aerial application endorsement;
- (b) a flight activity endorsement;
- (c) a flight examiner endorsement;
- (d) an instrument endorsement;
- (e) a low-level endorsement;
- (f) a night VFR endorsement;
- (g) a night vision imaging system endorsement;
- (h) a private instrument endorsement;
- (i) a training endorsement;
- (j) a flight engineer examiner endorsement;
- (k) a flight engineer training endorsement.

operational rating means any of the following ratings:

- (a) an aerial application rating;
- (b) an examiner rating;
- (c) an instructor rating;
- (d) an instrument rating;
- (e) a low-level rating;
- (f) a night VFR rating;
- (g) a night vision imaging system rating;
- (h) a private instrument rating.

operator proficiency check means an assessment conducted by an operator in accordance with its training and checking responsibilities under these Regulations of whether a person has the aeronautical skills and knowledge required by the operator.

overseas endorsement means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew endorsement.

overseas flight crew licence means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew licence.

overseas medical certificate means a medical certificate (however described) granted by the national aviation authority of a

Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a medical certificate.

overseas rating means an authorisation (however described) granted by the national aviation authority of a Contracting State, in accordance with Annex 1 to the Chicago Convention, that is equivalent to a flight crew rating.

pilot, used as a noun, means a person authorised under this Part to manipulate the flight controls of an aircraft during flight.

pilot, used as a verb, means:

- (a) to manipulate the flight controls of an aircraft during flight; or
- (b) to occupy a flight control seat in an aircraft during flight.

pilot in command under supervision means a pilot, other than a student pilot, who performs the duties and functions of the pilot in command of an aircraft under the supervision of a pilot who is authorised by the operator of the aircraft to conduct the supervision.

pilot instructor means:

- (a) a flight instructor; or
- (b) a simulator instructor.

pilot licence means any of the following licences:

- (a) an air transport pilot licence;
- (b) a commercial pilot licence;
- (c) a multi-crew pilot licence;
- (d) a private pilot licence;
- (e) a recreational pilot licence;
- (f) a student pilot licence.

private instrument endorsement means an endorsement mentioned in column 1 of table 61.935.

privilege, in relation to a flight crew licence, rating or endorsement, means an activity that the holder of the licence, rating or endorsement is authorised, under this Part, to conduct.

rating means a flight crew rating.

recent photograph, at a particular time, means a photograph taken within 6 months before that time.

recognised aeroplane means an aeroplane:

- (a) that is on the register of aircraft kept by a Contracting State;
or
- (b) that is a State aircraft.

recognised foreign State means any of the following:

- (a) Canada;
- (b) Hong Kong;
- (c) New Zealand;
- (d) United States of America;
- (e) the following EASA member States:
 - (i) Belgium;
 - (ii) Czech Republic;
 - (iii) Denmark;
 - (iv) Finland;
 - (v) France;
 - (vi) Germany;
 - (vii) Ireland;
 - (viii) Italy;
 - (ix) Netherlands;
 - (x) Norway;
 - (xi) Portugal;
 - (xii) Spain;
 - (xiii) Sweden;
 - (xiv) Switzerland;
 - (xv) United Kingdom;
- (f) any other foreign country prescribed by a legislative instrument under regulation 61.047.

recognised gyroplane means a gyroplane:

- (a) that is on the register of aircraft kept by a Contracting State;
or
- (b) that is a State aircraft.

recognised helicopter means a helicopter:

- (a) that is on the register of aircraft kept by a Contracting State;
or
- (b) that is a State aircraft.

recognised powered-lift aircraft means a powered-lift aircraft:

- (a) that is on the register of aircraft kept by a Contracting State;
or
- (b) that is a State aircraft.

recreational aviation administration organisation means:

- (a) Recreational Aviation Australia Inc; or
- (b) Australian Sport Rotorcraft Association Inc; or
- (c) The Gliding Federation of Australia Inc.

recreational aviation medical practitioner's certificate means a certificate from a medical practitioner to the effect that the holder meets the modified Austroads medical standards.

recreational pilot licence endorsement means an endorsement mentioned in regulation 61.485.

simulated flight engineer time means time spent in a flight simulation training device during which a flight engineer is performing the duties of a flight engineer.

simulated flight time means time spent in a flight simulation training device during which a pilot is performing the duties of a pilot.

simulated IMC means flight in an aircraft or flight simulation training device during which the pilot is prevented from viewing the external horizon.

simulator instructor means the holder of a simulator instructor rating.

single-pilot operation means an operation in an aircraft, other than a multi-crew operation.

single-pilot type rating means a pilot type rating authorising its holder to pilot an aircraft of the type covered by the rating in a single-pilot operation.

solo, in relation to a flight of an aircraft, means a flight in which the pilot is the sole occupant of the aircraft.

standard instrument departure means a departure under the IFR in accordance with an instrument departure procedure.

successfully participating in an operator's approved cyclic training and proficiency program: a person is **successfully participating**, at a particular time, in an operator's approved cyclic training and proficiency program that covers operations of a particular kind if:

- (a) the person is employed by the operator; and
- (b) the operator has an approved cyclic training and proficiency program; and
- (c) the person has met the requirements under the program for entry into the program; and
- (d) at that time, the person is permitted under the program to be assigned by the operator for unsupervised duty in an operation of that kind.

tethered flight time means the duration of a flight in a tethered helicopter.

tethered helicopter means a helicopter tethered to a base that allows hovering but not free flight.

training endorsement means an endorsement mentioned in column 1 of table 61.1235.

training provider, for a person undertaking flight training, means:

- (a) the Part 141 or 142 operator conducting the training; or
- (b) the person conducting the training who holds an approval under regulation 141.035 or 142.040 to conduct the training.

type rating means:

- (a) a pilot type rating; or
- (b) a flight engineer type rating; or
- (c) a cruise relief type rating.

type specific: a rating or endorsement is **type specific** if the rating or endorsement applies only to an aircraft type that is specified on the rating or endorsement.

variant, in relation to an aircraft model (the **first model**), means another aircraft model that CASA has prescribed by a legislative instrument under regulation 61.055 as a variant of the first model.

61.015 Definition of *category* of aircraft for Part 61

Each of the following is a **category** of aircraft:

- (a) aeroplane;
- (b) helicopter;
- (c) powered-lift aircraft;
- (d) gyroplane;
- (e) airship.

61.020 Definition of *class* of aircraft for Part 61

- (1) Each of the following is a **class** of aircraft:
 - (a) single-engine aeroplane;
 - (b) multi-engine aeroplane;
 - (c) single-engine helicopter;
 - (d) single-engine gyroplane;
 - (e) airship.
- (2) For this Part, the single-engine aeroplane class includes:
 - (a) multi-engine centre-line thrust aeroplanes; and
 - (b) multi-engine aeroplanes that are prescribed by a legislative instrument under regulation 61.050 (Prescription of multi-engine aeroplanes included in single-engine aeroplane class).

61.025 Definition of *aeroplane* for Part 61

Aeroplane means an aeroplane that has flight controls providing control of the aeroplane in 3 axes.

61.030 Definition of *modified Austroads medical standards* for Part 61

- (1) **Modified Austroads medical standards**, in relation to the exercise of the privileges of a pilot licence, means the Austroads medical standards modified to provide that a person with any of the following medical histories or conditions does not meet the standards:

- (a) subject to subregulation (2)—a history of cancer within the 5-year period before the day the privileges of the licence are exercised;
 - (b) a history of ECG changes, with or without symptoms;
 - (c) subject to subregulation (3)—a history of heart failure;
 - (d) inability to hear a conversational speaking voice at a distance of 2 metres, whether unaided or with the assistance of a medically prescribed hearing aid;
 - (e) any musculoskeletal disability, disorder or disease of the bones, joints, muscles or tendons that would limit or restrict the normal manipulation of aircraft controls, or would require physical modifications to the aircraft to enable appropriate manipulation of the controls;
 - (f) a history of transient ischaemic attack;
 - (g) a history of multiple sclerosis, cerebral palsy or Parkinson's disease;
 - (h) a history of one or more of the following in relation to a head injury:
 - (i) loss of consciousness;
 - (ii) post-traumatic amnesia;
 - (iii) abnormal findings on head CT or MRI investigation;
 - (i) a history of renal colic or calculi;
 - (j) active vertigo or a history of benign paroxysmal positional vertigo.
- (2) For paragraph (1) (a), a history of cancer for a person does not include a history of basal cell skin cancers if:
- (a) each basal cell skin cancer has been treated by excision with no metastasized sequelae; and
 - (b) since at least the last occurrence of a basal cell skin cancer, the person has been under active and continuous case management by a medical practitioner who is a specialist oncology physician or surgeon (the ***treating practitioner***); and
 - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's basal cell skin cancer history.

- (3) For paragraph (1) (c), a history of heart failure for a person does not include a history in which the person meets all of the following requirements:
- (a) the person has not had an episode of heart failure for at least the previous 3 years;
 - (b) since at least the last episode of heart failure, the person has been under active and continuous case management by a medical practitioner who is a specialist cardiovascular physician or surgeon (the *treating practitioner*);
 - (c) the person is assessed for the issue of a recreational aviation medical practitioner's certificate by the treating practitioner or, if the treating practitioner is not available, by another medical practitioner with knowledge of the person's history of heart failure.
- (4) In this regulation:

Austroads medical standards means the medical standards for the issue of an unconditional private motor vehicle driver's licence, set out in the publication *Assessing fitness to drive for commercial and private vehicle drivers*, published by Austroads in March 2012, or any later version as in force from time to time.

Note: See www.austroads.com.au/assessing-fitness-to-drive/.

61.035 Issue of Manual of Standards for Part 61

- (1) For paragraph 98 (5A) (a) of the Act, CASA may issue a Manual of Standards for this Part that sets out matters relating to flight crew licences.
- (2) In particular, the Manual of Standards may set out standards for the following:
- (a) approvals under regulation 61.040;
 - (b) aeronautical and other knowledge required by this Part for the grant of a licence, rating or endorsement;
 - (c) flight training;
 - (d) other training and development requirements;
 - (e) flight tests;
 - (f) aviation and general English language proficiency;
 - (g) general operating competencies for aircraft of a particular class or type;

- (h) competency in the use of an airborne collision avoidance system;
- (i) flight reviews;
- (j) competencies for solo flight;
- (k) instrument proficiency checks;
- (l) night vision imaging system proficiency checks;
- (m) aerial application proficiency checks;
- (n) instructor proficiency checks;
- (o) competencies for glider pilot licences.

61.040 Approvals by CASA for Part 61

- (1) If a provision of this Part refers to a person or organisation holding an approval under this regulation, the person or organisation may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval if the following requirements are met:
 - (a) if the approval relates to a course or program:
 - (i) the course or program covers all the units of competency mentioned in the Part 61 Manual of Standards for the course or program; and
 - (ii) the course or program meets the standards (if any) mentioned in the Part 61 Manual of Standards for the course or program;
 - (b) if the approval relates to any other thing for which there are standards in the Part 61 Manual of Standards—the thing meets the standards;
 - (c) for any other approval—the applicant meets the requirements (if any) for the approval mentioned in the provision.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval mentioned in paragraph 61.1515 (1) (b) (Limitations on exercise of privileges of glider pilot licences—general).

61.045 Prescription of qualification standards for flight simulation training devices

For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe qualification standards for flight simulation training devices.

61.047 Prescription of recognised foreign States

For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe foreign countries as recognised foreign States.

61.050 Prescription of multi-engine aeroplanes included in single-engine aeroplane class

For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe aeroplanes that are included in the single-engine aeroplane class.

61.055 Prescription of type ratings and variants—multi-crew aircraft

- (1) For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe, for multi-crew aircraft:
 - (a) the type ratings that may be granted for multi-crew operation; and
 - (b) the aircraft models that are variants of each other; and
 - (c) in relation to each variant—the variants for which differences training is required; and
 - (d) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
 - (e) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) For paragraph 98 (5A) (a) of the Act, if 2 or more aircraft models are variants of each other, CASA may, by legislative instrument, prescribe that the models are no longer variants of each other only if satisfied that:
 - (a) the complexity of one of the models' systems; or
 - (b) a difference in their performance or handling characteristics; requires the provision of additional flight training to enable a person to pilot an aircraft of that model safely.

61.060 Prescription of type ratings—single-pilot aircraft

- (1) For paragraph 98 (5A) (a) of the Act, CASA may, by legislative instrument, prescribe:
 - (a) for a type of aircraft that is certificated for single-pilot operation—whether a single-pilot type rating is required; and
 - (b) for aircraft for which single-pilot type ratings are required:
 - (i) the type ratings that may be granted for single-pilot operation; and
 - (ii) the aircraft models that are variants of each other; and
 - (iii) in relation to each variant—the variants for which differences training is required; and
 - (c) the type ratings for which the flight review or instrument proficiency check requirements may be met by completion of a single flight review; and
 - (d) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.
- (2) However, CASA may prescribe that a single-pilot type rating is required for an aircraft only if satisfied that:
 - (a) the complexity of the aircraft's systems; or
 - (b) its performance or handling characteristics;requires the provision of additional flight training to enable a person to pilot an aircraft of that type safely.

61.065 Conduct of unauthorised activities—holders of flight crew licences

- (1) The holder of a flight crew licence commits an offence if:
 - (a) the holder conducts an activity mentioned in this Part while:
 - (i) piloting a registered aircraft; or
 - (ii) acting as flight engineer of a registered aircraft; or
 - (iii) acting as an instructor or examiner; and
 - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence for a contravention of regulation 61.385 (Limitations on exercise of

privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

Division 61.A.2—Flight time and other aeronautical experience

61.070 Flight to which Division 61.A.2 applies

For this Division:

flight means flight in:

- (a) an aeroplane; or
- (b) a helicopter, other than a tethered helicopter; or
- (c) an airship; or
- (d) a glider, other than a hang glider; or
- (e) a gyroplane; or
- (f) a powered-lift aircraft.

61.075 Definition of *aeronautical experience* for Part 61

A person's *aeronautical experience* is as follows:

- (a) for a pilot—the total of:
 - (i) the person's flight time as a pilot; and
 - (ii) the person's simulated flight time; and
 - (iii) the person's tethered flight time;
- (b) for a flight engineer—the total of:
 - (i) the person's flight time as a flight engineer; and
 - (ii) the person's simulated flight engineer time.

61.080 Definition of *flight time* as pilot for Part 61

A person's *flight time* as a pilot is:

- (a) the duration of the following flights:
 - (i) a solo flight by the person;
 - (ii) a flight in which the person receives flight training;

- (iii) if the person is a flight instructor—a flight during which the person exercises the privileges of his or her flight instructor rating;
- (iv) if the person is a flight examiner—a flight during which the person exercises the privileges of his or her flight examiner rating; and
- (b) the person's flight time as pilot in command; and
- (c) the person's flight time as pilot in command under supervision; and
- (d) the person's flight time as a co-pilot.

61.085 Definition of *flight time* as co-pilot for Part 61

A person's *flight time* as a co-pilot is any period, during flight in an aircraft that, under these Regulations, must be flown with a flight crew of at least 2 pilots, in which the person is performing co-pilot duties other than as pilot in command under supervision.

Note: A co-pilot is a pilot on board an aircraft in a piloting capacity other than the pilot in command or a pilot who is on board the aircraft for the sole purpose of receiving flight training: see the definition of *co-pilot* in Part 1 of the Dictionary.

61.090 Definition of *flight time* as pilot in command for Part 61

A person's *flight time* as pilot in command of an aircraft is the duration of a flight for which the person is the pilot in command of the aircraft.

61.095 Definition of *flight time* as pilot in command under supervision for Part 61

- (1) A person's *flight time* as pilot in command under supervision is the duration of a flight if:
 - (a) the person holds a pilot licence, other than a student pilot licence; and
 - (b) the person performs all the duties of the pilot in command for the flight; and
 - (c) subregulation (2) or (3) applies to the flight.
- (2) For paragraph (1) (c), this subregulation applies to the flight if:

- (a) the flight is conducted by an operator that has training and checking responsibilities; and
 - (b) the pilot in command of the flight is authorised by the operator or the operator's Part 142 operator to conduct the supervision of the person.
- (3) For paragraph (1) (c), this subregulation applies to the flight if:
- (a) the person is supervised by a flight instructor or flight examiner; and
 - (b) the person is not receiving flight training or taking a flight test.

61.100 Definition of *flight time* as flight engineer for Part 61

A person's *flight time* as a flight engineer is:

- (a) if the person is a flight engineer—the duration of a flight during which the person performs the duties of a flight engineer; and
- (b) if the person is a flight engineer instructor—the duration of a flight during which the person exercises the privileges of his or her flight engineer instructor rating; and
- (c) if the person is a flight engineer examiner—the duration of a flight during which the person exercises the privileges of his or her flight engineer examiner rating; and
- (d) if the person is the holder of a cruise relief flight engineer type rating—any time spent performing the duties of a flight engineer during flight.

61.105 Definition of *instrument flight time* for Part 61

- (1) A person's *instrument flight time* is:
- (a) for the holder of an authorisation mentioned in subregulation (2) other than a flight instructor or flight examiner—any time spent piloting an aircraft solely by reference to instruments and without external visual reference points in IMC or simulated IMC; and
 - (b) for a person who does not hold an authorisation mentioned in subregulation (2)—any dual instrument flight time; and
 - (c) for a flight instructor—any time spent conducting training mentioned in regulation 61.1165, or a flight review, during dual instrument flight time in IMC; and

- (d) for a flight examiner—any time spent conducting a flight test or proficiency check during dual instrument flight time in IMC.
- (2) For paragraph (1) (a), the authorisations are as follows:
 - (a) an instrument rating;
 - (b) a private instrument rating;
 - (c) for flight in an aeroplane or powered-lift aircraft—an air transport pilot licence;
 - (d) for flight in an aeroplane—a multi-crew pilot licence.

61.110 Definition of *instrument ground time* for Part 61

A person's *instrument ground time* is:

- (a) for the holder of an authorisation mentioned in subregulation 61.105 (2) other than a simulator instructor or flight examiner—any time spent conducting simulated flight in a flight simulation training device solely by reference to instruments and without simulated external visual reference points; and
- (b) for a person who does not hold an authorisation mentioned in subregulation 61.105 (2)—any dual instrument ground time; and
- (c) for a simulator instructor—any time spent conducting training mentioned in regulation 61.1190, or a flight review, during dual instrument ground time; and
- (d) for a flight examiner—any time spent conducting a flight test or proficiency check during dual instrument ground time.

Division 61.A.3—Performing flight crew duties without licence, rating or endorsement

61.115 Flying without licence

- (1) A person who does not hold a pilot licence is authorised to pilot a registered aircraft if:
 - (a) the pilot in command of the aircraft is a flight instructor and the flight is for the purpose of receiving flight training; or
 - (b) the flight is for a flight test for a pilot licence or a flight crew rating or endorsement on a pilot licence.

-
- (2) A person who does not hold a flight engineer licence is authorised to perform the duties of a flight engineer in a registered aircraft while:
- (a) receiving flight training from a flight engineer instructor; or
 - (b) taking a flight test for a flight engineer licence or a flight crew rating or endorsement on a flight engineer licence.

61.120 Operation of aircraft radio without licence

A person who does not hold a flight crew licence, or who holds a recreational pilot licence but does not hold a flight radio endorsement, is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if:

- (a) the transmission is made while receiving training for a flight crew licence; and
- (b) the transmission is approved and supervised by an instructor; and
- (c) the transmission is for the purpose of:
 - (i) safely conducting a flight that is approved by a flight instructor; or
 - (ii) receiving training in the use of an aircraft radio.

Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

61.125 Conducting flight activities without rating or endorsement

- (1) A person who holds a pilot licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
- (a) the activity is conducted while:
 - (i) receiving flight training for the rating or endorsement; or
 - (ii) taking a flight test for the rating or endorsement; or
 - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and
 - (b) the activity is approved by, and conducted under the supervision of, a flight instructor.

- (2) A person who holds a flight engineer licence, but does not hold a rating or endorsement for the conduct of an activity for which a rating or endorsement is required under this Part, is authorised to conduct the activity if:
 - (a) the activity is conducted while:
 - (i) receiving flight training for the rating or endorsement; or
 - (ii) taking a flight test for the rating or endorsement; or
 - (iii) meeting the aeronautical experience requirements for the rating or endorsement; and
 - (b) the activity is approved by, and conducted under the supervision of, a flight engineer instructor.

61.130 Operation of helicopter using auto flight control system without licence or rating

- (1) This regulation applies to a person who, apart from this regulation, would not be authorised under this Part to pilot a helicopter.
- (2) The person is authorised to pilot the helicopter using the helicopter's auto flight control system if:
 - (a) the person is approved to do so by the helicopter's:
 - (i) operator; and
 - (ii) pilot in command; and
 - (b) the person does so under the supervision of the pilot in command.

61.135 Authorisation to conduct flight training or flight test without holding type rating

- (1) An instructor may apply to CASA, in writing, for authorisation to conduct training for the grant of a pilot type rating or flight engineer type rating in an aircraft for which the instructor does not hold the rating.
- (2) An examiner may apply to CASA, in writing, for authorisation to conduct a flight test required for the grant of a pilot type rating or flight engineer type rating for an aircraft for which the examiner does not hold:
 - (a) the pilot type rating or flight engineer type rating; or
 - (b) a training endorsement; or

(c) a flight test endorsement.

- (3) Subject to regulation 11.055, CASA must grant the authorisation.
- (4) Subject to regulations 141.050 and 142.050, if CASA grants the authorisation, the person is authorised to conduct the training or flight test in accordance with the authorisation.

61.140 Authorisation to test aircraft without holding type rating

- (1) The holder of a flight crew licence may apply to CASA, in writing, for authorisation to act as a flight crew member of an aircraft for which the person does not hold a pilot type rating or flight engineer type rating during a flight conducted for the purpose of:
 - (a) testing the aircraft; or
 - (b) conducting an experiment in relation to the aircraft.
- (2) Subject to regulation 11.055, CASA must grant the authorisation.
- (3) If CASA grants the authorisation, the person is authorised to act as a flight crew member during the flight in accordance with the authorisation.

61.145 Piloting glider without holding glider pilot licence

A person is authorised to pilot a glider without holding a glider pilot licence if the person:

- (a) holds a pilot certificate, granted by a recreational aviation administration organisation that administers glider activities, that permits the holder to pilot a glider or motorised glider as pilot in command; and
- (b) operates the glider in accordance with the organisation's operations manual.

Subpart 61.B—Grant of flight crew licences, ratings and endorsements

Division 61.B.1—General

61.150 People who may grant flight crew licences, ratings and endorsements

- (1) CASA may grant any flight crew licence, rating or endorsement.
- (2) Subject to subregulation (8) and regulation 61.1265, a flight examiner may grant the following:
 - (a) a rating on a pilot licence, other than:
 - (i) an aircraft category rating; or
 - (ii) a flight examiner rating; or
 - (iii) a cruise relief flight engineer type rating;
 - (b) an endorsement on a pilot licence, other than a flight test endorsement.
- (3) Subject to subregulation (8) and regulations 61.1175 and 61.1200, a pilot instructor may grant an endorsement on a pilot licence, other than:
 - (a) a flight examiner endorsement; or
 - (b) a training endorsement mentioned in Part 1 or 2 of table 61.1235; or
 - (c) an endorsement for which a flight test is required under this Part.
- (4) Subject to subregulation (8) and regulation 61.1455, a flight engineer examiner may grant the following:
 - (a) a rating on a flight engineer licence, other than a flight engineer examiner rating;
 - (b) an endorsement on a flight engineer licence, other than a flight engineer flight test endorsement;
 - (c) a cruise relief flight engineer type rating.
- (5) Subject to subregulation (8) and regulation 61.1405, a flight engineer instructor may grant a flight engineer training endorsement.

- (6) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 141.035 or 142.040 (an **approval holder**) may grant a flight crew endorsement for which the holder is approved to conduct flight training.
- (7) Subject to subregulation (8) and the limitations (if any) of the person's approval, the holder of an approval under regulation 61.040 (also an **approval holder**) may grant the following:
 - (a) a flight crew rating, other than an examiner rating;
 - (b) a flight crew endorsement, other than a flight test endorsement or a flight engineer flight test endorsement.
- (8) An examiner, instructor or approval holder cannot grant a flight crew rating or endorsement to a person if the person is taken to meet the requirements for the rating or endorsement under:
 - (a) regulation 61.275 (Overseas flight crew authorisations—recognition); or
 - (b) regulation 61.285 (Australian Defence Force qualifications—recognition).

Note: A flight crew licence, rating or endorsement granted under a bilateral agreement may only be granted by CASA: see regulation 61.280.

61.155 Applications for flight crew licences, ratings and endorsements

- (1) An application for a flight crew licence, rating or endorsement must be made to a person who may grant the licence, rating or endorsement.

Note: See Subpart 11.B, in particular, regulation 11.030, about applications for authorisations.

- (2) The application must:
 - (a) be in writing; and
 - (b) if the application is for a flight crew licence—be accompanied by a recent photograph of the applicant, showing the applicant's full face and his or her head and shoulders; and
 - (c) if the application is for a pilot licence, other than a student pilot licence—include an application for an aircraft category rating.

- (3) If the requirements for the grant of a flight crew licence, rating or endorsement (the ***second authorisation***) include a requirement that the applicant hold, or be eligible for, another flight crew licence, rating or endorsement (the ***first authorisation***), a person may:
- (a) apply for the first and second authorisations at the same time; or
 - (b) apply for the second authorisation at any time after applying for the first authorisation, whether or not the first authorisation has been granted before the person applies for the second authorisation.

61.160 Grant of flight crew licences

Subject to regulation 11.055, CASA must grant a flight crew licence to an applicant for the licence if:

- (a) the application complies with regulation 61.155; and
- (b) the applicant:
 - (i) meets the requirements mentioned in this Part for the grant of the licence; and
 - (ii) for a flight crew licence other than a recreational or student pilot licence—has a current aviation English language proficiency assessment; and
 - (iii) for a recreational or student pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

61.165 Grant of flight crew ratings

Subject to regulation 11.055, CASA, or an examiner or approval holder, must grant a flight crew rating to an applicant for the rating if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner or approval holder—the examiner or approval holder may, under regulation 61.150, grant the rating; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the rating.

61.170 Grant of flight crew endorsements

Subject to regulation 11.055, CASA, or an examiner, instructor or approval holder, must grant a flight crew endorsement to an applicant for the endorsement if:

- (a) the application complies with regulation 61.155; and
- (b) for an application to an examiner, instructor or approval holder—the examiner, instructor or approval holder may, under regulation 61.150, grant the endorsement; and
- (c) the applicant meets the requirements mentioned in this Part for the grant of the endorsement.

61.175 How CASA issues flight crew licences, ratings and endorsements

- (1) Subregulation (2) applies if:
 - (a) CASA grants a flight crew licence to a person under regulation 61.160; and
 - (b) the person does not already hold a flight crew licence.
- (2) For subregulation (1), CASA must issue to the person a document (the **licence document**) indicating that the person is authorised to exercise the privileges of:
 - (a) the flight crew licence; and
 - (b) if, at the same time, CASA also grants a flight crew rating or endorsement to the person under regulation 61.165 or 61.170—the rating or endorsement.
- (3) Subregulation (4) applies if:
 - (a) CASA grants a flight crew licence (the **new licence**) to a person under regulation 61.160; and
 - (b) the person already holds a flight crew licence (the **existing licence**).
- (4) For subregulation (3), CASA must issue to the person a new licence document indicating that the person is authorised to exercise the privileges of:
 - (a) the new licence; and
 - (b) the existing licence; and

- (c) any flight crew ratings and endorsements that the person already holds or that CASA grants at the same time as the new licence.
- (5) Subregulation (6) applies if:
 - (a) CASA grants a flight crew rating or endorsement to a person under regulation 61.165 or 61.170, other than a rating or endorsement granted at the same time as a flight crew licence; and
 - (b) the person already holds a flight crew licence.
- (6) For subregulation (5), CASA must endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating or endorsement.

61.180 How examiner, instructor or approval holder issues rating or endorsement

- (1) If an examiner or approval holder grants a flight crew rating to a person under regulation 61.165, the examiner or approval holder must:
 - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the rating; and
 - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the rating.
- (2) If an examiner, instructor or approval holder grants a flight crew endorsement to a person under regulation 61.170, the examiner, instructor or approval holder must:
 - (a) endorse the person's licence document to the effect that the person is authorised to exercise the privileges of the endorsement; and
 - (b) give CASA a written notice that the person has met the requirements mentioned in this Part for the grant of the endorsement.
- (3) An examiner, instructor or approval holder commits an offence if he or she contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

- (4) If CASA is satisfied that the rating or endorsement was issued in error, CASA must cancel the rating or endorsement.
- (5) An offence against this regulation is an offence of strict liability.

61.185 New licence document if licence, rating or endorsement cancelled

- (1) This regulation applies if:
 - (a) a flight crew licence, rating or endorsement is cancelled under Part 16 of CAR or Subpart 11.D; and
 - (b) the holder of the licence, rating or endorsement holds a licence that is not cancelled (the *continuing licence*).
- (2) CASA must issue to the holder a new licence document indicating that the holder is authorised to exercise the privileges of:
 - (a) the continuing licence; and
 - (b) any ratings or endorsements that the holder continues to hold.

61.190 Licence holder to comply with limitations and requirements of Part 61

It is a condition of a flight crew licence, rating or endorsement that the holder must comply with:

- (a) the limitations on the exercise of the privileges of the licence, rating or endorsement set out in this Part; and
- (b) the requirements set out in this Part that apply to the holder.

Division 61.B.2—Flight training and other training

61.195 Flight training requirements

- (1) Subregulation (2) applies to flight training for:
 - (a) a flight crew licence; or
 - (b) a flight crew rating; or
 - (c) a flight crew endorsement, other than a design feature endorsement or a flight activity endorsement.

Note: For training, other than flight training, see regulation 61.210.

- (2) For subregulation (1), a requirement in this Part for an applicant for a flight crew licence, rating or endorsement to have completed flight training for the licence, rating or endorsement is met only if:
 - (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement; and
 - (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
 - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder; and
 - (d) for flight training for the grant of an aircraft class rating or type rating—the training is conducted in accordance with regulation 61.205; and
 - (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.
- (3) Subregulation (4) applies to flight training for a design feature endorsement or a flight activity endorsement.
- (4) For subregulation (3), a requirement in this Part for an applicant for a flight crew endorsement to have completed flight training for the endorsement is met only if:
 - (a) the applicant has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (b) the training is conducted by:
 - (i) an instructor; or
 - (ii) the holder of an approval under regulation 61.040 to conduct the training; and
 - (c) the applicant has been assessed as competent in each unit of competency by the instructor or approval holder.
- (5) For paragraphs (2) (c) and (4) (c), the assessment must be conducted against the standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.

61.200 Differences training requirements

A requirement in this Part for the holder of a type rating to have completed differences training for a variant of the aircraft type covered by the rating is met only if:

- (a) the holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the rating that are necessary to ensure that the holder is able to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (b) the training is conducted by:
 - (i) an instructor for a Part 141 or 142 operator that is authorised to conduct differences training for the variant; or
 - (ii) the holder of an approval under regulation 141.035 or 142.040 to conduct the training; and
- (c) the holder has been assessed by the instructor or approval holder as competent to exercise the privileges of the rating as safely as the holder would have been able to, had the holder undertaken the flight training for the rating in the variant; and
- (d) the training is conducted in accordance with regulation 61.205; and
- (e) the applicant's training provider has given the applicant a course completion certificate indicating that the requirements of paragraphs (a) and (c) have been met.

61.205 When training must not be conducted in aircraft

- (1) For paragraphs 61.195 (2) (d) and 61.200 (d), the training must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
 - (a) there is an approved flight simulator for the training available in Australia; or
 - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the training available outside Australia.
- (2) In this regulation:

available, for training, means able to be used for the training.

61.210 Other approved courses of training or professional development

- (1) A requirement in this Part for an applicant for a flight crew licence, rating or endorsement to have completed an approved course of training or professional development is met only if:
 - (a) for a course that is approved under regulation 61.040—the applicant:
 - (i) has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the course; and
 - (ii) has been assessed as competent by the person conducting the course against the standards mentioned in the Part 61 Manual of Standards for the course; or
 - (b) for a course that is conducted by a Part 141 or 142 operator—the applicant:
 - (i) has received training in all the units of competency mentioned in the course's syllabus; and
 - (ii) has been assessed by a person mentioned in subregulation (2) as competent against the standards mentioned in the course's syllabus.
- (2) For subparagraph (1) (b) (ii), the persons are as follows:
 - (a) the head of operations of the Part 141 or 142 operator that conducted the training;
 - (b) an instructor who is authorised by the head of operations to conduct the assessment;
 - (c) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

Division 61.B.3—Aeronautical knowledge examinations

61.215 Aeronautical knowledge examinations—general

- (1) CASA may set aeronautical knowledge examinations for the grant of a flight crew licence, rating or endorsement in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the licence, rating or endorsement.

- (2) A Part 141 or 142 operator may set aeronautical knowledge examinations for the grant of:
 - (a) a flight crew rating other than an instrument rating; or
 - (b) a flight crew endorsement.
- (3) However, a Part 141 or 142 operator may set an aeronautical knowledge examination only if:
 - (a) the examination is set in accordance with the aeronautical knowledge standards mentioned in the Part 61 Manual of Standards for the rating or endorsement; and
 - (b) the operator holds an approval under regulation 61.040 for the examination.
- (4) The examinations may be conducted at the times and places, and in accordance with arrangements, decided by the body setting the examination.

61.220 Aeronautical knowledge examinations—air transport pilot licence

To be eligible to sit the aeronautical knowledge examination for an air transport pilot licence with a particular aircraft category rating, an applicant must:

- (a) hold a commercial pilot licence with that rating; or
- (b) have passed the aeronautical knowledge examination for a commercial pilot licence with that rating; or
- (c) hold an approval under regulation 61.040 to sit the examination.

61.225 Aeronautical knowledge examinations—pass standards

- (1) A requirement in this Part for a person to have passed an aeronautical examination for a flight crew licence, rating or endorsement is met if the person meets the standards mentioned in the Part 61 Manual of Standards for the examination.
- (2) However, a person is taken to have passed an aeronautical knowledge examination only if the person passes all parts of the examination within a period of 2 years.
- (3) If on 3 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination,

the person is not permitted to attempt the examination or part again within 3 months beginning on the day the person attempts the examination or part for the third time.

- (4) If on 4 occasions a person attempts, but fails to pass, an aeronautical knowledge examination, or a part of an examination, the person is not permitted to attempt the examination or part again until CASA is satisfied that the person has completed appropriate training.

61.230 Aeronautical knowledge examinations—knowledge deficiency reports

- (1) This regulation applies if a candidate for an aeronautical knowledge examination:
 - (a) passes the examination with a score of less than 100%; or
 - (b) fails the examination with a score of at least 51%.
- (2) The body that conducts the examination must:
 - (a) prepare a report about the competency standards in which the candidate's knowledge is deficient; and
 - (b) give a copy of the report to the candidate; and
 - (c) if the examination was not conducted by the candidate's training provider—give a copy of the report to the candidate's training provider.

Division 61.B.4—Flight tests

61.235 Flight tests for flight crew licences and ratings—prerequisites

Flight crew licence prerequisites

- (1) Subregulation (2) applies to an applicant for a flight crew licence, other than an applicant who is eligible for the licence under subregulation 61.275 (1).
- (2) For subregulation (1), the applicant is eligible to take a flight test for the licence only if:
 - (a) a person mentioned in subregulation (5) has certified in writing that the applicant:
 - (i) is at least the minimum age to hold the licence; and

- (ii) has passed the aeronautical knowledge examination for the licence; and
- (iii) has met the flight training requirements for the grant of the licence; and
- (iv) has met the aeronautical experience requirements for the licence; and
- (v) for a flight crew licence other than a recreational pilot licence—has a current aviation English language proficiency assessment; and
- (vi) for a recreational pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
- (b) if the applicant passed the aeronautical knowledge examination for the licence with a score of less than 100%:
 - (i) the applicant's training provider has given the examiner who is to conduct the applicant's flight test a copy of the applicant's knowledge deficiency report; and
 - (ii) the applicant satisfies the examiner that the applicant has sufficient knowledge in any competency standard mentioned in the knowledge deficiency report to safely exercise the privileges of the licence; and
- (c) if the flight test is to be conducted in an aircraft:
 - (i) the applicant holds a current medical certificate of the class required for the grant of the licence; or
 - (ii) if the test is for a recreational pilot licence—the applicant holds a current recreational aviation medical practitioner's certificate; or
 - (iii) the applicant holds a medical exemption for the exercise of the privileges of the licence.

Flight crew rating prerequisites

- (3) Subregulation (4) applies to an applicant for a flight crew rating, other than an applicant who is eligible for the rating under subregulation 61.275 (2) or (3).
- (4) For subregulation (3), the applicant is eligible to take a flight test for the rating only if:
 - (a) a person mentioned in subregulation (5) has certified in writing that the applicant:

- (i) has passed the aeronautical knowledge examination for the rating; and
- (ii) has met the flight training requirements for the grant of the rating; and
- (iii) has met the aeronautical experience requirements for the rating; and
- (b) if the test is to be conducted in an aircraft:
 - (i) the applicant holds a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate; or
 - (ii) the applicant holds a medical exemption for the exercise of the privileges of the licence.

People who may certify

- (5) For paragraphs (2) (a) and (4) (a), the persons are as follows:
 - (a) if the applicant's training provider is a Part 141 or 142 operator:
 - (i) the operator's head of operations; or
 - (ii) a person named in the operator's exposition as responsible for the flight training to which the flight test relates;
 - (b) if the applicant's training provider is the holder of an approval under regulation 141.035 or 142.040 to conduct the training—the approval holder.

61.240 Consequences of taking flight test when ineligible

An applicant for a flight crew licence or rating is taken not to have passed a flight test if, when the applicant took the flight test, the applicant was not eligible under regulation 61.235 to take the flight test.

61.245 Conduct of flight tests for flight crew licences, ratings and endorsements

- (1) The flight test for a flight crew licence, rating or endorsement must be conducted in:
 - (a) an aircraft or an approved flight simulator for the purpose; and

- (b) if the flight test is for a rating or endorsement that is limited to a particular category, class or type of aircraft:
 - (i) an aircraft of that category, class or type; or
 - (ii) an approved flight simulator for that category, class or type of aircraft.
- (2) However, the flight test for an aircraft class rating or type rating must not be conducted in an aircraft with a maximum certificated passenger seating capacity of more than 9 if:
 - (a) there is an approved flight simulator for the flight test available in Australia; or
 - (b) for a rating that applies only to an aircraft with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the flight test available outside Australia.
- (3) The flight test must be conducted by an examiner or the holder of an approval under regulation 61.040 to conduct the flight test (the **Part 61 approval holder**) who:
 - (a) is nominated by the applicant's training provider; and
 - (b) for a flight test for a flight crew licence—is not the person who provided the certification under paragraph 61.235 (2) (a) (Flight tests for flight crew licences and ratings—prerequisites) for the applicant.
- (4) However, at any time before the test begins, CASA may, by written notice to the training provider and, if the training provider has nominated an examiner or Part 61 approval holder to conduct the flight test, the examiner or Part 61 approval holder:
 - (a) nominate a different examiner or Part 61 approval holder to conduct the flight test; or
 - (b) require that CASA will conduct the flight test.
- (5) In this regulation:

available, for a flight test, means able to be used for the flight test.

61.250 Pass standards for flight tests

An applicant for a flight crew licence, rating or endorsement passes the flight test for the licence, rating or endorsement if the examiner

assesses the applicant's performance in the flight test as meeting the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Division 61.B.5—English language proficiency

61.255 Aviation English language proficiency assessments

- (1) A person may apply, in writing, to CASA or an examiner for an assessment of the person's aviation English language proficiency.
- (2) The applicant passes the assessment if CASA or the examiner is satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) If CASA or the examiner is not satisfied that the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards, CASA or the examiner must refer the application to an aviation English language proficiency assessor.
- (4) The applicant passes the assessment if the assessor is satisfied that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

61.260 Duration of English language proficiency assessments

A person's aviation English language proficiency assessment is **current** as follows:

- (a) if the person was assessed as meeting the ICAO level 6 aviation English language proficiency standards—
indefinitely;
- (b) if the person was assessed as meeting the ICAO level 5 aviation English language proficiency standards—for 6 years
beginning on the day the assessment is conducted;
- (c) if the person was assessed as meeting the ICAO level 4 aviation English language proficiency standards—for 3 years
beginning on the day the assessment is conducted.

61.265 Recreational and student pilot licences—general English language proficiency

- (1) For subparagraph 61.160 (b) (iii), an applicant for a recreational or student pilot licence must:
 - (a) have been assessed by CASA or an examiner as meeting the general English language proficiency standard mentioned in the Part 61 Manual of Standards; or
 - (b) satisfy a person mentioned in subregulation (2) that the applicant:
 - (i) has successfully completed one of the general English language proficiency tests mentioned in the Part 61 Manual of Standards; and
 - (ii) has sufficient general English language proficiency to safely exercise the privileges of the licence.
- (2) For paragraph (1) (b), the persons are as follows:
 - (a) the head of operations of a Part 141 or 142 operator;
 - (b) an instructor who is authorised by the head of operations to assess the applicant's English language proficiency.

61.270 Approval of language proficiency assessors

- (1) A person may apply to CASA, in writing, for approval to conduct aviation English language proficiency assessments.
- (2) Subject to regulation 11.055, CASA must grant the approval if CASA is satisfied that the person has successfully completed an approved course of training in assessment of aviation English language.

Division 61.B.6—Recognition of overseas flight crew authorisations

61.275 Overseas flight crew authorisations—recognition

- (1) Despite anything else in this Part, the holder of an overseas flight crew licence (the *applicant*) is taken to meet the requirements under this Part for the grant of a flight crew licence (an *Australian licence*) with an aircraft category rating if:

- (a) CASA is satisfied that the overseas flight crew licence and any ratings on that licence are at least equivalent to the Australian licence with that aircraft category rating; and
- (b) the applicant is at least the minimum age for the grant of the Australian licence; and
- (c) the applicant holds an authorisation to operate an aircraft radio granted by the national aviation authority of a Contracting State; and
- (d) either:
 - (i) the applicant's overseas licence states that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards; or
 - (ii) the applicant has a current aviation English language proficiency assessment; and
- (e) for an application for a commercial pilot licence, multi-crew pilot licence or air transport pilot licence:
 - (i) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian licence; and
 - (ii) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian licence; and
- (f) the applicant has passed the overseas conversion aeronautical knowledge examination mentioned in the Part 61 Manual of Standards for the Australian licence and aircraft category rating.

Note: Despite anything in these Regulations, CASA is not to issue a flight crew licence to an applicant unless certain requirements are met: see regulation 6.57 of the *Aviation Transport Security Regulations 2005*.

- (2) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements under this Part for the grant of an aircraft class rating, pilot type rating or flight engineer type rating (an **Australian rating**) if:
 - (a) the applicant holds, or has held, an overseas rating; and
 - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating.
- (3) Despite anything else in this Part, the holder of an overseas flight crew licence (the **applicant**) is taken to meet the requirements

under this Part for the grant of an operational rating (an ***Australian rating***) if:

- (a) the applicant holds, or has held, an overseas rating; and
 - (b) CASA is satisfied that the overseas rating is at least equivalent to the Australian rating; and
 - (c) a person mentioned in subregulation (5) certifies in writing that the applicant is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the Australian rating; and
 - (d) the applicant passes the aeronautical knowledge examination for the Australian rating; and
 - (e) CASA is satisfied that the applicant has completed the aeronautical experience required for the grant of the Australian rating; and
 - (f) the applicant passes the flight test mentioned in the Part 61 Manual of Standards for the Australian rating.
- (4) Despite anything else in this Part, the holder of an overseas flight crew licence (the ***applicant***) is taken to meet the requirements under this Part for the grant of a flight crew endorsement (an ***Australian endorsement***) if:
- (a) the applicant holds, or has held, an overseas endorsement; and
 - (b) CASA is satisfied that the overseas endorsement is at least equivalent to the Australian endorsement; and
 - (c) if the requirements for the grant of the endorsement include passing a flight test—the applicant passes the flight test.
- (5) For subparagraph (1) (e) (i) and paragraph (3) (c), the persons are as follows:
- (a) the head of operations of a Part 141 or 142 operator that is authorised to conduct flight training for the Australian licence or rating;
 - (b) a person named in the operator's exposition as responsible for flight training for the licence or rating.

61.280 Grant of flight crew licences, ratings or endorsements under bilateral agreements

CASA may grant a flight crew licence, rating or endorsement to the holder of an overseas flight crew licence in accordance with a

bilateral agreement between Australia and the Contracting State whose licensing authority granted the overseas licence.

Note: The holder of a commercial pilot licence or an airline transport pilot licence granted by the Civil Aviation Authority of New Zealand is eligible for an equivalent Australian licence and equivalent ratings and other endorsements: see the *Trans-Tasman Mutual Recognition Act 1997*.

Division 61.B.7—Recognition of Australian Defence Force qualifications

61.285 Australian Defence Force qualifications—recognition

Despite anything else in this Part, a member or former member of the Australian Defence Force is taken to meet the requirements under this Part for the grant of a flight crew licence, rating or endorsement if the member:

- (a) holds, or has held, a flight crew qualification granted by the Australian Defence Force that CASA is satisfied is at least equivalent to the licence, rating or endorsement; and
- (b) for a flight crew licence—is at least the minimum age for the grant of the licence; and
- (c) meets the aeronautical experience requirements for the licence, rating or endorsement; and
- (d) for a flight crew licence other than a student pilot licence—has a current aviation English language proficiency assessment; and
- (e) for a student pilot licence—meets the general English language proficiency requirements mentioned in regulation 61.265; and
- (f) for an air transport pilot licence:
 - (i) passes the Australian Defence Force conversion aeronautical knowledge examination for the air transport pilot licence mentioned in the Part 61 Manual of Standards; and
 - (ii) completes an approved course of training in multi-crew cooperation; and
 - (iii) passes the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence; and
- (g) for an instrument rating—passes:

- (i) the aeronautical knowledge examination for the rating;
and
- (ii) the flight test mentioned in the Part 61 Manual of
Standards for the rating; and
- (h) for an instructor rating—passes the flight test mentioned in
the Part 61 Manual of Standards for the rating.

Subpart 61.C—Certificates of validation

61.290 Grant of certificates of validation

- (1) The holder of an overseas flight crew licence may apply to CASA for the grant of a certificate of validation of the licence and any overseas rating or endorsement attached to the licence.
- (2) Subject to regulation 11.055, CASA must grant the certificate of validation if:
 - (a) the applicant is authorised (however described) to exercise the privileges of the overseas flight crew licence and any rating or endorsement attached to the licence; and
 - (b) the applicant has passed any examination or flight test that CASA has, under subregulation (4), determined is required for the applicant.
- (3) For paragraph (2) (a), if the overseas flight crew licence is equivalent to a commercial pilot licence, multi-crew pilot licence or air transport pilot licence, CASA must verify with the issuing authority for the licence that the licence holder is authorised (however described) to exercise the privileges of the licence and any rating or endorsement attached to the licence.
- (4) For paragraph (2) (b), if it is necessary for an applicant to pass an examination or flight test to satisfy CASA that the applicant can safely exercise the privileges of the certificate of validation, CASA may determine that the examination or flight test is required for the applicant.
- (5) If the applicant does not have a current aviation security status check, within the meaning given by the *Aviation Transport Security Regulations 2005*, CASA must impose on the certificate a condition that the holder must not conduct any activity authorised by the certificate in Australian territory.

61.295 Privileges of certificates of validation

Subject to regulations 61.300 and 61.305, the holder of a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to an Australian flight crew licence,

rating or endorsement is authorised to conduct any activity that the holder of the equivalent Australian flight crew licence, rating or endorsement is authorised to conduct.

61.300 Limitations on exercise of privileges of certificates of validation—medical certificate

The holder of a certificate of validation of an overseas flight crew licence is authorised to conduct an activity mentioned in regulation 61.295 only if the holder also holds an overseas medical certificate of at least the class required for the grant of the overseas flight crew licence by the Contracting State whose national aviation authority granted the licence.

61.305 Limitations on exercise of privileges of certificates of validation—recent experience, flight review and proficiency check

- (1) The holder of a certificate of validation for an overseas flight crew licence that is equivalent to an Australian pilot licence is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in regulation 61.395 for the exercise of the privileges of the Australian pilot licence.
- (2) The holder of a certificate of validation for an overseas rating that is equivalent to an Australian rating is authorised to pilot an aircraft only if the holder has complied with the recent experience requirements mentioned in this Part for the exercise of the privileges of the Australian rating.

61.310 Limitations on exercise of privileges of certificates of validation—carriage of documents

The holder of a certificate of validation is authorised to exercise the privileges of the certificate on a flight only if the holder carries the following documents on the flight:

- (a) his or her certificate of validation;
- (b) his or her overseas flight crew licence;
- (c) his or her overseas medical certificate;
- (d) a document that:

- (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
- (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
- (iii) has not expired or been cancelled.

61.315 Conduct of unauthorised activities by holders of certificates of validation

- (1) The holder of a certificate of validation commits an offence if:
 - (a) the holder conducts an activity while:
 - (i) piloting an aircraft; or
 - (ii) acting as flight engineer of an aircraft; or
 - (iii) operating a flight simulation training device; and
 - (b) the holder is not authorised under this Part to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation, other than an offence relating to a contravention of regulation 61.385 (Limitations on exercise of privileges of pilot licences—general competency requirement), is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act for an offence of performing any duty that is essential to the operation of an Australian aircraft during flight time without holding a relevant civil aviation authorisation or being otherwise authorised by or under these Regulations to perform the duty.

- (3) It is a condition of a certificate of validation that the holder must comply with:
 - (a) the limitations on the exercise of the privileges of the certificate of validation set out in this Subpart; and
 - (b) the requirements set out in this Part that apply to the holder.

61.320 Certificates of validation—period of validity

- (1) A certificate of validation must:
-

- (a) not be granted for a period of more than one year; and
 - (b) state the date on which it expires.
- (2) However, a certificate of validation ends on the earliest of the following events:
- (a) the end of the day stated in the certificate as the date on which it expires;
 - (b) when the holder ceases to be authorised (however described) to exercise the privileges of the overseas flight crew licence, or any rating or endorsement on the licence, to which the certificate relates;
 - (c) when the holder's overseas medical certificate expires.

61.325 Certificates of validation—renewal

- (1) CASA may renew a certificate of validation only if:
- (a) the person has passed the aeronautical knowledge examination for a flight crew licence under this Part that is equivalent to the overseas flight crew licence to which the certificate relates; or
 - (b) CASA is satisfied that exceptional circumstances justify the renewal.
- (2) In this regulation:
- renew***, a certificate of validation, includes grant a new certificate of validation to the holder of:
- (a) a current certificate of validation; or
 - (b) a certificate of validation that has expired within the previous 3 months;
- in respect of the same overseas flight crew licence, rating or endorsement.

Subpart 61.D—General obligations of flight crew licence holders

61.330 Maintenance of aviation English language proficiency—conducting flight activities outside Australia

The holder of a flight crew licence is authorised to exercise the privileges of the licence outside Australia only if the holder has a current aviation English language proficiency assessment.

61.335 Identity checks

- (1) CASA may, by written notice given to the holder of a flight crew licence or certificate of validation, require the holder to provide evidence of his or her identity in accordance with paragraph 6.57 (1) (a) of the *Aviation Transport Security Regulations 2005*.
 - (2) The holder commits an offence if:
 - (a) CASA has not told the holder, in writing, that he or she has complied with the requirement; and
 - (b) the holder exercises the privileges of the licence or certificate.
- Penalty: 50 penalty units.
- (3) For subregulation (2), CASA is taken to have told the holder that he or she has complied with the requirement if CASA issues a new licence document or certificate of validation to the holder after giving the holder the notice.
 - (4) An offence against this regulation is an offence of strict liability.

61.340 Production of licence documents, medical certificates and identification

- (1) CASA may direct the holder of a flight crew licence to produce any or all of the following documents for inspection by CASA:
 - (a) the holder's licence document;

- (b) unless the holder also holds a medical exemption for the exercise of the privileges of the licence—the holder’s medical certificate or recreational aviation medical practitioner’s certificate;
 - (c) if the holder’s licence document was issued more than 10 years before the direction is given—a document that:
 - (i) includes a photograph of the holder showing the holder’s full face and his or her head and shoulders; and
 - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (iii) has not expired or been cancelled.
- (2) CASA may direct the holder of a certificate of validation to produce any or all of the following documents for inspection by CASA:
- (a) the holder’s certificate of validation;
 - (b) the holder’s overseas medical certificate;
 - (c) the holder’s overseas flight crew licence;
 - (d) a document that:
 - (i) includes a photograph of the holder showing the holder’s full face and his or her head and shoulders; and
 - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (iii) has not expired or been cancelled.
- (3) The holder of a flight crew licence or certificate of validation commits an offence if:
- (a) CASA directs the holder to produce a document under subregulation (1) or (2); and
 - (b) the holder does not produce the document within the period mentioned in subregulation (4).

Penalty: 50 penalty units.

- (4) For paragraph (3) (b), the period is as follows:
 - (a) if, when the direction was given, the holder was exercising, had just finished exercising, or was about to exercise, the privileges of the licence or certificate of validation—immediately;
 - (b) in any other case—7 days after the day the direction is given.
- (5) An offence against this regulation is an offence of strict liability.

61.345 Personal logbooks—pilots

- (1) A person who holds a pilot licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence, commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.

- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:
 - (a) the date the flight began;
 - (b) the type of aircraft;
 - (c) whether it was a single-engine or multi-engine aircraft;
 - (d) the aircraft's nationality and registration marks;
 - (e) the take-off and landing points for the flight, and for each segment of the flight;
 - (f) the flight time (if any) flown in each of the following capacities:
 - (i) pilot in command;
 - (ii) co-pilot;
 - (iii) pilot in command under supervision;
 - (iv) pilot receiving flight training;
 - (g) if the person is a flight instructor—any flight time spent exercising the privileges of his or her flight instructor rating;

- (h) if the person is a flight examiner—any flight time spent exercising the privileges of his or her flight examiner rating;
 - (i) whether the flight was by day or night, or both;
 - (j) any instrument flight time;
 - (k) whether an instrument approach was conducted and, if so, the type of instrument approach procedure.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in the person's logbook for the simulated flight:
 - (a) the date the simulated flight began;
 - (b) the type of aircraft represented by the device;
 - (c) the simulated flight time (if any) performed in each of the following capacities:
 - (i) pilot in command;
 - (ii) co-pilot;
 - (iii) pilot in command under supervision;
 - (iv) pilot receiving flight training;
 - (d) if the person is a flight instructor or simulator instructor—any time spent exercising the privileges of his or her instructor rating;
 - (e) whether the flight was conducted in simulated day or night conditions, or both;
 - (f) a description of the simulated flight activity.

61.350 Personal logbooks—flight engineers

- (1) A person who holds a flight engineer licence, or a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence, commits an offence if the person does not keep a personal logbook in accordance with this regulation.

Penalty: 50 penalty units.
- (2) The person must record his or her full name and date of birth in the person's logbook.
- (3) The person must, as soon as practicable after completing each flight, record the following information in the person's logbook for the flight:

- (a) the date the flight began;
 - (b) the type of aircraft;
 - (c) the aircraft's nationality and registration marks;
 - (d) the name of the pilot in command;
 - (e) the take-off and landing points for the flight;
 - (f) whether the holder was operating under training or supervision, or was conducting training or supervision;
 - (g) the amount of flight time for which the holder performed the duties of a flight engineer;
 - (h) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.
- (4) The person must, as soon as practicable after completing each simulated flight in a flight simulation training device, record the following information in his or her personal logbook for the simulated flight:
 - (a) the date the simulated flight began;
 - (b) the type of aircraft represented by the device;
 - (c) if a person acted as pilot in command for the simulated flight—that person's name;
 - (d) a description of the activities conducted during the simulated flight;
 - (e) whether the holder was operating under training or supervision, or was conducting training or supervision;
 - (f) the amount of time for which the holder performed the duties of flight engineer;
 - (g) if the person is a flight engineer instructor—any flight time spent exercising the privileges of his or her flight engineer instructor rating.

61.355 Retention of personal logbooks

- (1) A person commits an offence if:
 - (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
 - (b) the person does not retain the logbook for 7 years after the day the last entry is made in it.

Penalty: 50 penalty units.

- (2) A person commits an offence if:
 - (a) the person is required to keep a personal logbook under regulation 61.345 or 61.350; and
 - (b) the person does not ensure that each entry in the logbook is retained unaltered throughout the period mentioned in subregulation (1).

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

61.360 False entries in personal logbooks

- (1) The holder of a flight crew licence or certificate of validation commits an offence if:
 - (a) the holder makes an entry in his or her personal logbook; and
 - (b) the entry is false or misleading.

Penalty: 50 penalty units.

- (2) Paragraph (1) (b) does not apply if the entry is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (2): see subsection 13.3 (3) of the *Criminal Code*.

- (3) CASA may give the holder of a flight crew licence or certificate of validation a written direction to correct an entry in his or her personal logbook in accordance with the direction.
- (4) The holder commits an offence if the holder does not comply with the direction within 14 days after the day the direction is given to the person.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

61.365 Production of personal logbooks

- (1) CASA may direct the holder of a flight crew licence or certificate of validation to produce the holder's personal logbook for inspection by CASA.

- (2) The holder of a flight crew licence or certificate of validation commits an offence if:
- (a) CASA directs the holder to produce his or her personal logbook under subregulation (1); and
 - (b) the holder does not produce an up to date version of the personal logbook within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) If the holder's personal logbook is kept in electronic form, a requirement to produce the logbook is met if:
- (a) the holder produces a printed copy of the logbook; and
 - (b) each page is certified by the holder as a true copy of the logbook records set out on the page.
- (4) An offence against this regulation is an offence of strict liability.

61.370 Provision of photograph

- (1) The holder of a flight crew licence commits an offence if:
- (a) the holder exercises the privileges of the licence after the end of 10 years beginning:
 - (i) when the licence was granted; or
 - (ii) if the holder holds more than one flight crew licence—when the holder's most recent licence was granted; and
 - (b) the holder has not, before the exercise of the privileges, given CASA a photograph of the holder:
 - (i) showing the holder's full face and his or her head and shoulders; and
 - (ii) taken not earlier than 6 months before the end of the period mentioned in paragraph (a).

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 61.E—Pilot licensing—general limitations and authorisations

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010. Subpart 61.Z deals with glider pilot licences.

Division 61.E.1—General limitations on exercise of pilot licence privileges

61.375 Limitations on exercise of privileges of pilot licences—ratings

- (1) This regulation applies to the holder of a pilot licence, other than a student pilot licence.
- (2) The holder is authorised to exercise the privileges of the licence in an aircraft of a particular category only if the holder also holds, as the associated aircraft category rating for the licence, the aircraft category rating for that category of aircraft.

Note: An aircraft category rating has effect only in conjunction with the licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

- (3) The holder is authorised to exercise the privileges of the licence in an aircraft, other than an aircraft mentioned in subregulation (5), only if the holder also holds an appropriate aircraft class rating for the aircraft.
- (4) For subregulation (3), either of the following is an appropriate aircraft class rating for an aeroplane in the single-engine aeroplane class:
 - (a) the single-engine aeroplane class rating;
 - (b) the multi-engine aeroplane class rating.
- (5) The holder is authorised to exercise the privileges of the licence in:
 - (a) a multi-crew aircraft; or
 - (b) an aircraft:
 - (i) that is certificated for single-pilot operation; and
 - (ii) for which a single-pilot type rating is required by a legislative instrument under regulation 61.060;

only if the holder also holds the appropriate pilot type rating for the aircraft type.

- (6) However, the holder is not required to hold the pilot type rating for the aircraft if:
 - (a) the person is acting as a cruise relief co-pilot for the aircraft; and
 - (b) the person holds a cruise relief co-pilot type rating for the aircraft type.
- (7) The holder is authorised to conduct an activity mentioned in column 1 of an item in table 61.375 in the exercise of the privileges of the licence only if the holder also holds the rating mentioned in column 2 of the item.
- (8) However:
 - (a) the holder of a multi-crew pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane in a multi-crew operation:
 - (i) under the IFR; or
 - (ii) at night under the VFR; and
 - (b) the holder of an air transport pilot licence with an aeroplane category rating is authorised, without holding an instrument rating, to pilot an aeroplane:
 - (i) under the IFR; or
 - (ii) at night under the VFR; and
 - (c) the holder of an air transport pilot licence with a powered-lift category rating is authorised, without holding an instrument rating, to pilot a powered-lift aircraft:
 - (i) under the IFR; or
 - (ii) at night under the VFR.

Table 61.375 Activities for which ratings are required

Item	Column 1 Activity	Column 2 Rating
1	An operation under the IFR, other than an operation mentioned in item 2	Instrument rating

Table 61.375 Activities for which ratings are required

Item	Column 1 Activity	Column 2 Rating
2	A private operation under the IFR	Either: (a) instrument rating; or (b) private instrument rating
3	An operation at night under the VFR, other than: (a) an operation using a night vision imaging system; or (b) a night aerial application operation below 500 ft AGL	Either: (a) night VFR rating; or (b) instrument rating
4	An operation at night under the VFR using a night vision imaging system	Night vision imaging system rating
5	A low-level operation	Either: (a) low-level rating; or (b) aerial application rating
6	An aerial application operation below 500 ft AGL	Aerial application rating
7	An activity mentioned in paragraph 61.1165 (a), (c), (d), (e) or (f) in an aircraft An activity mentioned in paragraph 61.1165 (g), (h) or (i)	Flight instructor rating
8	An activity mentioned in paragraph 61.1190 (a), (c), (d), (e) or (f) in a flight simulation training device An activity mentioned in paragraph 61.1165 (b), (j) or (k) or 61.1190 (b), (g) or (h)	Either: (a) flight instructor rating; or (b) simulator instructor rating
9	An activity mentioned in regulation 61.1255	Flight examiner rating

61.380 Limitations on exercise of privileges of pilot licences—flight activity endorsements

The holder of a pilot licence is authorised to conduct a flight activity mentioned in column 2 of an item in table 61.1145 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.385 Limitations on exercise of privileges of pilot licences—general competency requirement

- (1) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft of a particular class or type only if the holder is competent in operating the aircraft to the standards mentioned in the Part 61 Manual of Standards for the class or type, including in all of the following areas:
 - (a) operating the aircraft's navigation and operating systems;
 - (b) conducting all normal, abnormal and emergency flight procedures for the aircraft;
 - (c) applying operating limitations;
 - (d) flight planning procedures;
 - (e) weight and balance requirements;
 - (f) applying aircraft performance data, including take-off and landing performance data, for the aircraft.
- (2) The holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft that has an operative airborne collision avoidance system only if the holder is competent in the use of an airborne collision avoidance system to the standards mentioned in the Part 61 Manual of Standards.

61.390 Limitations on exercise of privileges of pilot licences—operating requirements and limitations

- (1) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence in an aircraft if:
 - (a) engaging in the activity is a prescribed purpose for subsection 27 (9) of the Act; and
 - (b) the operator of the aircraft does not hold an AOC that authorises the conduct of the activity.

- (2) The holder of a pilot licence is not authorised to conduct an activity in the exercise of the privileges of the licence if the conduct of the activity would be an offence against the Act or another provision of these Regulations.

61.395 Limitations on exercise of privileges of pilot licences—recent experience

- (1) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger by day only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, by day or night:
- (a) at least 3 take-offs; and
 - (b) at least 3 landings;
- while controlling the aircraft or flight simulator.
- (2) The holder of a pilot licence is authorised to pilot, during take-off or landing, an aircraft of a particular category carrying a passenger at night only if the holder has, within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, conducted, at night:
- (a) at least 3 take-offs; and
 - (b) at least 3 landings;
- while controlling the aircraft or flight simulator.
- (3) For paragraphs (1) (a) and (2) (a), each take-off must be followed by a climb to at least 500 ft AGL.
- (4) The holder is taken to meet the requirements of subregulation (1) if:
- (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed a relevant check or review; or
 - (ii) passed a flight test for a pilot licence or a rating on a pilot licence;
 that includes at least one take-off and at least one landing; or
 - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in an aircraft of that category.

- (5) Also, the holder is taken to meet the requirements of subregulation (2) if:
- (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed a relevant check or review; or
 - (ii) passed a flight test for a pilot licence or a rating on a pilot licence;
that includes at least one take-off, and at least one landing, at night; or
 - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations at night in an aircraft of that category.
- (6) In this regulation:
- relevant check or review*** means any of the following:
- (a) an instrument proficiency check;
 - (b) a night vision imaging system proficiency check;
 - (c) an instructor proficiency check;
 - (d) an operator proficiency check;
 - (e) a flight review.

61.400 Limitations on exercise of privileges of pilot licences—flight review

- (1) For this Part, successful completion of a flight review for a rating on a pilot licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
- (a) CASA;
 - (b) the holder of an approval under regulation 61.040 for this regulation;
 - (c) a pilot instructor who holds a training endorsement that authorises the person to conduct flight training for the rating.
- (3) The flight review must be conducted in:
- (a) an aircraft that can be flown under the rating; or
 - (b) an approved flight simulator for the flight review.

**61.405 Limitations on exercise of privileges of pilot licences—
medical certificates: student and recreational pilot licence
holders**

- (1) The holder of a student pilot licence or recreational pilot licence is authorised to exercise the privileges of the licence only if:
 - (a) the holder also holds a current class 1 or 2 medical certificate; or
 - (b) the holder:
 - (i) also holds a current recreational aviation medical practitioner's certificate; and
 - (ii) meets the requirements mentioned in subregulation (2); or
 - (c) the holder also holds a medical exemption for the exercise of the privileges of the licence.
- (2) For subparagraph (1) (b) (ii), the requirements are as follows:
 - (a) the holder must have:
 - (i) given CASA a copy of the holder's recreational aviation medical practitioner's certificate; and
 - (ii) received from CASA a written acknowledgement of the receipt of the copy;
 - (b) while exercising the privileges of the licence in an aircraft, the holder must carry both of the following on the aircraft:
 - (i) the certificate;
 - (ii) the acknowledgement mentioned in subparagraph (a) (ii);
 - (c) the holder must comply with any limitations stated on the certificate;
 - (d) the holder must meet the modified Austroads medical standards.
- (3) In this regulation:

current: a recreational aviation medical practitioner's certificate for the holder of a student pilot licence or recreational pilot licence is **current** for the shortest of the following periods:

 - (a) the period beginning on the day the certificate was signed by the medical practitioner and ending 24 months after that day;

- (b) if, when the holder exercises the privileges of the licence, the holder is at least 65—the period beginning on the day the certificate was signed by the medical practitioner and ending 12 months after that day;
- (c) if the certificate states the period for which it applies—the period beginning on the day the certificate was signed by the medical practitioner and ending at the end of the stated period.

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.410 Limitations on exercise of privileges of pilot licences—
medical certificates: private pilot licence holders**

- (1) The holder of a private pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
 - (a) a current class 1 or 2 medical certificate; or
 - (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, the holder of a private pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a recreational pilot licence if the holder:
 - (a) also holds a current recreational aviation medical practitioner's certificate; and
 - (b) meets the requirements mentioned in subregulation 61.405 (2).

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

**61.415 Limitations on exercise of privileges of pilot licences—
medical certificates: commercial, multi-crew and air
transport pilot licence holders**

- (1) The holder of a commercial pilot licence, multi-crew pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence only if the holder also holds:
 - (a) a current class 1 medical certificate; or

- (b) a medical exemption for the exercise of the privileges of the licence.
- (2) However, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a private pilot licence if the holder also holds a current class 2 medical certificate.
- (3) Also, the holder of a commercial pilot licence or air transport pilot licence is authorised to exercise the privileges of the licence in an activity that would be authorised by a recreational pilot licence if the holder:
 - (a) also holds a current recreational aviation medical practitioner's certificate; and
 - (b) meets the requirements mentioned in subregulation 61.405 (2).

Note: A licence holder must not exercise the privileges of his or her licence during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.420 Limitations on exercise of privileges of pilot licences— carriage of documents

The holder of a pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) if the holder holds a current class 1 or 2 medical certificate—the medical certificate;
- (c) if the holder holds a recreational aviation medical practitioner's certificate:
 - (i) the medical practitioner's certificate; and
 - (ii) the acknowledgement of receipt mentioned in paragraph 61.405 (2) (a);
- (d) if the licence document was issued more than 10 years before the commencement of the flight—a document that:
 - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and

- (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
- (iii) has not expired or been cancelled.

**61.425 Limitations on exercise of privileges of pilot licences—
unregistered aircraft**

The holder of a pilot licence is authorised to pilot an aircraft only if the aircraft is registered.

61.427 Removal of certain pilot licence conditions about airspace

- (1) Subregulation (2) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations are limited to:
 - (a) flight within 25 nautical miles of the departure aerodrome; or
 - (b) flight within a flight training area; or
 - (c) flight direct between the departure aerodrome and a flight training area.
- (2) CASA must remove the condition if:
 - (a) the licence holder applies to CASA for the removal of the condition; and
 - (b) the licence holder meets the requirements under this Part for the grant of a private pilot licence or a commercial pilot licence.
- (3) Subregulation (4) applies to a pilot licence granted on the basis of regulation 202.272 or 202.274 if the licence is subject to the condition that operations as pilot in command are limited to uncontrolled airspace and any other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.
- (4) CASA must remove the condition if:
 - (a) the licence holder applies to CASA for the removal of the condition; and

- (b) the licence holder meets the requirements under this Part for the grant of any of the following:
 - (i) a controlled airspace endorsement;
 - (ii) a private pilot licence;
 - (iii) a commercial pilot licence.

Division 61.E.2—General authorisations for pilot licences

61.430 Holders of pilot licences authorised to taxi aircraft

- (1) A person is authorised to taxi an aircraft of a particular class or type if:
 - (a) the person holds:
 - (i) a pilot licence, other than a student pilot licence; and
 - (ii) the category rating for the category to which aircraft of that class or type belong; and
 - (iii) the class rating or type rating for aircraft of that class or type; or
 - (b) the person:
 - (i) holds a student pilot licence; and
 - (ii) is approved to taxi the aircraft by a flight instructor.
- (2) For regulations 61.405 to 61.415, taxiing an aircraft does not constitute the exercise of the privileges of a licence.

Note: See regulation 229 of CAR for an offence relating to taxiing aircraft without being authorised to do so.

61.435 When holders of pilot licences authorised to operate aircraft radio

- (1) A person is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the person:
 - (a) holds a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence; or
 - (b) holds a recreational pilot licence with a flight radio endorsement; or
 - (c) holds a student pilot licence and is approved to operate the radio by a pilot instructor.

- (2) However, the holder of a student pilot licence is authorised to transmit on a radio frequency of a kind used for ensuring the safety of air navigation only if the transmission is for the purpose of:
 - (a) safely conducting a flight that is approved by a flight instructor; or
 - (b) receiving training in the use of an aircraft radio.
- (3) For regulations 61.405 to 61.415, transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation does not constitute the exercise of the privileges of a licence.

Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

Subpart 61.F—Student pilot licences

61.440 Privileges of student pilot licences

Subject to Subpart 61.E and regulations 61.445 and 61.450, the holder of a student pilot licence is authorised to pilot an aircraft when receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a student pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a student pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation in certain circumstances: see regulation 61.435.

61.445 Limitations on exercise of privileges of student pilot licences—general

- (1) The holder of a student pilot licence is authorised to pilot an aircraft only if the flight is:
 - (a) approved by, and conducted under the supervision of, a flight instructor; and
 - (b) conducted under the VFR; and
 - (c) conducted in accordance with the flight instructor's approval.
- (2) For paragraph (1) (a), a flight is conducted under the supervision of a flight instructor if the instructor:
 - (a) provides guidance to the pilot in relation to the flight; and
 - (b) during the flight:
 - (i) is present:
 - (A) on board the aircraft; or
 - (B) at the aerodrome from which the flight began;or
 - (ii) is flying within 15 nautical miles of the aerodrome reference point for the aerodrome; and
 - (c) can be contacted during the flight by radio or other electronic means.

- (3) The holder of a student pilot licence is not authorised to pilot an aircraft carrying passengers.
- (4) The holder of a student pilot licence is authorised to pilot an aircraft on a solo flight in a Contracting State's airspace only if the holder has the permission (however described) of the Contracting State.

61.450 Limitations on exercise of privileges of student pilot licences—recent experience

- (1) The holder of a student pilot licence is authorised to conduct a solo flight in an aircraft only if:
 - (a) the holder has, within the previous 14 days and in the same type of aircraft, conducted a dual flight; and
 - (b) as a result of the flight, his or her accumulated solo flight time since last conducting a dual flight would not exceed 3 hours.
- (2) The holder is taken to meet the requirements of paragraph (1) (b) if the holder is enrolled in an integrated training course.

61.455 Requirement for grant of student pilot licences

An applicant for a student pilot licence must be at least 15.

Subpart 61.G—Recreational pilot licences

Division 61.G.1—Privileges and grant of licences

61.460 Privileges of recreational pilot licences

Subject to Subpart 61.E and regulations 61.465 and 61.470, the holder of a recreational pilot licence is authorised to pilot a single-engine aircraft as pilot in command or co-pilot if:

- (a) the aircraft is certificated for single-pilot operation; and
- (b) the aircraft has a maximum certificated take-off weight of not more than 1 500 kg; and
- (c) the aircraft is not rocket-powered or turbine-powered; and
- (d) the flight is conducted by day under the VFR; and
- (e) either:
 - (i) the aircraft is engaged in a private operation; or
 - (ii) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a recreational pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a recreational pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the holder also holds a flight radio endorsement: see regulation 61.435.

61.465 Limitations on exercise of privileges of recreational pilot licences—general

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft in a Contracting State's airspace only if the holder has the permission (however described) of the Contracting State to do so.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft carrying more than one passenger only if the holder:
 - (a) also holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and

- (iii) is authorised to pilot the aircraft.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft above 10 000 ft above mean sea level only if the holder:
 - (a) also holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and
 - (iii) is authorised to pilot the aircraft.

61.470 Limitations on exercise of privileges of recreational pilot licences—endorsements

- (1) The holder of a recreational pilot licence is authorised to pilot an aircraft in an area that is not:
 - (a) within:
 - (i) a 25 nautical mile radius of the aerodrome from which the flight began; or
 - (ii) a flight training area for the aerodrome; or
 - (b) along a route between the aerodrome and the flight training area;only if the holder also holds a recreational navigation endorsement.
- (2) The holder of a recreational pilot licence is authorised to pilot an aircraft in controlled airspace only if the holder also holds a controlled airspace endorsement.
- (3) The holder of a recreational pilot licence is authorised to pilot an aircraft at a controlled aerodrome only if the holder also holds a controlled aerodrome endorsement.

61.475 Requirements for grant of recreational pilot licences

- (1) An applicant for a recreational pilot licence must be at least 16.
- (2) Subject to regulation 61.480, the applicant must also have:
 - (a) passed the aeronautical knowledge examination for a recreational pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for a recreational pilot licence and the associated aircraft category rating; and

- (c) passed the flight test mentioned in the Part 61 Manual of Standards for a recreational pilot licence and the associated aircraft category rating; and
- (d) completed at least 25 hours of flight time as pilot of an aircraft of the category for which the associated aircraft category rating is sought, including:
 - (i) at least 20 hours of dual flight; and
 - (ii) at least 5 hours of flight time as pilot in command.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
- (4) The applicant is taken to meet the requirements of subregulation (2) if the applicant holds a private pilot licence, commercial pilot licence or air transport pilot licence.

61.480 Grant of recreational pilot licences in recognition of pilot certificates granted by certain organisations

- (1) This regulation applies to an applicant for a recreational pilot licence if:
 - (a) the applicant holds a pilot certificate, granted by a recreational aviation administration organisation that administers activities involving aircraft of a particular category; and
 - (b) the certificate permits the holder to act as the pilot in command of an aircraft of that category.
- (2) For subregulation 61.475 (2), the applicant is taken to have passed:
 - (a) the aeronautical knowledge examination; and
 - (b) the flight test;
 for the licence and the associated aircraft category rating.

- (3) The applicant is also taken to have met the requirements for the grant of:
- (a) the aircraft category rating for each category of aircraft in which the person is permitted by the certificate to act as pilot in command; and
 - (b) the aircraft class rating for each class of aircraft in which the person is permitted by the certificate to act as pilot in command; and
 - (c) the design feature endorsement for each design feature of an aircraft in which the applicant is permitted by the certificate to act as pilot in command.

Note: The holder of an aircraft class rating must successfully complete a flight review for the rating to be authorised to exercise the privileges of the rating, and is not taken to have met the flight review requirement on the basis of being taken to have met the requirements for the grant of the rating under subregulation (3): see subregulation 61.745 (4).

Division 61.G.2—Recreational pilot licence endorsements

61.485 Kinds of recreational pilot licence endorsements

The following are recreational pilot licence endorsements:

- (a) a controlled aerodrome endorsement;
- (b) a controlled airspace endorsement;
- (c) a flight radio endorsement;
- (d) a recreational navigation endorsement.

61.490 Privileges of recreational pilot licence endorsements

- (1) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled aerodrome endorsement is authorised to pilot an aircraft, as pilot in command, at a controlled aerodrome.
- (2) Subject to Subpart 61.E, the holder of a recreational pilot licence with a controlled airspace endorsement is authorised to pilot an aircraft, as pilot in command, in controlled airspace.
- (3) Subject to Subpart 61.E, the holder of a recreational pilot licence with a flight radio endorsement is authorised to operate an aircraft radio on the ground or in flight to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation.

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- (4) Subject to Subpart 61.E, the holder of a recreational pilot licence with a recreational navigation endorsement is authorised to pilot an aircraft, as pilot in command, on a cross-country flight.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.495 Requirements for grant of recreational pilot licence endorsements

- (1) This regulation applies to a person other than a person who is eligible to be granted a recreational pilot licence endorsement under regulation 61.500.
- (2) An applicant for a recreational pilot licence endorsement must:
- (a) have passed the aeronautical knowledge examination for the endorsement; and
 - (b) have completed flight training for the endorsement; and
 - (c) if the endorsement is a recreational navigation endorsement—have completed, in addition to the flight time mentioned in paragraph 61.475 (2) (d), at least 5 hours of solo cross-country flight time; and
 - (d) if the endorsement is a flight radio endorsement—have a current aviation English language proficiency assessment.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

- (3) The cross-country flight time required by paragraph (2) (c) must include a flight of at least 100 nautical miles, during which a full-stop landing is made at each of 2 aerodromes or landing areas, other than the one from which the flight began.

61.500 Grant of endorsement in recognition of other qualifications

- (1) An applicant for a recreational pilot licence endorsement is eligible to be granted the endorsement if the applicant:
- (a) holds a recreational pilot licence; and
 - (b) holds another flight crew licence that authorises the exercise of the privileges of the endorsement.

- (2) An applicant for a controlled aerodrome endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the recreational aviation administration organisation to pilot an aircraft at a controlled aerodrome.
- (3) An applicant for a controlled airspace endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the recreational aviation administration organisation to pilot an aircraft in controlled airspace.
- (4) An applicant for a flight radio endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds an approval from the recreational aviation administration organisation to operate an aircraft radio; and
 - (c) the applicant has a current aviation English language proficiency assessment.
- (5) An applicant for a recreational navigation endorsement is eligible to be granted the endorsement if:
 - (a) regulation 61.480 applies to the applicant; and
 - (b) the applicant holds a cross-country navigation approval from the recreational aviation administration organisation; and
 - (c) the applicant has completed at least 5 hours of solo cross-country flight time that complies with subregulation 61.495 (3).

Subpart 61.H—Private pilot licences

Division 61.H.1—General

61.505 Privileges of private pilot licences

Subject to Subpart 61.E and regulation 61.510, the holder of a private pilot licence is authorised to pilot an aircraft as pilot in command or co-pilot if:

- (a) the aircraft is engaged in a private operation; or
- (b) the holder is receiving flight training.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a private pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a private pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

61.510 Limitations on exercise of privileges of private pilot licences—multi-crew operations

The holder of a private pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.

61.515 Requirements for grant of private pilot licences—general

- (1) An applicant for a private pilot licence must be at least 17.
- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the private pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the private pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private pilot licence and the associated aircraft category rating; and

- (d) met the aeronautical experience requirements mentioned in Division 61.H.2 or 61.H.3.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
- (4) An applicant who meets the requirements for the grant of a commercial pilot licence is taken to meet the requirements for the grant of a private pilot licence.

Division 61.H.2—Aeronautical experience requirements for private pilot licences—applicants who have completed integrated training courses

61.520 Application of Division 61.H.2

This Division applies to an applicant for a private pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

61.525 Aeronautical experience requirements for grant of private pilot licences—aeroplane category

- (1) An applicant for a private pilot licence with the aeroplane category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of an aeroplane; and
 - (c) at least 10 hours of solo flight time in an aeroplane; and
 - (d) at least 5 hours of solo cross-country flight time in an aeroplane; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in an aeroplane.

- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

61.530 Aeronautical experience requirements for grant of private pilot licences—helicopter category

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as pilot of a helicopter; and
 - (b) at least 10 hours of solo flight time in a helicopter; and
 - (c) at least 5 hours of solo cross-country flight time in a helicopter; and
 - (d) at least 2 hours of dual instrument time; and
 - (e) at least one hour of dual instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 100 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.535 Aeronautical experience requirements for grant of private pilot licences—gyroplane category

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 35 hours of aeronautical experience that includes:
 - (a) at least 30 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of a gyroplane; and
 - (c) at least 10 hours of solo flight time in a powered aircraft; and
 - (d) at least 5 hours of solo flight time in a gyroplane; and
 - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.
- (4) The flight time in a gyroplane required by subregulation (1) must be completed in a registered or recognised gyroplane.

Division 61.H.3—Aeronautical experience requirements for private pilot licences—applicants who have not completed integrated training courses

61.540 Application of Division 61.H.3

This Division applies to an applicant for a private pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

61.545 Aeronautical experience requirements for grant of private pilot licences—airplane category

- (1) An applicant for a private pilot licence with the airplane category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and

- (b) at least 20 hours of flight time as pilot of an aeroplane; and
 - (c) at least 10 hours of solo flight time in an aeroplane; and
 - (d) at least 5 hours of solo cross-country flight time in an aeroplane; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
 - (3) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

61.550 Aeronautical experience requirements for grant of private pilot licences—helicopter category

- (1) An applicant for a private pilot licence with the helicopter category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 30 hours of flight time as pilot of a helicopter; and
 - (c) at least 10 hours of solo flight time in a helicopter; and
 - (d) at least 5 hours of solo cross-country flight time in a helicopter; and
 - (e) at least 2 hours of dual instrument time; and
 - (f) at least one hour of dual instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 100 nautical miles during which a

landing is made at each of 2 landing areas, other than the one from which the flight began.

61.555 Aeronautical experience requirements for grant of private pilot licences—powered-lift aircraft category

- (1) An applicant for a private pilot licence with the powered-lift aircraft category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 30 hours of flight time as pilot of a powered-lift aircraft or helicopter; and
 - (c) at least 20 hours of flight time as pilot of a powered-lift aircraft; and
 - (d) at least 10 hours of solo flight time in a powered-lift aircraft; and
 - (e) at least 5 hours of solo cross-country flight time in a powered-lift aircraft; and
 - (f) at least 2 hours of dual instrument time; and
 - (g) at least one hour of dual instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.560 Aeronautical experience requirements for grant of private pilot licences—gyroplane category

- (1) An applicant for a private pilot licence with the gyroplane category rating must have at least 40 hours of aeronautical experience that includes:
 - (a) at least 35 hours of flight time as a pilot; and
 - (b) at least 20 hours of flight time as pilot of a gyroplane; and

- (c) at least 10 hours of solo flight time in a powered aircraft; and
 - (d) at least 5 hours of solo flight time in a gyroplane; and
 - (e) at least 5 hours of solo cross-country flight time in a powered aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
 - (3) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 100 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.565 Aeronautical experience requirements for grant of private pilot licences—airship category

- (1) An applicant for a private pilot licence with the airship category rating must have completed at least 25 hours of flight time as pilot of an airship that includes:
 - (a) at least 3 hours of cross-country flight time; and
 - (b) at least 3 hours of dual instrument flight time; and
 - (c) at least 5 hours of flight time as pilot in command under supervision.
- (2) The cross-country flight time required by paragraph (1) (a) must include a flight of at least 25 nautical miles.
- (3) The applicant must have completed, at an aerodrome:
 - (a) at least 5 take-offs; and
 - (b) at least 5 full-stop landings.
- (4) For paragraph (3) (b), each landing must involve a flight in traffic patterns at the aerodrome.

Subpart 61.I—Commercial pilot licences

Division 61.I.1—General

61.570 Privileges of commercial pilot licences

Subject to Subpart 61.E and regulation 61.575, the holder of a commercial pilot licence is authorised:

- (a) to pilot, as pilot in command, any aircraft in any operation, other than:
 - (i) a multi-crew aircraft in a charter or regular public transport operation; or
 - (ii) a single-pilot multi-engine aircraft with more than 9 adult passengers in a regular public transport operation; or
 - (iii) a turbojet aeroplane with a maximum take-off weight of more than 3 500 kg in a regular public transport operation; and
- (b) to pilot, as co-pilot, any aircraft in any operation.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a commercial pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a commercial pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

61.575 Limitations on exercise of privileges of commercial pilot licences—multi-crew operations

- (1) The holder of a commercial pilot licence is authorised to exercise the privileges of the licence in a multi-crew operation only if the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a commercial pilot licence that was granted on the basis of regulation 202.272 is taken to meet the requirement mentioned in subregulation (1) if, before 1 September 2014, the holder conducted a multi-crew operation.

**61.580 Requirements for grant of commercial pilot licences—
general**

- (1) An applicant for a commercial pilot licence must be at least 18.
 - (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the commercial pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the commercial pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the commercial pilot licence and the associated aircraft category rating; and
 - (d) met the aeronautical experience requirements mentioned in Division 61.I.2 or 61.I.3.
- Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- (3) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
 - (4) The applicant is taken to meet the requirements of paragraph (2) (b) if the applicant holds an air transport pilot licence with the associated aircraft category rating.

**Division 61.I.2—Aeronautical experience requirements for
commercial pilot licences—applicants who have
completed integrated training courses**

61.585 Application of Division 61.I.2

This Division applies to an applicant for a commercial pilot licence who has completed an integrated training course for the licence and the associated aircraft category rating.

61.590 Aeronautical experience requirements for grant of commercial pilot licences—airplane category

- (1) An applicant for a commercial pilot licence with the airplane category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as pilot of an airplane; and
 - (b) at least 70 hours of flight time as pilot in command of an airplane; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an airplane; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in an airplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The flight time in an airplane required by subregulation (1) must be completed in a registered or recognised airplane.

61.595 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

- (1) An applicant for a commercial pilot licence with the helicopter category rating must have at least 100 hours of aeronautical experience that includes:
 - (a) at least 90 hours of flight time as pilot of a helicopter; and
 - (b) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:

- (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.
- (5) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.600 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as pilot of a powered-lift aircraft; and
 - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a

full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

- (5) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

Division 61.I.3—Aeronautical experience requirements for commercial pilot licences—applicants who have not completed integrated training courses

61.605 Application of Division 61.I.3

This Division applies to an applicant for a commercial pilot licence who has not completed an integrated training course for the licence and the associated aircraft category rating.

61.610 Aeronautical experience requirements for grant of commercial pilot licences—airplane category

- (1) An applicant for a commercial pilot licence with the airplane category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 190 hours of flight time as a pilot; and
 - (b) at least 100 hours of flight time as pilot in command of an aeroplane; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an aeroplane; and
 - (d) at least 10 hours of instrument time; and
 - (e) at least 5 hours of instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.

61.615 Aeronautical experience requirements for grant of commercial pilot licences—helicopter category

- (1) An applicant for a commercial pilot licence with the helicopter category rating must have at least 150 hours of aeronautical experience that includes:
 - (a) at least 140 hours of flight time as a pilot; and
 - (b) at least 70 hours of flight time as pilot of a helicopter; and
 - (c) at least 35 hours of flight time as pilot in command of a helicopter; and
 - (d) at least 10 hours of cross-country flight time as pilot in command of a helicopter; and
 - (e) at least 10 hours of instrument time; and
 - (f) at least 5 hours of instrument flight time in a helicopter.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (d) must include a flight of at least 150 nautical miles during which a landing is made at each of 2 landing areas, other than the one from which the flight began.

61.620 Aeronautical experience requirements for grant of commercial pilot licences—powered-lift aircraft category

- (1) An applicant for a commercial pilot licence with the powered-lift aircraft category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 190 hours of flight time as a pilot; and
 - (b) at least 50 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (c) at least 10 hours of cross-country flight time as pilot in command of a powered-lift aircraft; and
 - (d) at least 10 hours of instrument time; and

- (e) at least 5 hours of instrument flight time in a powered-lift aircraft.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However, no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 300 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.625 Aeronautical experience requirements for grant of commercial pilot licences—gyroplane category

- (1) An applicant for a commercial pilot licence with the gyroplane category rating must have completed at least 150 hours of aeronautical experience that includes:
 - (a) at least 75 hours of flight time as pilot of a gyroplane; and
 - (b) at least 35 hours of flight time as pilot in command of a gyroplane; and
 - (c) at least 20 hours of dual flight in a gyroplane; and
 - (d) at least 20 hours of cross-country flight time as pilot in command of a powered aircraft; and
 - (e) at least 10 hours of cross-country flight time as pilot in command of a gyroplane; and
 - (f) at least 10 hours of dual instrument time in an aircraft or approved flight simulation training device for the purpose.
- (2) The cross-country flight time required by paragraph (1) (e) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 landing areas, other than the one from which the flight began.

61.630 Aeronautical experience requirements for grant of commercial pilot licences—airship category

- (1) An applicant for a commercial pilot licence with the airship category rating must have at least 200 hours of aeronautical experience that includes:
 - (a) at least 180 hours of flight time as a pilot; and
 - (b) at least 50 hours of flight time as pilot of an airship; and
 - (c) at least 30 hours of flight time as pilot in command, or pilot in command under supervision, of an airship; and
 - (d) at least 10 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an airship; and
 - (e) at least 10 hours of flight time at night as pilot in command, or pilot in command under supervision, of an airship; and
 - (f) at least 40 hours of instrument time; and
 - (g) at least 20 hours of instrument flight time; and
 - (h) at least 10 hours of instrument flight time in an airship.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.

Subpart 61.J—Multi-crew pilot licences

61.635 Privileges of multi-crew pilot licences

Subject to Subpart 61.E and regulations 61.640 to 61.650, the holder of a multi-crew pilot licence is authorised to pilot an aeroplane, as co-pilot, in any operation.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The holder of a multi-crew pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.

Note 3: The holder of a multi-crew pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

61.640 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: general

- (1) The holder of a multi-crew pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes circling approaches.
- (2) For paragraph (1) (b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (3) The holder of a multi-crew pilot licence is authorised to conduct an instrument approach in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approaches using the procedure; and

- (b) demonstrated, to a person mentioned in subregulation (4), his or her competence in the conduct of instrument approaches using the procedure.
- (4) For paragraph (3) (b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner or instructor who is authorised under this Part to conduct an instrument approach using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.645 Limitations on exercise of privileges of multi-crew pilot licences—IFR flight: recent experience

- (1) This regulation applies to the holder of a multi-crew pilot licence if the holder:
 - (a) has not successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; and
 - (b) is not successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approaches within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct an approach using a 2D instrument approach procedure only if the holder has conducted an approach using a 2D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct an approach using a 3D instrument approach procedure only if the holder has conducted an approach using a 3D instrument approach procedure within the

previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (6) The holder is authorised to conduct an instrument approach using an azimuth guidance procedure only if the holder has conducted an instrument approach using an azimuth guidance procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct an instrument approach using a course deviation indicator procedure only if the holder has conducted an instrument approach using a course deviation indicator procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

61.650 Limitations on exercise of privileges of multi-crew pilot licences—instrument proficiency check

- (1) The holder of a multi-crew pilot licence is authorised to exercise the privileges of the licence under the IFR only if the holder has a valid instrument proficiency check for the aeroplane category.
- (2) However, the holder is authorised to exercise the privileges of the licence under the IFR in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes.
- (3) For subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the relevant aeroplane during the following periods:
 - (a) if the holder passes the flight test for the multi-crew pilot licence in a relevant aeroplane—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aeroplane, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (c) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers

- IFR operations in the relevant aeroplane—the period during which the holder is successfully participating in the program;
- (d) if the holder successfully completes an instrument proficiency check for the relevant aeroplane—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aeroplane (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aeroplane;

the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
 - (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the relevant aeroplane, the holder is no longer taken to have a valid instrument proficiency check for the relevant aeroplane.
 - (5) For paragraphs (3) (d) and (e), the holder successfully completes an instrument proficiency check for the relevant aeroplane if:
 - (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aeroplane as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aeroplane; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aeroplane, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned

- in the Part 61 Manual of Standards for IFR operations;
and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3) (d) and (e), the instrument proficiency check must be conducted in a relevant aeroplane or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
 - (b) whether the instrument proficiency check is for the aeroplane category or multi-engine aeroplanes.
- (9) In this regulation:
- relevant aeroplane**, for an instrument proficiency check, means:
- (a) if the instrument proficiency check is for the aeroplane category—a single-engine or multi-engine aeroplane; or
 - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane.

61.655 Requirements for grant of multi-crew pilot licences

- (1) An applicant for a multi-crew pilot licence must be at least 18.
- (2) The applicant must also:
- (a) have passed the aeronautical knowledge examination for the multi-crew pilot licence and the aeroplane category rating;
and
 - (b) have completed a multi-crew pilot licence training course;
and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the multi-crew pilot licence; and

- (d) have met the aeronautical experience requirements mentioned in regulation 61.660; and
- (e) hold a pilot type rating for a multi-crew aeroplane.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 3: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2) (c), the flight test must be conducted under the IFR in:
 - (a) a multi-engine turbine-powered aeroplane for which a pilot type rating is prescribed by a legislative instrument under regulation 61.055; or
 - (b) an approved flight simulator for the flight test.

61.660 Aeronautical experience requirements for grant of multi-crew pilot licences—aeroplane category

- (1) An applicant for a multi-crew pilot licence with the aeroplane category rating must have at least 240 hours of aeronautical experience that includes:
 - (a) at least 40 hours of flight time as pilot of an aeroplane; and
 - (b) at least 10 hours of solo flight time in an aeroplane; and
 - (c) at least 5 hours of cross-country flight time as pilot in command of an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) The cross-country flight time required by paragraph (1) (c) must include a flight of at least 150 nautical miles during which a full-stop landing is made at each of 2 aerodromes not within the flight training area for the aerodrome from which the flight began.
- (4) The applicant must have completed at least 12 take-offs, and at least 12 landings, in an aeroplane of the type used for the applicant's flight test.
- (5) The applicant is taken to meet the requirements of subregulation (4) if:

- (a) the applicant holds an approval under regulation 61.040 for a number of take-offs and landings that is less than 12 but not less than 6; and
 - (b) the applicant has completed at least that number of take-offs, and at least that number of landings, in an aeroplane of the type used for the applicant's flight test.
- (6) CASA may grant an approval mentioned in paragraph (5) (a) only if:
 - (a) the lower number does not adversely affect the acquisition of the required skill by the applicant; and
 - (b) the Part 142 operator conducting the training course mentioned in paragraph 61.655 (2) (b) has made arrangements to ensure that corrective action can be taken if in-training or post-training evaluation indicates a need for corrective action.
- (7) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

Subpart 61.K—Air transport pilot licences

61.665 Privileges of air transport pilot licences

Subject to Subpart 61.E and regulations 61.670 to 61.695, the holder of an air transport pilot licence is authorised to pilot an aeroplane, helicopter or powered-lift aircraft as pilot in command or co-pilot.

- Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.
- Note 2: The holder of an air transport pilot licence is also authorised to taxi an aircraft in certain circumstances: see regulation 61.430.
- Note 3: The holder of an air transport pilot licence is also authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation: see regulation 61.435.

61.670 Limitations on exercise of privileges of air transport pilot licences—helicopter IFR flight

The holder of an air transport pilot licence is authorised to pilot a helicopter under the IFR only if the holder also holds an instrument rating.

61.675 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight

The holder of an air transport pilot licence is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:

- (a) passed the flight test for an instrument rating in a single-pilot aircraft; or
- (b) completed an instrument proficiency check in a single-pilot aircraft.

61.680 Limitations on exercise of privileges of air transport pilot licences—IFR flight: general

- (1) The holder of an air transport pilot licence is authorised to conduct an instrument approach of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of approach.
- (2) The holder of an air transport pilot licence is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the licence within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) the holder is successfully participating in the aircraft operator's approved cyclic training and proficiency program that includes circling approaches.
- (3) For paragraph (2) (b), an instrument proficiency check includes an operator proficiency check:
 - (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (4) The holder of an air transport pilot licence is authorised to conduct an instrument approach in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approaches using the procedure; and

- (b) demonstrated, to a person mentioned in subregulation (5), his or her competence in the conduct of instrument approaches using the procedure.
- (5) For paragraph (4) (b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner or instructor who is authorised under this Part to conduct an instrument approach using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.685 Limitations on exercise of privileges of air transport pilot licences—IFR flight: recent experience

- (1) This regulation applies to the holder of an air transport pilot licence if the holder:
 - (a) has not successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; and
 - (b) is not successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approaches within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct an approach using a 2D instrument approach procedure only if the holder has conducted an approach using a 2D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct an approach using a 3D instrument approach procedure only if the holder has conducted an approach using a 3D instrument approach procedure within the

previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

- (6) The holder is authorised to conduct an instrument approach using an azimuth guidance procedure only if the holder has conducted an instrument approach using an azimuth guidance procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct an instrument approach using a course deviation indicator procedure only if the holder has conducted an instrument approach using a course deviation indicator procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

61.690 Limitations on exercise of privileges of air transport pilot licences—single-pilot IFR flight: recent experience

- (1) The holder of an air transport pilot licence is authorised to pilot an aircraft under the IFR in a single-pilot operation only if the holder has conducted a flight under the IFR in a single-pilot operation within the previous 6 months.
- (2) For subregulation (1), the flight must:
 - (a) have a flight time of at least one hour; and
 - (b) include at least one instrument approach.

61.695 Limitations on exercise of privileges of air transport pilot licences—instrument proficiency check

- (1) The holder of an air transport pilot licence is authorised to exercise the privileges of the licence under the IFR in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
 - (a) the holder is authorised to exercise the privileges of the licence in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
 - (b) the holder is authorised to exercise the privileges of the licence in a multi-engine helicopter only if the holder has a

valid instrument proficiency check for multi-engine helicopters.

- (3) For subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the relevant aircraft during the following periods:
- (a) if the holder passes the flight test for the air transport pilot licence in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (c) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in the relevant aircraft—the period during which the holder is successfully participating in the program;
 - (d) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (d) for the relevant aircraft (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the relevant aircraft, the holder is no longer taken to have a valid instrument proficiency check for the relevant aircraft.

- (5) For paragraphs (3) (d) and (e), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
- (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aircraft; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for IFR operations; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3) (d) and (e), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
- (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:
- relevant aircraft***, for an instrument proficiency check, means:

- (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
- (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
- (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

**61.700 Requirements for grant of air transport pilot licences—
general**

- (1) An applicant for an air transport pilot licence must be at least 21.
 - (2) The applicant must also hold a commercial pilot licence or multi-crew pilot licence with the same aircraft category rating.
 - (3) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the air transport pilot licence and the associated aircraft category rating; and
 - (b) completed flight training for the air transport pilot licence and the associated aircraft category rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the air transport pilot licence and the associated aircraft category rating; and
 - (d) met the aeronautical experience requirements of this Subpart; and
 - (e) completed an approved course of training in multi-crew cooperation.
- Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.
- Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.
- Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.
- Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- (4) An applicant for an air transport pilot licence with the aeroplane category rating is taken to meet the requirements of paragraph (3) (a) if the applicant holds a multi-crew pilot licence.

- (5) For paragraph (3) (c), the flight test for the air transport pilot licence with the aeroplane category rating must be conducted under the IFR in:
 - (a) a multi-engine turbine-powered aeroplane that is configured for flight, and operated, with a co-pilot; or
 - (b) an approved flight simulator for the flight test.
- (6) For paragraph (3) (c), the flight test for the air transport pilot licence with the helicopter category rating must be conducted in:
 - (a) a turbine-powered helicopter that is:
 - (i) certificated for night VFR operations; and
 - (ii) configured for flight, and operated, with a co-pilot; or
 - (b) an approved flight simulator for the flight test.
- (7) For paragraph (3) (c), the flight test for the air transport pilot licence with the powered-lift aircraft category rating must be conducted in:
 - (a) a powered-lift aircraft operated and configured for flight with a co-pilot and equipped for IFR flight; or
 - (b) an approved flight simulator for the flight test.

61.705 Aeronautical experience requirements for grant of air transport pilot licences—aeroplane category

- (1) An applicant for an air transport pilot licence with the aeroplane category rating must have at least 1 500 hours of aeronautical experience that includes:
 - (a) at least 1 400 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of an aeroplane; and
 - (c) either:
 - (i) at least 500 hours of flight time in an aeroplane as pilot in command under supervision; or
 - (ii) at least 250 hours of flight time in an aeroplane as pilot in command or pilot in command under supervision, of which at least 70 hours must be as pilot in command; and
 - (d) at least 200 hours of cross-country flight time in an aeroplane; and

- (e) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of an aeroplane; and
 - (f) at least 100 hours of flight time at night as pilot of an aeroplane, other than dual flight; and
 - (g) at least 75 hours of instrument time; and
 - (h) at least 45 hours of instrument flight time in an aeroplane.
- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as simulated flight time in an approved flight simulation training device for the purpose.
- (3) However, no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator.
- (4) The flight time in an aeroplane required by subregulation (1) must be completed in a registered or recognised aeroplane.

61.710 Aeronautical experience requirements for grant of air transport pilot licences—helicopter category

- (1) An applicant for an air transport pilot licence with the helicopter category rating must have at least 1 000 hours of aeronautical experience that includes:
- (a) at least 900 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of a helicopter; and
 - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
 - (d) at least 70 hours of flight time as pilot in command of a helicopter; and
 - (e) at least 200 hours of cross-country flight time in a helicopter; and
 - (f) at least 100 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a helicopter; and
 - (g) at least 50 hours of flight time at night as pilot of a helicopter; and
 - (h) at least 30 hours of instrument time; and
 - (i) at least 20 hours of instrument flight time in a helicopter.

- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However:
 - (a) no more than 25 hours of the required aeronautical experience may be completed in a flight simulation training device that is not a flight simulator; and
 - (b) no more than 5 hours of the required aeronautical experience may be completed as tethered flight time.
- (4) The flight time in a helicopter required by subregulation (1) must be completed in a registered or recognised helicopter.

61.715 Aeronautical experience requirements for grant of air transport pilot licences—powered-lift aircraft category

- (1) An applicant for an air transport pilot licence with the powered-lift aircraft category rating must have at least 1 500 hours of aeronautical experience that includes:
 - (a) at least 1 400 hours of flight time as a pilot; and
 - (b) at least 750 hours of flight time as pilot of a powered-lift aircraft; and
 - (c) at least 250 hours of flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
 - (d) at least 70 hours of flight time as pilot in command of a powered-lift aircraft; and
 - (e) at least 100 hours of cross-country flight time in a powered-lift aircraft; and
 - (f) at least 50 hours of cross-country flight time as pilot in command, or pilot in command under supervision, of a powered-lift aircraft; and
 - (g) at least 25 hours of flight time at night as pilot of a powered-lift aircraft; and
 - (h) at least 75 hours of instrument time; and
 - (i) at least 45 hours of instrument flight time in a powered-lift aircraft.

- (2) Any of the required aeronautical experience that is not completed as flight time as a pilot must be completed as:
 - (a) simulated flight time in an approved flight simulation training device for the purpose; or
 - (b) tethered flight time.
- (3) However:
 - (a) no more than 25 hours may be completed in a flight simulation training device that is not a flight simulator; and
 - (b) no more than 5 hours may be completed as tethered flight time.
- (4) The flight time in a powered-lift aircraft required by subregulation (1) must be completed in a registered or recognised powered-lift aircraft.

Subpart 61.L—Aircraft ratings and endorsements for pilot licences

Division 61.L.1—Preliminary

61.720 What Subpart 61.L is about

Subpart 61.L provides for ratings and endorsements that are required to authorise the holder of a pilot licence to exercise the privileges of the licence in an aircraft of a particular category, class or type.

Note 1: For the aircraft categories, see regulation 61.015.

Note 2: For the aircraft classes, see regulation 61.020.

Note 3: A design feature endorsement is required under regulation 61.740 to exercise the privileges of a pilot licence in an aircraft that:

- (a) is covered by an aircraft class rating; and
- (b) has the design feature to which the endorsement relates.

Note 4: A pilot type rating is required for the exercise of the privileges of a pilot licence in a multi-crew aircraft or an aircraft for which a single-pilot type rating is required by a legislative instrument under regulation 61.060: see subregulation 61.375 (3). The type ratings that may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

Note 5: However, the holder of a pilot licence may conduct some activities in an aircraft of a particular type without holding a pilot type rating if he or she holds a cruise relief type rating for the type of aircraft: see subregulation 61.375 (6). The cruise relief type ratings that may be granted are those set out in a legislative instrument under regulation 61.055.

Note 6: For ratings and endorsements to conduct particular operations in an aircraft, see Subparts 61.M to 61.U.

Division 61.L.2—Aircraft category ratings

61.725 Privileges of aircraft category ratings

Subject to Subpart 61.E, the holder of an aircraft category rating is authorised to exercise the privileges of the pilot licence with which the category rating is associated in an aircraft of that category.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: An aircraft category rating has effect only in conjunction with the pilot licence for which it is granted. It does not authorise the exercise, in the aircraft category covered by the rating, of the privileges of any other pilot licence held by the holder of the rating: see the definition of *associated* in regulation 61.010.

61.730 Requirements for grant of aircraft category ratings

- (1) An applicant for an aircraft category rating must be an applicant for, or the holder of, a pilot licence other than a student pilot licence.

Note: Subregulation (1) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a pilot licence, other than a student pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) If the application for the aircraft category rating is made at the same time as an application for a pilot licence, the applicant meets the requirements for the grant of the category rating if the applicant meets the requirements for the grant of the pilot licence with the aircraft category rating.
- (3) An applicant for an aircraft category rating for an existing pilot licence must meet the requirements for the grant of the pilot licence with the aircraft category rating.

Note: The holder of a student pilot licence cannot be granted an aircraft category rating, and is permitted to conduct a solo flight only in an aircraft of a type approved by his or her flight instructor: see regulation 61.440.

Division 61.L.3—Aircraft class ratings

61.735 Privileges of aircraft class ratings

Subject to Subpart 61.E and regulations 61.740 and 61.745, the holder of an aircraft class rating is authorised to exercise the privileges of the holder's pilot licence in an aircraft of that class, other than an aircraft that:

- (a) is certificated for multi-crew operation; or
- (b) is of a type for which a single-pilot type rating is required by a legislative instrument under regulation 61.060 (Prescription of type ratings—single-pilot aircraft).

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.740 Limitations on exercise of privileges of aircraft class ratings—design feature endorsements

The holder of an aircraft class rating is authorised to exercise the privileges of the rating in an aircraft that has a design feature mentioned for the aircraft in regulation 61.755 only if the holder also holds a design feature endorsement for the design feature.

Note: This regulation is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to a design feature endorsement: see item 36 of Part 2 of the Dictionary.

61.745 Limitations on exercise of privileges of aircraft class ratings—flight review

- (1) The holder of an aircraft class rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) The flight review must be conducted in:
 - (a) an aircraft of the class covered by the rating; or
 - (b) an approved flight simulator for the flight review.
- (3) For subregulation (1), the holder is taken to have successfully completed a flight review for an aircraft class rating within the previous 24 months if:
 - (a) the holder has passed a flight test for the rating within the previous 24 months; or
 - (b) the holder has passed a flight test for an operational rating in an aircraft of the class covered by the aircraft class rating within the previous 24 months; or
 - (c) the holder has successfully completed an operator proficiency check that covers operations in the class within the previous 24 months; or
 - (d) the holder has successfully completed any of the following proficiency checks in an aircraft of the class covered by the rating or an approved flight simulation training device for the purpose within the previous 24 months:

- (i) an instrument proficiency check;
 - (ii) a night vision imaging system proficiency check;
 - (iii) an aerial application proficiency check;
 - (iv) an instructor proficiency check;
 - (v) an examiner proficiency check; or
 - (e) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in the class.
- (4) However, paragraph (3) (a) does not apply if the holder was taken to have met the requirements for the grant of the rating under subregulation 61.480 (3).

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.750 Requirements for grant of aircraft class ratings

- (1) An applicant for an aircraft class rating must hold:
- (a) a pilot licence, other than a student pilot licence; and
 - (b) the aircraft category rating for the aircraft category to which aircraft of that class belong.

Note: Subregulation (1) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) However, an applicant for a multi-engine aeroplane class rating must hold a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence.
- (3) The applicant must also have:
- (a) completed flight training for the rating; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the aircraft class rating in an aircraft of that class.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

Division 61.L.4—Design feature endorsements

61.755 Design features that require design feature endorsement

Application

- (1) This regulation applies to aircraft other than aircraft of a type for which a pilot type rating is required.

Aeroplanes

- (2) The following design features on an aeroplane require a design feature endorsement:
 - (a) tailwheel undercarriage;
 - (b) retractable undercarriage;
 - (c) manual propeller pitch control (piston engine);
 - (d) gas turbine engine;
 - (e) multi-engine centre-line thrust;
 - (f) pressurisation system;
 - (g) floatplane;
 - (h) floating hull.

Helicopters

- (3) The following design features on a helicopter require a design feature endorsement:
 - (a) float alighting gear;
 - (b) retractable undercarriage;
 - (c) gas turbine engine.

Gyroplanes

- (4) The following design features on a gyroplane require a design feature endorsement:
 - (a) retractable undercarriage;
 - (b) pressurisation system;
 - (c) gas turbine engine.

Airships

- (5) The following design features on an airship require a design feature endorsement:
- (a) pressurisation system;
 - (b) gas turbine engine.

61.760 Privileges of design feature endorsements

Subject to Subpart 61.E, the holder of an aircraft class rating and a design feature endorsement is authorised to exercise the privileges of his or her pilot licence in an aircraft of that class that has the design feature.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.765 Requirements for grant of design feature endorsements

- (1) An applicant for a design feature endorsement must:
- (a) hold an aircraft class rating that covers an aircraft with the design feature; and
 - (b) either:
 - (i) have passed the flight test for the class rating in an aircraft with the design feature; or
 - (ii) have completed flight training for the endorsement.

Note 1: for paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Note 2: for subparagraph (b) (i), for the conduct of flight tests, see Division 61.B.4.

Note 3: for subparagraph (b) (ii), for the requirements for flight training, see Division 61.B.2.

- (2) A pilot who holds a type rating for an aircraft that has a design feature mentioned for the aircraft in regulation 61.755 is taken to meet the requirements of subregulation (1) for that design feature.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Division 61.L.5—Pilot type ratings**61.770 Privileges of pilot type ratings**

Subject to Subpart 61.E and regulations 61.775 to 61.800, the holder of a pilot licence and a pilot type rating is authorised to exercise the privileges of the licence in an aircraft of the type covered by the rating.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The aircraft types for which pilot type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

**61.775 Limitations on exercise of privileges of pilot type ratings—
flight test in flight simulator**

- (1) This regulation applies if the holder of a pilot type rating passed the flight test for the rating in a flight simulator.
- (2) The holder is authorised to exercise the privileges of the rating as pilot in command only if the holder has at least 25 hours of flight time as pilot of an aircraft covered by the rating.
- (3) The holder is taken to meet the requirements of subregulation (2) if the holder has:
 - (a) for a type rating for a turbojet-powered aeroplane:
 - (i) at least 1 000 hours of flight time as pilot of a turbojet-powered aeroplane; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbojet-powered aeroplane; or
 - (b) for a type rating for a turboprop-powered aeroplane:
 - (i) at least 1 000 hours of flight time as pilot of a turboprop-powered aeroplane; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turboprop-powered aeroplane; or
 - (c) for a type rating for a turbine-powered helicopter:
 - (i) at least 1 000 hours of flight time as pilot of a turbine-powered helicopter; or

- (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a turbine-powered helicopter; or
- (d) for a type rating for a powered-lift aircraft:
 - (i) at least 1 000 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft; or
 - (ii) at least 2 000 hours of flight time, including at least 500 hours of flight time as pilot of a multi-engine turbine-powered helicopter or powered-lift aircraft.

61.780 Limitations on exercise of privileges of pilot type ratings—variants

- (1) This regulation applies if:
 - (a) the holder of a pilot type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 or 61.060 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in an aircraft of the second variant only if the holder has completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant.

61.785 Limitations on exercise of privileges of pilot type ratings—single-pilot operation and multi-crew operation

- (1) The holder of a single-pilot type rating is authorised to exercise the privileges of the rating in a multi-crew operation only if:
 - (a) the holder also holds a multi-crew type rating; or
 - (b) the holder has completed an approved course of training in multi-crew cooperation.
- (2) The holder of a multi-crew type rating is authorised to exercise the privileges of the rating only in a multi-crew operation.

**61.790 Limitations on exercise of privileges of pilot type ratings—
IFR operation**

The holder of a pilot type rating is authorised to pilot an aircraft under the IFR only if:

- (a) the flight test for the rating is conducted under the IFR; or
- (b) the holder has completed an instrument proficiency check in an aircraft covered by the rating.

**61.795 Limitations on exercise of privileges of pilot type ratings—
recent experience on variant**

- (1) This regulation applies if:
 - (a) the holder of a pilot type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if:
 - (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in an aircraft of the second variant; or
 - (ii) completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant; or
 - (iii) completed a recurrent training course for the second variant; or
 - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the second variant.

**61.800 Limitations on exercise of privileges of pilot type ratings—
flight review**

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating as the pilot in command of an aircraft only if the holder has, within the previous 24 months, successfully
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completed a flight review for the rating in accordance with subregulation (2).

- (2) For subregulation (1), the flight review must be conducted in:
 - (a) an aircraft of the type covered by the rating; or
 - (b) an approved flight simulator for that type of aircraft.
- (3) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has passed a flight test for the rating within the previous 24 months; or
 - (b) has successfully completed an operator proficiency check that covers operations in the aircraft type within the previous 24 months; or
 - (c) has successfully completed any of the following proficiency checks in an aircraft of the type covered by the rating or an approved flight simulation training device for the purpose within the previous 24 months:
 - (i) an instrument proficiency check;
 - (ii) a night vision imaging system proficiency check;
 - (iii) an aerial application proficiency check;
 - (iv) an instructor proficiency check;
 - (v) an examiner proficiency check; or
 - (d) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the type covered by the rating.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.805 Limitations on exercise of privileges of type ratings— instrument proficiency check

- (1) The holder of a pilot type rating is authorised to exercise the privileges of the rating under the IFR only if the holder has a valid instrument proficiency check for the aircraft type covered by the rating.
- (2) For subregulation (1), the holder is taken to have a valid instrument proficiency check for an aircraft type, other than a single-pilot turbojet aeroplane type, during the following periods:
 - (a) if the holder passes the flight test for the instrument rating, private IFR rating, multi-crew pilot licence or air transport

pilot licence in an aircraft of that type—the period from when the holder passes the flight test to the end of the 24th month after the month in which the holder passes the flight test;

(b) if:

- (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
- (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;

- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in aircraft of that type—the period during which the holder is successfully participating in the program;
- (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;

the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.

- (3) For subregulation (1), the holder is taken to have a valid instrument proficiency check for a single-pilot turbojet aeroplane type during the following periods:
- (a) if the holder passes the flight test for the instrument rating or private IFR rating that is conducted as a single-pilot operation in an aircraft of that type—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an instrument endorsement in an aircraft of that type; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers IFR operations in an aircraft of that type, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in aircraft of that type—the period during which the holder is successfully participating in the program;
 - (e) if the holder successfully completes an instrument proficiency check for the aircraft type—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the aircraft type (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the aircraft type;

the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the aircraft type, the holder is no longer taken to have a valid instrument proficiency check for the aircraft type.
- (5) For paragraphs (2) (e) and (f) and (3) (e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
 - (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aircraft; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
 - (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for IFR operations; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (2) (e) and (f) and (3) (e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.

- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft type to which the instrument proficiency check relates.

61.810 Requirements for grant of pilot type ratings

- (1) This regulation applies to an applicant for a pilot type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.815 or 61.820.
- (2) The applicant must hold:
 - (a) a private pilot licence, commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
 - (b) an aircraft category rating for the category of aircraft that includes aircraft of the type covered by the pilot type rating.

Note: Subregulation (2) is satisfied, in relation to a licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
 - (a) completed an approved course of training for the rating that includes:
 - (i) at least 5 hours of flight training consisting of:
 - (A) dual flight in an aircraft of the type covered by the rating; or
 - (B) dual simulated flight in an approved flight simulator for the training; and
 - (ii) theory and technical training; and
 - (b) passed an examination, conducted by the operator or organisation that conducted the training mentioned in paragraph (a), testing the applicant's aeronautical knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: for paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3) (a), the approved course of training must be conducted by:
 - (a) a Part 141 or 142 operator that is authorised under Part 141 or 142 to conduct the course; or
 - (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.
- (5) The applicant is taken to meet the requirements of subregulation (3) if CASA is satisfied that:
 - (a) the applicant has completed training, conducted by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct the training, for the grant of an overseas rating; and
 - (b) the applicant has been assessed, by a person who is authorised by the national aviation authority of the recognised foreign State to conduct the assessment, as meeting the flight test standard for the grant of the overseas rating; and
 - (c) the training meets the standards specified in the Part 61 Manual of Standards for training for the rating; and
 - (d) the overseas rating is at least equivalent to the rating.

61.815 Person taken to meet requirements for grant of pilot type rating—multi-crew or air transport pilot licence holder

A person is taken to meet the requirements for the grant of a pilot type rating for a type of aircraft if:

- (a) the person meets the requirements for the grant of a multi-crew pilot licence or air transport pilot licence; and
- (b) the flight test for the multi-crew pilot licence or air transport pilot licence is conducted in:
 - (i) an aircraft of that type; or
 - (ii) an approved flight simulator for the flight test.

61.820 Person taken to meet requirements for grant of pilot type rating—new type rating

- (1) A person is taken to meet the requirements for the grant of a pilot type rating (the *new type rating*) if:

- (a) the person holds a pilot type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 or 61.060 (the *old legislative instrument*), variants of each other; and
 - (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
 - (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) an approved flight simulator for an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.
- (2) A person is taken to meet the requirements for the grant of a single-pilot type rating for a type of aircraft if:
- (a) a single-pilot type rating is required for that type of aircraft; and
 - (b) a single-pilot type rating was not previously required for that type of aircraft; and
 - (c) the person holds a class rating for the class that includes that type of aircraft; and
 - (d) the person has piloted an aircraft of that type; and
 - (e) a person who may grant the rating is satisfied that the person is competent to pilot an aircraft of that type.

61.822 Removal of type rating condition about acting as pilot in command

- (1) This regulation applies to the holder of a type rating granted on the basis of regulation 202.272 or 202.274 if the rating is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (2) CASA must remove the condition if:
 - (a) the holder applies to CASA for the removal of the condition; and
 - (b) the holder meets the requirements under this Part for the grant of the type rating.

Division 61.L.6—Cruise relief type ratings**61.825 Kinds of cruise relief type rating**

The kinds of cruise relief type rating are set out in column 1 of table 61.825.

Table 61.825 Cruise relief type ratings		
Item	Column 1 Rating	Column 2 Activities authorised
1	Cruise relief co-pilot rating (type specific)	Act as co-pilot of an aircraft of the specified type
2	Cruise relief flight engineer rating (type specific)	Act as flight engineer of an aircraft of the specified type

61.830 Privileges of cruise relief type ratings

Subject to Subpart 61.E and regulations 61.835 and 61.840, the holder of a rating mentioned in an item in column 1 of table 61.825 is authorised to undertake the activity mentioned in column 2 of the item.

Note 1: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

Note 2: The types for which cruise relief type ratings may be granted are set out in legislative instruments made under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.835 Limitations on exercise of privileges of cruise relief type ratings—general

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft:
 - (a) only if the aircraft is operated by an operator that has an approved cyclic training and proficiency program; and
 - (b) only while the aircraft is at flight level 200 or above.
- (2) The holder of a cruise relief flight engineer type rating is authorised to act as flight engineer of an aircraft only while the aircraft is at flight level 200 or above.
- (3) Subregulation (4) applies if:
 - (a) the holder of a cruise relief type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant.

61.840 Limitations on exercise of privileges of cruise relief type ratings—recent experience

- (1) The holder of a cruise relief co-pilot type rating is authorised to act as co-pilot of an aircraft of a particular type only if the holder is successfully participating in an approved cyclic training and proficiency program that:
 - (a) is conducted by the operator of the aircraft; and
 - (b) covers operations in an aircraft of that type.

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- (2) The holder of a cruise relief flight engineer type rating is authorised to act as a cruise relief flight engineer of an aircraft of a particular type only if the holder:
- (a) has acted as a cruise relief flight engineer of an aircraft of that type, or in an approved flight simulator for the purpose, for a period of at least one hour in the previous 90 days; or
 - (b) has successfully completed an operator proficiency check in an aircraft of that type or an approved flight simulator for the purpose in the previous 90 days; or
 - (c) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in an aircraft of that type; or
 - (d) is acting as a cruise relief flight engineer under the supervision of a flight engineer instructor.
- (3) Subregulation (4) applies if:
- (a) the holder of a cruise relief type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the ***first variant***); or
 - (ii) an approved flight simulator for the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the ***second variant***).
- (4) The holder is authorised to exercise the privileges of the rating in the second variant only if:
- (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in the second variant; or
 - (ii) completed all the differences training mentioned in the Part 61 Manual of Standards for the second variant; or
 - (iii) completed a recurrent training course for the second variant; or
 - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in the second variant.
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61.845 Requirements for grant of cruise relief type ratings

- (1) This regulation applies to an applicant for a cruise relief type rating for an aircraft of a particular type if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.850.
- (2) The applicant must hold:
 - (a) a commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
 - (b) the aircraft category rating for the aircraft category that includes aircraft of that type; and
 - (c) for a cruise relief flight engineer type rating for an aircraft type:
 - (i) the cruise relief co-pilot type rating for the aircraft type; or
 - (ii) the pilot type rating for the aircraft type.

Note: Subregulation (2) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:
 - (a) completed an approved course of training for the rating that includes:
 - (i) at least one hour of flight training consisting of:
 - (A) dual flight in an aircraft of that type; or
 - (B) dual simulated flight in an approved flight simulator for the training; and
 - (ii) theory and technical training; and
 - (b) completed an approved course of training in multi-crew cooperation; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: for paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraphs (3) (a) and (b), the approved course of training must be conducted by:

- (a) a Part 142 operator that is authorised under Part 142 to conduct the course; or
- (b) the holder of an approval under regulation 142.040 to conduct the training.

61.850 Person taken to meet requirements for grant of cruise relief type rating—new type rating

A person is taken to meet the requirements for the grant of a cruise relief type rating (the *new type rating*) if:

- (a) the person holds a cruise relief type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) an approved flight simulator for an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.

Subpart 61.M—Instrument ratings

Division 61.M.1—Privileges and requirements for grant of instrument ratings

61.855 Privileges of instrument ratings

Subject to Subpart 61.E and regulations 61.860 to 61.880, the holder of an instrument rating is authorised to pilot an aircraft:

- (a) under the IFR; or
- (b) at night under the VFR.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.860 Limitations on exercise of privileges of instrument ratings—general

- (1) The holder of an instrument rating is authorised to conduct an instrument approach of a particular kind as pilot in command of an aircraft only if the aircraft is equipped for that kind of procedure.
- (2) The holder of an instrument rating is authorised to pilot an aircraft in a single-pilot operation under the IFR only if the holder has:
 - (a) passed the flight test for the rating in a single-pilot aircraft; or
 - (b) completed an instrument proficiency check in a single-pilot aircraft.
- (3) The holder of an instrument rating is authorised to conduct a circling approach under the IFR on a flight only if:
 - (a) the holder passed the flight test for the rating within the previous 12 months, and the flight test included a circling approach; or
 - (b) the holder's most recent instrument proficiency check included a circling approach; or
 - (c) the holder is successfully participating in an operator's approved cyclic training and proficiency program that includes circling approaches.
- (4) For paragraph (3) (b), an instrument proficiency check includes an operator proficiency check:

- (a) that covers IFR operations; and
 - (b) that is conducted by a flight examiner who holds an instrument rating flight test endorsement.
- (5) The holder of an instrument rating is authorised to conduct an instrument approach in an aircraft using a procedure of a particular kind only if the holder has:
 - (a) completed training in the conduct of instrument approaches using the procedure; and
 - (b) demonstrated, to a person mentioned in subregulation (6), his or her competence in the conduct of instrument approaches using the procedure.
- (6) For paragraph (5) (b), the persons are as follows:
 - (a) CASA;
 - (b) an examiner or instructor who is authorised to conduct an instrument approach using the same procedure;
 - (c) a person who holds an approval under regulation 61.040 to assess the holder's competence.

61.865 Limitations on exercise of privileges of instrument ratings—endorsements

- (1) The holder of an instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.890 under the IFR, or at night under the VFR, only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of an instrument rating is authorised to conduct an instrument approach mentioned in column 2 of an item in Part 2 of table 61.890 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.870 Limitations on exercise of privileges of instrument ratings—recent experience: general

- (1) This regulation applies to the holder of an instrument rating if the holder:
 - (a) has not successfully completed an operator proficiency check that covers IFR operations within the previous 3 months; and

- (b) is not successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.
- (2) The holder is authorised to pilot an aircraft under the IFR only if the holder has conducted at least 3 instrument approaches within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (3) The holder is authorised to pilot an aircraft of a particular category under the IFR only if the holder has conducted at least one instrument approach within the previous 90 days in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (4) The holder is authorised to conduct an approach using a 2D instrument approach procedure only if the holder has conducted an approach using a 2D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (5) The holder is authorised to conduct an approach using a 3D instrument approach procedure only if the holder has conducted an approach using a 3D instrument approach procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (6) The holder is authorised to conduct an instrument approach using an azimuth guidance procedure only if the holder has conducted an instrument approach using an azimuth guidance procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.
- (7) The holder is authorised to conduct an instrument approach using a course deviation indicator procedure only if the holder has conducted an instrument approach using a course deviation indicator procedure within the previous 90 days in an aircraft or an approved flight simulation training device for the purpose.

**61.875 Limitations on exercise of privileges of instrument ratings—
recent experience: single pilot**

- (1) The holder of an instrument rating is authorised to pilot an aircraft under the IFR in a single-pilot operation only if the holder has

conducted a flight or simulated flight under the IFR in a single-pilot operation within the previous 6 months.

- (2) For subregulation (1), the flight or simulated flight must:
 - (a) have a duration of at least one hour; and
 - (b) include at least one instrument approach or simulated instrument approach.

**61.880 Limitations on exercise of privileges of instrument ratings—
instrument proficiency check**

- (1) The holder of an instrument rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has a valid instrument proficiency check for the aircraft category.
- (2) However:
 - (a) the holder is authorised to exercise the privileges of the rating in a multi-engine aeroplane only if the holder has a valid instrument proficiency check for multi-engine aeroplanes; and
 - (b) the holder is authorised to exercise the privileges of the rating in a multi-engine helicopter only if the holder has a valid instrument proficiency check for multi-engine helicopters.
- (3) For subregulations (1) and (2), the holder is taken to have a valid instrument proficiency check for the relevant aircraft during the following periods:
 - (a) if the holder passes the flight test for the instrument rating in a relevant aircraft—the period from when the holder passes the flight test to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an instrument endorsement in a relevant aircraft; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;
 the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;

- (c) if the holder successfully completes an operator proficiency check that covers IFR operations in the relevant aircraft, and that is conducted by a flight examiner who holds an instrument rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations in the relevant aircraft—the period during which the holder is successfully participating in the program;
- (e) if the holder successfully completes an instrument proficiency check for the relevant aircraft—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instrument proficiency check under any of paragraphs (a) to (e) for the relevant aircraft (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instrument proficiency check for the relevant aircraft;
the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (4) However, if, at any time, the holder attempts, but does not successfully complete, an instrument proficiency check for the relevant aircraft, the holder is no longer taken to have a valid instrument proficiency check for the relevant aircraft.
- (5) For paragraphs (3) (e) and (f), the holder successfully completes an instrument proficiency check for the relevant aircraft if:
 - (a) CASA or a flight examiner:
 - (i) assesses the holder's competency to conduct operations under the IFR in a relevant aircraft as meeting the standards mentioned in the Part 61 Manual of Standards for IFR operations in the relevant aircraft; and

- (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8); or
- (b) a person mentioned in subregulation (7) assesses the holder as competent to conduct operations under the IFR in a relevant aircraft, and CASA or a flight examiner:
 - (i) conducts an oral assessment of the holder's knowledge of IFR operation procedures to the standards mentioned in the Part 61 Manual of Standards for IFR operations; and
 - (ii) endorses the holder's licence document to the effect that the holder has completed the instrument proficiency check; and
 - (iii) includes in the endorsement the matters mentioned in subregulation (8).
- (6) For paragraphs (3) (e) and (f), the instrument proficiency check must be conducted in a relevant aircraft or an approved flight simulation training device for the proficiency check.
- (7) For paragraph (5) (b), the person is the holder of an approval under regulation 61.040 to conduct the proficiency check.
- (8) For subparagraphs (5) (a) (iii) and (b) (iii), the matters are:
 - (a) the date on which the instrument proficiency check is conducted; and
 - (b) the aircraft to which the instrument proficiency check relates.
- (9) In this regulation:

relevant aircraft, for an instrument proficiency check, means:

 - (a) if the instrument proficiency check is for an aircraft category—a single-engine or multi-engine aircraft of that category; or
 - (b) if the instrument proficiency check is for multi-engine aeroplanes—a multi-engine aeroplane; or
 - (c) if the instrument proficiency check is for multi-engine helicopters—a multi-engine helicopter.

61.885 Requirements for grant of instrument ratings

- (1) An applicant for an instrument rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of:
 - (i) at least one instrument endorsement mentioned in column 1 of an item in Part 1 of table 61.890; and
 - (ii) at least one instrument endorsement mentioned in column 1 of an item in Part 2 of table 61.890.

Note 1: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: An application for a pilot licence mentioned in paragraph (a) and an instrument rating may be made at the same time: see subregulation 61.155 (2).

- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the instrument rating; and
 - (b) completed flight training for the instrument rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the instrument rating and the aircraft category rating associated with the applicant's pilot licence; and
 - (d) met the aeronautical experience requirements mentioned in subregulation (5).

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2) (b), the flight training must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.
- (4) For paragraph (2) (c), the flight test must be conducted in an aircraft unless the applicant has previously held:

- (a) an instrument rating; or
 - (b) an overseas rating that CASA is satisfied is equivalent to an instrument rating; or
 - (c) a qualification issued by the Australian Defence Force that CASA is satisfied is equivalent to an instrument rating.
- (5) For paragraph (2) (d), the applicant must have aeronautical experience that includes:
 - (a) at least 50 hours of cross-country flight time as pilot in command; and
 - (b) at least 40 hours of instrument time, including:
 - (i) at least 10 hours of dual instrument time; and
 - (ii) either:
 - (A) if subregulation (6) applies—at least 10 hours of instrument flight time; or
 - (B) in any other case—at least 20 hours of instrument flight time.
- (6) This subregulation applies if any instrument ground time relied on by an applicant for paragraph (5) (b) is:
 - (a) completed in an approved flight simulator for the purpose; and
 - (b) supervised by a pilot instructor who holds an instrument rating training endorsement.
- (7) For subregulation (5), the cross-country flight time and instrument flight time must have been conducted in an aircraft of the same category as the aircraft in which, or the aircraft represented by the flight simulation training device in which, the flight test is conducted.
- (8) In this regulation, a reference to aeronautical experience does not include experience obtained as part of an integrated training course.

61.887 Removal of instrument rating conditions about acting as pilot in command under IFR

- (1) This regulation applies to the holder of an instrument rating granted on the basis of regulation 202.272 or 202.274 if the rating

is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.

- (2) CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
 - (a) the holder applies to CASA for the removal of the condition; and
 - (b) the holder meets the requirements under this Part for the grant of:
 - (i) an instrument rating; and
 - (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

Division 61.M.2—Privileges and requirements for grant of instrument endorsements

61.890 Kinds of instrument endorsement

The kinds of instrument endorsement are set out in column 1 of table 61.890.

Table 61.890 Instrument endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR or at night under the VFR	Single-engine aeroplane class rating or type rating for a type of single-engine aeroplane At least 10 hours of dual instrument time in an aeroplane or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits

Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Multi-engine aeroplane instrument endorsement	Pilot an aeroplane under the IFR or at night under the VFR	<p>Multi-engine aeroplane class rating or type rating for a type of multi-engine aeroplane</p> <p>At least 10 hours of dual instrument time in a multi-engine aeroplane or an approved flight simulation training device for the purpose</p> <p>At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits</p>
3	Single-engine helicopter instrument endorsement	Pilot a single-engine helicopter under the IFR or at night under the VFR	<p>Single-engine helicopter class rating or type rating for a type of single-engine helicopter</p> <p>At least 10 hours of dual instrument time in a helicopter or an approved flight simulation training device for the purpose</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>
4	Multi-engine helicopter instrument endorsement	Pilot a helicopter under the IFR or at night under the VFR	<p>Type rating for a type of multi-engine helicopter</p> <p>At least 10 hours of dual instrument time in a multi-engine helicopter or an approved flight simulation training device for the purpose</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>

Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
5	Powered-lift aircraft instrument endorsement	Pilot a powered-lift aircraft under the IFR or at night under the VFR	Type rating for a type of powered-lift aircraft At least 10 hours of dual instrument time in a powered-lift aircraft or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
6	Gyroplane instrument endorsement	Pilot a gyroplane under the IFR or at night under the VFR	Gyroplane aircraft class rating or type rating for a type of gyroplane At least 10 hours of dual instrument flight time in a gyroplane At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
7	Airship instrument endorsement	Pilot an airship under the IFR or at night under the VFR	Airship class rating or type rating for a type of airship At least 10 hours of dual instrument time in an airship or an approved flight simulation training device for the purpose At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

Part 2—Instrument approach procedure endorsements

Table 61.890 Instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
8	IAP 2D instrument endorsement	Conduct an instrument approach with lateral guidance only	
9	IAP 3D instrument endorsement	Conduct an instrument approach with lateral and vertical guidance	IAP 2D instrument endorsement

61.895 Privileges of instrument endorsements

Subject to Subpart 61.E, Division 61.M.1 and regulation 61.900, the holder of an endorsement mentioned in column 1 of an item in table 61.890 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.900 Limitations on exercise of privileges of instrument endorsements

The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.890 is authorised to conduct an instrument approach in IMC using a navigation system of a particular kind only if the holder has previously conducted:

- (a) an instrument approach; or
- (b) a simulated instrument approach in a flight simulation training device;

using a navigation system of that kind.

61.905 Requirements for grant of instrument endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.890 must hold:
- (a) an instrument rating; and
 - (b) the rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Subpart 61.N—Private instrument ratings

Division 61.N.1—Privileges and requirements for grant of private instrument ratings

61.910 Privileges of private instrument ratings

Subject to Subpart 61.E and regulations 61.915 to 61.925, the holder of a private instrument rating is authorised to pilot an aircraft certificated for single-pilot operation under the IFR in a private operation.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.915 Limitations on exercise of privileges of private instrument ratings—endorsements

- (1) The holder of a private instrument rating is authorised to pilot an aircraft mentioned in column 2 of an item in Part 1 of table 61.935 under the IFR only if the holder also holds the endorsement mentioned in column 1 of the item.
- (2) The holder of a private instrument rating is authorised to conduct an activity mentioned in column 2 of an item in Part 2, 3, 4 or 5 of table 61.935 only if the holder also holds the endorsement mentioned in column 1 of the item.
- (3) The holder of a private instrument rating is authorised to pilot an aircraft at night under the IFR only if the holder also holds a night private instrument endorsement.

61.920 Limitations on exercise of privileges of private instrument ratings—recent experience

- (1) The holder of a private instrument rating is authorised to conduct an instrument approach as pilot in command of an aircraft in IMC only if the holder has conducted an instrument approach of the same kind:
 - (a) within the previous 6 months; and

- (b) in an aircraft of the same category or an approved flight simulation training device for the purpose.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check for IFR operations within the previous 6 months; or
 - (b) is successfully participating in an operator's approved cyclic training and proficiency program that covers IFR operations.

61.925 Limitations on exercise of privileges of private instrument ratings—flight review

- (1) The holder of a private instrument rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane or multi-engine helicopter, under the IFR only if the holder:
 - (a) has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an operator proficiency check that covers IFR operations in an aircraft of the same category within the previous 24 months; or
 - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers IFR operations in an aircraft of the same category within the previous 24 months.
- (2) The holder of a private instrument rating is authorised to pilot a multi-engine aeroplane under the IFR only if the holder:

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- (a) has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an operator proficiency check that covers IFR operations in a multi-engine aeroplane within the previous 24 months; or
 - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers IFR operations in a multi-engine aeroplane within the previous 24 months.
- (3) The holder of a private instrument rating is authorised to pilot a multi-engine helicopter under the IFR only if the holder:
- (a) has successfully completed a flight review for the rating in a multi-engine helicopter or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine helicopter or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a private instrument endorsement in a multi-engine helicopter or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an operator proficiency check that covers IFR operations in a multi-engine helicopter within the previous 24 months; or
 - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers IFR operations in a multi-engine helicopter within the previous 24 months.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.930 Requirements for grant of private instrument ratings

- (1) An applicant for a private instrument rating must:
- (a) hold a private pilot licence or commercial pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in column 1 of an item in Part 2 of table 61.935.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) passed:
 - (i) the aeronautical knowledge examination for the instrument rating; or
 - (ii) a private instrument rating aeronautical knowledge examination set and conducted by:
 - (A) CASA; or
 - (B) a Part 141 or 142 operator that is authorised to conduct training for the grant of an instrument rating; and
 - (b) completed flight training for the private instrument rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the private instrument rating; and
 - (d) completed at least 20 hours of instrument time, including at least 10 hours of dual instrument flight time.

Note 1: for subparagraph (a) (i), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The aeronautical experience required by paragraph (2) (d) must have been completed:
- (a) while receiving instrument training conducted by a flight instructor who holds an instrument rating training endorsement; or

- (b) while receiving training for a private pilot licence, commercial pilot licence or air transport pilot licence or a night VFR rating; or
 - (c) as a member of the Australian Defence Force.
- (4) The holder of an instrument rating is taken to meet the requirements for the grant of a private instrument rating.

Division 61.N.2—Privileges and requirements for grant of private instrument endorsements

61.935 Kinds of private instrument endorsement

The kinds of private instrument endorsement are set out in column 1 of table 61.935.

Table 61.935 Private instrument endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Aircraft category/class endorsements</i>			
1	Single-engine aeroplane private instrument endorsement	Pilot an aeroplane of the single-engine aeroplane class under the IFR	<p>Single-engine aeroplane class rating</p> <p>At least 10 hours of dual instrument flight time in an aeroplane</p> <p>At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits</p>

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Multi-engine aeroplane private instrument endorsement	Pilot an aeroplane under the IFR	Multi-engine aeroplane class rating At least 10 hours of dual instrument flight time in a multi-engine aeroplane At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits
3	Single-engine helicopter private instrument endorsement	Pilot a single-engine helicopter under the IFR	Single-engine helicopter class rating At least 10 hours of dual instrument flight time in a helicopter At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Multi-engine helicopter private instrument endorsement	Pilot a helicopter under the IFR	<p>Multi-engine helicopter class rating or multi-engine helicopter type rating</p> <p>At least 10 hours of dual instrument flight time in a multi-engine helicopter</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>
5	Powered-lift aircraft private instrument endorsement	Pilot a powered-lift aircraft under the IFR	<p>Powered-lift aircraft category rating</p> <p>At least 10 hours of dual instrument flight time in a powered-lift aircraft</p> <p>At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits</p>

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
6	Gyroplane private instrument endorsement	Pilot a gyroplane under the IFR	Gyroplane category rating At least 10 hours of dual instrument flight time in a gyroplane At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits
7	Airship private instrument endorsement	Pilot an airship under the IFR	Airship category rating At least 10 hours of dual instrument flight time in an airship At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

Part 2—Navigation endorsements

8	Navigation – NDB private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a non-directional beacon navigation system
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Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
9	Navigation – VOR/LLZ private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a VHF omni-range/localiser navigation system	
10	Navigation – GNSS private instrument endorsement	Conduct en-route navigation, including holding, under the IFR using a global navigation satellite system	

Part 3—Departure endorsements

11	Departure – single-engine aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a single-engine aircraft	Any of the following: (a) single-engine aeroplane private instrument endorsement; (b) single-engine helicopter private instrument endorsement; (c) gyroplane private instrument endorsement
12	Departure – multi-engine aeroplane private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine aeroplane	Multi-engine aeroplane private instrument endorsement
13	Departure – multi-engine helicopter private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a multi-engine helicopter	Multi-engine helicopter private instrument endorsement

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
14	Departure – powered-lift aircraft private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in a powered-lift aircraft	Powered-lift aircraft private instrument endorsement
15	Departure – airship private instrument endorsement	Conduct a take-off and departure, other than a standard instrument departure, under the IFR in an airship	Airship private instrument endorsement
16	Standard instrument departure private instrument endorsement	Conduct a take-off and departure, including a standard instrument departure, under the IFR	Any of the endorsements mentioned in items 11 to 15

Part 4—Approach/arrival endorsements

17	STAR private instrument endorsement	Conduct an arrival under the IFR using a procedure published in the AIP and a navigation system for which the pilot holds an endorsement mentioned in column 1 of an item in Part 2 of this table	
18	Approach – NDB private instrument endorsement	Conduct an instrument approach and landing under the IFR using a non-directional beacon navigation system	
19	Approach – VOR/LLZ private instrument endorsement	Conduct an instrument approach and landing under the IFR using a VHF omni-range/localiser navigation system	

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
20	Approach – DME or GNSS arrival procedure private instrument endorsement	Conduct an instrument approach and landing under the IFR using distance measuring equipment or a global navigation satellite system	
21	Approach – RNP APCH-LNAV private instrument endorsement	Conduct a required navigational performance instrument approach without vertical guidance using: (a) a global navigation satellite system; or (b) another kind of area navigation-based system	Navigation – GNSS private instrument endorsement
22	Approach – RNP APCH-LNAV/VNAV private instrument endorsement	Conduct a required navigational performance instrument approach using barometric-aided vertical guidance	Navigation – GNSS private instrument endorsement Approach – RNP APCH-LNAV private instrument endorsement
23	Approach – ILS private instrument endorsement	Conduct an instrument approach and landing, using: (a) an instrument landing system; or (b) a microwave landing system; or (c) a global navigation satellite system with ground-based augmentation	

Part 5—Approach/arrival endorsements—category specific

Table 61.935 Private instrument endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
24	Approach and landing – multi-engine aeroplane private instrument endorsement	Conduct an instrument approach and landing under the IFR in a multi-engine aeroplane using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine aeroplane private instrument endorsement Any of the endorsements mentioned in items 18 to 23
25	Approach and landing – multi-engine helicopter private instrument endorsement	Conduct an instrument approach and landing under the IFR in a multi-engine helicopter using a navigation system for which the pilot holds an instrument approach endorsement	Multi-engine helicopter private instrument endorsement Any of the endorsements mentioned in items 18 to 23

Part 6—Night endorsement

26	Night private instrument endorsement	Pilot an aircraft under the IFR at night	At least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least 5 hours of dual cross-country flight time at night under the VFR in an aircraft
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61.940 Privileges of private instrument endorsements

- (1) Subject to Subpart 61.E, Division 61.N.1 and regulation 61.945, the holder of an endorsement mentioned in column 1 of an item in table 61.935 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

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- (2) For each endorsement mentioned in column 1 of an item in Part 3 of table 61.935, the privileges include conducting, under the IFR, a climb to the published lowest safe altitude for the first route segment of the flight.
- (3) In this regulation:
- published lowest safe altitude*** has the meaning given by subregulation 178 (7) of CAR.

61.945 Limitations on exercise of privileges of private instrument endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 2 of table 61.935 is authorised to conduct an instrument approach in IMC using a navigation system of a particular kind only if the holder has previously conducted:
- (a) an instrument approach in an aircraft; or
 - (b) a simulated instrument approach in a flight simulation training device;
- using a navigation system of that kind.
- (2) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach and landing under the IFR in a multi-engine aeroplane only if the holder also holds an approach and landing – multi-engine aeroplane private instrument endorsement.
- (3) The holder of an endorsement mentioned in column 1 of an item in Part 4 of table 61.935 is authorised to conduct an instrument approach and landing under the IFR in a multi-engine helicopter only if the holder also holds an approach and landing – multi-engine helicopter private instrument endorsement.

61.950 Requirements for grant of private instrument endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.935 must hold:
- (a) a private instrument rating; and
 - (b) each rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) A person who holds a private instrument rating and an instrument endorsement is taken to meet the requirements for the grant of the private instrument endorsement (if any) that is equivalent to the instrument endorsement.

Subpart 61.O—Night VFR ratings

Division 61.O.1—Privileges and requirements for grant of night VFR ratings

61.955 Privileges of night VFR ratings

Subject to Subpart 61.E and regulations 61.960 to 61.970, the holder of a pilot licence and a night VFR rating is authorised to pilot an aircraft at night under the VFR other than in:

- (a) an operation using a night vision imaging system; or
- (b) a night aerial application operation below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.960 Limitations on exercise of privileges of night VFR ratings—endorsements

The holder of a night VFR rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.980 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.965 Limitations on exercise of privileges of night VFR ratings—recent experience

The holder of a night VFR rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has, within the previous 6 months:

- (a) conducted:
 - (i) at least one night take-off; and
 - (ii) at least one night landing;in an aircraft of that category while controlling the aircraft; or
- (b) been assessed as competent to conduct a flight at night in an aircraft of that category by a flight instructor who holds a night VFR training endorsement.

**61.970 Limitations on exercise of privileges of night VFR ratings—
flight review**

- (1) The holder of a night VFR rating is authorised to pilot an aircraft of a particular category, other than a multi-engine aeroplane or multi-engine helicopter, at night under the VFR only if the holder:
 - (a) has successfully completed a flight review for the rating in an aircraft of the same category or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in an aircraft of the same category or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a night VFR endorsement in an aircraft of the same category or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an operator proficiency check that covers night VFR operations in an aircraft of the same category within the previous 24 months; or
 - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers night VFR operations in an aircraft of the same category within the previous 24 months.
- (2) The holder of a night VFR rating is authorised to pilot a multi-engine aeroplane at night under the VFR only if the holder:
 - (a) has successfully completed a flight review for the rating in a multi-engine aeroplane or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine aeroplane or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a night VFR endorsement in a multi-engine aeroplane or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or

- (d) has successfully completed an operator proficiency check that covers night VFR operations in a multi-engine aeroplane within the previous 24 months; or
 - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers night VFR operations in a multi-engine aeroplane within the previous 24 months.
- (3) The holder of a night VFR rating is authorised to pilot a multi-engine helicopter at night under the VFR only if the holder:
- (a) has successfully completed a flight review for the rating in a multi-engine helicopter or an approved flight simulator for the flight review within the previous 24 months; or
 - (b) has passed a flight test for the rating in a multi-engine helicopter or an approved flight simulator for the flight test within the previous 24 months; or
 - (c) has passed a flight test for the grant of a night VFR endorsement in a multi-engine helicopter or an approved flight simulator for the flight test:
 - (i) within the previous 24 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (d) has successfully completed an operator proficiency check that covers night VFR operations in a multi-engine helicopter within the previous 24 months; or
 - (e) has successfully participated in an operator's approved cyclic training and proficiency program that covers night VFR operations in a multi-engine helicopter within the previous 24 months.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.975 Requirements for grant of night VFR ratings

- (1) An applicant for a night VFR rating must:
 - (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in column 1 of an item in table 61.980.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) as a pilot, at least 10 hours of aeronautical experience at night in an aircraft or an approved flight simulation training device for the purpose, including at least 5 hours of dual cross-country flight time at night under the VFR in an aircraft; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the night VFR rating.
- Note 1: for paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.
- Note 2: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.
- (3) The dual cross-country flight time required by paragraph (2) (a) must comprise at least 2 flights, each of which must include at least one landing at an aerodrome, other than the aerodrome from which the flight began, that is remote from extensive ground lighting.

Division 61.O.2—Privileges and requirements for grant of night VFR endorsements

61.980 Kinds of night VFR endorsement

The kinds of night VFR endorsement are set out in column 1 of table 61.980.

Table 61.980 Night VFR endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
11	Single-engine aeroplane night VFR endorsement	Pilot an aeroplane of the single-engine aeroplane class at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
2	Multi-engine aeroplane night VFR endorsement	Pilot an aeroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a multi-engine aeroplane or an approved flight simulation training device for the purpose, including at least one hour of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
3	Helicopter night VFR endorsement	Pilot a helicopter at night under the VFR	At least 10 hours of aeronautical experience at night as pilot of a helicopter or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time in a helicopter or approved flight simulation training device for the purpose

Table 61.980 Night VFR endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Powered-lift aircraft night VFR endorsement	Pilot a powered-lift aircraft at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or powered-lift aircraft or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
5	Gyroplane night VFR endorsement	Pilot a gyroplane at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of a helicopter or gyroplane or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits At least 3 hours of dual instrument time
6	Airship night VFR endorsement	Pilot an airship at night under the VFR	At least 5 hours of aeronautical experience at night as pilot of an airship or an approved flight simulation training device for the purpose, including at least 3 hours of dual flight and one hour of solo night circuits

61.985 Privileges of night VFR endorsements

Subject to Subpart 61.E and Division 61.O.1, the holder of an endorsement mentioned in column 1 of an item in table 61.980 is

authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.990 Requirements for grant of night VFR endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.980 must hold a night VFR rating.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Subpart 61.P—Night vision imaging system ratings

Division 61.P.1—Privileges and requirements for grant of night vision imaging system ratings

61.995 Privileges of night vision imaging system ratings

Subject to Subpart 61.E and regulations 61.1000 to 61.1015, the holder of a pilot licence and a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1000 Limitations on exercise of privileges of night vision imaging system ratings—general

- (1) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder has completed an operator proficiency check that covers operations at night using night vision goggles in a helicopter of the same type.
- (2) The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the helicopter is equipped for operations using night vision goggles.

61.1005 Limitations on exercise of privileges of night vision imaging system ratings—endorsements

The holder of a night vision imaging system rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1025 only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1010 Limitations on exercise of privileges of night vision imaging system ratings—recent experience

The holder of a night vision imaging system rating is authorised to pilot a helicopter using night vision goggles only if the holder:

- (a) has:

- (i) completed at least 3 hours of flight time at night under the VFR using night vision goggles within the previous 6 months; and
- (ii) conducted at least 3 take-offs and at least 3 landings at night using night vision goggles within the previous 6 months; or
- (b) has passed the flight test for the night vision imaging system rating within the previous 6 months; or
- (c) has successfully completed an operator proficiency check that covers operations at night using night vision goggles within the previous 6 months; or
- (d) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations at night using night vision goggles.

61.1015 Limitations on exercise of privileges of night vision imaging system ratings—night vision imaging system proficiency check

- (1) The holder of a night vision imaging system rating is authorised to exercise the privileges of the rating only if the holder has a valid night vision imaging system proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid night vision imaging system proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a night vision imaging system endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;
 the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds an night vision

- imaging system rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
- (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
 - (e) if the holder successfully completes a night vision imaging system proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid night vision imaging system proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes a night vision imaging system proficiency check;the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, a night vision imaging system proficiency check, the holder is no longer taken to have a valid night vision imaging system proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes a night vision imaging system proficiency check if:
- (a) the night vision imaging system proficiency check is conducted in a helicopter or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to pilot a helicopter using a night vision imaging system as meeting the standards mentioned in the Part 61 Manual of Standards for each night vision imaging system endorsement that the holder holds; and

- (c) the person endorses the holder's licence document to the effect that the holder has completed the night vision imaging system proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1020 Requirements for grant of night vision imaging system ratings

An applicant for a night vision imaging system rating must:

- (a) hold a commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one night vision imaging system endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Division 61.P.2—Privileges and requirements for grant of night vision imaging system endorsements

61.1025 Kinds of night vision imaging system endorsement

The kinds of night vision imaging system endorsement are set out in column 1 of table 61.1025.

Table 61.1025 Night vision imaging system endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Grade 1 night vision imaging system endorsement	Pilot a helicopter using night vision goggles	<p>Helicopter category rating</p> <p>Helicopter night VFR endorsement</p> <p>Single-engine helicopter instrument endorsement, multi-engine helicopter instrument endorsement or air transport pilot licence</p> <p>At least 250 hours of flight time in a helicopter</p> <p>At least 5 hours of dual flight using night vision goggles in a helicopter</p> <p>At least 20 hours of flight time at night as pilot in command of a helicopter</p> <p>At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter</p>
2	Grade 2 night vision imaging system endorsement	Pilot a helicopter using night vision goggles, other than during an IFR flight	<p>Helicopter category rating</p> <p>Helicopter night VFR endorsement</p> <p>At least 250 hours of flight time in a helicopter</p> <p>At least 5 hours of dual flight using night vision goggles in a helicopter</p> <p>At least 20 hours of flight time at night as pilot in command of a helicopter</p> <p>At least 20 hours of instrument time including 5 hours of dual instrument flight time in a helicopter</p>

61.1030 Privileges of night vision imaging system endorsements

Subject to Subpart 61.E and Division 61.P.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1025 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1035 Requirements for grant of night vision imaging system endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1025 must hold:
 - (a) a night vision imaging system rating; and
 - (b) each rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement, including the training (if any) mentioned in column 3 of the item, in accordance with subregulation (3); and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (d) before starting the 5 hours of dual flight using night vision goggles mentioned in column 3 of the item—complied with subregulation (4).

Note 1 For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2 For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3 For paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2) (a), the flight training must be conducted by a Part 141 or 142 operator.

- (4) For paragraph (2) (d), the applicant must:
- (a) hold:
 - (i) a commercial pilot licence or air transport pilot licence; and
 - (ii) each rating or endorsement mentioned in column 3 of the item; and
 - (iii) the class or type rating that covers the helicopter in which the training is to take place; and
 - (iv) each flight activity endorsement that covers an activity (if any) that is to be covered by the training; and
 - (b) have completed:
 - (i) the 250 hours of flight time mentioned in column 3 of the item; and
 - (ii) at least 10 hours of the flight time at night mentioned in column 3 of the item.

Subpart 61.Q—Low-level ratings

Division 61.Q.1—Privileges and requirements for grant of low-level ratings

61.1040 Privileges of low-level ratings

Subject to Subpart 61.E and regulations 61.1045 to 61.1060, the holder of a pilot licence with a low-level rating is authorised to conduct low-level operations.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1045 Limitations on exercise of privileges of low-level ratings—general

The holder of a low-level rating is authorised to conduct a low-level operation in an area only if, before conducting the operation, the holder conducts a risk assessment of the area.

61.1050 Limitations on exercise of privileges of low-level ratings—endorsements

The holder of a low-level rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1075 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1055 Limitations on exercise of privileges of low-level ratings—recent experience

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 6 months:
 - (a) completed at least 10 hours of low-level operations as pilot in command; or
 - (b) been assessed as competent to conduct low-level operations by a flight instructor who holds a low-level training endorsement.

- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check in low-level operations within the previous 6 months; or
 - (b) has successfully completed a flight review for the rating within the previous 6 months.

61.1060 Limitations on exercise of privileges of low-level ratings—flight review

- (1) The holder of a low-level rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, successfully completed a flight review for the rating.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has passed a flight test for the rating within the previous 12 months; or
 - (b) has passed a flight test for the grant of a low-level endorsement:
 - (i) within the previous 12 months; but
 - (ii) more than 6 months after passing the flight test for the rating; or
 - (c) has successfully completed an aerial application proficiency check under regulation 61.1110 within the previous 12 months; or
 - (d) has successfully completed an operator proficiency check that covers:
 - (i) operations under the rating; or
 - (ii) operations under the aerial application rating; within the previous 12 months; or
 - (e) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating.

Note: For general rules in relation to flight reviews, see regulation 61.400.

61.1070 Requirements for grant of low-level ratings

- (1) An applicant for a low-level rating must:

- (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 of table 61.1075; and
- (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the low-level rating.

Note 1 For paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2 For paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.
- (3) The holder of an aerial application rating is taken to meet the requirements for the grant of, and to have applied for, a low-level rating.

Division 61.Q.2—Privileges and requirements for grant of low-level endorsements

61.1075 Kinds of low-level endorsement

The kinds of low-level endorsement are set out in column 1 of table 61.1075.

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—General</i>			
1	Aeroplane low-level endorsement	Conduct a low-level operation in an aeroplane, other than an operation mentioned in Part 2 of this table	Aeroplane category rating At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Helicopter low-level endorsement	Conduct a low-level operation in a helicopter, other than an operation mentioned in Part 2 of this table	Helicopter category rating At least 5 hours of dual flight in a helicopter while receiving training in low-level operations
3	Powered-lift aircraft low-level endorsement	Conduct a low-level operation in a powered-lift aircraft, other than an operation mentioned in Part 2 of this table	Powered-lift aircraft category rating At least 5 hours of dual flight in a powered-lift aircraft while receiving training in low-level operations
4	Gyroplane low-level endorsement	Conduct a low-level operation in a gyroplane, other than an operation mentioned in Part 2 of this table	Gyroplane category rating At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations
<i>Part 2—Specific low-level activities</i>			
5	Aerial mustering – aeroplane endorsement	Conduct an aerial mustering operation in an aeroplane	Aeroplane category rating Aeroplane low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in an aeroplane
6	Aerial mustering – helicopter endorsement	Conduct an aerial mustering operation in a helicopter	Helicopter category rating Helicopter low-level endorsement At least 5 hours of dual flight while receiving training in aerial mustering in a helicopter

Table 61.1075 Low-level endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Aerial mustering – gyroplane endorsement	Conduct an aerial mustering operation in a gyroplane	Gyroplane category rating At least 5 hours of dual flight while receiving training in aerial mustering in a gyroplane
8	Sling operations endorsement	Conduct a sling load operation in a helicopter	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating
9	Winch and rappelling operations endorsement	Conduct a winch or rappelling operation in a helicopter	Commercial pilot licence or air transport pilot licence with helicopter category rating

61.1080 Privileges of low-level endorsements

Subject to Subpart 61.E and Division 61.Q.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1075 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1085 Requirements for grant of low-level endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item of table 61.1075 must hold:
 - (a) a low-level rating; and
 - (b) each licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:

- (a) completed flight training for the endorsement; and
- (b) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1 For paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2 For paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) For paragraph (2) (b), any aeronautical experience relied on for the grant of an endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 cannot be counted towards the requirements for the grant of an endorsement mentioned in column 1 of an item in Part 2 of that table.
- (4) A person who holds a low-level rating and an aerial application endorsement for an aircraft category is taken to meet the requirements for the grant of the endorsement mentioned in column 1 of an item in Part 1 of table 61.1075 for that aircraft category.

Subpart 61.R—Aerial application ratings

Division 61.R.1—Privileges and requirements for grant of aerial application ratings

61.1090 Privileges of aerial application ratings

Subject to Subpart 61.E and regulations 61.1100 to 61.1110, the holder of a pilot licence with an aerial application rating is authorised to conduct aerial application operations below 500 ft AGL.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1100 Limitations on exercise of privileges of aerial application ratings—endorsements

The holder of an aerial application rating is authorised to conduct an activity mentioned in column 2 of an item in table 61.1120 in the exercise of the privileges of the rating only if the holder also holds the endorsement mentioned in column 1 of the item.

61.1105 Limitations on exercise of privileges of aerial application ratings—recent experience

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 12 months, completed at least 50 hours of aerial application operations below 500 ft AGL.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has successfully completed an operator proficiency check in aerial application operations below 500 ft AGL within the 12 months before the month in which the exercise of the privileges occurs; or
 - (b) has successfully completed an aerial application proficiency check within the previous 12 months.

61.1110 Limitations on exercise of privileges of aerial application ratings—aerial application proficiency check

- (1) The holder of an aerial application rating is authorised to exercise the privileges of the rating only if the holder has a valid aerial application proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid aerial application proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for an aerial application endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;
the period from when the holder passes the flight test for the endorsement to the end of the 12th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight examiner who holds an aerial application rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (d) if the holder successfully completes an aerial application proficiency check—the period from when the holder successfully completes the check to the end of the 12th month after the month in which the holder successfully completes the check;
 - (e) if:
 - (i) the holder is taken to have a valid aerial application proficiency check under any of paragraphs (a) to (d) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an aerial application proficiency check;

the period from when the validity of the existing check expires to the end of the 12th month after the validity of the existing check expires.

- (3) However, if, at any time, the holder attempts, but does not successfully complete, an aerial application proficiency check, the holder is no longer taken to have a valid aerial application proficiency check.
- (4) For paragraphs (2) (d) and (e), the holder successfully completes an aerial application proficiency check if:
 - (a) the aerial application proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct aerial application operations below 500 ft AGL as meeting the standards mentioned in the Part 61 Manual of Standards for each aerial application endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the aerial application proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1115 Requirements for grant of aerial application ratings

- (1) An applicant for an aerial application rating must:
 - (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one endorsement mentioned in Part 1 or 2 of table 61.1120; and
 - (c) have passed the flight test mentioned in the Part 61 Manual of Standards for the aerial application rating.

Note 1: for paragraph (a), paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (2) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an aircraft.

Division 61.R.2—Privileges and requirements for grant of aerial application endorsements

61.1120 Kinds of aerial application endorsement

The kinds of aerial application endorsement are set out in column 1 of table 61.1120.

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Day aerial application endorsements</i>			
1	Aeroplane aerial application endorsement	Pilot an aeroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 25 hours of dual flight in an aeroplane while receiving training in aerial application operations At least 5 hours of solo flight in an aeroplane while receiving training in aerial application operations

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Helicopter aerial application endorsement	Pilot a helicopter conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 15 hours of dual flight in a helicopter while receiving training in aerial application operations
3	Gyroplane aerial application endorsement	Pilot a gyroplane conducting an aerial application operation, other than a firefighting operation, below 500 ft AGL by day Pilot a gyroplane conducting a low-level operation	Gyroplane category rating At least 200 hours of flight time as pilot of a gyroplane At least 5 hours of dual flight in a gyroplane while receiving training in low-level operations At least 25 hours of dual flight in a gyroplane while receiving training in aerial application operations At least 5 hours of solo flight in a gyroplane while receiving training in aerial application operations

Part 2—Firefighting endorsements

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Aeroplane firefighting endorsement	Pilot an aeroplane conducting a firefighting operation below 500 ft AGL Pilot an aeroplane conducting a low-level operation	Aeroplane category rating At least 200 hours of flight time as pilot of an aeroplane At least 5 hours of dual flight in an aeroplane while receiving training in low-level operations At least 5 hours of dual flight in an aeroplane while receiving training in firefighting operations
5	Helicopter firefighting endorsement	Pilot a helicopter conducting a firefighting operation below 500 ft AGL Pilot a helicopter conducting a low-level operation	Helicopter category rating At least 200 hours of flight time as pilot of a helicopter At least 5 hours of dual flight in a helicopter while receiving training in low-level operations At least 5 hours of dual flight in a helicopter while receiving training in firefighting operations

Part 3—Night aerial application endorsements

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
6	Night aeroplane aerial application endorsement	<p>Pilot an aeroplane conducting an aerial application operation below 500 ft AGL under the VFR at night</p> <p>Pilot an aeroplane under the VFR during a night circuit</p> <p>Pilot an aeroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place</p>	<p>Aeroplane aerial application endorsement</p> <p>At least 750 hours of flight time as pilot in command of an aeroplane conducting aerial application operations below 500 ft AGL</p> <p>At least 3 hours of instrument flight time</p> <p>At least 2 hours of solo night circuits</p> <p>At least 2 hours of dual flight while receiving training in night aerial application operations</p> <p>At least 3 hours of solo flight while receiving training in night aerial application operations</p>

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Night helicopter aerial application endorsement	<p>Pilot a helicopter conducting an aerial application operation below 500 ft AGL under the VFR at night</p> <p>Pilot a helicopter under the VFR during a night circuit</p> <p>Pilot a helicopter under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place</p>	<p>Helicopter aerial application endorsement</p> <p>At least 750 hours of flight time as pilot in command of a helicopter conducting aerial application operations below 500 ft AGL</p> <p>At least 3 hours of instrument flight time</p> <p>At least 2 hours of solo night circuits</p> <p>At least 2 hours of dual flight while receiving training in night aerial application operations</p> <p>At least 3 hours of solo flight while receiving training in night aerial application operations</p>
8	Night gyroplane aerial application endorsement	<p>Pilot a gyroplane conducting an aerial application operation below 500 ft AGL under the VFR at night</p> <p>Pilot a gyroplane under the VFR during a night circuit</p>	<p>Gyroplane aerial application endorsement</p> <p>At least 750 hours of flight time as pilot in command of a gyroplane conducting aerial application operations below 500 ft AGL</p> <p>At least 3 hours of instrument flight time</p> <p>At least 2 hours of solo night circuits</p>

Table 61.1120 Aerial application endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
		Pilot a gyroplane under the VFR at night on a flight between the aerodrome at which the flight begins or ends and the area in which the aerial application operation is to take place	At least 2 hours of dual flight while receiving training in night aerial application operations At least 3 hours of solo flight while training in night aerial application operations

61.1125 Privileges of aerial application endorsements

Subject to Subpart 61.E, Division 61.R.1 and regulations 61.1130 and 61.1135, the holder of an endorsement mentioned in column 1 of an item in table 61.1120 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1130 Limitations on exercise of privileges of aerial application endorsements—supervision

- (1) The holder of an endorsement mentioned in column 1 of an item in Part 1 or 3 of table 61.1120 is authorised to exercise the privileges of the endorsement in an operation only if:
 - (a) the holder has previously conducted at least 110 hours of aerial application operations below 500 ft AGL; or
 - (b) the operation is conducted in accordance with subregulation (2) under the supervision of:
 - (i) the head of flying operations of the operator of the aircraft in which the operation is conducted; or
 - (ii) a flight examiner who holds an aerial application rating flight test endorsement; or
 - (iii) the holder of an approval under regulation 61.040 to supervise the operation.
- (2) For paragraph (1) (b), the supervision must be:

- (a) direct supervision for the first 10 hours; and
- (b) direct or indirect supervision for the next 100 hours.

(3) In this regulation:

direct supervision, of a pilot conducting a flight, means doing the following:

- (a) performing the tasks involved in indirect supervision of the pilot;
- (b) being present and able to monitor and assess the safety of the flight and communicate directly with the pilot;
- (c) selecting and planning the area in which the flight is conducted;
- (d) authorising the pilot to conduct the flight;
- (e) providing direction to ensure the safety of the flight.

indirect supervision, of a pilot conducting a flight, means doing the following:

- (a) conducting frequent surveillance of the performance of the pilot;
- (b) periodically reviewing the performance of the pilot in the planning and conduct of the flight;
- (c) providing feedback on the performance of the pilot;
- (d) knowing the pilot's area of operations;
- (e) acting as a mentor to the pilot.

61.1135 Limitations on exercise of privileges of night aerial application endorsements

- (1) The holder of a night aerial application endorsement is authorised to exercise the privileges of the endorsement only if the holder has, within the previous 12 months:
 - (a) completed 10 hours of night aerial application operations below 500 ft AGL; or
 - (b) been assessed as competent to conduct night aerial application operations by a flight instructor who holds an aerial application training endorsement.
- (2) The holder of a night aerial application endorsement is authorised to begin a night aerial application operation below 500 ft AGL

later than 20 minutes before night only if the holder has, within the previous 45 days:

- (a) conducted, in an aircraft of the same category:
 - (i) a night aerial application operation below 500 ft AGL; and
 - (ii) at least 3 take-offs and at least 3 landings at night; or
- (b) practised the necessary manoeuvres involved in the operation in an unladen aircraft by night, including night circuits and simulated application runs.

61.1140 Requirements for grant of aerial application endorsements

- (1) An applicant for an aerial application endorsement mentioned in column 1 of an item of table 61.1120 must hold:
 - (a) an aerial application rating; and
 - (b) the rating or endorsement mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed flight training for the endorsement; and
 - (b) met the aeronautical experience requirements mentioned in column 3 of the item; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (d) for an endorsement mentioned in column 1 of an item in Part 1 or 2 of table 61.1120:
 - (i) met the requirements for the grant of the low-level endorsement for an aircraft of the relevant category; and
 - (ii) passed the aeronautical knowledge examination for the endorsement.

Note 1: for paragraph (a), for the requirements for flight training, see Division 61.B.2.

Note 2: for paragraph (b), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for subparagraph (d) (ii), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Subpart 61.S—Flight activity endorsements

61.1145 Kinds of flight activity endorsement

The kinds of flight activity endorsement are set out in column 1 of table 61.1145.

Table 61.1145 Flight activity endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Glider towing flight activity endorsement	Tow launch a glider from an aeroplane	Aeroplane category rating
2	Aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 3 000 ft AGL	Aeroplane category rating Spinning flight activity endorsement
3	Aerobatics (1 500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 1 500 ft AGL	Aeroplane category rating Aerobatics flight activity endorsement
4	Aerobatics (500) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane above 500 ft AGL	Aeroplane category rating Aerobatics (1 500) flight activity endorsement
5	Aerobatics (unlimited) flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane at any height	Aeroplane category rating Aerobatics (500) flight activity endorsement
6	Formation flying (aeroplane) flight activity endorsement	Conduct formation flying in an aeroplane	Aeroplane category rating

Table 61.1145 Flight activity endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
7	Formation aerobatics flight activity endorsement	Conduct aerobatic manoeuvres in an aeroplane while flying in formation	Aeroplane category rating Aerobatics flight activity endorsement Formation flying (aeroplane) flight activity endorsement
8	Spinning flight activity endorsement	Conduct intentional upright spinning manoeuvres above 3 000 ft AGL	Aeroplane category rating
9	Formation flying (helicopter) flight activity endorsement	Conduct formation flying in a helicopter	Helicopter category rating
10	Parachute dropping flight activity endorsement	Conduct parachute dropping operations	Private pilot licence, commercial pilot licence or air transport pilot licence

61.1150 Privileges of flight activity endorsements

Subject to Subpart 61.E and regulation 61.1155, the holder of an endorsement mentioned in column 1 of an item in table 61.1145 is authorised to conduct the activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1155 Limitations on exercise of privileges of flight activity endorsements—medical certificates

- (1) This regulation applies to the holder of any of the following endorsements:
- (a) an aerobatics flight activity endorsement;
 - (b) an aerobatics (1 500) flight activity endorsement;

- (c) an aerobatics (500) flight activity endorsement;
 - (d) an aerobatics (unlimited) flight activity endorsement;
 - (e) a formation aerobatics flight activity endorsement;
 - (f) a spinning flight activity endorsement.
- (2) The holder is authorised to conduct an aerobatic or spinning manoeuvre only if the holder:
- (a) holds a current class 1 or 2 medical certificate; or
 - (b) is accompanied by another pilot who:
 - (i) holds a current class 1 or 2 medical certificate; and
 - (ii) occupies a flight control seat in the aircraft; and
 - (iii) is authorised, under this Part, to conduct the manoeuvre.

61.1160 Requirements for grant of flight activity endorsements

An applicant for an endorsement mentioned in column 1 of an item in table 61.1145 must:

- (a) hold each rating or endorsement (if any) mentioned in column 3 of the item; and
- (b) have completed flight training for the endorsement.

Note 1: for paragraph (a), paragraph (a) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Subpart 61.T—Pilot instructor ratings

Division 61.T.1—Privileges and requirements for grant of flight instructor ratings

61.1165 Privileges of flight instructor ratings

Subject to Subpart 61.E and regulations 61.1170 to 61.1180, a flight instructor is authorised:

- (a) to conduct flight training for:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than:
 - (A) cruise relief flight engineer type ratings; and
 - (B) flight examiner ratings; and
 - (iii) endorsements on pilot licences, other than flight examiner endorsements; and
- (b) to grant endorsements to holders of pilot licences, other than:
 - (i) flight examiner endorsements; and
 - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
 - (iii) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
 - (i) flight examiner ratings; and
 - (ii) cruise relief flight engineer type ratings; and
- (g) to approve the holder of a student pilot licence conducting a solo flight; and
- (h) to conduct dual flight checks for the holder of a student pilot licence; and
- (i) to approve a person mentioned in regulation 61.115 or 61.125 to pilot an aircraft for the purpose of receiving flight training; and

- (j) to approve the holder of a student pilot licence, or a person who does not hold a flight crew licence, to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and
- (k) to assess the standard of knowledge of an applicant for a pilot licence in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1170 Limitations on exercise of privileges of flight instructor ratings—general

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular category only if the holder has:
 - (a) completed the aeronautical experience; and
 - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (2) The holder of a flight instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the holder has:
 - (a) completed the aeronautical experience; and
 - (b) passed the flight test;required under regulation 61.1185 for the grant of the rating in an aircraft of that category.
- (3) A flight instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct flight training for the licence, rating or endorsement.
- (4) A flight instructor is authorised to conduct flight training for the grant of an endorsement mentioned in column 1 of an item in Part 2 or 3 of table 61.1235 only if the instructor has conducted at least 50 hours of flight training in the activity covered by the endorsement.

- (5) A flight instructor is authorised to conduct flight training in an aircraft only if the instructor holds a medical certificate.

61.1175 Limitations on exercise of privileges of flight instructor ratings—endorsements

- (1) A flight instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A flight instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A flight instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 only if the instructor also holds:
 - (a) for a type-rated aircraft—the type rating training endorsement for the aircraft type; or
 - (b) for a multi-engine aeroplane (other than a type-rated aeroplane)—the multi-engine aeroplane training endorsement; or
 - (c) in any other case—the grade 3 training endorsement for the relevant aircraft category.
- (4) A flight instructor is authorised to grant an endorsement only if the instructor also holds a training endorsement required to provide flight training for the endorsement.
- (5) A flight instructor is authorised to approve the holder of a student pilot licence to conduct a solo flight in an aircraft of a particular category only if the instructor also holds:
 - (a) for the student pilot's first solo flight in an aircraft of that category—a grade 1 or 2 training endorsement for that aircraft category; or
 - (b) in any other case—a grade 1, 2 or 3 training endorsement for that aircraft category.
- (6) A flight instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
 - (a) a grade 1 training endorsement; or

- (b) a grade 2 training endorsement; or
 - (c) the training endorsement required to conduct flight training for the rating.
- (7) A flight instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence only if the instructor also holds a grade 2 training endorsement.

61.1180 Limitations on exercise of privileges of flight instructor ratings—instructor proficiency check

- (1) The holder of a flight instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a pilot instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;

- (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the ***existing check***); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes an instructor proficiency check if:
 - (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for each training endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1185 Requirements for grant of flight instructor ratings

- (1) An applicant for a flight instructor rating must:
-

- (a) hold a private pilot licence, commercial pilot licence or air transport pilot licence; and
- (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a private pilot licence, commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) passed the aeronautical knowledge examination for the flight instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating; and
 - (d) met the following aeronautical experience requirements in an aircraft of the same category as the aircraft used for the flight test:
 - (i) if the aircraft used for the flight test is a helicopter:
 - (A) at least 250 hours flight time as a pilot; and
 - (B) at least 100 hours flight time as pilot in command;
 - (ii) in any other case:
 - (A) at least 200 hours flight time as a pilot; and
 - (B) at least 100 hours flight time as pilot in command.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (d), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (3) The applicant is taken to meet the requirements mentioned in paragraphs (2) (b), (c) and (d) if the applicant:
 - (a) holds:
 - (i) a commercial pilot licence with a helicopter category rating; and

- (ii) a low-level rating and a helicopter low-level endorsement; and
 - (iii) one of the following combinations:
 - (A) a night VFR rating and a helicopter night VFR endorsement;
 - (B) an instrument rating and a single-engine helicopter instrument endorsement;
 - (C) an instrument rating and a multi-engine helicopter instrument endorsement; and
 - (b) completed his or her flight training for the licence in an integrated training course; and
 - (c) has passed the flight test mentioned in the Part 61 Manual of Standards for the flight instructor rating in a helicopter.
- (4) The applicant must also:
- (a) have completed an approved course of training in principles and methods of instruction; or
 - (b) hold a Certificate IV in Training and Assessment; or
 - (c) hold a tertiary qualification in teaching.
- (5) An applicant to whom subregulation (3) does not apply must meet the aeronautical experience requirements mentioned in paragraph (2) (d) before starting the flight training mentioned in paragraph (2) (b).

Division 61.T.2—Privileges and requirements for grant of simulator instructor ratings

61.1190 Privileges of simulator instructor ratings

Subject to Subpart 61.E and regulations 61.1195 to 61.1205, a simulator instructor is authorised:

- (a) to conduct flight training in a flight simulation training device or tethered helicopter for the grant of:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than:
 - (A) cruise relief flight engineer type ratings; and
 - (B) flight examiner ratings; and
- (iii) endorsements on pilot licences, other than flight examiner endorsements; and

- (b) to grant endorsements to holders of pilot licences, other than:
 - (i) flight examiner endorsements; and
 - (ii) training endorsements mentioned in Part 1 or 2 of table 61.1235; and
 - (iii) endorsements for which a flight test is required; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct differences training for variants of type ratings; and
- (e) to conduct training to meet the general competency requirement in regulation 61.385; and
- (f) to conduct flight reviews required by this Part for ratings on pilot licences, other than:
 - (i) flight examiner ratings; and
 - (ii) cruise relief flight engineer type ratings; and
- (g) to approve the holder of a student pilot licence, or a person who does not hold a flight crew licence, transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and
- (h) to assess the standard of knowledge of an applicant for a pilot licence in the items listed in the applicant's examination knowledge deficiency report.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1195 Limitations on exercise of privileges of simulator instructor ratings—general

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating in a flight simulation training device that represents an aircraft of a particular category only if the instructor has passed the flight test required under regulation 61.1210 for the rating in a flight simulation training device that represents an aircraft of that category.
- (2) A simulator instructor is authorised to conduct flight training for a pilot licence, a rating on a pilot licence or an endorsement on an operational rating only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.

- (3) A simulator instructor is authorised to conduct flight training for the grant of an endorsement mentioned in column 1 of an item in Part 2 or 3 of table 61.1235 only if the instructor has conducted at least 50 hours of flight training in the activity covered by the endorsement.

61.1200 Limitations on exercise of privileges of simulator instructor ratings—endorsements

- (1) A simulator instructor is authorised to conduct flight training mentioned in column 2 of an item in table 61.1235 only if the instructor also holds the endorsement mentioned in column 1 of the item.
- (2) A simulator instructor is authorised to conduct differences training for a variant of an aircraft type only if the instructor also holds the type rating training endorsement for the aircraft type.
- (3) A simulator instructor is authorised to conduct training to meet the general competency requirement in regulation 61.385 only if the instructor also holds:
 - (a) for a type-rated aircraft—the type rating training endorsement for the aircraft type; or
 - (b) for a multi-engine aeroplane (other than a type-rated aeroplane)—the multi-engine aeroplane training endorsement.
- (4) A simulator instructor is authorised to grant an endorsement only if the instructor also holds the training endorsement required to provide flight training for the endorsement.
- (5) A flight instructor is authorised to conduct a flight review for a rating on a pilot licence only if the instructor also holds:
 - (a) a grade 1 training endorsement; or
 - (b) a grade 2 training endorsement; or
 - (c) the training endorsement required to provide flight training for the rating.
- (6) A flight instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a flight crew licence only if the instructor also holds a grade 2 training endorsement.

61.1205 Limitations on exercise of privileges of simulator instructor ratings—instructor proficiency check

- (1) The holder of a simulator instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 12th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating and that is conducted by a flight examiner who holds a pilot instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
 - (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the ***existing check***); and

- (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes an instructor proficiency check if:
 - (a) the instructor proficiency check is conducted in an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for each training endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1210 Requirements for grant of simulator instructor ratings

- (1) An applicant for a simulator instructor rating must:
 - (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one training endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
- (a) passed the aeronautical knowledge examination for the simulator instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the simulator instructor rating.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) The applicant must also:
- (a) have completed an approved course of training in principles and methods of instruction; or
 - (b) hold a Certificate IV in Training and Assessment; or
 - (c) hold a tertiary qualification in teaching.
- (4) Despite paragraph 61.245 (1) (a), the flight test must be conducted in an approved flight simulation training device for the flight test.

Division 61.T.3—Obligations of pilot instructors

61.1215 Obligations of pilot instructors—training

- (1) A pilot instructor commits an offence if:
- (a) the instructor conducts:
 - (i) flight training for an aircraft class rating, pilot type rating or cruise relief co-pilot type rating; or
 - (ii) differences training;
in an aircraft; and
 - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

61.1220 Obligations of pilot instructors—flight reviews

- (1) A pilot instructor commits an offence if:

- (a) the instructor conducts a flight review for the holder of a pilot licence; and
- (b) the holder successfully completes the flight review; and
- (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the flight review;
 - (b) the date on which the flight review was successfully completed;
 - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the flight review;
 - (c) the date on which the flight review was successfully completed;
 - (d) the rating for which the flight review was conducted;
 - (e) if the flight review was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (f) if the flight review was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (4) An offence against this regulation is an offence of strict liability.

61.1225 Obligations of pilot instructors—holders of student pilot licences

- (1) A flight instructor commits an offence if:
 - (a) the instructor approves the holder of a student pilot licence to pilot an aircraft; and

- (b) the approval is to pilot the aircraft in a way that is not authorised by regulations 61.445 and 61.450.

Penalty: 50 penalty units.

- (2) A flight instructor commits an offence if:
 - (a) the instructor approves the holder of a student pilot licence to conduct a solo flight; and
 - (b) the instructor is not satisfied that the holder:
 - (i) has been briefed appropriately for the flight; and
 - (ii) is capable of conducting the flight safely.

Penalty: 50 penalty units.

- (3) A flight instructor commits an offence if:
 - (a) the instructor approves the holder of a student pilot licence to conduct a solo flight of a kind mentioned in subregulation (4) for the first time; and
 - (b) the instructor is not satisfied that the holder:
 - (i) has completed training in all the units of competency mentioned in the Part 61 Manual of Standards for the conduct of solo flight of that kind by the holder of a student pilot licence; and
 - (ii) has been assessed as competent against the standards mentioned in the Part 61 Manual of Standards for each unit of competency.

Penalty: 50 penalty units.

- (4) For subregulation (3), the kinds of solo flight are as follows:
 - (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a night flight.

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

61.1230 Obligations of pilot instructors—records of activities conducted independently of Part 141 or 142 operator

- (1) A pilot instructor commits an offence if:

- (a) the instructor conducts a flight review or a session of flight training for a flight crew endorsement, other than an endorsement on an operational rating; and
- (b) the training is not conducted on behalf of a Part 141 or 142 operator; and
- (c) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

- (2) A pilot instructor commits an offence if the instructor does not retain a record made under subregulation (1) for at least 7 years after the day the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Division 61.T.4—Privileges and requirements for grant of training endorsements

61.1235 Kinds of training endorsement

The kinds of training endorsement are set out in column 1 of table 61.1235.

Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Training for licences and aircraft ratings</i>			
1	Grade 1 training endorsement (category specific)	Activities authorised by grade 2 instructor training endorsement Conduct flight training for an instructor rating or training endorsement Supervise holders of grade 2 and grade 3 instructor training endorsements in the conduct of flight training in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence with the specified aircraft category rating Grade 2 instructor training endorsement At least 500 hours of flight time as an instructor in an aircraft of the specified category

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Grade 2 training endorsement (category specific)	<p>Activities authorised by grade 3 instructor training endorsement</p> <p>Conduct basic instrument flight training</p> <p>Approve the holder of a student pilot licence to conduct a solo flight in an aircraft of the specified category</p> <p>Conduct flight reviews</p> <p>Conduct flight training for an aircraft class rating for aircraft of the specified category</p> <p>Assess a knowledge deficiency report for the grant of a pilot licence</p>	<p>Commercial pilot licence or air transport pilot licence with the specified aircraft category rating</p> <p>Grade 3 instructor training endorsement</p> <p>Night VFR training endorsement or instrument rating training endorsement</p> <p>At least 200 hours of flight time as an instructor in an aircraft of the specified category</p>
3	Grade 3 training endorsement (category specific)	<p>Conduct flight training for the specified aircraft category rating</p> <p>Conduct flight training for a recreational pilot licence, private pilot licence and commercial pilot licence, other than basic instrument flight training</p> <p>Approve the holder of a student pilot licence to conduct a solo flight in an aircraft of the specified category, other than the student's first solo flight in an aircraft of that category</p> <p>Conduct flight training for a single-engine aircraft class rating for aircraft of the specified category</p>	<p>Commercial pilot licence or air transport pilot licence with the specified aircraft category rating</p>

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
4	Multi-crew pilot training endorsement	Conduct flight training for a multi-crew pilot licence or air transport pilot licence Conduct training in multi-crew cooperation	Commercial pilot licence and instrument rating, or air transport pilot licence Multi-crew type rating
5	Type rating training endorsement (type specific)	Conduct flight training for the pilot type rating or cruise relief co-pilot type rating for aircraft of the specified type Conduct differences training for variants of the specified aircraft type	Pilot type rating for the specified aircraft type
6	Multi-engine aeroplane training endorsement	Conduct flight training for a multi-engine aeroplane class rating	Commercial pilot licence or air transport pilot licence with aeroplane category rating
7	Design feature training endorsement	Conduct flight training for any design feature endorsement that the holder holds	Private pilot licence, commercial pilot licence or air transport pilot licence
<i>Part 2—Training for operational ratings</i>			
8	Instrument rating training endorsement (category specific)	Conduct flight training for an instrument rating, private instrument rating, instrument endorsement or private instrument endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence
9	Night VFR rating training endorsement (category specific)	Conduct flight training for a night VFR rating or night VFR endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
10	Night vision imaging system rating training endorsement	Conduct flight training for a night vision imaging system rating or night vision imaging system endorsement	Commercial pilot licence or air transport pilot licence Night vision imaging system rating At least 50 hours experience using a night vision imaging system
11	Low-level rating training endorsement (category specific)	Conduct flight training for a low-level rating in an aircraft of the specified category Conduct flight training for a low-level endorsement, except an endorsement mentioned in items 8 to 10 of table 61.1075, for the specified aircraft category	Commercial pilot licence or air transport pilot licence Low-level rating
12	Aerial application rating (day) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 1 or 2 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Aerial application endorsement for the specified aircraft category
13	Aerial application rating (night) training endorsement (category specific)	Conduct flight training for an aerial application rating in an aircraft of the specified category Conduct flight training for an aerial application endorsement mentioned in Part 3 of table 61.1120 for the specified aircraft category	Commercial pilot licence or air transport pilot licence Aerial application rating Night aerial application endorsement for the specified aircraft category

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
14	Instructor rating training endorsement (category specific)	Conduct flight training for a flight instructor rating, simulator instructor rating or training endorsement in an aircraft of the specified category	Commercial pilot licence or air transport pilot licence Grade 1 training endorsement for the specified aircraft category or type rating training endorsement for a type of aircraft in the specified category
15	Multi-engine aeroplane class rating instructor training endorsement	Conduct flight training for a multi-engine aeroplane training endorsement	Commercial pilot licence or air transport pilot licence with aeroplane category rating
<i>Part 3—Training for flight activity and low-level endorsements</i>			
16	Sling operations training endorsement	Conduct flight training for a sling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Sling operations endorsement
17	Winch and rappelling operations training endorsement	Conduct flight training for a winch and rappelling operations endorsement	Commercial pilot licence or air transport pilot licence with helicopter category rating Low-level rating Winch and rappelling operations endorsement

Table 61.1235 Training endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
18	Spinning training endorsement	Conduct flight training for a spinning flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement
19	Aerobatics training endorsement	Conduct flight training for any of the following endorsements: (a) aerobatics flight activity endorsement; (b) aerobatics (1 500) flight activity endorsement; (c) aerobatics (500) flight activity endorsement; (d) aerobatics (unlimited) flight activity endorsement; (e) formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Spinning flight activity endorsement Aerobatics flight activity endorsement
20	Formation (aeroplane) training endorsement	Conduct flight training for a formation flying (aeroplane) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation flying (aeroplane) flight activity endorsement
21	Formation (helicopter) training endorsement	Conduct flight training for a formation flying (helicopter) flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with helicopter category rating Formation flying (helicopter) flight activity endorsement

Table 61.1235 Training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
22	Formation aerobatics training endorsement	Conduct flight training for a formation aerobatics flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence with aeroplane category rating Formation aerobatics flight activity endorsement
23	Glider towing training endorsement	Conduct flight training for a glider towing flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Glider towing flight activity endorsement
24	Parachute dropping training endorsement	Conduct flight training for a parachute dropping flight activity endorsement	Private pilot licence, commercial pilot licence or air transport pilot licence Parachute dropping flight activity endorsement

61.1240 Privileges of training endorsements

Subject to Subpart 61.E, Divisions 61.T.1 and 61.T.2 and regulation 61.1245, the holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to:

- (a) conduct the activities mentioned in column 2 of the item; and
- (b) grant an endorsement mentioned in column 2 of the item that does not require a flight test.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1245 Limitations on exercise of privileges of training endorsements

- (1) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in an aircraft only if the holder is authorised to exercise the privileges of each licence, rating or endorsement mentioned in column 3 of the item in the aircraft.
- (2) The holder of an endorsement mentioned in column 1 of an item in table 61.1235 is authorised to conduct an activity mentioned in column 2 of the item in a flight simulation training device only if the holder holds each licence, rating or endorsement mentioned in column 3 of the item.
- (3) The holder of a grade 3 training endorsement is authorised to conduct an activity mentioned in column 2 of item 3 in table 61.1235 only if the holder is acting under the supervision of the holder of a grade 1 training endorsement.
- (4) The holder of a grade 3 training endorsement is authorised to pilot an aircraft in the exercise of the privileges of the endorsement only by day under the VFR.
- (5) The holder of a grade 3 training endorsement (helicopter) is authorised to exercise the privileges of the endorsement only if the holder:
 - (a) has completed at least 100 hours of navigation training; and
 - (b) is authorised to exercise the privileges by the head of operations of the Part 141 or 142 operator on whose behalf the holder conducts the training.
- (6) The holder of a low-level training endorsement is authorised to conduct flight training for a low-level endorsement only if the holder:
 - (a) holds the low-level endorsement; and
 - (b) has at least 5 hours aeronautical experience conducting the activity authorised by the low-level endorsement.

61.1250 Requirements for grant of training endorsements

- (1) An applicant for an endorsement mentioned in an item in table 61.1235 must hold:

- (a) an instructor rating; and
- (b) each other licence, rating or endorsement (if any) mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) met the aeronautical experience requirements (if any) mentioned in column 3 of the item; and
 - (b) completed flight training for the endorsement; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement; and
 - (d) for an applicant for a multi-crew pilot training endorsement—completed an approved course of training in multi-crew co-operation.

Note 1: for paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) Despite paragraph 61.245 (1) (a), the flight test (if any) may be conducted in an approved flight simulation training device for the flight test.

Subpart 61.U—Flight examiner ratings

Division 61.U.1—Privileges and requirements for grant of flight examiner ratings

61.1255 Privileges of flight examiner ratings

Subject to Subpart 61.E and regulations 61.1260 to 61.1285, a flight examiner is authorised:

- (a) to conduct flight tests for the grant of:
 - (i) pilot licences; and
 - (ii) ratings on pilot licences, other than cruise relief flight engineer type ratings; and
 - (iii) endorsements on pilot licences; and
- (b) to grant to holders of pilot licences:
 - (i) ratings, other than:
 - (A) flight examiner ratings; and
 - (B) cruise relief flight engineer type ratings; and
 - (ii) endorsements, other than flight test endorsements; and
- (c) to conduct the following proficiency checks for holders of pilot licences:
 - (i) instrument proficiency checks;
 - (ii) night vision imaging system proficiency checks;
 - (iii) aerial application proficiency checks;
 - (iv) instructor proficiency checks;
 - (v) operator proficiency checks; and
- (d) to conduct assessments of English language proficiency.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1260 Limitations on exercise of privileges of flight examiner ratings—general

A flight examiner is authorised to conduct a flight test in an aircraft only if the flight test for the examiner's flight examiner rating was conducted in an aircraft.

61.1265 Limitations on exercise of privileges of flight examiner ratings—endorsements

- (1) A flight examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1310 only if the examiner also holds the endorsement mentioned in column 1 of the item.
- (2) A flight examiner is authorised to conduct a flight test for a rating or endorsement, or grant a rating or endorsement on a pilot licence, only if the examiner:
 - (a) also holds a rating or endorsement of the same kind; or
 - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight examiner is authorised to conduct an instrument proficiency check only if the examiner also holds an instrument rating flight test endorsement.
- (4) A flight examiner is authorised to conduct a night vision imaging system proficiency check only if the examiner also holds a night vision imaging system rating flight test endorsement.
- (5) A flight examiner is authorised to conduct an aerial application proficiency check only if the examiner also holds an aerial application rating flight test endorsement.
- (6) A flight examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight instructor rating flight test endorsement.
- (7) A flight examiner is authorised to conduct an activity mentioned in column 2 of item 12 of table 61.1310 only if the examiner also holds an English language assessment endorsement.

61.1270 Limitations on exercise of privileges of flight examiner ratings—professional development

A flight examiner is authorised to conduct a flight test for a flight crew licence, rating or endorsement only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA; or

- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

61.1275 Limitations on exercise of privileges of flight examiner ratings—recent experience

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements for the licence.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements for the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner meets the recent experience requirements for the rating to which the endorsement relates.

61.1280 Limitations on exercise of privileges of flight examiner ratings—flight reviews and subject matter proficiency checks

- (1) A flight examiner is authorised to conduct a flight test for a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for a multi-crew pilot licence—has a valid instrument proficiency check, under regulation 61.650, for the aeroplane category; or
 - (b) for an air transport pilot licence—has a valid instrument proficiency check, under regulation 61.695, for the category of aircraft in which the flight test is conducted.
- (2) A flight examiner is authorised to conduct a flight test for a rating on a pilot licence only if, when the flight test is conducted, the examiner:
 - (a) for an instrument rating—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is conducted; or
 - (b) for a night vision imaging system rating—has a valid night vision imaging system proficiency check under regulation 61.1015; or

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- (c) for an aerial application rating—has a valid aerial application proficiency check under regulation 61.1110; or
 - (d) for an instructor rating—has a valid instructor proficiency check under regulation 61.1180; or
 - (e) for any other rating—meets the flight review requirements for the rating.
- (3) A flight examiner is authorised to conduct a flight test for an endorsement on a pilot licence only if, when the flight test is conducted, the examiner:
- (a) for an instrument endorsement—has a valid instrument proficiency check, under regulation 61.880, for the category of aircraft in which the flight test is to be conducted; or
 - (b) for a night vision imaging system endorsement—has a valid night vision imaging system proficiency check under regulation 61.1015; or
 - (c) for an aerial application endorsement—has a valid aerial application proficiency check under regulation 61.1110; or
 - (d) for a training endorsement—has a valid instructor proficiency check under regulation 61.1180; or
 - (e) for any other endorsement—meets the flight review requirements for the rating to which the endorsement relates.

61.1285 Limitations on exercise of privileges of flight examiner ratings—examiner proficiency check

- (1) The holder of a flight examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a flight examiner endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;

- the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
- (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
- (d) if:
- (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the ***existing check***); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an examiner proficiency check;
- the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2) (c) and (d), the holder successfully completes an examiner proficiency check if:
- (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for each flight examiner endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
- (a) CASA;
 - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1290 Requirements for grant of flight examiner ratings

- (1) An applicant for a flight examiner rating must:
 - (a) hold a commercial pilot licence or air transport pilot licence; and
 - (b) meet the requirements for the grant of at least one flight test endorsement.

Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence or air transport pilot licence: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed a course of training for the rating that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
 - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight examiner rating; and
 - (c) successfully completed an interview conducted by CASA.

Note : for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2) (c), an applicant successfully completes an interview if the applicant satisfies CASA that he or she has the necessary skills and experience to be granted a flight examiner rating.

Division 61.U.2—Obligations of flight examiners

61.1295 Obligations of flight examiners—flight tests: strict liability offences

- (1) A flight examiner commits an offence if the examiner:
 - (a) conducts a flight test for an applicant for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) is not nominated to conduct the flight test:
 - (i) by the applicant's training provider under subregulation 61.245 (3); or
 - (ii) by CASA under subregulation 61.245 (4).

Penalty: 50 penalty units.

- (2) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a commercial pilot licence, multi-crew pilot licence or air transport pilot licence; and
 - (b) is the person who provided the certification under paragraph 61.235 (2) (a) (Flight tests for flight crew licences and ratings—prerequisites) for the person taking the flight test.

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) does not:
 - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
 - (ii) assess the applicant for the licence, rating or endorsement against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) does not:
 - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
 - (ii) within 14 days after the day of the completion of the flight test:
 - (A) complete a report, in an approved form, setting out the result of the flight test; and
 - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if the examiner:
- (a) conducts a flight test for a pilot licence or a rating or endorsement on a pilot licence; and
 - (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

61.1300 Obligations of flight examiners—flight tests: other offences

- (1) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the licence.

Penalty: 50 penalty units.

- (2) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for any of the following licences:
 - (i) a private pilot licence;
 - (ii) a commercial pilot licence;
 - (iii) a multi-crew pilot licence;
 - (iv) an air transport pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (3) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a pilot licence in an aircraft; and
 - (b) when the test begins, the examiner is not satisfied that:
 - (i) if the test is for a licence other than a recreational pilot licence—the applicant holds:
 - (A) a current medical certificate of the class required for the grant of the licence; or
 - (B) a medical exemption to exercise the privileges of the licence; or
 - (ii) if the test is for a recreational pilot licence—the applicant holds:
 - (A) a current medical certificate of the class required for the grant of the licence; or
 - (B) a recreational aviation medical practitioner's certificate; or
 - (C) a medical exemption to exercise the privileges of the licence.

Penalty: 50 penalty units.

- (4) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) has passed the aeronautical knowledge examination for the rating or endorsement; and
 - (ii) has met the flight training requirements for the grant of the rating or endorsement; and
 - (iii) has met the aeronautical experience requirements for the rating or endorsement.

Penalty: 50 penalty units.

- (5) A flight examiner commits an offence if:
- (a) the examiner conducts a flight test for a rating or endorsement on a pilot licence in an aircraft; and
 - (b) when the test begins, the examiner is not satisfied that:

- (i) if the applicant holds a licence other than a recreational pilot licence—the applicant also holds:
 - (A) a current medical certificate of the class required for the grant of the licence; or
 - (B) a medical exemption to exercise the privileges of the licence; or
- (ii) if the applicant holds a recreational pilot licence—the applicant also holds:
 - (A) a current medical certificate of the class required for the grant of the licence; or
 - (B) a recreational aviation medical practitioner's certificate; or
 - (C) a medical exemption to exercise the privileges of the licence.

Penalty: 50 penalty units.

61.1305 Obligations of flight examiners—proficiency checks

- (1) A flight examiner commits an offence if:
 - (a) the examiner conducts a relevant proficiency check for the holder of a pilot licence; and
 - (b) the holder successfully completes the proficiency check; and
 - (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the proficiency check;
 - (b) the date on which the proficiency check was successfully completed;
 - (c) the rating for which the proficiency check was conducted; and

- (d) if the proficiency check related to a category, class or type of aircraft—the category, class or type.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
- (a) the holder’s name and ARN;
 - (b) that the holder has successfully completed the proficiency check;
 - (c) the date on which the proficiency check was successfully completed;
 - (d) the rating for which the proficiency check was conducted;
 - (e) if the proficiency check related to a category, class or type of aircraft—the category, class or type;
 - (f) if the proficiency check was conducted in an aircraft—the aircraft’s nationality and registration marks;
 - (g) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (4) An offence against this regulation is an offence of strict liability.
- (5) In this regulation:
- relevant proficiency check** means any of the following:
- (a) an aerial application proficiency check;
 - (b) an instructor proficiency check;
 - (c) an instrument proficiency check;
 - (d) a night vision imaging system proficiency check.

Division 61.U.3—Privileges and requirements for grant of flight examiner endorsements

61.1310 Kinds of flight examiner endorsement

The kinds of flight examiner endorsement are set out in column 1 of table 61.1310.

Table 61.1310 Flight examiner endorsements			
Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight test endorsements</i>			

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Private pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) recreational pilot licence; (b) private pilot licence; (c) the specified aircraft category rating on a recreational pilot licence or private pilot licence; (d) single-engine aeroplane class rating; (e) single-engine helicopter class rating; (f) single-engine gyroplane class rating; (g) airship class rating	Grade 1 training endorsement
2	Commercial pilot licence flight test endorsement (category specific)	Conduct a flight test for an authorisation mentioned in column 2 of item 1 Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) commercial pilot licence; (b) the specified aircraft category rating on a commercial pilot licence	Grade 1 training endorsement

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
3	Air transport pilot licence flight test endorsement (category specific)	Conduct a flight test for any of the following authorisations in an aircraft of the specified category: (a) multi-crew pilot licence; (b) air transport pilot licence; (c) the specified aircraft category rating on an air transport pilot licence; (d) if the aeroplane category is specified—multi-engine aeroplane class ratings; (e) instrument rating	Air transport pilot licence with the specified aircraft category rating Instrument rating flight test endorsement
4	Multi-engine aeroplane class rating flight test endorsement	Conduct a flight test for a multi-engine aeroplane class rating	Multi-engine aeroplane training endorsement
5	Type rating flight test endorsement (type specific)	Conduct a flight test for either of the following ratings in an aircraft of the specified type: (a) pilot type rating; (b) cruise relief co-pilot type rating	Air transport pilot licence Type rating training endorsement for the specified aircraft type Instrument rating training endorsement

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
6	Instrument rating flight test endorsement (category specific)	<p>Conduct a flight test in an aircraft of the specified category for any of the following:</p> <ul style="list-style-type: none"> (a) instrument rating; (b) private instrument rating; (c) instrument endorsement; (d) private instrument endorsement <p>Conduct an instrument proficiency check in an aircraft of the specified category</p>	Instrument rating training endorsement for the specified aircraft category
7	Night VFR rating flight test endorsement (category specific)	Conduct a flight test for a night VFR rating or night VFR endorsement in an aircraft of the specified category	Night VFR rating training endorsement for the specified aircraft category
8	Night vision imaging system rating flight test endorsement	<p>Conduct a flight test for a night vision imaging system rating or night vision imaging system endorsement</p> <p>Conduct a night vision imaging system proficiency check</p>	Night vision imaging system training endorsement
9	Low-level rating flight test endorsement (category specific)	Conduct a flight test for a low-level rating or low-level endorsement in an aircraft of the specified category	Low-level training endorsement for the specified aircraft category

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
10	Aerial application rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) aerial application rating; (b) aerial application endorsement; (c) low-level rating; (d) low-level endorsement Conduct an aerial application proficiency check in an aircraft of the specified category	Aerial application (day) training endorsement for the specified aircraft category
11	Flight instructor rating flight test endorsement (category specific)	Conduct a flight test for any of the following in an aircraft of the specified category: (a) flight instructor rating; (b) simulator instructor rating; (c) training endorsement Conduct an instructor proficiency check in an aircraft of the specified category	Grade 1 training endorsement for the specified aircraft category
<i>Part 2—Other flight examiner endorsements</i>			

Table 61.1310 Flight examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
12	English language assessment endorsement	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	Any of the following endorsements: (a) private pilot licence flight test endorsement; (b) commercial pilot licence flight test endorsement; (c) pilot type rating flight test endorsement

61.1315 Privileges of flight examiner endorsements

Subject to Subpart 61.E and Division 61.U.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1310 is authorised to conduct each activity mentioned in column 2 of the item.

Note: Subpart 61.E sets out certain limitations that apply to all pilot licences, and ratings and endorsements on pilot licences.

61.1320 Requirements for grant of flight examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1310 must hold:
- (a) a flight examiner rating; and
 - (b) the licences and endorsements mentioned in column 3 of the item.

Note: Subregulation (1) is satisfied, in relation to a required licence, rating or endorsement, if the applicant holds a certificate of validation of an overseas flight crew licence, rating or endorsement that is equivalent to the required licence, rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1310 must also have:
- (a) completed a course of training for the endorsement that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and

- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the grant of the endorsement.

Note : for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:
 - (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
 - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
 - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.
- (4) For paragraph (3) (c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

Subpart 61.V—Flight engineer licences

61.1325 Privileges of flight engineer licences

Subject to regulations 61.1330 to 61.1350, the holder of a flight engineer licence is authorised to act as flight engineer of an aircraft certificated to be operated with a minimum flight crew that includes a flight engineer.

61.1330 Limitations on exercise of privileges of flight engineer licences—ratings

- (1) The holder of a flight engineer licence is authorised to exercise the privileges of the licence in an aircraft of a particular type only if the holder also holds the flight engineer type rating for the aircraft.
- (2) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1395 (Privileges of flight engineer instructor ratings) only if the holder also holds a flight engineer instructor rating.
- (3) The holder of a flight engineer licence is authorised to conduct an activity mentioned in regulation 61.1445 (Privileges of flight engineer examiner ratings) only if the holder also holds a flight engineer examiner rating.

Note: In certain circumstances, a person may act as flight engineer of an aircraft of a particular type if he or she holds a pilot licence and a cruise relief flight engineer type rating for that type of aircraft: see regulation 61.830.

61.1335 Limitations on exercise of privileges of flight engineer licences—recent experience

- (1) The holder of a flight engineer licence is authorised to act as the flight engineer of an aircraft of a particular type only if the holder has, within the previous 90 days:
 - (a) performed the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose; or

- (b) as a member of the flight crew of an aircraft, observed a flight engineer perform the duties of a flight engineer by day or night during at least 3 take-offs and at least 3 landings in an aircraft of that type or an approved flight simulation training device for the purpose.
- (2) For paragraphs (1) (a) and (b), each take-off must be followed by a climb to at least 500 ft AGL.
- (3) The holder is taken to meet the requirements of subregulation (1) if:
 - (a) within the previous 90 days, in an aircraft of that category or an approved flight simulator for the purpose, the holder has:
 - (i) successfully completed an instructor proficiency check, operator proficiency check or flight review; or
 - (ii) passed a flight test for a flight engineer licence or a rating on a flight engineer licence; or
 - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in an aircraft of that category.

61.1340 Limitations on exercise of privileges of flight engineer licences—flight review

- (1) For this Part, successful completion of a flight review for a rating on a flight engineer licence requires demonstration, to a person mentioned in subregulation (2), that the holder of the rating is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the rating.
- (2) For subregulation (1), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 for this regulation;
 - (c) a flight engineer instructor who holds a training endorsement that authorises the person to conduct flight training for the rating.
- (3) The flight review must be conducted in an aircraft or approved flight simulator for the flight review.

61.1345 Limitations on exercise of privileges of flight engineer licences—current medical certificates

The holder of a flight engineer licence is authorised to exercise the privileges of the licence only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges of his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.1350 Limitations on exercise of privileges of flight engineer licences—carriage of documents

The holder of a flight engineer licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (c) if the licence document was issued more than 10 years before the flight begins—a document that:
 - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
 - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (iii) has not expired or been cancelled.

61.1355 Certain holders of flight engineer licences authorised to operate aircraft radio

- (1) A person is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the person holds a flight engineer licence.

- (2) For regulation 61.1345, transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation does not constitute the exercise of the privileges of a licence.

Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

61.1360 Requirements for grant of flight engineer licences

- (1) An applicant for a flight engineer licence must be at least 18.
- (2) The applicant must meet the requirements for the grant of at least one flight engineer type rating.
- (3) The applicant must also have:
- (a) passed the aeronautical knowledge examination for the flight engineer licence; and
 - (b) completed flight training for the flight engineer licence; and
 - (c) completed an approved course of training in multi-crew cooperation; and
 - (d) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer licence; and
 - (e) at least 100 hours of aeronautical experience performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (d), for the conduct of flight tests, see Division 61.B.4.

Note 4: for paragraph (e), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

- (4) For paragraph (3) (e), up to 50 hours of the aeronautical experience may be completed as simulated flight engineer time.
- (5) The applicant is taken to meet the requirements of paragraph (3) (e) if:
- (a) the applicant holds:
 - (i) a commercial pilot licence with the aeroplane category rating; and

- (ii) a pilot type rating for an aeroplane that is certificated for multi-crew operation; and
- (b) the applicant has completed at least 50 hours of flight training performing the duties of a flight engineer under the direct supervision of a flight engineer instructor.

Subpart 61.W—Flight engineer type ratings

61.1365 Privileges of flight engineer type ratings

Subject to Subpart 61.V and regulations 61.1370 to 61.1380, the holder of a flight engineer type rating is authorised to act as the flight engineer of an aircraft covered by the rating.

Note 1: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

Note 2: The types for which flight engineer type ratings may be granted are set out in legislative instruments under regulations 61.055 (multi-crew aircraft) and 61.060 (single-pilot aircraft).

61.1370 Limitations on exercise of privileges of flight engineer type ratings—general

- (1) This regulation applies if:
 - (a) the holder of a flight engineer type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or
 - (ii) a flight simulator that represents the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
- (2) The holder is authorised to exercise the privileges of the rating in the second variant only if the holder has completed the differences training mentioned in the Part 61 Manual of Standards for the second variant.

61.1375 Limitations on exercise of privileges of flight engineer type ratings—recent experience on variant

- (1) This regulation applies if:
 - (a) the holder of a flight engineer type rating passed the flight test for the rating in:
 - (i) an aircraft model covered by the rating (the *first variant*); or

-
- (ii) a flight simulator that represents the first variant; and
 - (b) differences training is required by a legislative instrument under regulation 61.055 for another aircraft model covered by the rating (the *second variant*).
 - (2) The holder is authorised to exercise the privileges of the rating in the second variant only if:
 - (a) within the previous 24 months, the holder has:
 - (i) exercised the privileges of the rating in an aircraft of the second variant; or
 - (ii) completed the differences training mentioned in the Part 61 Manual of Standards for the second variant; or
 - (iii) completed a recurrent training course for the second variant; or
 - (b) the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the second variant.

61.1380 Limitations on exercise of privileges of flight engineer type ratings—flight review

- (1) The holder of a flight engineer type rating is authorised to exercise the privileges of the rating only if the holder has, within the previous 24 months, successfully completed a flight review for the rating in accordance with subregulation (2).
- (2) For subregulation (1), the flight review must be conducted in:
 - (a) an aircraft of the type covered by the rating; or
 - (b) an approved flight simulator for the flight review.
- (3) The holder is taken to meet the requirements of subregulation (1) if the holder:
 - (a) has passed a flight test for the rating within the previous 24 months; or
 - (b) has successfully completed an operator proficiency check that covers operations in aircraft of the type covered by the rating within the previous 24 months; or
 - (c) is successfully participating in an operator's approved cyclic training and proficiency program that covers operations in aircraft of the type covered by the rating.

Note: For general rules in relation to flight reviews, see regulation 61.1340.

61.1385 Requirements for grant of flight engineer type ratings

- (1) This regulation applies to an applicant for a flight engineer type rating if the applicant is not taken to meet the requirements for the grant of the rating under regulation 61.1390.

- (2) The applicant must hold a flight engineer licence.

Note: Subregulation (2) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.

- (3) The applicant must also have:

- (a) completed an approved course of training for the rating, that includes:

- (i) at least 10 hours of flight training consisting of:

(A) dual flight in an aircraft of the type covered by the rating; or

(B) dual simulated flight in an approved flight simulator for the training; and

- (ii) theory and technical training; and

- (b) passed an examination, conducted by the Part 141 or 142 operator that conducted the training mentioned in paragraph (a), testing the applicant's knowledge against the standards mentioned in the Part 61 Manual of Standards for the rating; and

- (c) passed the flight test mentioned in the Part 61 Manual of Standards for the rating.

Note 1: for paragraph (a), for the requirements for an approved course of training, see Division 61.B.2.

Note 2: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (4) For paragraph (3) (a), the approved course of training must be conducted by:

- (a) a Part 141 or 142 operator that is authorised to conduct the training; or

- (b) the holder of an approval under regulation 141.035 or 142.040 to conduct the training.

61.1390 Person taken to meet requirements for grant of flight engineer type rating—new type rating

A person is taken to meet the requirements for the grant of a flight engineer type rating (the *new type rating*) if:

- (a) the person holds a flight engineer type rating (the *old type rating*) covering 2 or more aircraft models that were, in accordance with a legislative instrument under regulation 61.055 (the *old legislative instrument*), variants of each other; and
- (b) as a result of a change to the legislative instrument, or the making of a new legislative instrument:
 - (i) the models are no longer variants of each other; and
 - (ii) one or more of the models is covered by the new type rating; and
- (c) one of the following applies:
 - (i) the person passed the flight test for the old type rating in:
 - (A) an aircraft model that is covered by the new type rating; or
 - (B) a flight simulator that represents an aircraft model covered by the new type rating;
 - (ii) differences training was not required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating;
 - (iii) both:
 - (A) differences training was required by the old legislative instrument for the person to exercise the privileges of the old type rating in an aircraft covered by the new type rating; and
 - (B) the person has completed the differences training.

Subpart 61.X—Flight engineer instructor ratings

Division 61.X.1—Privileges and requirements for grant of flight engineer instructor ratings

61.1395 Privileges of flight engineer instructor ratings

Subject to Subpart 61.V and regulations 61.1400 to 61.1410, a flight engineer instructor is authorised:

- (a) to conduct flight training for:
 - (i) flight engineer licences; and
 - (ii) ratings on flight engineer licences, other than flight engineer examiner ratings; and
 - (iii) endorsements on flight engineer licences, other than flight engineer flight test endorsements; and
 - (iv) cruise relief flight engineer type ratings; and
- (b) to grant flight engineer training endorsements; and
- (c) to conduct training in multi-crew cooperation; and
- (d) to conduct flight reviews required by this Part for flight engineer ratings, other than flight engineer examiner ratings; and
- (e) to approve a person who does not hold a flight engineer licence, or who holds a licence but does not hold a required rating or endorsement, to act as flight engineer of an aircraft for the purpose of flight training; and
- (f) to approve a person who does not hold a flight crew licence to transmit on a radio frequency of a kind used for the purpose of:
 - (i) ensuring the safety of air navigation; or
 - (ii) flight training; and
- (g) to assess the standard of knowledge of an applicant for flight engineer licence in any items mentioned in the applicant's knowledge deficiency report.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1400 Limitations on exercise of privileges of flight engineer instructor ratings—general

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating in an aircraft of a particular type only if the instructor also holds a flight engineer type rating for that type of aircraft.
- (2) A flight engineer instructor is authorised to conduct flight training for a flight engineer licence or a rating on a flight engineer licence only if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct the flight training.

61.1405 Limitations on exercise of privileges of flight engineer instructor ratings—endorsements

- (1) A flight engineer instructor is authorised to conduct an activity mentioned in column 2 of an item in table 61.1430 only if the instructor also holds the flight engineer training endorsement mentioned in column 1 of the item.
- (2) A flight engineer instructor is authorised to grant an endorsement only if the instructor also holds a training endorsement required to conduct flight training for the endorsement.
- (3) A flight engineer instructor is authorised to make an assessment of a knowledge deficiency report for an applicant for a licence only if the instructor also holds a flight engineer training endorsement that authorises the instructor to provide flight training for the licence.

61.1410 Limitations on exercise of privileges of flight engineer instructor ratings—instructor proficiency check

- (1) The holder of a flight engineer instructor rating is authorised to exercise the privileges of the rating only if the holder has a valid instructor proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid instructor proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;

- (b) if:
 - (i) the holder passes the flight test for a training endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;
the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an operator proficiency check that covers operations under the rating, and that is conducted by a flight engineer examiner who holds a flight engineer instructor rating flight test endorsement—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if the holder is successfully participating in an operator's approved cyclic training and proficiency program that covers operations under the rating—the period during which the holder is successfully participating in the program;
 - (e) if the holder successfully completes an instructor proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (f) if:
 - (i) the holder is taken to have a valid instructor proficiency check under any of paragraphs (a) to (e) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes an instructor proficiency check;
the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.
- (3) However, if, at any time, the holder attempts, but does not successfully complete, an instructor proficiency check, the holder is no longer taken to have a valid instructor proficiency check.
- (4) For paragraphs (2) (e) and (f), the holder successfully completes an instructor proficiency check if:

- (a) the instructor proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight training as meeting the standards mentioned in the Part 61 Manual of Standards for each flight engineer training endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the instructor proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
- (a) CASA;
 - (b) a flight engineer examiner;
 - (c) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1415 Requirements for grant of flight engineer instructor ratings

- (1) An applicant for a flight engineer instructor rating must:
- (a) hold a flight engineer licence; and
 - (b) meet the requirements for the grant of at least one flight engineer training endorsement.
- Note: Paragraph (a) is satisfied if the applicant holds a certificate of validation of an overseas flight crew licence that is equivalent to a flight engineer licence: see item 36 of Part 2 of the Dictionary.
- (2) The applicant must also have:
- (a) passed an examination on the knowledge standards mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating; and
 - (b) completed flight training for the rating; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer instructor rating.

Note 1: for paragraph (a), for the conduct of aeronautical knowledge examinations, see Division 61.B.3.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) The applicant must also:
 - (a) have completed an approved course of training in principles and methods of instruction; or
 - (b) hold a Certificate IV in Training and Assessment; or
 - (c) hold a tertiary qualification in teaching.

Division 61.X.2—Obligations of flight engineer instructors

61.1420 Obligations of flight engineer instructors—training

- (1) A flight engineer instructor commits an offence if:
 - (a) the instructor conducts:
 - (i) flight training for a flight engineer type rating or a cruise relief flight engineer type rating; or
 - (ii) differences training;
in an aircraft; and
 - (b) regulation 61.205 prohibits the conduct of the training in the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

61.1425 Obligations of flight engineer instructors—flight review

- (1) A flight engineer instructor commits an offence if:
 - (a) the instructor conducts a flight review for the holder of a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) the holder successfully completes the flight review; and
 - (c) the instructor does not, within 14 days after the day the flight review is successfully completed:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:

- (a) a statement to the effect that the holder has successfully completed the flight review;
 - (b) the date on which the flight review was successfully completed;
 - (c) the rating for which the flight review was conducted.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
- (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the flight review;
 - (c) the date on which the flight review was successfully completed;
 - (d) the rating for which the flight review was conducted.
- (4) An offence against this regulation is an offence of strict liability.

Division 61.X.3—Privileges and requirements for grant of flight engineer training endorsements

61.1430 Kinds of flight engineer training endorsement

The kinds of flight engineer training endorsement are set out in column 1 of table 61.1430.

Table 61.1430 Flight engineer training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
1	Flight engineer type rating training endorsement (type specific)	Conduct flight training for a flight engineer licence Conduct flight training for a flight engineer type rating for the specified aircraft type Conduct flight training for a cruise relief flight engineer type rating on a pilot licence for the specified aircraft type	At least 200 hours of flight time as a flight engineer At least 100 hours of flight time as flight engineer of an aircraft of the specified type

Table 61.1430 Flight engineer training endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
2	Flight engineer instructor rating training endorsement	Conduct flight training for a flight engineer instructor rating	At least 500 hours conducting flight training for the grant of a flight engineer licence or a rating on a flight engineer licence At least 200 hours conducting training for the grant of a flight engineer type rating

61.1435 Privileges of flight engineer training endorsements

Subject to Subpart 61.V and Division 61.X.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1430 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1440 Requirements for grant of flight engineer training endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1430 must hold a flight engineer instructor rating.

Note: Subregulation (1) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) met the aeronautical experience requirements mentioned in column 3 of the item; and
 - (b) completed flight training for the endorsement; and
 - (c) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note 1: for paragraph (a), for the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Note 2: for paragraph (b), for the requirements for flight training, see Division 61.B.2.

Note 3: for paragraph (c), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for a flight engineer type rating training endorsement for a specified aircraft type must also hold the flight engineer type rating for the aircraft type.

Note: Subregulation (3) is satisfied, in relation to a required rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the rating: see item 36 of Part 2 of the Dictionary.

Subpart 61.Y—Flight engineer examiner ratings

Division 61.Y.1—Privileges and requirements for grant of flight engineer examiner ratings

61.1445 Privileges of flight engineer examiner ratings

Subject to Subpart 61.V and regulations 61.1450 to 61.1470, a flight engineer examiner is authorised:

- (a) to conduct flight tests for the grant of:
 - (i) flight engineer licences; and
 - (ii) ratings or endorsements on flight engineer licences; and
 - (iii) cruise relief flight engineer type ratings; and
- (b) to grant to holders of flight engineer licences:
 - (i) ratings, other than flight engineer examiner ratings; and
 - (ii) endorsements, other than flight engineer examiner rating flight test endorsements; and
- (c) to grant cruise relief flight engineer type ratings; and
- (d) to conduct instructor proficiency checks for holders of flight engineer instructor ratings; and
- (e) to conduct training and checking of holders of flight engineer licences for AOC holders; and
- (f) to conduct flight training for flight engineer examiner ratings and flight engineer flight test endorsements; and
- (g) to conduct assessments of aviation English language proficiency.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1450 Limitations on exercise of privileges of flight engineer examiner ratings—general

A flight engineer examiner is authorised to conduct a flight test in an aircraft only if the flight test for the examiner's flight engineer examiner rating was conducted in an aircraft.

61.1455 Limitations on exercise of privileges of flight engineer examiner ratings—endorsements

- (1) A flight engineer examiner is authorised to conduct a flight test, or grant a rating or endorsement, mentioned in column 2 of an item in Part 1 of table 61.1495 only if the examiner also holds the flight engineer flight test endorsement mentioned in column 1 of the item.
- (2) A flight engineer examiner is authorised to conduct a flight test for a rating or endorsement only if the examiner:
 - (a) also holds a rating or endorsement of the same kind; or
 - (b) holds an approval under regulation 61.040 to conduct the flight test.
- (3) A flight engineer examiner is authorised to conduct an instructor proficiency check only if the examiner also holds a flight engineer instructor rating flight test endorsement.
- (4) A flight engineer examiner is authorised to conduct flight training for a flight engineer examiner rating or flight engineer flight test endorsement only if the examiner also holds a flight engineer examiner rating flight test endorsement.
- (5) A flight engineer examiner is authorised to conduct an activity mentioned in column 2 of item 4 of table 61.1495 only if the examiner also holds an English language assessment endorsement.

61.1460 Limitations on exercise of privileges of flight engineer examiner ratings—professional development

A flight engineer examiner is authorised to conduct a flight test for a licence or rating only if the examiner has, during the previous 24 months, successfully completed:

- (a) a professional development program conducted by CASA including the content mentioned in the Part 61 Manual of Standards for the program; or
- (b) an approved course of professional development conducted by the holder of an approval under regulation 61.040 to conduct the course.

61.1465 Limitations on exercise of privileges of flight engineer examiner ratings—recent experience

A flight engineer examiner is authorised to conduct a flight test in an aircraft of a particular type, or a flight simulation training device that represents an aircraft of a particular type only if the examiner meets the recent experience requirements to act as the flight engineer of an aircraft of that type.

61.1470 Limitations on exercise of privileges of flight engineer examiner ratings—examiner proficiency check

- (1) The holder of a flight engineer examiner rating is authorised to exercise the privileges of the rating only if the holder has a valid examiner proficiency check.
- (2) For subregulation (1), the holder is taken to have a valid examiner proficiency check during the following periods:
 - (a) the period from when the holder passes the flight test for the rating to the end of the 24th month after the month in which the holder passes the flight test;
 - (b) if:
 - (i) the holder passes the flight test for a flight engineer examiner endorsement; and
 - (ii) the flight test is conducted more than 6 months after the holder passes the flight test for the rating;the period from when the holder passes the flight test for the endorsement to the end of the 24th month after the month in which the holder passes the flight test for the endorsement;
 - (c) if the holder successfully completes an examiner proficiency check—the period from when the holder successfully completes the check to the end of the 24th month after the month in which the holder successfully completes the check;
 - (d) if:
 - (i) the holder is taken to have a valid examiner proficiency check under any of paragraphs (a) to (c) (the *existing check*); and
 - (ii) within 3 months before the validity of the existing check expires, the holder successfully completes another examiner proficiency check;

the period from when the validity of the existing check expires to the end of the 24th month after the validity of the existing check expires.

- (3) However, if, at any time, the holder attempts, but does not successfully complete, an examiner proficiency check, the holder is no longer taken to have a valid examiner proficiency check.
- (4) For paragraphs (2) (c) and (d), the holder successfully completes an examiner proficiency check if:
 - (a) the examiner proficiency check is conducted in an aircraft or an approved flight simulation training device for the proficiency check; and
 - (b) a person mentioned in subregulation (5) assesses the holder's competency to conduct flight testing as meeting the standards mentioned in the Part 61 Manual of Standards for each flight examiner endorsement that the holder holds; and
 - (c) the person endorses the holder's licence document to the effect that the holder has completed the examiner proficiency check on the date stated.
- (5) For paragraph (4) (b), the persons are as follows:
 - (a) CASA;
 - (b) the holder of an approval under regulation 61.040 to conduct the proficiency check.

61.1475 Requirements for grant of flight engineer examiner ratings

- (1) An applicant for a flight engineer examiner rating must:
 - (a) hold:
 - (i) a flight engineer licence; and
 - (ii) a flight engineer instructor rating; and
 - (b) meet the requirements for the grant of at least one flight engineer flight test endorsement.

Note: Paragraph (a) is satisfied, in relation to a required licence or rating, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required licence or rating: see item 36 of Part 2 of the Dictionary.

- (2) The applicant must also have:
 - (a) completed a course of training for the rating that:

- (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
- (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
- (b) passed the flight test mentioned in the Part 61 Manual of Standards for the flight engineer examiner rating; and
- (c) successfully completed an interview conducted by CASA.

Note: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) For paragraph (2) (c), an applicant successfully completes an interview if he or she satisfies CASA that he or she has the necessary skills and experience to be granted a flight engineer examiner rating.

Division 61.Y.2—Obligations of flight engineer examiners

61.1480 Obligations of flight engineer examiners—flight tests: strict liability offences

- (1) A flight engineer examiner commits an offence if the examiner:
 - (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) is not nominated to conduct the flight test:
 - (i) by the applicant's training provider under subregulation 61.245 (3); or
 - (ii) by CASA under subregulation 61.245 (4).

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if the examiner:
 - (a) conducts a flight test for a flight engineer licence; and
 - (b) is the person who provided the certification under paragraph 61.235 (2) (a) (Flight tests for flight crew licences and ratings—prerequisites) for the person taking the flight test.

Penalty: 50 penalty units.

- (3) A flight engineer examiner commits an offence if the examiner:

- (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
- (b) does not:
 - (i) conduct the flight test in accordance with the standards mentioned in the Part 61 Manual of Standards; and
 - (ii) assess the applicant for the licence or rating against the competency standards mentioned in the Part 61 Manual of Standards for the flight test.

Penalty: 50 penalty units.

- (4) A flight engineer examiner commits an offence if the examiner:
 - (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) does not:
 - (i) at the completion of the flight test, advise the applicant and the Part 141 or 142 operator responsible for the applicant's training of the result of the flight test, including the reasons for any failure in an element of the flight test; and
 - (ii) within 14 days after the day the flight test is successfully completed:
 - (A) complete a report, in an approved form, setting out the result of the flight test; and
 - (B) give a completed copy of the report to the applicant, the Part 141 or 142 operator and CASA.

Penalty: 50 penalty units.

- (5) A flight engineer examiner commits an offence if the examiner:
 - (a) conducts a flight test for a flight engineer licence, a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) has not notified CASA of the examiner's intention to conduct the flight test at least 24 hours before conducting the flight test.

Penalty: 50 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

61.1485 Obligations of flight engineer examiners—flight tests: other offences

- (1) A flight engineer examiner commits an offence if:
- (a) the examiner conducts a flight test for a flight engineer licence; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) is at least the minimum age to hold the licence; and
 - (ii) has passed the aeronautical knowledge examination for the licence; and
 - (iii) has met the flight training requirements for the grant of the licence; and
 - (iv) has met the aeronautical experience requirements for the licence; and
 - (v) has a current aviation English language proficiency assessment.

Penalty: 50 penalty units.

- (2) A flight engineer examiner commits an offence if:
- (a) the examiner conducts a flight test for a rating on a flight engineer licence or a cruise relief flight engineer type rating; and
 - (b) when the test begins, the examiner is not satisfied that the applicant:
 - (i) has passed the aeronautical knowledge examination for the rating; and
 - (ii) has met the flight training requirements for the grant of the rating; and
 - (iii) has met the aeronautical experience requirements for the rating.

Penalty: 50 penalty units.

61.1490 Obligations of flight engineer examiners—proficiency checks

- (1) A flight engineer examiner commits an offence if:

- (a) the examiner conducts an instructor proficiency check for the holder of a flight engineer licence; and
- (b) the holder successfully completes the proficiency check; and
- (c) the examiner does not, within 14 days after the day the holder successfully completes the proficiency check:
 - (i) endorse the holder's licence document in accordance with subregulation (2); and
 - (ii) give CASA a written notice that complies with subregulation (3).

Penalty: 50 penalty units.

- (2) For subparagraph (1) (c) (i), the following details must be endorsed on the licence document:
 - (a) a statement to the effect that the holder has successfully completed the proficiency check;
 - (b) the date on which the proficiency check was successfully completed.
- (3) For subparagraph (1) (c) (ii), the notice must state the following:
 - (a) the holder's name and ARN;
 - (b) that the holder has successfully completed the proficiency check;
 - (c) the date on which the proficiency check was successfully completed;
 - (d) if the proficiency check was conducted in an aircraft—the aircraft's nationality and registration marks;
 - (e) if the proficiency check was conducted in a flight simulator—the identifying number for the flight simulator stated on its flight simulator qualification certificate.
- (4) An offence against this regulation is an offence of strict liability.

Division 61.Y.3—Privileges and requirements for grant of flight engineer examiner endorsements

61.1495 Kinds of flight engineer examiner endorsement

The kinds of flight engineer examiner endorsement are set out in column 1 of table 61.1495.

Table 61.1495 Flight engineer examiner endorsements

Item	Column 1 Endorsement	Column 2 Activities authorised	Column 3 Requirements
<i>Part 1—Flight engineer flight test endorsements</i>			
1	Flight engineer type rating flight test endorsement (type specific)	Conduct flight test for a flight engineer licence Conduct flight test for the specified flight engineer type rating Conduct flight test for the cruise relief flight engineer type rating for the specified aircraft type	Flight engineer type rating training endorsement
2	Flight engineer instructor rating flight test endorsement	Conduct flight test for a flight engineer instructor rating or flight engineer training endorsement	Flight engineer instructor rating training endorsement
3	Flight engineer examiner rating flight test endorsement	Conduct flight test for a flight engineer examiner rating or flight engineer flight test endorsement	
<i>Part 2—Other flight engineer examiner endorsements</i>			
4	English language assessment endorsement (flight engineer)	Conduct a level 6 aviation English language proficiency assessment Conduct a general English language proficiency assessment	

61.1500 Privileges of flight engineer examiner endorsements

Subject to Subpart 61.V and Division 61.Y.1, the holder of an endorsement mentioned in column 1 of an item in table 61.1495 is authorised to conduct the activities mentioned in column 2 of the item.

Note: Subpart 61.V sets out certain limitations that apply to all flight engineer licences, and ratings and endorsements on flight engineer licences.

61.1505 Requirements for grant of flight engineer examiner endorsements

- (1) An applicant for an endorsement mentioned in column 1 of an item in table 61.1495 must hold:
 - (a) a flight engineer examiner rating; and
 - (b) the endorsement (if any) mentioned in column 3 of the item.

Note: Paragraph (a) is satisfied, in relation to a required rating or endorsement, if the applicant holds a certificate of validation of a foreign licence, rating or endorsement that is equivalent to the required rating or endorsement: see item 36 of Part 2 of the Dictionary.

- (2) An applicant for an endorsement mentioned in column 1 of an item in Part 1 of table 61.1495 must also have:
 - (a) completed a course of training for the endorsement that:
 - (i) is conducted by CASA or the holder of an approval under regulation 61.040 to conduct the course; and
 - (ii) includes the content mentioned in the Part 61 Manual of Standards for the course; and
 - (b) passed the flight test mentioned in the Part 61 Manual of Standards for the endorsement.

Note: for paragraph (b), for the conduct of flight tests, see Division 61.B.4.

- (3) An applicant for an English language assessment endorsement must also have:
 - (a) completed training in the assessment of aviation English language proficiency to the ICAO standards conducted by CASA or the holder of an approval under regulation 61.040 to conduct the training; and
 - (b) been assessed by CASA or the approval holder as competent to assess aviation English language proficiency to the ICAO standards; and
 - (c) successfully completed an interview conducted by CASA or the holder of an approval under regulation 61.040 to conduct the interview.
- (4) For paragraph (3) (c), an applicant successfully completes an interview if the applicant satisfies CASA or the approval holder that he or she understands the standards for assessment of aviation English language proficiency.

Subpart 61.Z—Glider pilot licences

Note: Subpart 61.E does not apply to glider pilot licences: see the definition of *pilot licence* in regulation 61.010.

61.1510 Privileges of glider pilot licences

Subject to regulations 61.1515 to 61.1535, the holder of a glider pilot licence is authorised:

- (a) to pilot a glider or motorised glider as pilot in command; and
- (b) to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation.

Note : for paragraph (a), a person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

61.1515 Limitations on exercise of privileges of glider pilot licences—general

- (1) The holder of a glider pilot licence is authorised to conduct an activity in the exercise of the privileges of the licence only if the activity is conducted in accordance with:
 - (a) the operations manual of a recreational aviation administration organisation that administers glider activities; or
 - (b) an approval, held by the holder, under regulation 61.040 for this paragraph.
- (2) The holder of a glider pilot licence is authorised to act as pilot in command of a glider or motorised glider of a particular kind only if the holder:
 - (a) has received training in the operation of gliders or motorised gliders of that kind; and
 - (b) has been assessed as competent to operate a glider or motorised glider of that kind.
- (3) The holder of a glider pilot licence is authorised to act as pilot in command of a glider or motorised glider in a flight that begins with a launch using a particular method only if the holder:
 - (a) has received training in the launching method; and

- (b) has been assessed as competent to pilot a glider using the launching method.
- (4) For subregulations (2) and (3), the training and assessment must be conducted by:
 - (a) a person authorised by a recreational aviation administration organisation that administers glider activities to conduct training and assessment in a glider or motorised glider; or
 - (b) the holder of an approval under regulation 61.040 to conduct the training and assessment.

61.1520 Limitations on exercise of privileges of glider pilot licences—recent experience

The holder of a glider pilot licence is authorised to act as pilot in command of a glider or motorised glider carrying a passenger only if the holder meets the recent experience requirements mentioned in the operations manual of the organisation that granted the certificate mentioned in subregulation 61.1540 (2) to the holder.

61.1525 Limitations on exercise of privileges of glider pilot licences—flight review

- (1) The holder of a glider pilot licence is authorised to exercise the privileges of the licence only if the holder has, within the previous 24 months, successfully completed a flight review for the licence.
- (2) The holder is taken to meet the requirements of subregulation (1) if the holder was granted the licence within the previous 24 months.
- (3) For subregulation (1), successful completion of a flight review requires:
 - (a) demonstration, to the holder of an approval under regulation 61.040 to conduct the flight review, that the holder is competent in each unit of competency mentioned in the Part 61 Manual of Standards for the licence; or
 - (b) successful completion of the flight review requirements of a recreational aviation administration organisation that administers glider activities.

61.1530 Limitations on exercise of privileges of glider pilot licences—medical certificates

The holder of a glider pilot licence is authorised to pilot a glider or motorised glider as pilot in command only if the holder also holds:

- (a) a class 1 or 2 medical certificate; or
- (b) a medical exemption for the exercise of the privileges of the licence.

Note: A licence holder must not exercise the privileges conferred by his or her licence and rating during any period of temporary medical unfitness that could render the holder unable to exercise those privileges safely: see regulation 67.270.

61.1535 Limitations on exercise of privileges of glider pilot licences—carriage of documents

The holder of a glider pilot licence is authorised to exercise the privileges of the licence on a flight only if the holder carries the following documents on the flight:

- (a) his or her licence document;
- (b) unless the holder holds a medical exemption for the exercise of the privileges of the licence—his or her medical certificate;
- (c) if the licence document was issued more than 10 years before the commencement of the flight—a document that:
 - (i) includes a photograph of the holder showing the holder's full face and his or her head and shoulders; and
 - (ii) was issued within the previous 10 years by the government, or a government authority, of any of the following:
 - (A) the Commonwealth or a State or Territory;
 - (B) a foreign country, or a state or province (however described) of a foreign country; and
 - (iii) has not expired or been cancelled.

61.1540 Requirements for grant of glider pilot licences

- (1) An applicant for a glider pilot licence must be at least 16.
- (2) The applicant must hold a pilot certificate that:

- (a) is granted by a recreational aviation administration organisation that administers glider activities; and
 - (b) is granted on the basis of the applicant meeting competency standards that are at least equivalent to the competency standards for the glider pilot licence mentioned in the Part 61 Manual of Standards; and
 - (c) permits the holder to pilot a glider or motorised glider, as pilot in command.
- (3) The applicant must also have aeronautical experience that includes:
- (a) at least 6 hours of flight time in a glider or motorised glider; and
 - (b) at least 2 hours of solo flight time in a glider or motorised glider; and
 - (c) at least 20 launches, and at least 20 landings, as pilot of a glider or motorised glider.

Note: For the determination of a person's flight time and other aeronautical experience, see Division 61.A.2.

Part 64—Authorisations for non-licensed personnel

Note: *This Part is made up as follows:*

Subpart 64.A Preliminary

- 64.005 What Part 64 is about
- 64.010 Definitions for Part 64
- 64.012 Approvals by CASA for Part 64

Subpart 64.B Transmission on aeronautical radio frequencies

- 64.015 Eligibility for aeronautical radio operator certificate
- 64.020 Obligation of assessor to ensure training is completed
- 64.025 Applying for aeronautical radio operator certificate
- 64.030 Grant of aeronautical radio operator certificate
- 64.035 Holder of aeronautical radio operator certificate may operate radio
- 64.040 Person undergoing training or assessment may operate radio

Subpart 64.C Taxiing aeroplanes

- 64.045 Persons who may taxi aeroplanes—general
- 64.050 Persons who may taxi aeroplanes—persons undergoing training or assessment

Schedule 1 Amendments of Civil Aviation Safety Regulations 1998

- | | |
|--------|--|
| 64.055 | Grant of certificate of competency to taxi aeroplanes of a class or covered by a type rating |
| 64.060 | Production of certificate of competency |

Subpart 64.A—Preliminary

64.005 What Part 64 is about

This Part sets out requirements that persons other than holders of flight crew licences must satisfy to:

- (a) transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; or
- (b) taxi an aeroplane.

- Note 1: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.
- Note 2: A person is prohibited from taxiing an aircraft unless the person is qualified to do so: see regulation 229 of CAR.
- Note 3: Under Part 61, holders of flight crew licences are authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation, or to taxi an aeroplane, in certain circumstances and people receiving training for a flight crew licence are authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation in certain circumstances.

64.010 Definitions for Part 64

In this Part:

aeronautical radio operator certificate means a certificate granted under regulation 64.030.

certificate of competency means a certificate granted under regulation 64.055.

class: see regulation 61.010.

equivalent: a foreign qualification is ***equivalent*** to an authorisation granted under this Part or Part 61 (an ***Australian authorisation***) if it allows the holder to conduct substantially the same activities as the activities authorised by the Australian authorisation.

foreign qualification means a qualification issued under the law of a Contracting State.

taxiing, for an aeroplane, means manoeuvring on the surface of an aerodrome under the aeroplane's own power except when taking off or landing.

type rating: see regulation 61.010.

64.012 Approvals by CASA for Part 64

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval under this regulation.

Subpart 64.B—Transmission on aeronautical radio frequencies

64.015 Eligibility for aeronautical radio operator certificate

Person trained and assessed against Part 61 Manual of Standards

- (1) A person is eligible for the grant of an aeronautical radio operator certificate if the person:
 - (a) is at least 17; and
 - (b) has received the training mentioned in subregulation (2) from a person or body mentioned in subregulation (3); and
 - (c) has been assessed by a person mentioned in subregulation (4) as meeting the competency standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio; and
 - (d) has a current aviation English language proficiency assessment.
- (2) For paragraph (1) (b), the training is training in the operation of an aeronautical radio to the standards specified in the Part 61 Manual of Standards for the operation of an aeronautical radio.
- (3) For paragraph (1) (b), the persons and bodies are the following:
 - (a) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;
 - (b) a registered training organisation whose scope of registration covers the training mentioned in subregulation (2);
 - (c) the holder of an approval under regulation 64.012 for this paragraph.
- (4) For paragraph (1) (c), the persons are the following:
 - (a) CASA;
 - (b) a flight examiner;
 - (c) a pilot instructor who holds a training endorsement that authorises the instructor to conduct flight training for a pilot licence or flight crew rating;

- (d) the holder of an approval under regulation 64.012 for this paragraph.

Holder of equivalent foreign qualification

- (5) A person is eligible for the grant of an aeronautical radio operator certificate if:
 - (a) the person is at least 17; and
 - (b) the person holds a foreign qualification that is equivalent to:
 - (i) a private pilot licence, commercial pilot licence, multi-crew pilot licence, air transport pilot licence or flight engineer licence; or
 - (ii) a recreational pilot licence with a flight radio endorsement; or
 - (iii) an aeronautical radio operator certificate; and
 - (c) either:
 - (i) the qualification includes a statement to the effect that the person meets an ICAO English language proficiency standard equivalent to the ICAO level 4, 5 or 6 aviation English language proficiency standard specified in the Part 61 Manual of Standards; or
 - (ii) the person has a current aviation English language proficiency assessment.

64.020 Obligation of assessor to ensure training is completed

- (1) This regulation applies to a flight examiner, pilot instructor or approval holder (the *assessor*) who conducts an assessment of a person for paragraph 64.015 (1) (c).
- (2) The assessor commits an offence if the assessor is not satisfied, before conducting the assessment, that the person has completed the training mentioned in subregulation 64.015 (2).

Penalty: 50 penalty units.

64.025 Applying for aeronautical radio operator certificate

- (1) A person may apply, in writing, to CASA for the grant of an aeronautical radio operator certificate.

- (2) If the applicant is relying on the training and assessment mentioned in subregulation 64.015 (1), the application must be accompanied by evidence of the applicant's aviation English language proficiency assessment.
- (3) If the applicant is relying on a foreign qualification, the application must be accompanied by:
 - (a) a certified true copy of the qualification; and
 - (b) unless the qualification includes a statement to the effect that the person meets the ICAO level 4, 5 or 6 aviation English language proficiency standard—evidence of the applicant's ICAO English language proficiency assessment.

64.030 Grant of aeronautical radio operator certificate

Subject to regulation 11.055, CASA must grant the certificate if satisfied that the applicant is eligible for the grant of the certificate.

64.035 Holder of aeronautical radio operator certificate may operate radio

- (1) The holder of an aeronautical radio operator certificate is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation.
- (2) However, the holder is authorised to make the transmission only if the holder has a current aviation English language proficiency assessment.

64.040 Person undergoing training or assessment may operate radio

A person who does not hold an aeronautical radio operator certificate is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the transmission is made:

- (a) for the purpose of receiving training or assessment in the use of an aeronautical radio; and
- (b) under the direct supervision of a person mentioned in subregulation 64.015 (3) or (4).

Subpart 64.C—Taxiing aeroplanes

64.045 Persons who may taxi aeroplanes—general

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if:
 - (a) the person is at least 17; and
 - (b) the person holds a certificate of competency to taxi an aeroplane of the class, or covered by the type rating, that was issued in the previous 5 years; and
 - (c) the person has received instruction from a person mentioned in subregulation (2) on the layout and operating procedures of the aerodrome; and
 - (d) the person:
 - (i) is the operator of the aeroplane; or
 - (ii) has permission to taxi the aeroplane from the operator of the aeroplane; or
 - (iii) has permission to taxi the aeroplane from a person permitted by these Regulations, and engaged by the operator of the aeroplane or the operator's continuing airworthiness management organisation, to carry out maintenance on the aeroplane; and
 - (e) for an aerodrome mentioned in subregulation (3)—the person holds an aeronautical radio operator certificate.
- (2) For paragraph (1) (c), the persons are the following:
 - (a) the operator of the aerodrome;
 - (b) the operator of the aeroplane;
 - (c) any other person (including the holder of a flight crew licence) with knowledge of the layout and operating procedures of the aerodrome.
- (3) For paragraph (1) (e), the aerodromes are the following:
 - (a) a controlled aerodrome;
 - (b) a certified aerodrome;
 - (c) a registered aerodrome;
 - (d) a military aerodrome;

- (e) an aerodrome that is specified as a designated non-controlled aerodrome in a legislative instrument under regulation 166D of CAR.

64.050 Persons who may taxi aeroplanes—persons undergoing training or assessment

- (1) A person is authorised to taxi an aeroplane of a particular class, or covered by a particular type rating, at an aerodrome if the person:
 - (a) is receiving training in taxiing aeroplanes of the class or covered by the type rating; or
 - (b) is being assessed against the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class or covered by the type rating.
- (2) However, the person is authorised to taxi the aeroplane only under the direct supervision of a person who is authorised under regulation 64.045 or Part 61 to taxi the aeroplane at the aerodrome.

64.055 Grant of certificate of competency to taxi aeroplanes of a class or covered by a type rating

- (1) A person may apply, in writing, to a person mentioned in subregulation (4) (a ***granting body***) for the grant of a certificate of competency for taxiing aeroplanes of a particular class, or covered by a particular type rating.
- (2) Subject to regulation 11.055, the granting body must grant the certificate if satisfied that the applicant meets the competency standards specified in the Part 61 Manual of Standards for taxiing aeroplanes of the class, or covered by the type rating.
- (3) The certificate of competency must:
 - (a) state the following:
 - (i) each class or type rating for which the person meets the competency standards;
 - (ii) the date on which it is issued; and
 - (b) be signed by the granting body.
- (4) For subregulation (1), the persons are the following:
 - (a) CASA;
 - (b) a flight examiner;

- (c) a pilot instructor who is authorised under Part 61 to conduct flight training for aeroplanes of the class, or covered by the type rating;
- (d) the holder of an approval under regulation 64.012 for this paragraph.

64.060 Production of certificate of competency

- (1) CASA may direct a person who holds a certificate of competency to produce the certificate for inspection by CASA.
- (2) The person commits an offence if the person does not comply with the direction within 7 days after the day the direction is given.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

16 Subregulation 65.065 (1)

substitute

- (1) A person to whom subregulation (2) applies is authorised to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation if the transmission is made:
 - (a) for the purpose of performing an air traffic control function or a flight service function; and
 - (b) using a radiocommunication system that is not installed in or carried on an aircraft.

17 Subregulation 65.065 (3), at the foot

insert

Note: A person is prohibited from transmitting on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation unless the person is qualified to do so: see regulation 83 of CAR.

18 Regulation 67.150, note

omit

19 Regulation 67.155, note

omit

20 Regulation 67.160, note

omit

21 Subregulation 67.265 (1)

substitute

- (1) This regulation applies in relation to the following licences:
- (a) a flight crew licence;
 - (b) a balloon flight crew licence within the meaning of subregulation 5.01 (1) of CAR;
 - (c) an air traffic controller licence.

22 Subregulation 67.270 (1)

substitute

- (1) This regulation applies in relation to the following licences:
- (a) a flight crew licence;
 - (b) a balloon flight crew licence within the meaning of subregulation 5.01 (1) of CAR;
 - (c) an air traffic controller licence.

23 Regulation 101.285, heading

substitute

101.285 Use of aeronautical radio

24 Paragraphs 101.285 (1) (a), (3) (a) and (5) (a)

substitute

- (a) holds an aeronautical radio operator certificate; and

25 Subregulation 101.285 (7)

omit

CAR 1988

insert

CAR

26 Paragraph 101.295 (3) (a)

omit

a command instrument rating; or

insert

an instrument rating; or

27 Subregulation 101.300 (3)

omit

aircraft radiotelephone operator's certificate of proficiency.

insert

aeronautical radio operator certificate.

28 Paragraph 101.335 (1) (e)

omit

flight radiotelephone operators' certificates of proficiency; and

insert

aeronautical radio operator certificates; and

29 Regulation 137.235

substitute

137.235 Pilot in command must be authorised under Part 61

(1) The operator of an aeroplane commits an offence if:

(a) the aeroplane is used to conduct an application operation; and

(b) the pilot in command of the aeroplane is not authorised under Part 61 to pilot the aeroplane in the operation.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

30 Regulation 137.240, heading

substitute

137.240 Operator proficiency checks

31 Subregulation 137.240 (1)

omit

annual

insert

operator

32 Subregulation 137.240 (2), including the penalty

substitute

- (2) The operator of an aeroplane commits an offence if:
- (a) the aeroplane is used to conduct an application operation; and
 - (b) the pilot in command of the aeroplane does not hold a valid operator proficiency check.

Penalty: 50 penalty units.

33 Subregulation 137.240 (3)

omit

annual

insert

operator

34 Paragraph 137.240 (3) (b)

omit

qualified, under these Regulations,

insert

authorised under Part 61

35 Subregulation 137.240 (4)

substitute

- (4) An operator proficiency check for the operator's head of flight operations must be conducted by an examiner or instructor mentioned in paragraph (3) (b).

36 Subregulations 137.240 (5) and (9)

omit

annual

insert

operator

37 Subregulation 137.240 (10)

omit

38 Subregulation 139.820 (3)

substitute

- (3) A person who is required to operate the equipment must hold an aeronautical radio operator certificate.

39 Parts 141 and 142

substitute

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

Note: *This Part is made up as follows:*

Subpart 141.A General

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

Subpart 141.B Part 141 certificates

- 141.055 Part 141 certificates—application
- 141.060 Part 141 certificate—issue
- 141.065 Part 141 certificate—approval of exposition
- 141.070 Part 141 certificate—conditions
- 141.075 Part 141 certificate—compliance with conditions

Subpart 141.C Part 141 operators—changes

- 141.080 Part 141 operators—changes of name etc

- 141.085 Part 141 operators—application for approval of significant changes
- 141.090 Part 141 operators—approval of significant changes
- 141.095 Part 141 operators—process for making changes
- 141.100 Part 141 operators—CASA directions relating to exposition or key personnel

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
- 141.135 Part 141 operators—safety manager: experience
- 141.140 Part 141 operators—safety manager: responsibilities
- 141.145 Part 141 operators—quality assurance manager: experience
- 141.150 Part 141 operators—quality assurance manager: responsibilities
- 141.155 Part 141 operators—key personnel: additional qualification and experience requirements
- 141.160 Part 141 operators—reference library

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 exposition
- 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—training and assessment of instructors in human factors principles
- 141.205 Part 141 operators—instructors must be competent to conduct flight training in flight simulation training device
- 141.210 Part 141 operators—person recommended for flight test

Subpart 141.F Part 141 operators—safety management system

- 141.215 Part 141 operators—safety management system
- 141.220 Part 141 operators—safety management system requirements

Subpart 141.G Part 141 operators—quality assurance management system

- 141.225 Part 141 operators—quality assurance management system
- 141.230 Part 141 operators—quality assurance management system requirements

Subpart 141.H Part 141 operators—personnel fatigue management

Subpart 141.I Part 141 operators—expositions

- 141.260 Part 141 operators—content of exposition
- 141.265 Part 141 operators—compliance with exposition by operator
- 141.270 Part 141 operators—providing personnel with exposition

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

- 141.285 Part 141 operators—suitable facilities, records and resources for flight test
- 141.290 Part 141 operators—pilot in command to be authorised under Part 61
- 141.295 Part 141 operators—carriage of passengers prohibited during abnormal operations or low-flying flight training
- 141.300 Part 141 operators—authorisation of carriage of passengers
- 141.305 Part 141 operators—holders of student pilot licences conducting solo flights
- 141.310 Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required

Subpart 141.A—General

141.005 What Part 141 is about

This Part:

- (a) deals with the conduct of recreational, private and commercial pilot flight training, other than certain integrated training courses; and
- (b) makes provision for applicants for, and holders of, Part 141 certificates.

141.010 Aircraft and flight simulation training devices to which Part 141 applies

- (1) This Part applies only to the following:
 - (a) an aeroplane, rotorcraft or airship that is permitted by its flight manual to be flown by one pilot;

- (b) an aeroplane, rotorcraft or airship covered by a type rating mentioned in a legislative instrument under regulation 142.045;
 - (c) a flight simulation training device for an aircraft mentioned in paragraph (a) or (b).
- (2) Accordingly, a reference in this Part to an **aircraft** is a reference to an aeroplane, rotorcraft or airship mentioned in paragraph (1) (a) or (b).

141.015 Definitions of *Part 141 flight training, authorised Part 141 flight training, Part 141 operator and Part 141 certificate*

- (1) **Part 141 flight training** is any of the following flight training that is conducted in an aircraft or flight simulation training device:
- (a) training for the grant under Part 61 of a private pilot licence or commercial pilot licence that is not an integrated training course;
 - (b) training for the grant under Part 61 of a recreational pilot licence;
 - (c) training for the grant under Part 61 of a flight crew rating that is not a type rating;
 - (d) training for the grant under Part 61 of a type rating mentioned in a legislative instrument under regulation 142.045;
 - (e) training for the grant under Part 61 of a flight crew endorsement that is not a design feature endorsement or a flight activity endorsement;
 - (f) training as part of a flight review for a private IFR rating;
 - (g) differences training:
 - (i) that is required as mentioned in regulation 61.780 for a variant covered by a type rating mentioned in a legislative instrument under regulation 142.045; and
 - (ii) that is not conducted by a training and checking organisation approved under regulation 217 of CAR.
- (2) **Authorised Part 141 flight training**, for a Part 141 operator, is Part 141 flight training mentioned in the operator's Part 141 certificate.
- (3) A **Part 141 operator** is the holder of a Part 141 certificate.

- (4) A **Part 141 certificate** is a certificate issued under regulation 141.060.

141.020 Definition of *key personnel* for Part 141

In this Part:

key personnel, for a Part 141 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

- (a) chief executive officer;
- (b) head of operations;
- (c) if the operator conducts authorised Part 141 flight training only in aircraft, or in aircraft and flight simulation training devices—safety manager;
- (d) if the operator conducts authorised Part 141 flight training only in flight simulation training devices—quality assurance manager.

141.025 Definition of *significant change* for Part 141

In this Part:

significant change, for a Part 141 operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;
 - (ii) the operator's key personnel;
 - (iii) a person authorised to carry out the responsibilities of any of the key personnel;
 - (iv) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;
 - (v) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
 - (vi) the familiarisation training mentioned in regulation 141.115 for any of the key personnel;
 - (vii) the operator's process for making changes:
 - (A) that are significant changes; and
 - (B) that are not significant changes;

- (viii) the authorised Part 141 flight training conducted by the operator;
- (ix) if the operator conducts the training in aircraft—the kinds of aircraft used to conduct the training;
- (x) if the operator conducts the training in flight simulation training devices:
 - (A) the ownership arrangements for a device; or
 - (B) the types of devices; or
- (b) if the operator conducts the training in foreign registered aircraft:
 - (i) a change in the foreign registered aircraft used in the training; or
 - (ii) a change in relation to a foreign registered aircraft used in the training, including a change to its nationality or registration mark; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
 - (i) the procedures by which the operator conducts and manages the training;
 - (ii) training and checking conducted by the operator;
 - (iii) the operator's operations manual;
 - (iv) the operator's dangerous goods manual (if any);
 - (v) the way the operator manages the risk of fatigue in its personnel;
 - (vi) if the operator conducts the training only in aircraft, or in aircraft and flight simulation training devices—the operator's safety management system manual;
 - (vii) if the operator conducts the training only in flight simulation training devices—the operator's quality assurance system manual; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

141.030 Definitions for Part 141

In this Part:

aircraft: see regulation 141.010.

authorised Part 141 flight training, for a Part 141 operator: see subregulation 141.015 (2).

conducts: a Part 141 operator **conducts** Part 141 flight training if an instructor for the operator conducts the training on behalf of the operator.

exposition, for a Part 141 operator, means:

- (a) the set of documents approved by CASA under regulation 141.065 in relation to the operator; and
- (b) if the set of documents is changed under regulation 141.080, 141.090 or 141.100 or the process mentioned in regulation 141.095—the set of documents as changed.

instructor, for a Part 141 operator, means a person engaged by the operator to conduct authorised Part 141 flight training on behalf of the operator.

key personnel, for a Part 141 operator: see regulation 141.020.

low-flying flight training means flight training that is conducted below 500 feet AGL.

Part 141 certificate: see subregulation 141.015 (4).

Part 141 flight training: see subregulation 141.015 (1).

personnel, for a Part 141 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 141 flight training:

- (a) an employee of the operator;
- (b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
- (c) an employee of a person mentioned in paragraph (b).

significant change, for a Part 141 operator: see regulation 141.025.

training and checking, for a Part 141 operator, means the training and assessment of proficiency that the operator conducts to ensure that its personnel are competent to perform their duties.

training base, for a Part 141 operator, means a facility from which the operator conducts flight training.

141.035 Approvals by CASA for Part 141

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval under this regulation.

141.040 Legislative instruments—flight training

For paragraph 98 (5A) (a) of the Act, CASA may issue a legislative instrument to prescribe matters for paragraph 141.260 (1) (u).

141.045 Regulations 11.070 to 11.075 do not apply in relation to certain matters

Regulations 11.070 to 11.075 do not apply to the following for a Part 141 operator:

- (a) a change of which CASA is notified under regulation 141.080;
- (b) a significant change that is approved by CASA under regulation 141.090;
- (c) a change made under the process mentioned in regulation 141.095;
- (d) a change that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 141.100.

141.050 Part 141 flight training—requirement for Part 141 certificate or approval

- (1) A person commits an offence if:
 - (a) the person conducts Part 141 flight training; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the requirement is that the person must hold:
 - (a) a Part 141 certificate that authorises the person to conduct the training; or
 - (b) an approval under regulation 141.035 to conduct the training.
- (3) An offence against this regulation is an offence of strict liability.

Subpart 141.B—Part 141 certificates

141.055 Part 141 certificates—application

- (1) A person may apply to CASA for a Part 141 certificate.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), address, headquarters, contact details and ABN (if any);
 - (b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
 - (c) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
 - (d) if the applicant is a corporation not registered in Australia—the place it was incorporated or formed;
 - (e) the Part 141 flight training that the applicant proposes to conduct;
 - (f) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:

- (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
 - (ii) operate in accordance with its exposition and civil aviation legislation.
- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

141.060 Part 141 certificate—issue

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
 - (a) the applicant's proposed exposition complies with regulation 141.260;
 - (b) the applicant can conduct the proposed Part 141 flight training safely and in accordance with its exposition and civil aviation legislation;
 - (c) the applicant's organisation is suitable to ensure that the training can be conducted safely, having regard to the nature of the training;
 - (d) the chain of command of the applicant's organisation is appropriate to ensure that the training can be conducted safely;
 - (e) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the training safely;
 - (f) the facilities of the applicant's organisation are sufficient to enable the training to be conducted safely;
 - (g) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the training can be conducted safely;
 - (h) if the applicant is an individual—the applicant is, or proposes to be, the applicant's chief executive officer;
 - (i) each of the applicant's proposed key personnel:
 - (i) is a fit and proper person to be appointed to the position; and

- (ii) has the qualifications and experience required by Subpart 141.D for the position; and
 - (iii) has the qualifications and experience required by the applicant under subparagraph 141.260 (1) (e) (i) for the position (if any); and
 - (iv) has the additional qualifications and experience required by CASA under regulation 141.155 for the position (if any);
 - (j) the certificate would not, by itself or combined with an existing civil aviation authorisation held by the applicant, authorise the applicant to use a particular foreign registered aircraft in Australian territory for more than 90 days in total in any 12 month period.
- (2) For paragraph (1) (b), without limiting the matters that CASA may consider, CASA must consider the following:
- (a) the applicant's proposed exposition;
 - (b) whether the applicant can comply with the proposed exposition;
 - (c) the content of the undertaking mentioned in paragraph 141.055 (2) (f);
 - (d) details of, and reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant:
 - (A) under the law of a foreign country; or
 - (B) by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the training;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For subparagraph (1) (i) (i), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 11.055 (4).
- (4) If CASA decides to issue the certificate, CASA must determine the Part 141 flight training the applicant is authorised to conduct,

including any limitations or conditions in relation to the flight training.

- (5) The certificate must include:
 - (a) the matters mentioned in subregulation (4); and
 - (b) a certificate reference number determined by CASA.
- (6) If CASA approves a significant change to a Part 141 operator under regulation 141.090, CASA may issue a new Part 141 certificate to the operator.

141.065 Part 141 certificate—approval of exposition

If CASA issues the certificate to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

141.070 Part 141 certificate—conditions

- (1) Each of the following is a condition of a Part 141 certificate issued to an operator:
 - (a) the operator must comply with:
 - (i) each provision of this Part that applies to the operator; and
 - (ii) each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
 - (c) each of the positions of the operator's key personnel must be filled;

- (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the operator's authorised Part 141 flight training;
 - (e) if the operator is an individual—the individual must be the operator's chief executive officer.
- (2) If the operator conducts the training only in aircraft, or in aircraft and flight simulation training devices, each of the following is also a condition of the operator's Part 141 certificate:
 - (a) the positions of chief executive officer and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (4);
 - (b) the positions of head of operations and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (4).
- (3) If the operator conducts the training only in flight simulation training devices, each of the following is also a condition of the operator's Part 141 certificate:
 - (a) the positions of chief executive officer and quality assurance manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (4);
 - (b) the positions of head of operations and quality assurance manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (4).
- (4) For subparagraphs (2) (a) (ii) and (b) (ii) and (3) (a) (ii) and (b) (ii), the period is:
 - (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 141.035 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

141.075 Part 141 certificate—compliance with conditions

- (1) A Part 141 operator commits an offence if the operator contravenes a condition of its Part 141 certificate.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 141.C—Part 141 operators—changes

141.080 Part 141 operators—changes of name etc

- (1) A Part 141 operator commits an offence if the operator:
- (a) changes its name (including any operating or trading name), address, headquarters or contact details; and
 - (b) does not, before making the change:
 - (i) amend its exposition to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.085 Part 141 operators—application for approval of significant changes

- (1) A Part 141 operator commits an offence if:
- (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
 - (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if:
- (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 141.260 (1) (e) (iv); and

- (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

- (3) A Part 141 operator commits an offence if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 141.260 (1) (e) (iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

Penalty: 50 penalty units.

- (4) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the exposition affected by the change, clearly identifying the change.
- (5) An offence against this regulation is an offence of strict liability.

141.090 Part 141 operators—approval of significant changes

- (1) Subject to regulation 11.055, CASA must approve a significant change for a Part 141 operator if satisfied that the requirements mentioned in subregulation 141.060 (1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application.

141.095 Part 141 operators—process for making changes

- (1) A Part 141 operator commits an offence if:
 - (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process described in the operator's exposition for making changes.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.100 Part 141 operators—CASA directions relating to exposition or key personnel

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 141 operator to change its exposition:
- (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may direct a Part 141 operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
- (a) carrying out the responsibilities of the position; or
 - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:
- (a) be in writing; and
 - (b) state the time within which the direction must be complied with.
- (4) A Part 141 operator commits an offence if:
- (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

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

141.105 Part 141 operators—organisation and personnel

- (1) A Part 141 operator must maintain an organisational structure that effectively manages its authorised Part 141 flight training, taking into account the following:
 - (a) the nature and complexity of the training;
 - (b) the number and kinds of aircraft or flight simulation training devices used to conduct the training;
 - (c) the number and location of training bases used by the operator;
 - (d) the number of the operator's personnel;
 - (e) the number of course participants undertaking the training.
- (2) A Part 141 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's exposition or this Subpart.

Penalty: 50 penalty units.

141.110 Part 141 operators—key personnel cannot carry out responsibilities

- (1) A Part 141 operator commits an offence if:
 - (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 30 days; and
 - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or

- (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

141.115 Part 141 operators—familiarisation training for key personnel

A Part 141 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

141.120 Part 141 operators—chief executive officer: responsibilities and accountabilities

- (1) The chief executive officer of a Part 141 operator is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator's authorised Part 141 flight training in accordance with the operator's Part 141 certificate, exposition and civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) sets and maintains standards for the training in accordance with the operator's exposition; and
 - (ii) complies with civil aviation legislation;
 - (c) if the operator conducts the training in aircraft—ensuring that the operator:
 - (i) implements and manages the operator's safety management system; and
 - (ii) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
 - (iii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and

- (iv) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the training; and
 - (v) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (iv) may:
 - (i) affect the operator's safe conduct of the training; or
 - (ii) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and
 - (vi) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the training; and
 - (vii) for each foreign registered aircraft (if any) used in the training—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
 - (d) if the operator conducts the training only in flight simulation training devices—ensuring that the operator implements and manages the operator's quality assurance management system;
 - (e) establishing and regularly reviewing the operator's safety performance indicators and targets;
 - (f) ensuring that the operator's exposition is monitored and managed for continuous improvement;
 - (g) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
 - (i) the operator's exposition; and
 - (ii) civil aviation legislation.
- (2) The chief executive officer of a Part 141 operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

141.125 Part 141 operators—head of operations: qualifications and experience

- (1) The head of operations of a Part 141 operator must hold:
- (a) an instructor rating and a Grade 1 training endorsement under Part 61; or

- (b) an approval under regulation 141.035 to be the head of operations of the operator.
- (2) For paragraph (1) (b), the matters CASA may consider in deciding whether to approve a person as the head of operations of a Part 141 operator include the following:
 - (a) the operator's current and proposed authorised Part 141 flight training;
 - (b) the person's:
 - (i) management experience; and
 - (ii) formal educational qualifications; and
 - (iii) experience as a trainer or educator; and
 - (iv) operational experience; and
 - (v) flight crew qualifications.
- (3) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 141 operator, direct the person to undertake an assessment mentioned in subregulation (4).
- (4) For subregulation (3), the assessment:
 - (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

141.130 Part 141 operators—head of operations: responsibilities

- (1) The head of operations of a Part 141 operator must safely manage the operator's authorised Part 141 flight training.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
 - (a) ensuring that the operator conducts the training in accordance with principles of competency-based training in a consistent and systematic manner;
 - (b) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's exposition that apply to the training;

- (c) setting and maintaining the operator's standards for the training in accordance with the operator's exposition;
- (d) developing, managing and maintaining the operator's operations manual and dangerous goods manual (if any);
- (e) ensuring the proper allocation and deployment of aircraft and personnel for use in the training;
- (f) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;
- (g) ensuring that the operator has procedures that include the information mentioned in subregulation (3);
- (h) ensuring that the requirements mentioned in subregulation (4) are complied with for the training;
- (i) if the operator conducts the training in a flight simulation training device—ensuring that the device is used only in accordance with the operator's exposition;
- (j) if the operator conducts the training in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;
- (k) if the operator conducts the training in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;
- (l) if the operator conducts the training in any other device—ensuring that the device:
 - (i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010).

Note: For the definition of *civil aviation legislation*, see section 3 of the Act.

- (3) For paragraph (2) (g), the information is the following:
 - (a) a training plan and syllabus for each kind of training;
 - (b) a description of the operator's process to determine the competency of course participants;
 - (c) a description of the operator's process to manage underperformance of course participants;
 - (d) a description of how the operator ensures supervision of course participants when they are receiving training;

- (e) information about how the operator:
 - (i) plans, delivers and reviews the training; and
 - (ii) monitors the progress of course participants to clearly defined knowledge and flight standards; and
 - (iii) maintains records of the results achieved by course participants in training activities and assessments; and
 - (iv) ensures that it has the training facilities and resources to provide the training; and
 - (v) maintains its training facilities and resources.
- (4) For paragraph (2) (h), the requirements are the following:
 - (a) the conduct of the training must be monitored effectively;
 - (b) each instructor who conducts the training must:
 - (i) be authorised under Part 61 to conduct the training; and
 - (ii) have successfully completed the operator's training in non-technical skills and human factors principles; and
 - (iii) have an understanding of the operator's training syllabus for the training; and
 - (iv) hold a valid standardisation and proficiency check for the operator under regulation 141.190; and
 - (v) be supervised effectively; and
 - (vi) comply with the operator's exposition.

141.135 Part 141 operators—safety manager: experience

The safety manager of a Part 141 operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to implement its safety management system in accordance with its exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 141 flight training safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 141 operator must have a safety manager if the operator conducts authorised Part 141 flight training only in aircraft, or in aircraft and flight simulation training devices: see the definition of **key personnel** in regulation 141.020.

141.140 Part 141 operators—safety manager: responsibilities

- (1) The safety manager of a Part 141 operator must manage the safety management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
 - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
 - (c) managing the maintenance and continuous improvement of the following systems:
 - (i) safety management system;
 - (ii) fatigue risk management system (if any).

141.145 Part 141 operators—quality assurance manager: experience

The quality assurance manager of a Part 141 operator must have:

- (a) sufficient relevant quality assurance management experience to capably lead, manage and set standards to enable the operator to safely implement its quality assurance management system in accordance with its exposition; and
- (b) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 141 flight training safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 141 operator must have a quality assurance manager if the operator conducts authorised Part 141 flight training only in flight simulation training devices: see the definition of *key personnel* in regulation 141.020.

141.150 Part 141 operators—quality assurance manager: responsibilities

- (1) The quality assurance manager of a Part 141 operator must manage the quality assurance management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the quality assurance manager include:

- (a) managing the operation of the quality assurance management system including managing corrective, remedial and preventative action in relation to the system; and
- (b) regularly reporting to the chief executive officer on the effectiveness of the quality assurance management system; and
- (c) managing the maintenance and continuous improvement of the quality assurance management system.

141.155 Part 141 operators—key personnel: additional qualification and experience requirements

- (1) This regulation applies to:
 - (a) an applicant for a Part 141 certificate; or
 - (b) a Part 141 operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
 - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 141 flight training in accordance with its exposition and civil aviation legislation;
 - (b) the nature and complexity of the training;
 - (c) the leadership, management and standards-setting skills required by the person for the training;
 - (d) how recently the person has used his or her aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.
- (4) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
 - (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or
 - (c) to complete a stated training course.

141.160 Part 141 operators—reference library

- (1) A Part 141 operator commits an offence if the operator does not maintain a reference library that complies with subregulation (2).

Penalty: 50 penalty units.

- (2) For subregulation (1), the reference library must:

- (a) include the following documents:

- (i) all operational documents and material;
- (ii) the civil aviation legislation that is relevant to the operator's authorised Part 141 flight training;
- (iii) the parts of the AIP that are relevant to the training;
- (iv) documents that include information about the flight operations of each kind of aircraft operated by the operator to conduct the training that is necessary to ensure the safe conduct of the training;
- (v) documents that include information about the operation or maintenance of each kind of flight simulation training device operated by the operator to conduct the training;
- (vi) any other publications, information or data required for the reference library by the operator's exposition; and

- (b) be readily available to all members of the operator's personnel; and

- (c) be up-to-date and in a readily accessible form.

- (3) A Part 141 operator commits an offence if the operator does not keep up-to-date records of the distribution of operational documents to members of the operator's personnel.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.

Subpart 141.E—Part 141 operators—instructors

141.165 Part 141 operators—instructors must comply with Part 141 certificate

- (1) An instructor for a Part 141 operator commits an offence if the instructor conducts Part 141 flight training otherwise than in accordance with the operator's Part 141 certificate.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.170 Part 141 operators—instructors must comply with exposition

- (1) An instructor for a Part 141 operator commits an offence if the instructor conducts authorised Part 141 flight training for the operator otherwise than in accordance with the operator's exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.175 Part 141 operators—instructors must be authorised under Part 61

- (1) A Part 141 operator commits an offence if:
 - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
 - (b) the instructor is not authorised under Part 61 to conduct the training.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.180 Part 141 operators—instructors must have access to records

- (1) A Part 141 operator commits an offence if:

- (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
- (b) the instructor does not have access to the operator's training records for course participants.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.185 Part 141 operators—instructors must hold valid standardisation and proficiency check for operator

- (1) A Part 141 operator commits an offence if:
 - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
 - (b) the instructor does not hold a valid standardisation and proficiency check for the operator under regulation 141.190.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.190 Part 141 operators—holding valid standardisation and proficiency check for operator

- (1) An instructor for a Part 141 operator holds a valid standardisation and proficiency check for the operator if:
 - (a) the instructor has successfully completed the operator's standardisation and proficiency check; and
 - (b) the check complies with regulation 141.195; and
 - (c) under subregulation (2) or (3), the check is valid.
- (2) A standardisation and proficiency check is valid for the period comprising:
 - (a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
 - (b) the period of 12 months immediately following the month in which the check was completed.

- (3) If:

- (a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the *existing check*); and
- (b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire; the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

141.195 Part 141 operators—standardisation and proficiency check requirements

- (1) A Part 141 operator's standardisation and proficiency check for an instructor must, for the flight training that the operator has engaged the instructor to conduct, check the competency of the instructor to:
 - (a) deliver ground briefings in accordance with the operator's training syllabus; and
 - (b) deliver flight training in an aircraft or flight simulation training device in accordance with the operator's training syllabus.
- (2) The check must be carried out by:
 - (a) the operator's head of operations; or
 - (b) a person authorised to conduct the check by the operator's head of operations.

141.200 Part 141 operators—training and assessment of instructors in human factors principles

- (1) A Part 141 operator commits an offence if:
 - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator; and
 - (b) the instructor has not successfully completed the operator's training and assessment in human factors principles.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.205 Part 141 operators—instructors must be competent to conduct flight training in flight simulation training device

- (1) A Part 141 operator commits an offence if:
 - (a) an instructor for the operator conducts authorised Part 141 flight training for the operator in a flight simulation training device; and
 - (b) the instructor has not been assessed by the operator as competent to conduct the training in the device.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.210 Part 141 operators—person recommended for flight test

- (1) A Part 141 operator and the operator's head of operations each commit an offence if:
 - (a) a person is recommended for a flight test by:
 - (i) the head of operations; or
 - (ii) a person named in the operator's exposition as responsible for the authorised Part 141 flight training to which the flight test relates; and
 - (b) the person is not eligible under regulation 61.235 to undertake the test.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 141.F—Part 141 operators—safety management system

141.215 Part 141 operators—safety management system

A Part 141 operator that conducts authorised Part 141 flight training only in aircraft, or in aircraft and flight simulation training devices, must have a safety management system that meets the requirements of regulation 141.220.

141.220 Part 141 operators—safety management system requirements

- (1) The safety management system must be a systemic approach to managing safety that:
 - (a) includes the matters mentioned in subregulation (2); and
 - (b) ensures that the operator's authorised Part 141 flight training is conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes; and
 - (c) if the operator conducts the training in flight simulation training devices—includes the matters mentioned in subregulation 141.230 (2); and
 - (d) integrates human factors principles.
- (2) For paragraph (1) (a), the matters are the following:
 - (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
 - (b) a statement of the operator's safety policy, objectives and planning, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers (including key personnel);
 - (iii) the appointment of safety management personnel;
 - (iv) how human factors principles are integrated into the safety management system;
 - (v) a safety management system implementation plan;

- (vi) relevant third party relationships and interactions;
 - (vii) coordination of an emergency response plan;
 - (viii) safety management system documentation;
 - (c) a safety risk management system, including:
 - (i) hazard identification processes; and
 - (ii) risk assessment and mitigation processes;
 - (d) a safety assurance system, including details of processes for:
 - (i) safety performance monitoring and measurement; and
 - (ii) internal safety investigation; and
 - (iii) management of change; and
 - (iv) continuous improvement of the safety management system;
 - (e) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication.
- (3) Without limiting paragraph (1) (b), the system must include the following:
- (a) a process for auditing the training;
 - (b) a process for promoting the continual improvement of the training;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners;
 - (d) a process for regularly assessing the suitability of the operator's facilities and resources for conducting the training;
 - (e) a process for recommending changes to the system.

Subpart 141.G—Part 141 operators—quality assurance management system

141.225 Part 141 operators—quality assurance management system

A Part 141 operator that conducts authorised Part 141 flight training only in flight simulation training devices must have a quality assurance management system that meets the requirements of regulation 141.230.

141.230 Part 141 operators—quality assurance management system requirements

- (1) The quality assurance management system must:
 - (a) ensure the correct operation and maintenance of the flight simulation training devices; and
 - (b) ensure that the operator's authorised Part 141 flight training is conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes.
- (2) Without limiting paragraph (1) (a), the system must include the following:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.
- (3) Without limiting paragraph (1) (b), the system must include the following:
 - (a) a process for auditing the training;
 - (b) a process for promoting the continual improvement of the training;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from flight examiners;
 - (d) a process for regularly assessing the suitability of the operator's facilities and resources for conducting the training;

(e) a process for recommending changes to the system.

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

Note: This Subpart is reserved for future use.

Subpart 141.I—Part 141 operators—expositions

141.260 Part 141 operators—content of exposition

- (1) An exposition for a Part 141 operator must include the following:
 - (a) the operator's name (including any operating or trading name), address, contact details and ABN (if any);
 - (b) the location and address of:
 - (i) the operator's headquarters; and
 - (ii) each of the operator's training bases;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 141.D for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 141.D for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:
 - (A) is absent from the position; or
 - (B) cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is accountable in addition to the matters mentioned in regulation 141.120;
 - (g) the name of each instructor appointed by the operator's head of operations to have responsibility for particular authorised Part 141 flight training;

- (h) a description of the operator's program for training and assessing personnel in non-technical skills and human factors principles;
- (i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;
- (j) a description of the authorised Part 141 flight training conducted by the operator including the training plans and syllabuses for the training;
- (k) a description of the procedures by which the operator conducts and manages the training;
- (l) if the operator conducts the training in aircraft:
 - (i) for each registered aircraft—the kind of aircraft and its registration mark; and
 - (ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and
 - (iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and
 - (iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and
 - (v) a description of each flight training area;
- (m) if the training includes training for a flight crew licence or rating of a kind for which low-flying flight training is required—a description of how the operator will determine a suitable flight training area for the training;
- (n) if the operator conducts the training in flight simulation training devices:
 - (i) a description of the devices used by the operator in conducting the training; and
 - (ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and
 - (iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and
 - (iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and

- (v) for any other device—a description of the procedures by which the operator ensures that the device:
 - (A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
 - (o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
 - (p) the facilities used by the operator for the activities;
 - (q) a description of any operations, other than the training, conducted by the operator;
 - (r) the following manuals:
 - (i) an operations manual;
 - (ii) a dangerous goods manual (if any);
 - (iii) if the operator conducts the training only in aircraft, or in aircraft and flight simulation training devices—a safety management system manual that describes the operator's safety management system;
 - (iv) if the operator conducts the training only in flight simulation training devices—a quality assurance management system manual that describes the operator's quality assurance management system;
 - (s) a description of the operator's process for making changes including:
 - (i) identifying changes that are significant changes; and
 - (ii) identifying changes that are not significant changes; and
 - (iii) telling CASA of the changes;
 - (t) a description of any other matter required to be approved by CASA under these Regulations in relation to the training;
 - (u) a matter prescribed by a legislative instrument under regulation 141.040 for this paragraph.
- (2) A manual mentioned in any of subparagraphs (1) (r) (ii) to (iv) may be included as part of the operator's operations manual.
- (3) An exposition for a Part 141 operator may include a list of material required for the operator's reference library.
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141.265 Part 141 operators—compliance with exposition by operator

- (1) A Part 141 operator commits an offence if the operator contravenes a provision of its exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.270 Part 141 operators—providing personnel with exposition

- (1) A Part 141 operator commits an offence if:
- (a) the operator's exposition relates to the duties of any of the operator's personnel; and
 - (b) the operator does not make the part of the exposition that relates to the duties available to the person before the person begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 141.J—Part 141 operators—logs and records

141.275 Part 141 operators—making and keeping flight training records

- (1) A Part 141 operator commits an offence if:
 - (a) a person completes a session of the operator's authorised Part 141 flight training; and
 - (b) a record of the training is not made within 7 days after the session.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if the operator does not retain a record made under subregulation (1) for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

141.280 Part 141 operators—availability of flight training records

- (1) A Part 141 operator commits an offence if:
 - (a) a record is made under regulation 141.275; and
 - (b) the operator does not give a copy of the record to the person to whom it relates within 7 days after the record is made.

Penalty: 50 penalty units.

- (2) A Part 141 operator commits an offence if:
 - (a) a record is made under regulation 141.275; and
 - (b) the operator receives a request from another Part 141 operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another Part 141 operator if requested; and
 - (d) the operator does not give a copy of the record to the other Part 141 operator within 7 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Subpart 141.K—Part 141 operators— miscellaneous

141.285 Part 141 operators—suitable facilities, records and resources for flight test

- (1) This regulation applies if a Part 141 operator arranges with a flight examiner for the examiner to conduct a flight test.
- (2) The Part 141 operator commits an offence if suitable facilities, records and resources are not available to the flight examiner for the flight test.

Penalty: 50 penalty units.

141.290 Part 141 operators—pilot in command to be authorised under Part 61

- (1) A Part 141 operator commits an offence if:
 - (a) a person flies an aircraft used in the operator's authorised Part 141 flight training as pilot in command; and
 - (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act.

141.295 Part 141 operators—carriage of passengers prohibited during abnormal operations or low-flying flight training

- (1) A Part 141 operator commits an offence if:
 - (a) during a flight of an aircraft for authorised Part 141 flight training for the operator:
 - (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
 - (ii) low-flying flight training is conducted; and
 - (b) a passenger is carried on the flight.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.300 Part 141 operators—authorisation of carriage of passengers

- (1) A Part 141 operator commits an offence if:
- (a) a person flies an aircraft used in the operator's authorised Part 141 flight training as pilot in command; and
 - (b) the operator authorises the carriage of a passenger on the flight; and
 - (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

141.305 Part 141 operators—holders of student pilot licences conducting solo flights

Completion of training and assessment of competency—first solo flight of certain kinds

- (1) A Part 141 operator commits an offence if:
- (a) the holder of a student pilot licence who is undertaking authorised Part 141 flight training for the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
 - (b) the holder does not meet a requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1) (a), the kinds of solo flight are the following:
- (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a flight at night.
- (3) For paragraph (1) (b), the requirements are the following:

- (a) the holder must have completed training in all the units of competency mentioned in the Part 61 Manual of Standards for the conduct of a solo flight of that kind by the holder of a student pilot licence;
- (b) the holder must have been assessed as competent against the standards mentioned in the Part 61 Manual of Standards for each unit of competency.

Appropriate briefing and capability to conduct safe flight—first solo flight

- (4) A Part 141 operator commits an offence if:
 - (a) the holder of a student pilot licence who is undertaking authorised Part 141 flight training for the operator conducts a solo flight for the first time; and
 - (b) the holder does not meet a requirement mentioned in subregulation (5).

Penalty: 50 penalty units.

- (5) For paragraph (4) (b), the requirements are the following:
 - (a) the holder must have been briefed appropriately for the flight;
 - (b) the holder must be capable of conducting the flight safely.
- (6) An offence against subregulation (1) is an offence of strict liability.
- (7) Strict liability applies to paragraph (4) (a).
- (8) In this regulation:

cross-country flight: see regulation 61.010.

solo: see regulation 61.010.

Note: See also subregulation 61.445 (4) and regulations 61.450 and 61.1225.

141.310 Part 141 operators—dealings in relation to suspended, cancelled, varied, pending or refused civil aviation authorisations: when approval required

Requirement for approval

- (1) A Part 141 operator commits an offence if:

- (a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
- (b) the operator does not hold an approval under regulation 141.035 to do the act.

Penalty: 50 penalty units.

Acts in relation to cancelled authorisations

- (2) For paragraph (1) (a), the acts are the following:
 - (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.

Pending applications for authorisations

- (5) Subregulation (6) applies in relation to an application for a civil aviation authorisation that has not been finally determined by CASA.
- (6) For paragraph (1) (a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the operation of which would be authorised by the authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 14 flight training, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

Application for authorisation refused

- (7) Subregulation (8) applies in relation to an application for a civil aviation authorisation that has been refused by CASA.
- (8) For paragraph (1) (a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 141 flight training, an aircraft the use of which would have been authorised by the authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 141 flight training, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.

(9) An offence against this regulation is an offence of strict liability.

(10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on application by the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

suspended authorisation means a civil aviation authorisation that has been suspended otherwise than on application by the holder of the authorisation.

varied authorisation means a civil aviation authorisation that has been varied otherwise than on application by the holder of the authorisation.

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

Note: *This Part is made up as follows:*

Subpart 142.A General

- 142.005 What Part 142 is about
- 142.010 Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices
- 142.015 Definitions of *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 recurrent 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
- 142.090 AOC—holders of existing AOCs
- 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
- 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

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- 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—training and assessment of instructors and examiners in human factors principles

Subpart 142.K Part 142 operators—expositions

- 142.340 Part 142 operators—content of exposition
 - 142.345 Part 142 operators—compliance with exposition by operator
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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—holders of student pilot licence conducting solo flights

142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required

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 recurrent training and contracted checking; and
- (b) makes provision for applicants for, and holders of, Part 142 authorisations (which are AOCs or other certificates that deal with the training and checking mentioned in paragraph (a)).

Note: See also Division 2 of Part III of the Act in relation to AOCs generally.

142.010 Part 142 applies only to aeroplanes, rotorcraft, airships and flight simulation training devices

- (1) This Part applies only to:
 - (a) an aeroplane, rotorcraft or airship; or
 - (b) a flight simulation training device for an aircraft mentioned in paragraph (a).
- (2) Accordingly, a reference in this Part to an *aircraft* is a reference to an aeroplane, rotorcraft or airship.

142.015 Definitions of *Part 142 activity*, *Part 142 flight training*, *Part 142 authorisation*, *Part 142 operator* and *authorised Part 142 activity* for Part 142

- (1) A *Part 142 activity* is any of the following conducted in an aircraft or a flight simulation training device:
 - (a) Part 142 flight training;
 - (b) contracted recurrent training;
 - (c) contracted checking.
- (2) *Part 142 flight training* is any of the following flight training:
 - (a) an integrated training course for the grant under Part 61 of a private pilot licence or commercial pilot licence;

- (b) training for the grant under Part 61 of a multi-crew pilot licence, air transport pilot licence or flight engineer licence;
 - (c) multi-crew cooperation training;
 - (d) training:
 - (i) that is for the grant under Part 61 of a flight crew rating that is not a type rating mentioned in a legislative instrument under regulation 142.045; and
 - (ii) that is conducted as a multi-crew operation;
 - (e) training for the grant under Part 61 of a flight crew endorsement that is conducted as a multi-crew operation;
 - (f) training that is given as part of a flight review that is conducted as a multi-crew operation;
 - (g) differences training:
 - (i) that is required as mentioned in regulation 61.780 for a variant covered by a type rating that is not a type rating mentioned in a legislative instrument under regulation 142.045; and
 - (ii) that is not conducted by a training and checking organisation approved under regulation 217 of CAR.
- (3) An **authorised Part 142 activity**, for a Part 142 operator, is a Part 142 activity mentioned in the operator's Part 142 authorisation.
- (4) A **Part 142 operator** is the holder of a Part 142 authorisation.
- (5) A **Part 142 authorisation** is:
- (a) an AOC that authorises the conduct of a Part 142 activity in an aircraft; or
 - (b) a certificate under Division 142.B.2 that authorises the conduct of a Part 142 activity in a flight simulation training device.

142.020 Definitions of *contracted checking*, *contracted recurrent training* and *contracting operator* for Part 142

In this Part:

contracted checking means checking conducted by a Part 142 operator for a contracting operator.

contracted recurrent training means recurrent training conducted by a Part 142 operator for a contracting operator.

contracting operator means an aircraft operator who enters into a contract with a Part 142 operator for the Part 142 operator to conduct:

- (a) recurrent training for the aircraft operator; or
- (b) checking for the aircraft operator.

142.025 Definition of *key personnel* for Part 142

In this Part:

key personnel, for a Part 142 operator, means the people (however described) that hold, or carry out the responsibilities of, the following positions in the operator's organisation:

- (a) chief executive officer;
- (b) head of operations;
- (c) if the operator conducts authorised Part 142 activities only in aircraft, or aircraft and flight simulation training devices—safety manager;
- (d) if the operator conducts authorised Part 142 activities only in flight simulation training devices—quality assurance manager.

142.030 Definition of *significant change* for Part 142

In this Part:

significant change, for a Part 142 operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of any of the operator's training bases, including the opening or closing of training bases;
 - (ii) the operator's corporate structure;
 - (iii) the operator's organisational structure;
 - (iv) the operator's key personnel;
 - (v) a person authorised to carry out the responsibilities of any of the key personnel;
 - (vi) the formal reporting line for a managerial or operational position reporting directly to any of the key personnel;

- (vii) the qualifications, experience and responsibilities required by the operator for any of the key personnel;
- (viii) the familiarisation training mentioned in regulation 142.170 for any of the key personnel;
- (ix) the operator's process for making changes:
 - (A) that are significant changes; and
 - (B) that are not significant changes;
- (x) the authorised Part 142 activities conducted by the operator;
- (xi) if the operator conducts the activities in aircraft—the kinds of aircraft used to conduct the activities;
- (xii) if the operator conducts the activities in turbine-engined aircraft—any leasing or other arrangements for the supply of a turbine-engined aircraft;
- (xiii) if the operator conducts the activities in flight simulation training devices:
 - (A) the ownership arrangements for a device; or
 - (B) the types of devices; or
- (b) if the operator conducts the activities in foreign registered aircraft:
 - (i) a change in the foreign registered aircraft used in the activities; or
 - (ii) a change in relation to a foreign registered aircraft used in the activities, including a change to its nationality or registration mark; or
- (c) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:
 - (i) the procedures by which the operator conducts and manages the activities;
 - (ii) the operator's operations manual;
 - (iii) the operator's dangerous goods manual (if any);
 - (iv) the operator's training management system manual;
 - (v) the way that the operator manages the risk of fatigue in its personnel;
 - (vi) the operator's internal training and checking system manual;

- (vii) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—the operator’s safety management system manual;
- (viii) if the operator conducts the activities only in flight simulation training devices—the operator’s quality assurance management system manual;
- (ix) if the operator conducts the activities in aircraft:
 - (A) the way the aircraft are managed or maintained; or
 - (B) the way the continuing airworthiness of the aircraft is assured; or
- (d) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

142.035 Definitions for Part 142

In this Part:

aircraft: see regulation 142.010.

authorised Part 142 activity, for a Part 142 operator: see subregulation 142.015 (3).

checking means the assessment of proficiency of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

conducts: a Part 142 operator ***conducts*** a Part 142 activity if an instructor or examiner for the operator conducts the activity on behalf of the operator.

contracted checking: see regulation 142.020.

contracted recurrent training: see regulation 142.020.

contracting operator: see regulation 142.020.

corporation: see regulation 11.015.

examiner, for a Part 142 operator, means a flight examiner or flight engineer examiner engaged by the operator:

- (a) to conduct flight tests for the grant of a licence, rating or endorsement under Part 61 on behalf of the operator; or
- (b) to conduct contracted checking on behalf of the operator.

exposition, for a Part 142 operator, means:

- (a) the set of documents approved by CASA under regulation 142.095 or 142.115 in relation to the operator; and
- (b) if the set of documents is changed under regulation 142.135, 142.145 or 142.155, or the process mentioned in regulation 142.150—the set of documents as changed.

instructor, for a Part 142 operator, means a person engaged by the operator to conduct Part 142 flight training or contracted recurrent training on behalf of the operator.

key personnel, for a Part 142 operator: see regulation 142.025.

low-flying activity means a flight that is conducted below 500 feet AGL, other than:

- (a) climbing from take-off; and
- (b) descending for the purpose of landing.

officer, of a corporation, means:

- (a) for a corporation that is a company (within the meaning of the *Corporations Act 2001*)—a director, secretary or executive officer of the corporation; or
- (b) for a corporation of any other kind—a person exercising responsibility, in relation to the corporation, as nearly as possible the same as that of a director, secretary or executive officer of a company (within the meaning of the *Corporations Act 2001*).

Part 142 activity: see subregulation 142.015 (1).

Part 142 authorisation: see subregulation 142.015 (5).

Part 142 flight training: see subregulation 142.015 (2).

personnel, for a Part 142 operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator's authorised Part 142 activities:

- (a) an employee of the operator;
- (b) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
- (c) an employee of a person mentioned in paragraph (b).

significant change, for a Part 142 operator: see regulation 142.030.

recurrent training means the training of the personnel of an aircraft operator or the operator of a flight simulation training device that is conducted to ensure that the personnel are competent to carry out their responsibilities.

training base, for a Part 142 operator, means a facility from which the operator conducts flight training, recurrent training or checking.

142.040 Approvals by CASA for Part 142

- (1) If a provision of this Part refers to a person holding an approval under this regulation, the person may apply to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055 (1B) applies to the granting of an approval under this regulation for the following provisions:
 - (a) paragraph 142.050 (3) (b);
 - (b) paragraph 142.185 (1) (b);
 - (c) paragraph 142.185 (4) (a).

142.045 Legislative instruments—Part 142 operators

For paragraph 98 (5A) (a) of the Act, CASA may issue a legislative instrument to prescribe the following:

- (a) type ratings for paragraph (d) and subparagraph (g) (i) of the definition of **Part 142 flight training** in subregulation 142.015 (2);
- (b) matters for paragraph 142.340 (1) (v).

142.050 Part 142 activities—requirement for Part 142 authorisation

- (1) A person commits an offence if:
- (a) the person conducts a Part 142 activity in an aircraft; and
 - (b) the person does not hold an AOC that authorises the person to conduct the activity.

Penalty: 50 penalty units.

- (2) A person commits an offence if:
- (a) the person conducts a Part 142 activity in a flight simulation training device; and
 - (b) the person does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2) (b), the requirement is that the person must hold:
- (a) a certificate under Division 142.B.2 that authorises the person to conduct the activity; or
 - (b) an approval under regulation 142.040 to conduct the activity.
- (4) An offence against this regulation is an offence of strict liability.

142.055 Part 142 activities—compliance with Part 142 authorisations: offence for operators

- (1) A Part 142 operator commits an offence if the operator conducts an authorised Part 142 activity for the operator otherwise than in accordance with its Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.060 Part 142 activities—compliance with conditions of Part 142 authorisations: offence for operators

- (1) A Part 142 operator commits an offence if the operator contravenes a condition of its Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.B—Part 142 authorisations

Division 142.B.1—AOCs for Part 142 activities that involve operation of aircraft

142.065 Prescribed purpose—Part 142 activities involving the operation of aircraft

For subsection 27 (9) of the Act, conducting a Part 142 activity that involves the operation of an aircraft is a prescribed purpose.

142.070 Prescribed position—safety manager

For paragraph (e) of the definition of *key personnel* in subsection 28 (3) of the Act, the position of safety manager is prescribed.

142.075 Required material—reference library

For paragraph 28BH (2) (b) of the Act, the following material is required for a Part 142 operator that holds an AOC that authorises the conduct of Part 142 activities that involve the operation of aircraft:

- (a) the civil aviation legislation that is relevant to the activities;
- (b) the parts of the AIP that are relevant to the activities;
- (c) all information about the flight operations of each kind of aircraft that is necessary to ensure the safe conduct of the activities;
- (d) any other publications, information or data required for the reference library by the operator's exposition.

142.080 AOC—application

- (1) A person may apply to CASA for the issue of an AOC that authorises the person to conduct a Part 142 activity that involves the operation of an aircraft.
- (2) The application must include the following:

- (a) the applicant's name (including any operating or trading name), address, headquarters, contact details and ABN (if any);
- (b) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
- (c) if the applicant is a corporation—the name of each of the officers of the corporation;
- (d) if the applicant is a corporation registered in Australia that has an ACN—its ACN and the address of its registered office;
- (e) if the applicant is a corporation not registered in Australia—the place at which it was incorporated or formed;
- (f) the Part 142 activities that the applicant proposes to conduct;
- (g) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the AOC, the applicant will:
 - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
 - (ii) operate in accordance with its exposition and civil aviation legislation.

Note: See also sections 27AB and 27AC of the Act.

- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

142.085 AOC—conditions for issue

- (1) It is a condition for the issue to the applicant of an AOC that authorises the applicant to conduct Part 142 activities that CASA is satisfied of each of the following:
 - (a) the applicant's proposed exposition complies with regulation 142.340;
 - (b) the applicant can conduct the activities safely and in accordance with its exposition and civil aviation legislation;
 - (c) if the applicant is an individual—the applicant:

- (i) is a fit and proper person to be issued an AOC that authorises the conduct of the activities; and
- (ii) is, or proposes to be, the applicant's chief executive officer;
- (d) if the applicant is a corporation—each officer of the corporation is a fit and proper person to be an officer of a corporation that is issued an AOC that authorises the conduct of the activities;
- (e) each of the applicant's proposed key personnel;
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required by Subpart 142.D for the position; and
 - (iii) has the qualifications and experience required by the applicant under subparagraph 142.340 (1) (e) (i) for the position (if any); and
 - (iv) has the additional qualifications and experience required by CASA under regulation 142.215 for the position (if any);
- (f) the AOC would not, by itself or combined with an existing civil aviation authorisation held by the applicant, authorise the applicant to use a particular foreign registered aircraft in Australian territory for more than 90 days in total in any 12 month period.

Note: These matters are in addition to the matters specified in section 28 of the Act.

- (2) For paragraph (1) (b), without limiting the matters that CASA may consider, CASA must consider the following:
 - (a) the applicant's proposed exposition;
 - (b) whether the applicant can comply with the proposed exposition;
 - (c) the content of the undertaking mentioned in paragraph 142.080 (2) (g);
 - (d) details of, and the reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant:
 - (A) under the law of a foreign country; or
 - (B) by a multinational aviation authority;

- (e) the suitability of the applicant's corporate and organisational structures for the activities;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document submitted to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For paragraphs (1) (c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:
- (a) the person's criminal record (if any), whether in Australia or a foreign country;
 - (b) the person's bankruptcy (if any), whether in Australia or a foreign country;
 - (c) the person's history (if any) of serious behavioural problems;
 - (d) any evidence held by CASA that the person has contravened:
 - (i) civil aviation legislation; or
 - (ii) another law relating to transport (including aviation) safety, whether in Australia or a foreign country;
 - (e) the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;
 - (f) the record of compliance with regulatory requirements relating to transport (including aviation) safety of any corporation in Australia or a foreign country in which the person:
 - (i) is or was an officer or partner (however described); or
 - (ii) holds or held a position equivalent to any of the applicant's key personnel;
 - (g) for any corporation in which the person is or was an officer, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country, the following records:
 - (i) the corporation's criminal record (if any);
 - (ii) the corporation's record of insolvency, bankruptcy, receivership or winding up (if any);
 - (iii) the corporation's record (if any) as a body subject to investigation or comment by any statutory authority

established to regulate the share dealings or financial affairs of corporations;

- (h) any other matter relating to the fitness of the person to:
 - (i) for an applicant—hold an AOC that authorises the conduct of the activities; or
 - (ii) for an officer or proposed officer—be an officer of a corporation that holds an AOC that authorises the conduct of the activities.

142.090 AOC—holders of existing AOCs

- (1) If the applicant holds an AOC that authorises the conduct of operations other than the proposed Part 142 activities, and CASA decides to issue an AOC to the applicant that authorises the conduct of the activities, the applicant must ask CASA, in writing, to cancel the applicant's existing AOC.
- (2) On receipt of the request, CASA must cancel the applicant's existing AOC and issue a new AOC that authorises the conduct of:
 - (a) the operations authorised by the existing AOC; and
 - (b) the proposed Part 142 activities.

142.095 AOC—approval of exposition

If CASA issues an AOC to the applicant that authorises the conduct of the proposed Part 142 activities, CASA is taken to have also approved the applicant's proposed exposition.

142.100 AOC—conditions

- (1) For paragraph 28BA (1) (b) of the Act, each of the following is a condition of an AOC issued to an operator that authorises the conduct of Part 142 activities:
 - (a) the operator must comply with each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and

- (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of civil aviation legislation that applies to the activities;
 - (c) each of the positions of the operator's key personnel must be filled;
 - (d) each of the operator's personnel must comply with each provision of civil aviation legislation that applies to the activities;
 - (e) if the operator is an individual—the individual must be the operator's chief executive officer;
 - (f) the positions of chief executive officer and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2);
 - (g) the positions of head of operations and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2).
- (2) For subparagraphs (1) (f) (ii) and (g) (ii), the period is:
- (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 142.040 for this paragraph in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

Division 142.B.2—Certificates for Part 142 activities conducted in flight simulation training devices

142.105 Certificate—application

- (1) A person may apply to CASA for a certificate authorising the person to conduct Part 142 activities in flight simulation training devices.
- (2) The application must include the following:

- (a) the information and documents mentioned in paragraphs 142.080 (2) (a) to (e);
- (b) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the certificate, the applicant will:
 - (i) be capable of operating in accordance with its exposition and civil aviation legislation; and
 - (ii) operate in accordance with its exposition and civil aviation legislation.
- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

142.110 Certificate—issue

- (1) Subject to regulation 11.055, CASA must issue the certificate if satisfied of each of the following:
 - (a) the matters mentioned in subregulation 142.085 (1);
 - (b) the applicant's organisation is suitable to ensure that the activities can be conducted safely, having regard to the nature of the activities;
 - (c) the chain of command of the applicant's organisation is appropriate to ensure that the activities can be conducted safely;
 - (d) the applicant's organisation has a sufficient number of suitably qualified and competent personnel to conduct the activities safely;
 - (e) the facilities of the applicant's organisation are sufficient to enable the activities to be conducted safely;
 - (f) the applicant's organisation has suitable procedures and practices to control the organisation and ensure the activities can be conducted safely.
- (2) For subregulation (1), in deciding whether an applicant is capable of conducting the activities safely and in accordance with its exposition and civil aviation legislation, CASA must consider:
 - (a) the matters set out in paragraphs 142.085 (2) (a), (b) and (d) to (f); and

- (b) the content of the undertaking mentioned in paragraph 142.105 (2) (b).
- (3) For subregulation (1), the matters CASA may consider in deciding whether a person is a fit and proper person include the matters mentioned in subregulation 142.085 (3).
- (4) For this regulation, regulation 142.085 applies to an application for a certificate as if:
 - (a) a reference to an AOC were a reference to a certificate; and
 - (b) any other necessary changes had been made.
- (5) If CASA decides to issue the certificate, CASA must determine the Part 142 activities the applicant is authorised to conduct in flight simulation training devices, including any limitations or conditions in relation to the activities.
- (6) The certificate must include:
 - (a) the matters mentioned in subregulation (5); and
 - (b) a certificate reference number determined by CASA.
- (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;
 - (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.

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

Regulations 11.070 to 11.075 do not apply to the following for a Part 142 operator that holds a certificate under this Division:

- (a) a change of which CASA is notified under regulation 142.135;
- (b) a significant change that is approved by CASA under regulation 142.145;
- (c) a change made under a process mentioned in regulation 142.150;
- (d) a change that is made as a consequence of a change made to the organisation's exposition in accordance with a direction given by CASA under regulation 142.155.

Subpart 142.C—Part 142 operators—changes

142.135 Part 142 operators—changes of name etc

- (1) A Part 142 operator commits an offence if the operator:
 - (a) changes its name (including any operating or trading name), address, headquarters or contact details; and
 - (b) does not, before making the change:
 - (i) amend its exposition to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.140 Part 142 operators—application for approval of significant change

- (1) A Part 142 operator commits an offence if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2) or (3); and
 - (b) CASA has not approved the significant change.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if:
 - (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340 (1) (e) (iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.

Penalty: 50 penalty units.

- (3) A Part 142 operator commits an offence if:

- (a) the operator makes a significant change that is the permanent appointment as any of the operator's key personnel of a person not previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 142.340 (1) (e) (iv); and
- (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 3 days after the change is made.

Penalty: 50 penalty units.

- (4) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the exposition affected by the change, clearly identifying the change.
- (5) An offence against this regulation is an offence of strict liability.

142.145 Part 142 operators—approval of significant changes

- (1) CASA may approve a significant change for a Part 142 operator that holds an AOC that authorises the operator to conduct Part 142 activities only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 142.085 (1) will continue to be met.
- (2) Subject to regulation 11.055, CASA must approve a significant change for a Part 142 operator that holds a certificate under Division 142.B.2 if satisfied that the requirements mentioned in subregulation 142.110 (1) will continue to be met.
- (3) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application.

142.150 Part 142 operators—process for making changes

- (1) A Part 142 operator commits an offence if:
 - (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process described in the operator's exposition for making changes.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.155 Part 142 operators—CASA directions relating to exposition or key personnel

- (1) If satisfied that it is necessary in the interests of aviation safety, CASA may direct a Part 142 operator to change its exposition:
- (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may direct a Part 142 operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
- (a) carrying out the responsibilities of the position; or
 - (b) if the person is the chief executive officer—properly managing matters for which the person is accountable.
- (3) A direction under this regulation must:
- (a) be in writing; and
 - (b) state the time within which the direction must be complied with.
- (4) A Part 142 operator commits an offence if:
- (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the direction.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

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

Note: For the qualifications for the position of head of aircraft airworthiness and maintenance control, see the qualifications specified in the Part 42 Manual of Standards for the position of continuing airworthiness manager.

142.160 Part 142 operators—organisation and personnel

- (1) A Part 142 operator must maintain an organisational structure that effectively manages its authorised Part 142 activities, taking into account the following:
 - (a) the nature and complexity of the activities;
 - (b) the number and kinds of aircraft or flight simulation training devices used to conduct the activities;
 - (c) the number and location of training bases used by the operator to conduct the activities;
 - (d) the number of the operator's personnel;
 - (e) for Part 142 flight training—the number of course participants undertaking the training;
 - (f) for contracted recurrent training—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted recurrent training;
 - (g) for contracted checking—the number of contracting operators and the number of their personnel for which the Part 142 operator is conducting contracted checking.
- (2) A Part 142 operator commits an offence if any of the operator's key personnel carries out a responsibility of the person's position otherwise than in accordance with the operator's exposition or this Subpart.

Penalty: 50 penalty units.

142.165 Part 142 operators—key personnel cannot carry out responsibilities

- (1) A Part 142 operator commits an offence if:
 - (a) the operator becomes aware that any of its key personnel cannot carry out, or is likely to be unable to carry out, the

person's responsibilities for a period of longer than 35 days;
and

- (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.

142.170 Part 142 operators—familiarisation training for key personnel

A Part 142 operator must ensure that before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

142.175 Part 142 operators—chief executive officer: experience

The chief executive officer of a Part 142 operator must have sufficient relevant experience in organisational, operational, financial and people management of air operations to enable the operator to conduct safe operations in accordance with its exposition and civil aviation legislation.

142.180 Part 142 operators—chief executive officer: responsibilities and accountabilities

- (1) The chief executive officer of a Part 142 operator is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator's authorised Part 142 activities in accordance with the operator's Part 142 authorisation, exposition and civil aviation legislation, the operator:

- (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
- (b) ensuring that the operator:
 - (i) sets and maintains standards for the activities in accordance with the operator's exposition; and
 - (ii) complies with civil aviation legislation;
- (c) if the operator conducts the activities in aircraft—ensuring that the operator:
 - (i) implements and manages the operator's safety management system; and
 - (ii) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
 - (iii) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and
 - (iv) tells CASA if the operator enters into a leasing, financing or other arrangement for the supply of a turbine-engined aircraft for use in the activities; and
 - (v) tells CASA if the operator becomes aware that any arrangement mentioned in subparagraph (iv) may:
 - (A) affect the operator's safe conduct of the activities; or
 - (B) contravene a provision of civil aviation legislation or the law of the country in which the aircraft is registered; and
 - (vi) complies with the aviation safety laws of each foreign country (if any) where the operator conducts the activities; and
 - (vii) for each foreign registered aircraft (if any) used in the activities—maintains the aircraft in accordance with the law of the country in which the aircraft is registered;
- (d) if the operator conducts the activities only in flight simulation training devices—ensuring that the operator implements and manages the operator's quality assurance management system;
- (e) establishing and regularly reviewing the operator's safety performance indicators and targets;

- (f) ensuring that the operator's exposition is monitored and managed for continuous improvement;
- (g) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with:
 - (i) the operator's exposition; and
 - (ii) civil aviation legislation.
- (2) The chief executive officer of a Part 142 operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

142.185 Part 142 operators—head of operations: qualifications and experience

- (1) The head of operations of a Part 142 operator must:
 - (a) meet the requirements mentioned in subregulation (2); or
 - (b) hold an approval under regulation 142.040 to be the head of operations for the operator.
- (2) For paragraph (1) (a), the requirements are that the person must:
 - (a) hold, and be able to exercise the privileges of, a flight examiner rating; and
 - (b) hold the pilot licence required by subregulation (3); and
 - (c) be authorised under Part 61 to pilot a kind of aircraft that is used to conduct a significant proportion of the operator's authorised Part 142 activities; and
 - (d) have the experience required by subregulation (4); and
 - (e) have a satisfactory record in the conduct or management of air operations; and
 - (f) have sufficient safety and regulatory knowledge to enable the operator to conduct the activities safely and in accordance with its exposition and civil aviation legislation.
- (3) For paragraph (2) (b), the licence required is:
 - (a) if any of the activities relate to the operation of an aircraft for a multi-crew operation—an air transport pilot licence; or
 - (b) in any other case—a commercial pilot licence or an air transport pilot licence.
- (4) For paragraph (2) (d), the experience required is:

- (a) if the operator holds an approval under regulation 142.040 for this paragraph—the experience mentioned in paragraph (5) (a) or (b); or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (5) (a) and (b).
- (5) For subregulation (4), the experience is the following:
 - (a) at least 500 hours flight time on a kind of aircraft used to conduct a significant proportion of the activities;
 - (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (6) CASA may, by written notice given to a head of operations, or proposed head of operations, of a Part 142 operator, direct the person to undertake an assessment mentioned in subregulation (7).
- (7) For subregulation (6), the assessment:
 - (a) is an assessment conducted by CASA or a person nominated by CASA to demonstrate suitability as head of operations for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft, airship or flight simulation training device.

142.190 Part 142 operators—head of operations: responsibilities

- (1) The head of operations of a Part 142 operator must safely manage the authorised Part 142 activities of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the head of operations include the following:
 - (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of civil aviation legislation and the operator's exposition that apply to the activities;
 - (b) setting and maintaining the operator's standards for the activities in accordance with the operator's exposition;
 - (c) if the activities include flight training or contracted recurrent training—ensuring that the training is conducted in accordance with the operator's training management system;
 - (d) ensuring that the activities are monitored effectively;

- (e) managing the maintenance and continuous improvement of the operator's fatigue risk management system (if any);
- (f) ensuring the proper allocation and deployment of aircraft, flight simulation training devices and personnel for use in the activities;
- (g) ensuring that the operator's personnel are provided with the information and documentation necessary to properly carry out their responsibilities;
- (h) if the operator conducts an activity in a flight simulation training device—ensuring that the device is used only in accordance with the operator's exposition;
- (i) if the operator conducts an activity in a flight simulator or flight training device—ensuring that the simulator or device is qualified under Part 60;
- (j) if the operator conducts an activity in a synthetic trainer—ensuring that the trainer is approved under Civil Aviation Order 45.0;
- (k) if the operator conducts an activity in any other device—ensuring that the device:
 - (i) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (ii) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
- (l) ensuring that each instructor who conducts an activity for the operator:
 - (i) has access to the parts of the operator's exposition that relate to the instructor's duties; and
 - (ii) holds a valid standardisation and proficiency check for the operator under regulation 142.325;
- (m) ensuring that each examiner who conducts an activity for the operator has access to the parts of the operator's exposition that relate to the examiner's duties;
- (n) ensuring that each instructor or examiner who conducts an activity for the operator:
 - (i) is authorised to conduct the activity under Part 61; and
 - (ii) has successfully completed the training set out in the operator's internal training and checking system manual; and

- (iii) has successfully completed the operator's training in non-technical skills and human factors principles;
- (o) reporting to the chief executive officer on the operator's compliance with the matters mentioned in paragraph (n);
- (p) ensuring that each instructor or examiner who conducts contracted recurrent training or contracted checking for the operator has access to the contracting operator's training and checking manual;
- (q) if an instructor attempts but does not successfully complete a standardisation and proficiency check mentioned in the operator's internal training and checking system manual—telling CASA, in writing, within 14 days after the date of the attempt, of the person's name, position and ARN;
- (r) ensuring that the operator establishes and maintains effective communication, in relation to the activities, with CASA and each contracting operator for which the operator conducts contracted recurrent training or contracted checking;
- (s) ensuring that written reports are provided to the head of training and checking of each contracting operator in relation to the performance of each person for whom the operator conducts contracted recurrent training or contracted checking;
- (t) if the operator conducts the activities in aircraft—ensuring that the operator complies with section 28BH of the Act in relation to flight crew.

142.195 Part 142 operators—safety manager: experience

The safety manager of a Part 142 operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement its safety management system in accordance with its exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a safety manager if the operator conducts authorised Part 142 activities only in aircraft, or in aircraft

and flight simulation training devices: see regulation 142.025, definition of *key personnel*.

142.200 Part 142 operators—safety manager: responsibilities

- (1) The safety manager of a Part 142 operator must manage the safety management system of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
 - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
 - (c) managing the maintenance and continuous improvement of the following systems:
 - (i) safety management system;
 - (ii) fatigue risk management system (if any).

142.205 Part 142 operators—quality assurance manager: experience

The quality assurance manager of a Part 142 operator must have:

- (a) sufficient relevant quality assurance management experience to capably lead, manage and set standards to enable the operator to safely implement its quality assurance management system in accordance with its exposition; and
- (b) sufficient safety and regulatory knowledge to enable the operator to conduct authorised Part 142 activities safely and in accordance with its exposition and civil aviation legislation.

Note: A Part 142 operator must have a quality assurance manager if the operator conducts authorised Part 142 activities only in flight simulation training devices: see regulation 142.025, definition of *key personnel*.

142.210 Part 142 operators—quality assurance manager: responsibilities

- (1) The quality assurance manager of a Part 142 operator must manage the quality assurance management system of the operator.

- (2) Without limiting subregulation (1), the responsibilities of the quality assurance manager include:
 - (a) managing the operation of the quality assurance management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the quality assurance management system; and
 - (c) managing the maintenance and continuous improvement of the quality assurance management system.

142.215 Part 142 operators—key personnel: additional qualifications and experience requirements

- (1) This regulation applies to:
 - (a) an applicant for a Part 142 authorisation; and
 - (b) a Part 142 operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.
- (3) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
 - (a) the need to ensure that the applicant or operator can conduct safe authorised Part 142 activities in accordance with its exposition and civil aviation legislation;
 - (b) the nature and complexity of the activities;
 - (c) the leadership, management and standards-setting skills required by the person for the activities;
 - (d) how recently the person has used his or her aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.
- (4) If satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
 - (a) to undertake a stated examination; or

- (b) to be interviewed by CASA; or
- (c) to complete a stated training course.

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

142.220 Part 142 activities—instructors and examiners must comply with Part 142 authorisation

- (1) An instructor or examiner for a Part 142 operator commits an offence if the instructor or examiner conducts a Part 142 activity otherwise than in accordance with the operator's Part 142 authorisation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.225 Part 142 activities—instructors and examiners must comply with exposition

- (1) An instructor or examiner for a Part 142 operator commits an offence if the instructor or examiner conducts an authorised Part 142 activity for the operator otherwise than in accordance with the operator's exposition.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.230 Part 142 operators—instructors and examiners must be authorised under Part 61

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor or examiner is not authorised under Part 61 to conduct the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.235 Part 142 operators—instructors and examiners must have access to records

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor or examiner does not have access to the operator's records for the persons participating in the activity.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.240 Part 142 operators—instructors and examiners must be competent to conduct authorised Part 142 activities in flight simulation training devices

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator in a flight simulation training device; and
 - (b) the instructor or examiner has not been assessed by the operator as competent to conduct the activity in the device.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.245 Part 142 operators—person recommended for flight test

- (1) A Part 142 operator and the operator's head of operations each commit an offence if:
 - (a) a person is recommended for a flight test by:
 - (i) the head of operations; or
 - (ii) a person named in the operator's exposition as responsible for the Part 142 activity to which the flight test relates; and
 - (b) the person is not eligible under regulation 61.235 to undertake the test.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.F—Part 142 operators—training management system

142.250 Part 142 operators—training management system

A Part 142 operator must have a training management system that meets the requirements of regulation 142.255.

142.255 Part 142 operators—training management system requirements

The training management system must include the following:

- (a) for each kind of Part 142 flight training or contracted recurrent training that is an authorised Part 142 activity for the operator—a course outline, detailed syllabus, standards to be met and record forms;
- (b) the procedures to be followed when a standard is not met;
- (c) an auditable system for maintaining records of the results of the operator's flight training or contracted recurrent training.

Subpart 142.G—Part 142 operators—safety management system

142.260 Part 142 operators—safety management system

A Part 142 operator that conducts authorised Part 142 activities only in aircraft, or in aircraft and flight simulation training devices, must have a safety management system that meets the requirements of regulation 142.265.

142.265 Part 142 operators—safety management system requirements

- (1) The safety management system must be a systemic approach to managing safety that:
 - (a) includes the matters mentioned in subregulation (2); and
 - (b) ensures that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes; and
 - (c) if the operator conducts the activities in flight simulation training devices—includes the matters mentioned in subregulation 142.275 (2); and
 - (d) integrates human factors principles.
- (2) For paragraph (1) (a), the matters are the following:
 - (a) organisational structures, accountabilities, policies and procedures necessary to manage safety in a systemic way;
 - (b) a statement of the operator's safety policy, objectives and planning, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers (including key personnel);
 - (iii) the appointment of safety management personnel;
 - (iv) how human factors principles are integrated into the safety management system;
 - (v) a safety management system implementation plan;
 - (vi) relevant third party relationships and interactions;

- (vii) coordination of an emergency response plan;
 - (viii) safety management system documentation;
 - (c) a safety risk management system, including:
 - (i) hazard identification processes; and
 - (ii) risk assessment and mitigation processes;
 - (d) a safety assurance system, including:
 - (i) details of processes for:
 - (A) safety performance monitoring and measurement; and
 - (B) internal safety investigation; and
 - (C) management of change; and
 - (D) continuous improvement of the safety management system; and
 - (ii) if the operator operates an aircraft mentioned in subregulation (3) for the activities—a flight data analysis program that meets the requirements mentioned in subregulation (4);
 - (e) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication.
- (3) For subparagraph (2) (d) (ii), the aircraft are the following:
- (a) an aeroplane with a maximum take-off weight of more than 27 000 kg;
 - (b) a rotorcraft with a maximum take-off weight of more than 7 000 kg.
- (4) For subparagraph (2) (d) (ii), the requirements are that the flight data analysis program must:
- (a) regularly record and analyse the operational flight data of individual and aggregated operations for the purpose of improving the safety of flight operations; and
 - (b) be provided by:
 - (i) the operator; or
 - (ii) another appropriate person; and
 - (c) ensure that, except as mentioned in subregulations (6) and (7):

- (i) the identity of a person who is the source of data is protected from disclosure to anyone other than the following:
 - (A) a person whose duties require the person to analyse operational flight data;
 - (B) a person who has access to the person's identity solely for the purpose of analysing operational flight data;
 - (C) a pilot appointed by the operator to liaise with flight crew in relation to matters arising from the flight data analysis program; and
 - (ii) no punitive action in relation to the data may be taken by the operator against the person.
- (5) For subparagraph (4) (b) (ii), the provision of the flight data analysis program by an appropriate person does not in any way compromise the operator's responsibility to provide, and ensure the effectiveness of, the program.
- (6) For paragraph (4) (c), the identity of a person who is the source of data may be disclosed:
 - (a) with the written consent of the person; or
 - (b) under a court order.
- (7) For paragraph (4) (c), the identity of a person who is the source of data may be disclosed, and the operator may take punitive action against the person, if the operator has evidence that the person:
 - (a) deliberately contravened a provision of civil aviation legislation or the operator's exposition; or
 - (b) persistently engaged in unsafe actions without appropriate safety reasons.
- (8) Without limiting paragraph (1) (b), the system must include the following:
 - (a) a process for auditing the activities;
 - (b) a process for promoting the continual improvement of the activities;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;

- (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
- (e) a process for recommending changes to the following:
 - (i) the safety management system;
 - (ii) the training management system;
 - (iii) the internal training and checking system.

Subpart 142.H—Part 142 operators—quality assurance management system

142.270 Part 142 operators—quality assurance management system

A Part 142 operator that conducts authorised Part 142 activities only in flight simulation training devices must have a quality assurance management system that meets the requirements of regulation 142.275.

142.275 Part 142 operators—quality assurance management system requirements

- (1) The quality assurance system must:
 - (a) ensure the correct operation and maintenance of the flight simulation training devices; and
 - (b) ensure that the operator's authorised Part 142 activities are conducted in a planned and systematic manner and identifies and addresses deficiencies in training outcomes.
- (2) Without limiting paragraph (1) (a), the system must include the following:
 - (a) quality policy;
 - (b) management responsibility;
 - (c) document control;
 - (d) resource allocation;
 - (e) quality procedures;
 - (f) internal audit.
- (3) Without limiting paragraph (1) (b), the system must include the following:
 - (a) a process for auditing the activities;
 - (b) a process for promoting the continual improvement of the activities;
 - (c) a process for evaluating the training outcomes from pre-flight test assessments and post-flight test feedback from examiners;

- (d) a process for regularly assessing the suitability of the operator's facilities and resources used for conducting the activities;
- (e) a process for recommending changes to the following:
 - (i) the quality assurance management system;
 - (ii) the training management system;
 - (iii) the internal training and checking system.

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

Note: This Subpart is reserved for future use.

Subpart 142.J—Part 142 operators—internal training and checking

142.310 Part 142 operators—internal training and checking system

A Part 142 operator must have an internal training and checking system for its personnel that meets the requirements of regulation 142.315.

142.315 Part 142 operators—internal training and checking system requirements

The internal training and checking system must include the following:

- (a) a description of the operator's internal training and checking, including details of how the training and checking is conducted;
- (b) a description of the duties and responsibilities assigned to personnel conducting internal training and checking;
- (c) details of any cyclic training and proficiency program used by the operator;
- (d) procedures that ensure that each of the operator's personnel:
 - (i) has an understanding of the operator's training management system; and
 - (ii) completes internal training and checking as described under paragraph (a); and
 - (iii) is supervised effectively;
- (e) command responsibility during flights for internal training and checking;
- (f) for each kind of internal training and checking conducted by or for the operator—the minimum number of check pilots and the minimum crew qualifications required by the operator for the training (if any);
- (g) any general restrictions, specifications or safety precautions for internal training and checking (including in relation to fuel load, ballast and minimum weather conditions);
- (h) methods of conducting internal training and checking including the following:

- (i) the standards to be achieved;
- (ii) training sequences for common faults;
- (iii) the method of simulating emergencies or malfunctions;
- (i) procedures that ensure that an instructor who conducts an authorised Part 142 activity for the operator holds a valid standardisation and proficiency check for the operator under regulation 142.325;
- (j) procedures that ensure that an instructor who uses a flight simulation training device to conduct an authorised Part 142 activity for the operator is competent to use the device to conduct the activity.

142.320 Part 142 operators—proficiency of instructors

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the requirement is that the instructor must:
 - (a) hold a valid standardisation and proficiency check for the operator under regulation 142.325; or
 - (b) be successfully participating in the operator's approved cyclic training and proficiency program.
- (3) An offence against this regulation is an offence of strict liability.

142.325 Part 142 operators—holding valid standardisation and proficiency check for operator

- (1) An instructor for a Part 142 operator holds a valid standardisation and proficiency check for the operator if:
 - (a) the instructor has successfully completed the operator's standardisation and proficiency check; and
 - (b) the check complies with regulation 142.330; and
 - (c) under subregulation (2) or (3), the check is valid.

- (2) A standardisation and proficiency check is valid for the period comprising:
 - (a) the period beginning on the day on which the check is completed, and ending at the end of the month in which the check is completed; and
 - (b) the period of 12 months immediately following the month in which the check was completed.
- (3) If:
 - (a) an instructor holds a standardisation and proficiency check that is valid under subregulation (2) (the *existing check*); and
 - (b) the instructor successfully completes a new standardisation and proficiency check on a day that is less than 3 months before the day on which the existing check is due to expire;the new check is valid for 12 months beginning at the end of the day on which the existing check expires.

142.330 Part 142 operators—standardisation and proficiency check requirements

- (1) A Part 142 operator's standardisation and proficiency check for an instructor must check the competency of the instructor to conduct the Part 142 activity that the operator has engaged the instructor to conduct.
- (2) The check must be carried out by:
 - (a) the operator's head of operations; or
 - (b) a person authorised to conduct the check by the operator's head of operations.

142.335 Part 142 operators—training and assessment of instructors and examiners in human factors principles

- (1) A Part 142 operator commits an offence if:
 - (a) an instructor or examiner for the operator conducts an authorised Part 142 activity for the operator; and
 - (b) the instructor or examiner has not successfully completed the operator's training and assessment in human factors principles.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.K—Part 142 operators—expositions

142.340 Part 142 operators—content of exposition

- (1) An exposition for a Part 142 operator must include the following:
 - (a) the operator's name, address, contact details and ABN (if any);
 - (b) the location and address of:
 - (i) the operator's headquarters; and
 - (ii) each of the operator's training bases;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 142.D for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 142.D for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder:
 - (A) is absent from the position; or
 - (B) cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 142.180;
 - (g) if the operator's authorised Part 142 activities include Part 142 flight training—the name of each instructor appointed by the operator's head of operations to have responsibility for particular flight training;

- (h) a description of the operator's program for training and assessing personnel in non-technical skills and human factors principles;
- (i) details of the responsibilities of the operator's personnel (other than key personnel) under these Regulations;
- (j) a description of the authorised Part 142 activities conducted by the operator including:
 - (i) for Part 142 flight training or contracted recurrent training:
 - (A) the training plans and syllabuses for the training; and
 - (B) the areas of operation for the training; and
 - (C) checklists (if any) and the circumstances when the use of a checklist is permitted; and
 - (ii) minimum qualifications and experience for personnel conducting the activities; and
 - (iii) command responsibility during flights for the activities; and
 - (iv) for contracted recurrent training or contracted checking—procedures to ensure that the operator conducts the training or checking in accordance with the contracting operator's training and checking manual and standard operating procedures (if any);
- (k) a description of the procedures by which the operator conducts and manages the activities;
- (l) if the operator conducts the activities in aircraft:
 - (i) for each registered aircraft that is flown into, out of or outside Australian territory in the course of conducting the activities—the kind of aircraft and its registration mark; and
 - (ii) for each foreign registered aircraft—the kind of aircraft and its nationality and registration marks; and
 - (iii) a description of any leasing or other arrangements for the supply of any turbine-engined aircraft; and
 - (iv) a description of the way any turbine-engined aircraft are managed and maintained, and the way continuing airworthiness of the aircraft is assured; and
 - (v) a description of each flight training area;

- (m) if the operator conducts the activities in relation to a flight crew licence or rating of a kind for which a low-flying activity is required—a description of how the operator will determine a suitable flight training area for the activity;
- (n) if the operator conducts the activities in flight simulation training devices:
 - (i) a description of the devices used by the operator in conducting the activities; and
 - (ii) for each device—each purpose mentioned in Part 61 that the device may be used for; and
 - (iii) for flight simulators and flight training devices—a description of the procedures by which the operator ensures the qualification of the simulators and devices under Part 60; and
 - (iv) for synthetic trainers—a description of the procedures by which the operator ensures the approval of the trainers under Civil Aviation Order 45.0; and
 - (v) for any other device—a description of the procedures by which the operator ensures that the device:
 - (A) meets the qualification standards prescribed by a legislative instrument under regulation 61.045; or
 - (B) is qualified (however described) by the national aviation authority of a recognised foreign State (within the meaning of regulation 61.010);
- (o) a description of the way the operator manages the risk of fatigue in its personnel, including the operator's fatigue risk management system manual (if any);
- (p) the facilities used by the operator for the activities;
- (q) a description of any operations, other than authorised Part 142 activities, conducted, or proposed to be conducted, by the operator;
- (r) a description of any aeronautical or aviation-related services provided, or to be provided, by third parties to the operator;
- (s) the following manuals:
 - (i) an operations manual;
 - (ii) a dangerous goods manual (if any);
 - (iii) a training management system manual that describes the operator's training management system;

- (iv) if the operator conducts the activities only in aircraft, or in aircraft and flight simulation training devices—a 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:

- (a) the operator's exposition relates to the duties of any of the operator's personnel; and
- (b) the operator does not make the part of the exposition that relates to the duties available to the person before the person begins carrying out the duties.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Subpart 142.L—Part 142 operators—logs and records

142.355 Part 142 operators—making and keeping records

- (1) A Part 142 operator commits an offence if:
- (a) a person participates in an authorised Part 142 activity conducted by the operator; and
 - (b) a record of the person's participation, including a description and assessment of the person's performance, is not made within 21 days after the activity is conducted.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if the operator does not retain a record made under subregulation (1) for at least 7 years after the record is made.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

142.360 Part 142 operators—availability of records

- (1) A Part 142 operator commits an offence if the operator does not make a record made under regulation 142.355 available, on request, to the person to whom the record relates.

Penalty: 50 penalty units.

- (2) A Part 142 operator commits an offence if:
- (a) a record is made under regulation 142.355; and
 - (b) the operator receives a request from another Part 142 operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another Part 142 operator if requested; and
 - (d) the operator does not give a copy of the record to the other Part 142 operator within 7 days after receiving the request.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability.

Subpart 142.M—Part 142 operators—miscellaneous offences

142.365 Part 142 operators—pilot in command for training to be authorised under Part 61

- (1) A Part 142 operator commits an offence if:
- (a) a person flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator; and
 - (b) the person is not authorised under Part 61 to fly the aircraft as pilot in command.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

Note: See also subsection 20AB (1) of the Act.

142.370 Part 142 operators—carriage of passengers prohibited during abnormal operations or low-flying activity

- (1) A Part 142 operator commits an offence if:
- (a) during a flight of an aircraft for an authorised Part 142 activity for the operator:
 - (i) a simulated engine or system failure that affects the aircraft's performance or handling characteristics is conducted; or
 - (ii) a low-flying activity is conducted; and
 - (b) a passenger is carried on the flight.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.375 Part 142 operators—authorisation of carriage of passengers

- (1) A Part 142 operator commits an offence if:
- (a) a person flies an aircraft used in an authorised Part 142 activity for the operator as pilot in command; and

- (b) the operator authorises the carriage of a passenger on the flight; and
- (c) the person is not authorised under Part 61 to fly the aircraft as pilot in command with a passenger on board.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

142.380 Part 142 operators—integrated training courses: transfer of student from another Part 142 operator

- (1) This regulation applies if:
 - (a) a person seeks to undertake part of an integrated training course with a Part 142 operator (the *current operator*); and
 - (b) the person has previously undertaken part of the course with one or more other Part 142 operators (the *previous operators*).
- (2) The current operator commits an offence if:
 - (a) the operator provides part of the course to the person; and
 - (b) the operator does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2) (b), the requirement is that the current operator must have determined:
 - (a) what part of the course the person has completed with the previous operators; and
 - (b) what part of the course the person needs to complete with the current operator to ensure that, taken together, the parts of the course provided by the previous and current operators will meet the standards specified in the Part 61 Manual of Standards for the course.
- (4) An offence against this regulation is an offence of strict liability.

**142.385 Part 142 operators—holders of student pilot licence
conducting solo flights**

*Completion of training and assessment of competency—first solo
flight of certain kinds*

- (1) A Part 142 operator commits an offence if:
- (a) the holder of a student pilot licence who is undertaking Part 142 flight training that is an authorised Part 142 activity for the operator conducts a solo flight of a kind mentioned in subregulation (2) for the first time; and
 - (b) the holder does not meet a requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (2) For paragraph (1) (a), the kinds of solo flight are the following:
- (a) a circuit training flight;
 - (b) a flight between an aerodrome and the flight training area for the aerodrome;
 - (c) a cross-country flight;
 - (d) a flight at night.
- (3) For paragraph (1) (b), the requirements are the following:
- (a) the holder must have completed training in all the units of competency mentioned in the Part 61 Manual of Standards for the conduct of a solo flight of that kind by the holder of a student pilot licence;
 - (b) the holder must have been assessed as competent against the standards mentioned in the Part 61 Manual of Standards for each unit of competency.

*Appropriate briefing and capability to conduct safe flight—first
solo flight*

- (4) A Part 142 operator commits an offence if:
- (a) the holder of a student pilot licence who is undertaking Part 142 flight training that is an authorised Part 142 activity for the operator conducts a solo flight for the first time; and
 - (b) the holder does not meet a requirement mentioned in subregulation (5).

Penalty: 50 penalty units.

- (5) For paragraph (4) (b), the requirements are the following:
 - (a) the holder must have been briefed appropriately for the flight;
 - (b) the holder must be capable of conducting the flight safely.
- (6) An offence against subregulation (1) is an offence of strict liability.
- (7) Strict liability applies to paragraph (4) (a).
- (8) In this regulation:

cross-country flight: see regulation 61.010.

solo: see regulation 61.010.

Note: See also subregulation 61.445 (4) and regulations 61.450 and 61.1225.

142.390 Part 142 operators—dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations: when approval required

Requirement for approval

- (1) A Part 142 operator commits an offence if:
 - (a) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
 - (b) the operator does not hold an approval under regulation 142.040 to do the act.

Penalty: 50 penalty units.

Acts in relation to cancelled authorisations

- (2) For paragraph (1) (a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which was authorised by a cancelled authorisation;
 - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the cancellation, employed in connection with an operation the conduct of which was authorised by a cancelled authorisation;

- (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation.
- (4) For paragraph (1) (a), the acts are the following:
 - (a) to use, in any of the operator's authorised Part 142 activities, an aircraft the operation of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (b) to employ, in connection with any of the operator's authorised Part 142 activities, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (c) to conduct an operation, or part of an operation, the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (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.

40 Regulation 143.010, definition of *Registered Training Organisation*

omit

41 Regulation 143.105, heading

substitute

143.105 Status as registered training organisation

42 Subregulation 147.010 (1), definition of *registered training organisation*

omit

43 After regulation 200.020

insert

200.025 Flying unregistered aircraft

For subsection 20AB (1) of the Act, a person is authorised to perform a duty that is essential to the operation of an unregistered Australian aircraft during flight time without holding a civil aviation authorisation if:

- (a) the person holds a pilot certificate granted by a sport aviation body that administers aviation activities in the aircraft; and
- (b) the person operates the aircraft in accordance with the sport aviation body's operations manual.

44 Subparts 202.CB to 202.CE

substitute

Subpart 202.CB—Transitional provisions for Part 61 (Flight crew licensing)

Division 202.CB.1—General

202.260 Application of Subpart 202.CB—balloons excluded

This Subpart does not apply in relation to an old authorisation for a balloon.

202.261 Definitions for Subpart 202.CB

In this Subpart:

amendments means the amendments of CAR commencing on 1 September 2014 that include the substitution of a new Part 5.

approved course of training: see regulation 61.010.

Certificate IV in Training and Assessment: see regulation 61.010.

cessation time, for an old authorisation that is continued in force under this Subpart, means the earliest of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) when CASA grants a new authorisation to the holder of the old authorisation as a replacement for the old authorisation;
- (c) the end of 31 August 2018.

continued authorisation means an old authorisation that is continued in force under subregulation 202.263 (1) or subparagraph 202.264 (2) (b) (ii).

new authorisation means a flight crew licence, rating or endorsement granted under Part 61.

old authorisation:

- (a) means a civil aviation authorisation to carry out an activity essential to, or associated with, the operation of an aircraft in flight (a ***flight activity***) issued under either of the following before 1 September 2014:

- (i) Part 5 of CAR;
- (ii) a Part 5 CAO; and
- (b) includes the following:
 - (i) an appointment as an approved person under a Part 5 CAO for a flight activity;
 - (ii) an approval or certification, including a certification in a personal log book, under CAR or a Part 5 CAO to carry out a flight activity;
 - (iii) a delegation under CAR to give a permission (however described) to conduct a flight activity.

Part 5 CAO means a Civil Aviation Order made under Part 5 of CAR.

time-limited authorisation: see regulation 11.015.

Division 202.CB.2—Continued authorisations

202.263 Continuation of old authorisations

- (1) Despite the amendments, an old authorisation that was in force immediately before 1 September 2014 is continued in force on and after 1 September 2014 according to its terms.
- (2) Part 61 applies to the continued authorisation as if it were the equivalent new authorisation.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 61.

202.264 Continuation of suspended old authorisations

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the amendments:
 - (a) the suspension continues according to its terms on and after 1 September 2014; and
 - (b) if the suspension ends before the cessation time for the authorisation:

- (i) the old authorisation comes back into force at the end of the suspension; and
- (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
- (iii) Part 61 applies to the old authorisation as if it were the equivalent new authorisation; and
- (iv) the old authorisation ceases to be in force at its cessation time.

(3) Subparagraph (2) (b) (iv) applies despite Parts 11 and 61.

202.265 Non-finalised action to vary, suspend or cancel old authorisations

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

202.266 Removal of conditions on certain continued authorisations

Pilot licence conditions about airspace

- (1) Subregulation (2) applies to a continued authorisation that is equivalent to a pilot licence if the authorisation is subject to the condition that operations are limited to:
 - (a) flight within 25 nautical miles of the departure aerodrome; or
 - (b) flight within a flight training area; or
 - (c) flight direct between the departure aerodrome and a flight training area.
- (2) If this subregulation applies, CASA must remove the condition if:
 - (a) the licence holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the licence holder meets the requirements for the grant of a private pilot licence or commercial pilot licence under Part 61.
- (3) Subregulation (4) applies to a continued authorisation that is equivalent to a pilot licence if the authorisation is subject to the condition that operations as pilot in command are limited to

uncontrolled airspace and any other class of airspace endorsed in the licence holder's personal log book by an instructor before 1 September 2014.

- (4) If this subregulation applies, CASA must remove the condition if:
- (a) the licence holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the licence holder meets the requirements for the grant of a controlled airspace endorsement under Part 61.

Instrument rating conditions about acting as pilot in command under IFR

- (5) Subregulation (6) applies to a continued authorisation that is equivalent to an instrument rating if the authorisation is subject to the condition that the holder is not authorised to act as pilot in command under the IFR.
- (6) If this subregulation applies, CASA must remove the condition, to the extent that it relates to a particular aircraft category or class, if:
- (a) the holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the holder meets the requirements for the grant, under Part 61, of:
 - (i) an instrument rating; and
 - (ii) an instrument endorsement that would authorise the holder to pilot an aircraft of that category or class under the IFR.

Type rating conditions about acting as pilot in command

- (7) Subregulation (8) applies to a continued authorisation that is equivalent to an aircraft type rating if the authorisation is subject to the condition that the holder must not act as pilot in command of the relevant aircraft type.
- (8) If this subregulation applies, CASA must remove the condition if:
- (a) the holder applies to CASA, in writing, for the removal of the condition; and
 - (b) the holder meets the requirements for the grant of the type rating under Part 61.

- (9) In this regulation:

instructor: see regulation 61.010.

pilot licence: see regulation 61.010.

202.267 Flight review and proficiency check requirements

- (1) Subregulation (2) applies to the holder of a continued authorisation at a particular time if:
 - (a) the continued authorisation is equivalent to a private instrument rating; and
 - (b) the holder would have met the flight review requirements for the continued authorisation at that time if the amendments had not been made.
- (2) Despite Part 61, the holder is taken to meet the flight review requirements for the continued authorisation at that time.
- (3) Subregulation (4) applies to the holder of a continued authorisation (the ***first authorisation***) at a particular time if:
 - (a) the first authorisation is equivalent to a rating, other than a private instrument rating, for which there are flight review requirements under Part 61; and
 - (b) the holder also holds a continued authorisation (the ***second authorisation***) that is equivalent to a flight crew licence; and
 - (c) the holder would have met the flight review requirements for the second authorisation at that time if the amendments had not been made.
- (4) Despite Part 61, the holder is taken to meet the flight review requirements for the first authorisation at that time.
- (5) Subregulation (6) applies at a particular time if:
 - (a) an old authorisation that is continued in force under this Subpart was, before the amendments, a time-limited authorisation; and
 - (b) the old authorisation would have remained in force at that time if the amendments had not been made.
- (6) Despite Part 61, the holder of the old authorisation is taken to meet the proficiency check requirements for the equivalent new authorisation at that time.

- (7) The holder of a continued authorisation that is equivalent to an instructor rating is not authorised to exercise the privileges of the authorisation after the due date for the holder's first instructor proficiency check on or after 1 September 2014 unless the holder:
- (a) has completed an approved course of training in principles and methods of instruction; or
 - (b) holds a Certificate IV in Training and Assessment; or
 - (c) holds a tertiary qualification in teaching.

202.268 Removal of limitation on exercise of privileges of commercial pilot licences—multi-crew operations

Regulation 61.575 does not apply to the holder of a continued authorisation that is equivalent to a commercial pilot licence if, before 1 September 2014, the holder conducted a multi-crew operation.

202.269 Personal log books under regulation 5.51 of CAR—certain continued authorisations

- (1) This regulation applies to the holder of a continued authorisation that is equivalent to:
- (a) a flight crew licence; or
 - (b) a certificate of validation for a flight crew licence.
- (2) Regulation 61.355 (Retention of personal logbooks) applies to the holder as if a reference to a personal logbook under regulation 61.345 or 61.350 included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.
- (3) Regulation 61.365 (Production of personal logbooks) applies to the holder as if a reference to the holder's personal logbook included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.

202.270 Extended meaning of *licence document* in Part 61

- (1) This regulation applies to the holder of a continued authorisation.

- (2) A reference to a ***licence document*** in Part 61 is taken to include a reference to the document issued to the holder by CASA showing the authorisations that were granted to the holder before 1 September 2014 under:
- (a) Part 5 of CAR; or
 - (b) a Part 5 CAO.

202.271 Expiry of Division 202.CB.2 at end of 31 August 2018

This Division expires at the end of 31 August 2018 as if it had been repealed by another regulation.

Division 202.CB.3—New authorisations for holders of continued authorisations

202.272 Grant of equivalent new authorisations

- (1) Despite Parts 11 and 61, the holder of a continued authorisation is taken to have applied for, and to meet the requirements for, the grant of the equivalent new authorisation.
- (2) Unless the continued authorisation is sooner cancelled under these Regulations, CASA must, under the provision of Part 61 that provides for the grant of the authorisation, before 1 September 2018:
 - (a) grant the equivalent new authorisation to the holder; and
 - (b) issue a new licence document to the holder indicating that the holder holds the equivalent new authorisation.
- (3) If, when CASA grants the new authorisation, the continued authorisation is under suspension, the new authorisation is suspended until the time the suspension of the continued authorisation would, according to its terms, have ended.
- (4) If, when CASA grants the new authorisation, the continued authorisation is subject to a condition, other than a condition set out in a Part 5 CAO, the new authorisation must be granted subject to an equivalent condition.

202.273 Expiry of Division 202.CB.3 at end of 31 August 2018

This Division expires at the end of 31 August 2018 as if it had been repealed by another regulation.

Division 202.CB.4—Other provisions

202.274 Non-finalised applications for old authorisations

- (1) An application for the issue of an old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be an application for the grant of the equivalent new authorisation.
- (2) For subregulation (1), and despite Parts 11 and 61, if a person met the requirements for the grant of an old authorisation before 1 September 2014, but the old authorisation had not been granted, the person is taken to meet the requirements for the grant of the equivalent new authorisation on 1 September 2014.
- (3) This regulation expires at the end of 31 August 2018 as if it had been repealed by another regulation.

202.275 Eligibility for ratings—former holders of time-limited authorisations

- (1) This regulation applies to a person if:
 - (a) before 1 September 2014, the person held an old authorisation that is equivalent to an operational rating; and
 - (b) the old authorisation was time-limited; and
 - (c) the old authorisation expired before 1 September 2014.
- (2) Despite Parts 11 and 61, the person is taken to meet the requirements for the grant of the equivalent operational rating.
- (3) In this regulation:

operational rating: see regulation 61.010.
- (4) This regulation expires at the end of 31 August 2018 as if it had been repealed by another regulation.

202.276 Flight review and proficiency check requirements for certain new authorisations

- (1) Subregulation (2) applies at a particular time to the holder of a new authorisation granted on the basis of regulation 202.272 if:
 - (a) the new authorisation has flight review requirements; and
 - (b) the holder would have met the flight review requirements for the equivalent continued authorisation if it were still in force at that time.
- (2) Despite Part 61, the holder is taken to meet the flight review requirements for the new authorisation at that time.
- (3) Subregulation (4) applies at a particular time to the holder of a new authorisation granted on the basis of regulation 202.272 if:
 - (a) the new authorisation has proficiency check requirements; and
 - (b) the new authorisation is equivalent to an old authorisation that was a time-limited authorisation; and
 - (c) the old authorisation would not have expired by that time if the amendments had not been made.
- (4) Despite Part 61, the holder is taken to meet the proficiency check requirements for the new authorisation at that time.
- (5) Subregulation (6) applies to the holder of an instructor rating granted on the basis of regulation 202.272.
- (6) The holder is authorised to exercise the privileges of the rating after the date for the holder's first instructor proficiency check after 1 September 2014 only if the holder:
 - (a) has completed an approved course of training in principles and methods of instruction; or
 - (b) holds a Certificate IV in Training and Assessment; or
 - (c) holds a tertiary qualification in teaching.
- (7) This regulation expires at the end of 31 August 2020 as if it had been repealed by another regulation.

202.277 Personal log books under regulation 5.51 of CAR—certain new authorisations

- (1) This regulation applies to the holder of:
 - (a) a flight crew licence; or
 - (b) a certificate of validation for a flight crew licence; granted on the basis of regulation 202.272.
- (2) Regulation 61.355 (Retention of personal logbooks) applies to the holder as if a reference to a personal logbook under regulation 61.345 or 61.350 included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.
- (3) Regulation 61.365 (Production of personal logbooks) applies to the holder as if a reference to the holder's personal logbook included a reference to the personal logbook that the holder was required to keep under regulation 5.51 of CAR as in force immediately before 1 September 2014.

202.278 Expiry of Subpart 202.CB at end of 31 August 2025

This Subpart expires at the end of 31 August 2025 as if it had been repealed by another regulation.

Subpart 202.CE—Transitional provisions for Part 64 (Authorisations for non-licensed personnel)

Division 202.CE.1—Aircraft radiotelephone operator certificate of proficiency

202.300 Definitions for Division 202.CE.1

In this Division:

aeronautical radio operator certificate: see regulation 64.010.

cessation time, for an old authorisation that is continued in force under this Subpart, means the earliest of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) when CASA grants a new authorisation to the holder of the old authorisation as a replacement for the old authorisation;
- (c) the end of 31 August 2018.

continued authorisation means an old authorisation that is continued in force under subregulation 202.301 (1) or subparagraph 202.302 (2) (b) (ii).

old authorisation means an aircraft radiotelephone operator certificate of proficiency issued under regulation 83A of CAR.

202.301 Continuation of old authorisations

- (1) Despite the repeal of regulation 83A of CAR, an old authorisation that was in force immediately before 1 September 2014 is continued in force on and after 1 September 2014 according to its terms.
- (2) These Regulations apply to the continued authorisation as if the authorisation were an aeronautical radio operator certificate.
- (3) The continued authorisation ceases to be in force at its cessation time.

- (4) Subregulation (3) applies despite Parts 11 and 64.

202.302 Continuation of suspended old authorisations

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the repeal of regulation 83A of CAR:
- (a) the suspension continues according to its terms on and after 1 September 2014; and
 - (b) if the suspension ends before the cessation time for the authorisation:
 - (i) the old authorisation comes back into force at the end of the suspension; and
 - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
 - (iii) these Regulations apply to the old authorisation as if it were an aeronautical radio operator certificate; and
 - (iv) the old authorisation ceases to be in force at the cessation time for the authorisation.
- (3) Subparagraph (2) (b) (iv) applies despite Parts 11 and 64.

202.303 Non-finalised action to vary, suspend or cancel old authorisations

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

202.304 Grant of aeronautical radio operator certificates

- (1) Despite Parts 11 and 64, the holder of a continued authorisation is taken to have applied for, and to meet the requirements for, the grant of an aeronautical radio operator certificate.
- (2) Unless the continued authorisation is sooner cancelled under these Regulations, CASA must, under regulation 64.030, before 1 September 2018:

- (a) grant an aeronautical radio operator certificate to the holder;
and
 - (b) issue a new document to the holder, indicating that the holder holds the aeronautical radio operator certificate.
- (3) If, when CASA grants the new authorisation, the continued authorisation is under suspension, the aeronautical radio operator certificate is suspended until the time the suspension of the continued authorisation would, according to its terms, have ended.
- (4) If, when CASA grants the new authorisation, the continued authorisation is subject to a condition, the aeronautical radio operator certificate must be granted subject to an equivalent condition.

202.305 Non-finalised applications for old authorisations

- (1) An application for the issue of an old authorisation that, immediately before 1 September 2014, had not been finally decided is taken to be an application for the grant of an aeronautical radio operator certificate.
- (2) For subregulation (1), and despite Parts 11 and 64, if a person met the requirements for the grant of an old authorisation before 1 September 2014, but the old authorisation had not been granted, the person is taken to meet the requirements for the grant of an aeronautical radio operator certificate on 1 September 2014.

Division 202.CE.2—Approval to taxi an aeroplane

202.307 Definitions for Division 202.CE.2

In this Division:

certificate of competency: see regulation 64.010.

cessation time, for an old authorisation that is continued in force under this Subpart, means the earlier of the following:

- (a) when the old authorisation expires or is surrendered or cancelled;
- (b) the end of 31 August 2018.

continued authorisation means an old authorisation that is continued in force under subregulation 202.308 (1) or subparagraph 202.309 (2) (b) (ii).

old authorisation means an approval issued under regulation 229 of CAR entitling a person to taxi an aeroplane.

202.308 Continuation of old authorisations

- (1) Despite the substitution of regulation 229 of CAR, as in force immediately before 1 September 2014, an old authorisation that was in force immediately before 1 September 2014 continues in force on and after 1 September 2014 according to its terms.
- (2) These Regulations apply to the continued authorisation as if the authorisation were a certificate of competency.
- (3) The continued authorisation ceases to be in force at its cessation time.
- (4) Subregulation (3) applies despite Parts 11 and 64.

202.309 Continuation of suspended old authorisations

- (1) This regulation applies to an old authorisation that was under suspension immediately before 1 September 2014.
- (2) Despite the substitution of regulation 229 of CAR, as in force immediately before 1 September 2014:
 - (a) the suspension continues according to its terms on and after 1 September 2014; and
 - (b) if the suspension ends before the cessation time for the authorisation:
 - (i) the old authorisation comes back into force at the end of the suspension; and
 - (ii) the old authorisation is continued in force on and after the time mentioned in subparagraph (i) according to its terms; and
 - (iii) these Regulations apply to the old authorisation as if it were a certificate of competency; and
 - (iv) the old authorisation ceases to be in force at the cessation time for the authorisation.

- (3) Subparagraph (2) (b) (iv) applies despite Parts 11 and 64.

202.310 Non-finalised action to vary, suspend or cancel old authorisations

Action to vary, suspend or cancel a person's old authorisation that, immediately before 1 September 2014, had not been finally determined is taken to be the same action in relation to the person's continued authorisation.

202.311 Production of continued authorisation

- (1) This regulation applies to the holder of an approval issued under regulation 229 of CAR entitling a person to taxi an aeroplane (a **CAR 229 approval**) that is continued in force under this Subpart.
- (2) Regulation 64.060 (Production of certificate of competency) applies to the holder as if a reference to the holder's certificate of competency were a reference to the holder's CAR 229 approval.

202.312 Expiry of Subpart 202.CE at end of 31 August 2018

This Subpart expires at the end of 31 August 2018 as if it had been repealed by another regulation.

45 Subparts 202.GA and 202.GB

substitute

Subpart 202.GA—Transitional provisions for Part 141 (recreational, private and commercial pilot flight training, other than certain integrated training courses)

202.720 Definitions for Subpart 202.GA

A term that is used in this Subpart has the same meaning in this Subpart as it has in Part 141.

202.721 AOCs and approvals under regulation 60.055 held immediately before 1 September 2014

- (1) This regulation applies if:
 - (a) immediately before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
 - (b) the old training is equivalent to Part 141 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*).
- (2) This regulation also applies if:
 - (a) before 1 September 2014, a person conducted training (the *old training*) in a qualified flight simulator or qualified flight training device; and
 - (b) the old training is equivalent to Part 141 flight training conducted in a flight simulation training device (the *new training*); and
 - (c) immediately before 1 September 2014, the person held an approval under regulation 60.055 as a user of the simulator or device.
- (3) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 141.060 for the issue of, a Part 141 certificate that authorises the person to conduct the new training.

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- (4) A Part 141 certificate issued to the person on the basis of subregulation (3) must be issued subject to the conditions of the person's AOC or approval that relate to the old training.
 - (5) A Part 141 certificate issued to the person on the basis of subregulation (3) ceases to have effect at the earlier of the following times:
 - (a) the end of 31 August 2017;
 - (b) if it is cancelled—when it is cancelled.

202.722 AOCs and approvals under regulation 60.055 that were under suspension immediately before 1 September 2014

- (1) This regulation applies if:
 - (a) before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
 - (b) the old training is equivalent to Part 141 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*); and
 - (c) immediately before 1 September 2014, the AOC was under suspension in relation to some or all of the old training (the *suspended old training*).
- (2) This regulation also applies if:
 - (a) before 1 September 2014, a person held an approval under regulation 60.055 as a user of a qualified flight simulator or qualified flight training device; and
 - (b) before 1 September 2014, the person conducted training (the *old training*) in the simulator or device; and
 - (c) the old training is equivalent to Part 141 flight training conducted in a flight simulation training device (the *new training*); and
 - (d) immediately before 1 September 2014, the approval was under suspension in relation to some or all of the old training (the *suspended old training*).
- (3) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 141.060 for the issue of, a Part 141 certificate that authorises the person to conduct the new training.

- (4) A Part 141 certificate issued to a person on the basis of subregulation (3):
 - (a) must be issued subject to the conditions of the person's AOC or approval that relate to the old training; and
 - (b) is taken to have been suspended in relation to the new training that is equivalent to the suspended old training.
- (5) CASA may, by written notice given to the holder of the certificate, revoke the suspension of the certificate.
- (6) A Part 141 certificate issued to the person on the basis of subregulation (3) ceases to have effect at the earlier of the following times:
 - (a) the end of 31 August 2017;
 - (b) if it is cancelled—when it is cancelled.

202.723 Applications for AOCs and approvals under regulation 60.055 made but not finally determined before 1 September 2014

- (1) This regulation applies if, before 1 September 2014:
 - (a) a person applied for an AOC that would have authorised the person to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR that is equivalent to Part 141 flight training conducted in an aeroplane, rotorcraft or airship; and
 - (b) the application was not finally determined by CASA.
- (2) This regulation also applies if, before 1 September 2014:
 - (a) a person applied for an approval under regulation 60.055 to be a user of a qualified flight simulator or qualified flight training device; and
 - (b) the person intended to conduct training in the simulator or device that is equivalent to Part 141 flight training conducted in a flight simulation training device; and
 - (c) the application was not finally determined by CASA.
- (3) CASA must determine whether CASA would have issued the AOC or approval to the person.
- (4) If CASA determines that CASA would have issued the AOC or approval to the person, the person is taken to have applied for, and

to meet the requirements mentioned in regulations 11.055 and 141.060 for the issue of, a Part 141 certificate that authorises the person to conduct the Part 141 flight training.

- (5) If CASA determines that CASA would not have issued the AOC or approval to the person, CASA must give the person written notice of:
 - (a) the determination; and
 - (b) the reasons for the determination.
- (6) A Part 141 certificate issued to the person on the basis of subregulation (4) ceases to have effect at the earlier of the following times:
 - (a) the end of 31 August 2017;
 - (b) if it is cancelled—when it is cancelled.

202.724 Application of Part 141 to certain Part 141 operators—references to exposition

- (1) This regulation applies if a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4).
- (2) Part 141 applies to the operator as if references in Part 141 to the operator's exposition were references to the following documents:
 - (a) the operator's operations manual;
 - (b) the operator's dangerous goods manual (if any);
 - (c) the operator's training and checking manual (if any);
 - (d) each document for which the operator holds an approval under these Regulations or the Civil Aviation Orders.

202.725 Application of Part 141 to certain Part 141 operators with Part 60 quality systems—safety management system and quality assurance management system

- (1) This regulation applies if:
 - (a) a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4); and

- (b) immediately before 1 September 2014, the operator had a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) For regulation 141.215, the quality system is taken to meet the requirements of regulation 141.220 for a safety management system.
- (3) For regulation 141.225, the quality system is taken to meet the requirements of regulation 141.230 for a quality assurance management system.

202.726 Application of Part 141 to certain Part 141 operators without Part 60 quality systems—safety and quality assurance management systems not required

- (1) This regulation applies if:
 - (a) a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4); and
 - (b) immediately before 1 September 2014, the operator did not have a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) The operator does not contravene a provision of Part 141 only because the operator does not have:
 - (a) a safety management system; or
 - (b) a quality assurance management system.

202.727 Application of Part 141 to certain Part 141 operators—provisions that do not apply

- (1) This regulation applies if a Part 141 operator holds a Part 141 certificate that was issued on the basis of subregulation 202.721 (3), 202.722 (3) or 202.723 (4).
- (2) A provision mentioned in table 202.727 does not apply to the operator.

Table 202.727 Part 141 provisions that do not apply

Item	Provision
1	regulation 141.020, definition of <i>key personnel</i> , paragraphs (c) and (d)
2	regulations 141.080, 141.085, 141.090 and 141.095
3	subparagraph 141.130 (4) (b) (ii)
4	regulations 141.135, 141.140, 141.145, 141.150, 141.200 and 141.260

202.728 References to standardisation and proficiency checks for instructors for certain Part 141 operators

- (1) This regulation applies if, immediately before 1 September 2014:
 - (a) a Part 141 operator held an AOC that authorised the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR; and
 - (b) an instructor for the operator was engaged by the AOC holder to give flying training.
- (2) The instructor is taken to hold a valid standardisation and proficiency check for the operator under regulation 141.190 on a day if, within 12 months before the day, the instructor satisfactorily completed a standardisation and proficiency flight check conducted by the AOC holder's chief flying instructor.

Note: See paragraph 9.10 of Civil Aviation Order 40.1.7 (in relation to standardisation and proficiency flight checks for aeroplanes) and paragraph 11.6 of Civil Aviation Order 40.3.7 (in relation to standardisation and proficiency flight checks for helicopters).

202.729 Expiry of Subpart 202.GA at end of 31 August 2017

This Subpart expires at the end of 31 August 2017 as if it had been repealed by another regulation.

**Subpart 202.GB—Transitional provisions for
Part 142 (integrated and multi-crew pilot
flight training, contracted recurrent
training and contracted checking)**

202.740 Definitions for Subpart 202.GB

A term that is used in this Subpart has the same meaning in this Subpart as it has in Part 142.

202.741 AOCs held immediately before 1 September 2014

- (1) This regulation applies if:
 - (a) immediately before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
 - (b) the old training is equivalent to Part 142 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*).
- (2) On and after 1 September 2014:
 - (a) the AOC is taken to authorise the person to conduct the new training; and
 - (b) any conditions of the AOC that relate to the old training are taken to apply to the new training.

**202.742 AOCs that were under suspension immediately before
1 September 2014**

- (1) This regulation applies if:
 - (a) before 1 September 2014, a person held an AOC authorising the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR (the *old training*); and
 - (b) the old training is equivalent to Part 142 flight training conducted in an aeroplane, rotorcraft or airship (the *new training*); and

- (c) immediately before 1 September 2014, the AOC was under suspension in relation to some or all of the old training (the *suspended old training*).
- (2) On and after 1 September 2014:
 - (a) the AOC is taken to authorise the person to conduct the new training; and
 - (b) any conditions of the AOC that relate to the old training are taken to apply to the new training; and
 - (c) the AOC is taken to have been suspended in relation to the new training that is equivalent to the suspended old training.
- (3) Despite the repeal of subparagraph 206 (1) (a) (vi) of CAR, CASA may revoke the suspension of the AOC in relation to the old training.
- (4) If CASA revokes the suspension of the AOC in relation to the old training, the revocation is taken to revoke the suspension of the AOC in relation to the new training.

202.743 Applications for AOCs made but not finally determined before 1 September 2014

- (1) This regulation applies if, before 1 September 2014:
 - (a) a person applied for an AOC that would have authorised the person to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR that is equivalent to Part 142 flight training conducted in an aeroplane, rotorcraft or airship; and
 - (b) the application was not finally determined by CASA.
- (2) CASA must determine whether CASA would have issued the AOC to the person.
- (3) If CASA determines that CASA would have issued the AOC to the person, the person is taken to have applied for, and to meet the requirements mentioned in section 28 of the Act and in regulation 142.085 for the issue of, an AOC that authorises the person to conduct the Part 142 flight training.
- (4) If CASA determines that CASA would not have issued the AOC to the person, CASA must give the person written notice of:
 - (a) the determination; and

- (b) the reasons for the determination.

202.744 Approvals under regulation 60.055 held immediately before 1 September 2014

- (1) This regulation applies if:
 - (a) before 1 September 2014, a person conducted training (the *old training*) in a qualified flight simulator or qualified flight training device; and
 - (b) the old training is equivalent to Part 142 flight training conducted in a flight simulation training device (the *new training*); and
 - (c) immediately before 1 September 2014, the person held an approval under regulation 60.055 as a user of the simulator or device.
- (2) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 142.110 for the issue of, a certificate under Division 142.B.2 that authorises the person to conduct the new training.
- (3) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2) must be issued subject to the conditions of the person's approval that relate to the old training.
- (4) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2) ceases to have effect at the earlier of the following times:
 - (a) the end of 31 August 2017;
 - (b) if it is cancelled—when it is cancelled.

202.745 Approvals under regulation 60.055 that were under suspension immediately before 1 September 2014

- (1) This regulation applies if:
 - (a) before 1 September 2014, a person held an approval under regulation 60.055 as a user of a qualified flight simulator or qualified flight training device; and
 - (b) before 1 September 2014, the person conducted training (the *old training*) in the simulator or device; and

- (c) the old training is equivalent to Part 142 flight training conducted in a flight simulation training device (the ***new training***); and
 - (d) immediately before 1 September 2014, the approval was under suspension in relation to some or all of the old training (the ***suspended old training***).
- (2) On 1 September 2014, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 142.110 for the issue of, a certificate under Division 142.B.2 that authorises the person to conduct the new training.
- (3) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2):
 - (a) must be issued subject to the conditions of the person's approval that relate to the old training; and
 - (b) is taken to have been suspended in relation to the new training that is equivalent to the suspended old training.
- (4) CASA may, by written notice given to the holder of the certificate, revoke the suspension of the certificate.
- (5) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (2) ceases to have effect at the earlier of the following times:
 - (a) the end of 31 August 2017;
 - (b) if it is cancelled—when it is cancelled.

202.746 Applications for approvals under regulation 60.055 made but not finally determined before 1 September 2014

- (1) This regulation applies if, before 1 September 2014:
 - (a) a person applied for an approval under regulation 60.055 to be a user of a qualified flight simulator or qualified flight training device; and
 - (b) the person intended to conduct training in the simulator or device that is equivalent to Part 142 flight training conducted in a flight simulation training device; and
 - (c) the application was not finally determined by CASA.
- (2) CASA must determine whether CASA would have issued the approval to the person.

- (3) If CASA determines that CASA would have issued the approval to the person, the person is taken to have applied for, and to meet the requirements mentioned in regulations 11.055 and 142.110 for the issue of, a certificate under Division 142.B.2 that authorises the person to conduct the Part 142 flight training.
- (4) If CASA determines that CASA would not have issued the approval to the person, CASA must give the person written notice of:
 - (a) the determination; and
 - (b) the reasons for the determination.
- (5) A certificate under Division 142.B.2 issued to the person on the basis of subregulation (3) ceases to have effect at the earlier of the following times:
 - (a) the end of 31 August 2017;
 - (b) if it is cancelled—when it is cancelled.

**202.747 Application of Part 142 to certain Part 142 operators—
references to exposition**

- (1) This regulation applies if a Part 142 operator holds:
 - (a) an AOC mentioned in regulation 202.741 or 202.742 or granted on the basis of subregulation 202.743 (3); or
 - (b) a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3).
- (2) Part 142 applies to the operator as if references in Part 142 to the operator's exposition were references to the following documents:
 - (a) the operator's operations manual;
 - (b) the operator's dangerous goods manual (if any);
 - (c) the operator's training and checking manual (if any);
 - (d) each document for which the operator holds an approval under these Regulations or the Civil Aviation Orders.

**202.748 Application of Part 142 to certain Part 142 operators with
Part 60 quality systems—safety management system and
quality assurance management system**

- (1) This regulation applies if:

- (a) a Part 142 operator holds a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3); and
 - (b) immediately before 1 September 2014, the operator had a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) For regulation 142.260, the quality system is taken to meet the requirements of regulation 142.265 for a safety management system.
 - (3) For regulation 142.270, the quality system is taken to meet the requirements of regulation 142.275 for a quality assurance management system.

202.749 Application of Part 142 to certain Part 142 operators without Part 60 quality systems—safety and quality assurance management systems not required

- (1) This regulation applies if:
 - (a) a Part 142 operator holds:
 - (i) an AOC mentioned in regulation 202.741 or 202.742 or granted on the basis of subregulation 202.743 (3); or
 - (ii) a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3); and
 - (b) immediately before 1 September 2014, the operator did not have a quality system under regulation 60.060 for a qualified flight simulator or qualified flight training device.
- (2) The operator does not contravene a provision of Part 142 only because the operator does not have:
 - (a) a safety management system; or
 - (b) a quality assurance management system.

202.750 Application of Part 142 to certain Part 142 operators—provisions that do not apply

- (1) This regulation applies if a Part 142 operator holds:
 - (a) an AOC mentioned in regulation 202.741 or 202.742 or granted on the basis of subregulation 202.743 (3); or

- (b) a certificate under Division 142.B.2 that was issued on the basis of subregulation 202.744 (2), 202.745 (2) or 202.746 (3).
- (2) A provision mentioned in table 202.750 does not apply to the operator.

Table 202.750 Part 142 provisions that do not apply	
Item	Provision
1	regulation 142.025, definition of <i>key personnel</i> , paragraphs (c) and (d)
2	regulations 142.135, 142.140, 142.145 and 142.150
3	subparagraph 142.190 (2) (n) (iii)
4	regulations 142.195, 142.200, 142.205, 142.210, 142.335 and 142.340

202.751 References to standardisation and proficiency checks for instructors for certain Part 142 operators

- (1) This regulation applies to an instructor for a Part 142 operator if, immediately before 1 September 2014:
- (a) the operator held an AOC that authorised the holder to engage in flying training mentioned in subparagraph 206 (1) (a) (vi) of CAR; and
 - (b) the instructor was engaged by the AOC holder to give flying training.
- (2) The instructor is taken to hold a valid standardisation and proficiency check for the operator under regulation 142.325 on a day if, within 12 months before the day, the instructor satisfactorily completed a standardisation and proficiency flight check conducted by the AOC holder's chief flying instructor.

Note: See paragraph 9.10 of Civil Aviation Order 40.1.7 (in relation to standardisation and proficiency flight checks for aeroplanes) and paragraph 11.6 of Civil Aviation Order 40.3.7 (in relation to standardisation and proficiency flight checks for helicopters).

202.752 Expiry of Subpart 202.GB at end of 31 August 2017

This Subpart expires at the end of 31 August 2017 as if it had been repealed by another regulation.

46 Dictionary, Part 1

insert

2D instrument approach procedure means an instrument approach procedure with lateral guidance but not vertical guidance.

3D instrument approach procedure means an instrument approach procedure with lateral and vertical guidance.

aerobatic manoeuvres, for an aircraft, means manoeuvres of the aircraft that involve:

- (a) bank angles that are greater than 60°; or
- (b) pitch angles that are greater than 45°, or are otherwise abnormal to the aircraft type; or
- (c) abrupt changes of speed, direction, angle of bank or angle of pitch.

aeronautical radio operator certificate: see regulation 64.010.

47 Dictionary, Part 1, definition of AGL

substitute

AGL means above ground or water level.

48 Dictionary, Part 1

insert

airborne collision avoidance system means a system fitted to an aircraft to provide information to its pilot for avoiding collisions with other aircraft.

aircraft type rating, in relation to flight crew, means a type rating prescribed by a legislative instrument issued under regulation 61.055 or 61.060.

air traffic control means Air Traffic Services in its role of providing an air traffic control service.

application material: see regulation 137.010.

apply: see regulation 137.010.

approved cyclic training and proficiency program: see regulation 61.010.

aviation English language proficiency assessment: see regulation 61.010.

certificate of validation: see regulation 61.010.

certified true copy, of a document, means a copy of the document that one of the following persons has certified in writing to be a true copy of the document:

- (a) a person mentioned in Schedule 2 to the *Statutory Declarations Regulations 1993*;
- (b) a justice of the peace in a foreign country;
- (c) a notary public in a foreign country;
- (d) an employee of a national aviation authority;
- (e) a person to whom a national aviation authority has delegated a power or function.

co-pilot, in relation to an aircraft, means a pilot on board the aircraft in a piloting capacity other than:

- (a) the pilot in command; or
- (b) a pilot who is on board the aircraft for the sole purpose of receiving flight training.

cruise relief type rating means:

- (a) a cruise relief co-pilot type rating; or
- (b) a cruise relief flight engineer type rating.

current, for an aviation English language proficiency assessment: see regulation 61.260.

differences training: see regulation 61.010.

flight crew endorsement:

- (a) means a **flight crew endorsement** within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas endorsement.

flight crew licence:

- (a) means a **flight crew licence** within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas flight crew licence.

flight crew rating:

- (a) means a ***flight crew rating*** within the meaning of Part 61; and
- (b) includes a certificate of validation of an overseas rating.

flight engineer: means the holder of a flight engineer licence.

flight examiner: see regulation 61.010.

flight level: a reference to a ***flight level*** followed by a number, in relation to the flight of an aircraft, is a reference to the altitude at which the aircraft's altimeter, if it were adjusted to a reading on the subscale of 1013.2 hectopascals, would show an altitude in feet of 100 times that number.

Example: Flight level 250 is an altitude of 25 000 ft.

flight review: see regulation 61.010.

flight simulation training device: see regulation 61.010.

flight test: see regulation 61.010.

flight training: see regulation 61.010.

flight training area, for an aerodrome, means an area that is mentioned in a Part 141 or 142 operator's exposition as a flight training area for the aerodrome.

flying in formation: 2 or more aircraft are:

- (a) flying in formation if they:
 - (i) are operating as a single unit with regard to navigation, position reporting and control; and
 - (ii) are so close to each other that any change in height, heading or airspeed of any aircraft used for station-keeping results in a need for one or more of the other aircraft to manoeuvre to maintain station or avoid a collision; and
- (b) taken to be flying in formation:
 - (i) when the aircraft are changing station; and
 - (ii) during join-up or breakaway.

hang glider: see regulation 200.001.

human factors principles means principles concerned with the minimisation of human error and its consequences by optimising the relationships within systems between people, activities and equipment.

integrated training means an intensive course of training:

- (a) that is designed to ensure that a course participant receives ground theory training integrated with practical flight training; and
- (b) for which the ground theory training and practical flight training are conducted by the same operator; and
- (c) that is conducted according to a syllabus that satisfies the knowledge and flight standards specified in the Part 61 Manual of Standards for the grant of a private or commercial pilot licence; and
- (d) that is designed to be completed within a condensed period of time.

kind, of an aircraft, means:

- (a) for an aircraft that is covered by an aircraft type rating—the aircraft type rating; and
- (b) for an aircraft that is not covered by an aircraft type rating—the type of aircraft.

multi-crew operation: see regulation 61.010.

night means the period between the end of evening civil twilight and the beginning of the following morning civil twilight.

non-technical skills means specific human competencies, including critical decision making, team communication, situational awareness and workload management, which may minimise human error in aviation.

operator, of an aircraft, means:

- (a) if the operation of the aircraft is authorised by an AOC—the holder of the AOC; or
- (b) if the operation of the aircraft is not authorised by an AOC—the person, organisation or enterprise that makes the aircraft available to the aircraft's pilot in command for a flight.

operator proficiency check: see regulation 61.010.

Part 61 Manual of Standards means the Manual of Standards issued by CASA under regulation 61.035.

Part 141 operator: see subregulation 141.015 (3).

Part 142 operator: see subregulation 142.015 (4).

passenger, in relation to an aircraft, means a person:

- (a) who:
 - (i) intends to travel on a particular flight on the aircraft; or
 - (ii) is on board the aircraft for a flight; or
 - (iii) has disembarked from the aircraft following a flight; and
- (b) who is not a member of the crew of the aircraft for the flight.

pilot certificate means a certificate (however described) that:

- (a) is granted by a recreational aviation administration organisation; and
- (b) authorises its holder to pilot an aircraft, other than a registered aircraft, in an aviation activity administered by the organisation.

pilot in command, in relation to a flight of an aircraft, means the pilot designated by the operator of the aircraft as being in command and charged with the safe conduct of the flight.

pilot instructor: see regulation 61.010.

pilot licence: see regulation 61.010.

49 Dictionary, Part 1, definition of *pilot-owner*, paragraph (b)

omit

under Part 5 of CAR,

insert

under Part 61,

50 Dictionary, Part 1

insert

powered-lift aircraft means a power-driven heavier-than-air aircraft that derives its lift in flight:

- (a) during vertical manoeuvring and low-speed flight—from:
 - (i) the reaction of air on one or more normally power-driven rotors on substantially vertical axes; or
 - (ii) engine thrust; and
- (b) otherwise—chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

public gathering means an assembly of people at a place on the basis of a general public invitation to attend at that place, whether or not a charge is made for attendance.

recurrent training: see regulation 142.035.

registered training organisation has the meaning given by section 3 of the *National Vocational Education and Training Regulator Act 2011*.

required navigational performance, for an area of airspace, or a route, means the navigational performance specified in the AIP for that area of airspace or route.

route segment means a portion of a route.

successfully participating: see regulation 61.010.

training endorsement: see regulation 61.010.

variant: see regulation 61.010.

51 Dictionary, Part 2, after item 35

insert

36 References to particular kinds of flight crew licences, ratings and endorsements

A reference in these Regulations to a particular kind of flight crew licence, rating or endorsement:

- (a) means a flight crew licence, rating or endorsement of that kind that may be granted under Part 61 (Flight crew licensing); and
- (b) includes a certificate of validation of an overseas flight crew licence that is equivalent to that kind of flight crew licence, rating or endorsement.

- Example 1: For paragraph (a), a reference to a commercial pilot licence is a reference to a commercial pilot licence granted under Part 61.
- Example 2: For paragraph (a), a reference to an aeroplane low-level endorsement is a reference to an aeroplane low-level endorsement granted under Part 61.
- Example 3: For paragraph (b), a reference to a commercial pilot licence includes a reference to a certification of validation of an overseas flight crew licence that is equivalent to a commercial pilot licence granted under Part 61.

52 Further amendments—registered training organisation

The following provisions are amended by omitting ‘Registered Training Organisation’ and inserting ‘registered training organisation’:

- paragraph 143.020(c)
- paragraph 143.025(a)
- regulation 143.105
- paragraph 143.110(b).

Schedule 2—Amendments of Civil Aviation Regulations 1988

(section 4)

1 Subregulation 2 (1), definition of *acrobatic flight*

omit

2 Subregulation 2 (1), definition of *aerodrome reference point*, paragraph (b)

substitute

(b) specified by a Part 141 or 142 operator in its exposition.

3 Subregulation 2 (1)

omit the following definitions:

- definition of *aeroplane flight review*
- definition of *aeroplane pilot licence*
- definition of *aeroplane pilot rating*
- definition of *aeroplane proficiency check*
- definition of *air law examination*
- definition of *airship*
 - definition of *airship ground party*
 - definition of *airship instructor*
- definition of *airship proficiency check*
- definition of *air transport (aeroplane) pilot*
- definition of *air transport (helicopter) pilot*
- definition of *air transport pilot licence*
- definition of *approved check radio operator*
- definition of *approved testing officer*
- definition of *authorised flight instructor*
- definition of *balloon*
- definition of *balloon flight instructor*
- definition of *balloon flight review*
- definition of *balloon proficiency check*
- definition of *CASA flying operations inspector*

-
- definition of *certificate of validation*
 - definition of *check flight engineer*
 - definition of *chief flying instructor*
 - definition of *commercial (aeroplane) pilot*
 - definition of *commercial (airship) pilot*
 - definition of *commercial (balloon) pilot*
 - definition of *commercial (gyroplane) pilot*
 - definition of *commercial (helicopter) pilot*
 - definition of *commercial pilot licence*
 - definition of *co-pilot*
 - definition of *cross-country flight time*
 - definition of *cross-country training*
 - definition of *current certificate holder*
 - definition of *flight crew licence*
 - definition of *flight crew rating*
 - definition of *flight engineer*
 - definition of *flight engineer proficiency check*
 - definition of *flight engineer time*
 - definition of *flight navigator time*
 - definition of *flight radiotelephone practical test*
 - definition of *flight test*
 - definition of *flying school*
 - definition of *flying training aircraft*
 - definition of *flying training area*
 - definition of *free flight time*
 - definition of *general flight time*
 - definition of *glider*
 - definition of *gyroplane flight review*
 - definition of *gyroplane pilot licence*
 - definition of *gyroplane pilot rating*
 - definition of *gyroplane proficiency check*
 - definition of *helicopter flight review*
 - definition of *helicopter pilot licence*
 - definition of *helicopter pilot rating*
-

- definition of *helicopter proficiency check*
- definition of *hot air airship*
- definition of *instrument flight time*
- definition of *instrument ground time*
- definition of *instrument rating*
- definition of *multi-crew (aeroplane) pilot*
- definition of *operator*
- definition of *overseas authorisation*
- definition of *overseas engineer licence*
- definition of *overseas medical certificate*
- definition of *overseas pilot licence*
- definition of *overseas radio licence*
- definition of *personal log book*
- definition of *pilot licence*
- definition of *private (aeroplane) pilot*
- definition of *private (gyroplane) pilot*
- definition of *private (helicopter) pilot*
- definition of *private I.F.R. rating*
- definition of *private pilot certificate (balloons)*
- definition of *private pilot licence*
- definition of *recognised aeroplane*
- definition of *recognised flight time*
- definition of *reserve time*
- definition of *responsible authority*
- definition of *responsible organisation*
- definition of *rest period*
- definition of *restricted flight engineer*
- definition of *restricted flight engineer proficiency check*
- definition of *special pilot licence*
- definition of *specific subject*
- definition of *student flight engineer*
- definition of *student pilot area limit*
- definition of *syllabus*
- definition of *tethered*

- definition of *tethered flight time*
- definition of *theory examination*
- definition of *tour of duty*
- definition of *training flight engineer*.

4 Subparagraph 2 (7) (d) (vii)

substitute

- (vii) flight training, other than the following:
- (A) Part 141 flight training (within the meaning of regulation 141.015 of CASR);
 - (B) Part 142 flight training (within the meaning of regulation 142.015 of CASR);
 - (C) balloon flying training (within the meaning of subregulation 5.01 (1)) for the grant of a balloon flight crew licence or rating; or

5 Part 5

substitute

Part 5—Balloon flight crew licensing

Note: *This Part is made up as follows:*

Division 5.1 Balloon flight crew licensing—preliminary

- 5.01 Definitions for Part 5
- 5.02 What Part 5 is about
- 5.03 Authorisation—performing activities essential to operation of Australian balloons without commercial pilot (balloon) licence

Division 5.2 Balloon flight crew licensing—medical certificates

- 5.04 Medical certificate—balloon flight crew licence
- 5.05 Medical certificate—CAR certificate of validation
- 5.07 Medical certificate—flight tests

Division 5.3 Balloon flight crew licensing—licences, ratings and endorsements

- 5.08 Balloon flight crew licence—application
- 5.09 Balloon flight crew licence—issue

- 5.13 Balloon flight crew rating—application
- 5.14 Balloon flight crew rating—issue
- 5.17 Balloon flight crew rating—duration
- 5.18 Balloon flight crew rating—authority and flight tests
- 5.19 Balloon flight crew rating—flight tests
- 5.20 Balloon flight crew rating—approval to give training
- 5.23 Balloon class endorsement—issue

Division 5.4 Balloon flight crew licensing—certificates of validation

- 5.27 CAR certificate of validation—issue
- 5.30 CAR certificate of validation—overseas balloon authorisation information to be entered
- 5.31 CAR certificate of validation—effect
- 5.32 CAR certificate of validation—period of validity
- 5.33 CAR certificate of validation—offences

Division 5.5 Balloon flight crew licensing—general

- 5.40 Pilot acting in command under supervision
- 5.41 Balloon flight crew licence—tests and examinations
- 5.42 Balloon flight tests—CASA to be notified
- 5.50 Authorisation to test balloon
- 5.51 Personal log books
- 5.52 What must be recorded in a personal log book?
- 5.53 How long must a personal log book be retained?
- 5.54 Evidence of identity—CASA’s powers
- 5.54A Evidence of identity—examinations
- 5.56 Balloon flight crew licence—production etc.

Division 5.6 Balloon flight crew licensing—balloon flying schools

- 5.57 Balloon flying schools—transfer of student records
- 5.58 Balloon flying schools—chief balloon flying instructor
- 5.59 Syllabuses of training

Division 5.7 Balloon flight crew licensing—flight radiotelephone operator licence

- 5.61 Flight radiotelephone operator licence—issue
- 5.62 Flight radiotelephone operator licence—authorisation
- 5.63 Flight radiotelephone operator licence—conduct of examination and test

**Division 5.11 Balloon flight crew licensing—
commercial pilot (balloon) licences**

- 5.138 Commercial pilot (balloon) licence—qualifications
- 5.139 Commercial pilot (balloon) licence—authorisation
- 5.140 Commercial pilot (balloon) licence—authorisation: balloon classes
- 5.141 Commercial pilot (balloon) licence—authorisation: balloon types
- 5.142 Commercial pilot (balloon) licence—rating required
- 5.143 Commercial pilot (balloon) licence—regular balloon flight reviews required
- 5.144 Commercial pilot (balloon) licence—recent experience requirements
- 5.145 Commercial pilot (balloon) licence—aeronautical experience required
- 5.146 Commercial pilot (balloon) licence—balloon flying training required
- 5.147 Commercial pilot (balloon) licence—flight tests

Division 5.1—Balloon flight crew licensing—preliminary**5.01 Definitions for Part 5**

(1) In this Part:

approved balloon testing officer, for a flight test for a balloon class endorsement or balloon flight crew rating, means a person to whom the Director has delegated CASA's power under regulation 5.19 or 5.41 to conduct the flight test.

approved check radio operator means:

- (a) a person who holds:
 - (i) a commercial (balloon) pilot licence; and
 - (ii) a flight instructor (balloon) rating; or
- (b) a person:
 - (i) employed by, or working under an arrangement with, a training and checking organisation established for the purposes of regulation 217; and
 - (ii) approved by the manager of the organisation to conduct a flight radiotelephone theory examination and a flight practical test.

Australian balloon means a balloon that is an Australian aircraft.

authorised balloon flight instructor means a person who:

- (a) holds a current flight instructor (balloon) rating; and
- (b) either:

- (i) is the holder of an AOC that authorises balloon flying training; or
- (ii) is employed to instruct by, or instructs under an arrangement with, a person who is the holder of an AOC that authorises balloon flying training.

balloon class endorsement means an endorsement that authorises its holder to fly balloons included in a particular class of balloon.

balloon flight crew licence: see regulation 5.08.

balloon flight crew rating means a rating of a kind mentioned in regulation 5.13.

balloon flying school means a school for which there is an AOC that authorises the school to conduct balloon flying training.

balloon flying training means any training given during flight time in a balloon for the purpose of increasing a person's skill in flying the balloon.

balloon proficiency check means a check:

- (a) that tests the aeronautical skills and aeronautical knowledge relevant to balloon flight of the person undertaking the check; and
- (b) that is required by subregulation 217 (2).

CAR certificate of validation means a certificate issued under regulation 5.27.

CASA flying operations inspector means a person employed by CASA as:

- (a) a flying operations inspector (however described); or
- (b) a senior flying operations inspector (however described).

chief balloon flying instructor means a person:

- (a) who holds a current flight instructor (balloon) rating; and
- (b) who is appointed by a balloon flying school to supervise the balloon flying training given by the school; and
- (c) whose appointment is approved by CASA under regulation 5.58.

class, of balloon, means a class mentioned in table 5.01.

Table 5.01 Classification of balloons

Item	Column 1 Class of balloon	Column 2 Description of balloon
1	Class 1	Hot air balloons with a volume that is not more than 120 000 cubic feet
2	Class 2	Hot air balloons with a volume that is more than 120 000 cubic feet but not more than 180 000 cubic feet
3	Class 3	Hot air balloons with a volume that is more than 180 000 cubic feet but not more than 260 000 cubic feet
4	Class 4	Hot air balloons with a volume that is more than 260 000 cubic feet
5	Class 5	Gas balloons

commercial (balloon) pilot means the holder of a commercial pilot (balloon) licence.

commercial (balloon) pilot licence means a commercial pilot (balloon) licence issued under this Part.

equivalent: see regulation 5.31.

flight radiotelephone operator licence means a flight radiotelephone operator licence issued under this Part.

flight radiotelephone practical test means a practical test of a person's knowledge and skill in the use of an aeronautical radio set by CASA under subregulation 5.41 (3).

flight test means a practical test of a person's aeronautical knowledge and practical flying skill set by CASA under subregulation 5.41 (2).

free flight time, in relation to a balloon, means any part of the flight time in the balloon during which it is not tethered.

overseas balloon authorisation means an authorisation (however described) that:

- (a) authorises the holder to perform activities essential to the operation of balloons during flight time; and

(b) is issued by the responsible authority of a Contracting State.

overseas medical certificate, in relation to an overseas balloon authorisation, means a certificate that:

- (a) is issued by the responsible authority of the Contracting State that issued the authorisation; and
- (b) indicates that its holder meets the medical standard set by the responsible authority; and
- (c) authorises its holder to exercise the authority given by the authorisation in the Contracting State.

overseas radio licence means a licence (however described) issued in accordance with Annex 1 to the Chicago Convention by a country that is a signatory to the International Telecommunication Convention.

personal log book means the log book required by regulation 5.51.

responsible authority, in relation to a Contracting State, means the authority that has responsibility for the licensing of persons to perform activities essential to the operation of balloons in the State.

responsible organisation means:

- (a) the responsible authority of a Contracting State; or
- (b) the Defence Force of Australia, or of a Contracting State; or
- (c) a sport aviation body.

student record means a record of a person's progress in balloon flying training and ground training that is kept by a balloon flying school at which the person receives balloon flying training.

syllabus means a syllabus of training published under regulation 5.59.

tethered flight time, in relation to a balloon, means any part of the flight time in the balloon during which the balloon is tethered.

theory examination means an examination set under subregulation 5.41 (1).

- (2) For this Part, a balloon flight crew rating is required for the following activities:
 - (a) giving balloon flying training;

- (b) flying at night under the VFR.
- (3) For this Part, a person flies a balloon as pilot acting in command under supervision if, during flight time in the balloon, the person performs the activities and functions of the pilot in command while under the supervision of the pilot in command approved for the purpose by the operator of the balloon.

5.02 What Part 5 is about

This Part:

- (a) sets out the requirements that apply to:
 - (i) commercial pilot (balloon) licences; and
 - (ii) flight radiotelephone operator licences for balloon pilots; and
- (b) empowers CASA to make Civil Aviation Orders about the requirements that apply to balloon flight crew ratings and balloon class endorsements.

5.03 Authorisation—performing activities essential to operation of Australian balloons without commercial pilot (balloon) licence

A person is authorised to perform an activity essential to the operation of an Australian balloon during flight time without holding a commercial pilot (balloon) licence or CAR certificate of validation if:

- (a) the person:
 - (i) is accompanied by an authorised balloon flight instructor; and
 - (ii) is receiving balloon flying training; or
- (b) the person is attempting a flight test for a commercial pilot (balloon) licence.

Division 5.2—Balloon flight crew licensing—medical certificates

5.04 Medical certificate—balloon flight crew licence

- (1) The holder of a balloon flight crew licence commits an offence if:

- (a) the holder performs an activity authorised by the licence; and
- (b) the holder does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), the requirement is that the holder must:
 - (a) hold a current class 1 or 2 medical certificate; or
 - (b) have the permission of CASA to perform the activity without holding a current medical certificate.
- (3) CASA may, on the written or oral application of the holder of a balloon flight crew licence, authorise the holder to perform an activity essential to the operation of an Australian balloon during flight time without holding a current class 1 or 2 medical certificate if:
 - (a) in all the circumstances it is reasonable to allow the holder to perform the duty without holding the certificate; and
 - (b) the performance of the activity by the holder without holding the certificate will not adversely affect the safety of air navigation.

Note: Class 1 and 2 medical certificates are issued under Part 67 of CASR. The medical standards for obtaining each class of medical certificate are set out in that Part.

- (4) An offence against this regulation is an offence of strict liability.

5.05 Medical certificate—CAR certificate of validation

- (1) The holder of a CAR certificate of validation for an overseas balloon authorisation commits an offence if:
 - (a) the holder is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which the authorisation was issued; and
 - (b) the holder performs an activity authorised by the certificate; and
 - (c) the holder does not hold an overseas medical certificate for the authorisation that is in force.

Penalty: 50 penalty units.

-
- (2) An offence against this regulation is an offence of strict liability.

5.07 Medical certificate—flight tests

- (1) A person who does not hold a commercial pilot (balloon) licence or CAR certificate of validation commits an offence if:
- (a) the person attempts a flight test for a commercial pilot (balloon) licence; and
 - (b) the person does not hold a class 1 or 2 medical certificate.
- Penalty: 50 penalty units.
- (2) An approved balloon testing officer commits an offence if:
- (a) the officer conducts a flight test for the issue of a commercial pilot (balloon) licence or for the issue, or renewal, of a balloon flight crew rating; and
 - (b) the person attempting the test 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:
- (a) hold a current class 1 or 2 medical certificate; or
 - (b) hold both:
 - (i) a CAR certificate of validation for an overseas balloon authorisation; and
 - (ii) a current overseas medical certificate for the authorisation.
- (4) An offence against this regulation is an offence of strict liability.

Division 5.3—Balloon flight crew licensing—licences, ratings and endorsements

5.08 Balloon flight crew licence—application

A person may apply to CASA, in writing, for the issue of either or both of the following (a *balloon flight crew licence*):

- (a) a commercial pilot (balloon) licence;
- (b) a flight radiotelephone operator licence.

5.09 Balloon flight crew licence—issue

- (1) Subject to subregulation (2), CASA must issue a balloon flight crew licence to an applicant if the applicant:
 - (a) possesses a knowledge of the English language that is sufficient to enable him or her to exercise safely the authority given by the licence; and
 - (b) is qualified to hold the licence; and
 - (c) is a suitable person to hold the licence.

Note: For whether a person is qualified to hold a balloon flight crew licence, see regulations 5.61 and 5.138.

- (2) CASA must not issue a balloon flight crew licence to a person if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for the licence; or
 - (b) does not satisfy the requirements of subregulation (1).
- (3) In deciding whether an applicant for a balloon flight crew licence is a suitable person to hold the licence, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to perform activities essential to the operation of a balloon during flight time that was given to the applicant by CASA, or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.
- (4) An applicant for a balloon flight crew licence commits an offence if the applicant:
 - (a) is aware of information that is relevant to a matter that CASA must take into account under subregulation (3); and
 - (b) does not disclose the information to CASA.

Penalty: 50 penalty units.

5.13 Balloon flight crew rating—application

The holder of a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence may apply to

CASA for the issue of either or both of the following balloon flight crew ratings:

- (a) a flight instructor (balloon) rating;
- (b) a balloon grade of night VFR rating.

5.14 Balloon flight crew rating—issue

- (1) CASA may give directions in Civil Aviation Orders setting out requirements for the issue of a balloon flight crew rating to a person.
- (2) The Orders may include:
 - (a) the flight tests that must be passed by the person; and
 - (b) any other requirements that must be satisfied by the person; and
 - (c) any other condition that must be satisfied by, or in relation to, the person.
- (3) Subject to subregulation (4), CASA must issue a balloon flight crew rating to a qualified person, or renew the person's rating, by entering the rating in the person's personal log book only if:
 - (a) the person has passed the necessary flight tests; and
 - (b) the person satisfies the other requirements; and
 - (c) any other condition to be met by, or in relation to, the person has been met;for the issue, or renewal, of the rating.
- (4) CASA must not issue a balloon flight crew rating to a person, or renew the person's rating, if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for the rating; or
 - (b) does not satisfy the requirements of subregulation (3).
- (5) In this regulation:

qualified person means a person who holds a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence.

5.17 Balloon flight crew rating—duration

- (1) A balloon flight crew rating remains in force from the day on which it is issued, or renewed, until:
 - (a) the end of the period set out in the Civil Aviation Orders as the period for which a rating of that kind remains in force; or
 - (b) the end of the period set out by CASA in the holder of the rating's personal log book as the period for which the rating remains in force; or
 - (c) it is suspended or cancelled;whichever occurs first.
- (2) If a balloon flight crew rating is entered by CASA in a personal log book, CASA may set out in the log book the period for which the rating remains in force.
- (3) CASA may give directions in Civil Aviation Orders setting out the period for which a balloon flight crew rating remains in force.

5.18 Balloon flight crew rating—authority and flight tests

CASA may give directions in Civil Aviation Orders setting out:

- (a) the authority given by a balloon flight crew rating; and
- (b) the limitations on that authority; and
- (c) the flight tests that must be passed, or any other requirement that must be satisfied, before that authority may be exercised.

5.19 Balloon flight crew rating—flight tests

- (1) CASA may issue Civil Aviation Orders that describe the flight tests for the issue of a balloon flight crew rating to a person.
- (2) The Orders may include:
 - (a) any condition that must be satisfied by, or in relation to, the person; and
 - (b) the content of any test that must be passed by the person; and
 - (c) the way in which a test is to be conducted.
- (3) CASA may conduct the flight tests in relation to a balloon flight crew rating that are required by the Civil Aviation Orders.

5.20 Balloon flight crew rating—approval to give training

- (1) CASA may approve a person who holds a commercial pilot (balloon) licence to give balloon flying training for the issue of a balloon flight crew rating.
- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must:
 - (a) set out the condition in the approval; or
 - (b) give it as a direction in Civil Aviation Orders.
- (4) A person commits an offence if the person contravenes a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person's commercial pilot (balloon) licence is suspended or cancelled; or
 - (b) a court makes an order in relation to the person under section 30A of the Act that affects the authority given by the person's commercial pilot (balloon) licence; or
 - (c) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or
 - (d) it is necessary to do so in the interests of the safety of air navigation.
- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.
- (7) An offence against this regulation is an offence of strict liability.

5.23 Balloon class endorsement—issue

- (1) CASA may give directions in Civil Aviation Orders setting out requirements for the issue of balloon class endorsements.
- (2) Subject to subregulation (3), CASA must issue a balloon class endorsement to the holder of a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon

authorisation that is equivalent to a commercial pilot (balloon) licence by entering the endorsement in the holder's personal log book if the holder satisfies the requirements for the issue of the endorsement.

- (3) CASA must not issue a balloon class endorsement to a person if the person:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for an endorsement; or
 - (b) does not satisfy the requirements of subregulation (2).

Division 5.4—Balloon flight crew licensing—certificates of validation

5.27 CAR certificate of validation—issue

- (1) A person may apply to CASA, in writing, for the issue of a CAR certificate of validation for an overseas balloon authorisation held by the person if:
- (a) the person's overseas balloon authorisation is in force; and
 - (b) where the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which the authorisation was issued—the person holds an overseas medical certificate for the authorisation that is in force.
- (2) Subject to subregulation (3), CASA may issue a CAR certificate of validation to an applicant if:
- (a) the applicant satisfies the requirements of subregulation (1); and
 - (b) the applicant possesses a knowledge of the English language that is sufficient to enable him or her to safely exercise the authority given by a CAR certificate of validation; and
 - (c) the applicant is a suitable person to hold the certificate; and
 - (d) the applicant has passed the CAR certificate of validation examinations that CASA considers necessary in the interests of the safety of air navigation.
- (3) CASA must not issue a CAR certificate of validation to an applicant if the applicant:

- (a) has knowingly or recklessly made a false or misleading statement in relation to the application; or
 - (b) does not satisfy the requirements of subregulation (2).
 - (4) In deciding whether an applicant for a certificate is a suitable person to hold the certificate, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to perform activities essential to the operation of a balloon during flight time that was given to the applicant by CASA, or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.
 - (5) An applicant for a certificate commits an offence if the applicant:
 - (a) is aware of information that is relevant to a matter that CASA must take into account in deciding whether the applicant is a suitable person to hold the certificate; and
 - (b) does not disclose the information to CASA.
- Penalty: 50 penalty units.
- (6) For paragraph (2) (d), CASA may set and conduct examinations for the issue of certificates of validation.
 - (7) A CAR certificate of validation examination must be based on examination materials published by CASA.

5.30 CAR certificate of validation—overseas balloon authorisation information to be entered

If CASA issues a CAR certificate of validation for an overseas balloon authorisation, CASA must enter on the certificate:

- (a) the name of the country in which the overseas balloon authorisation was issued; and
- (b) the name of the overseas balloon authorisation; and
- (c) the period of validity of the overseas balloon authorisation; and
- (d) the serial number or reference number of the overseas balloon authorisation.

5.31 CAR certificate of validation—effect

- (1) A CAR certificate of validation for an overseas balloon authorisation has effect as if it were:
 - (a) a balloon flight crew licence that is the equivalent of the authorisation; or
 - (b) a balloon class endorsement that is the equivalent of the authorisation; or
 - (c) if the authorisation would allow the holder to perform activities in a balloon that is engaged in an activity for which a balloon flight crew rating is required—a balloon flight crew rating that is the equivalent of the authorisation;as the case requires.
- (2) For this regulation, an overseas balloon authorisation is *equivalent* to a balloon flight crew licence if the authorisation and the licence allow the holder to perform the same activities in balloons.
- (3) For this regulation, an overseas balloon authorisation is *equivalent* to a balloon class endorsement if the authorisation and the endorsement allow the holder to perform activities in the same class of balloon.
- (4) For this regulation, an overseas balloon authorisation is *equivalent* to a balloon flight crew rating if the authorisation and the rating allow the holder to perform the same activities.

5.32 CAR certificate of validation—period of validity

- (1) A CAR certificate of validation for an overseas balloon authorisation remains in force until whichever of the following occurs first:
 - (a) the end of the period of 3 months beginning on the day on which the certificate was issued;
 - (b) the end of the period set out by CASA on the certificate as the period for which the certificate remains in force;
 - (c) the overseas balloon authorisation ceases to be in force;
 - (d) if a holder of the overseas balloon authorisation is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued—the overseas medical certificate for the authorisation ceases to be in force;

- (e) the CAR certificate of validation is suspended or cancelled.
- (2) CASA may set out on a CAR certificate of validation the period for which the certificate remains in force.

5.33 CAR certificate of validation—offences

- (1) A person commits an offence if:
 - (a) the person makes an application for a CAR certificate of validation for an overseas balloon authorisation; and
 - (b) at the time the application is made, the person's overseas balloon authorisation is not in force.
- (2) A person commits an offence if:
 - (a) the person makes an application for a CAR certificate of validation for an overseas balloon authorisation; and
 - (b) the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued; and
 - (c) at the time the application is made, the person does not hold an overseas medical certificate for the authorisation that is in force.

Penalty: 50 penalty units.

- (3) The holder of a CAR certificate of validation for an overseas balloon authorisation commits an offence if:
 - (a) the holder exercises the authority given by the certificate in an Australian balloon during flight time; and
 - (b) at the time of exercising the authority, the holder's overseas balloon authorisation is not in force.

Penalty: 50 penalty units.

- (4) The holder of a CAR certificate of validation for an overseas balloon authorisation commits an offence if:
 - (a) the holder exercises the authority given by the certificate in an Australian balloon during flight time; and
 - (b) the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued; and

- (c) at the time of exercising the authority, the holder does not hold an overseas medical certificate for the authorisation that is in force.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

Division 5.5—Balloon flight crew licensing—general

5.40 Pilot acting in command under supervision

- (1) A person commits an offence if:
 - (a) the person flies a balloon as pilot acting in command under supervision; and
 - (b) either:
 - (i) the person does not satisfy subregulation (3) in relation to the balloon; or
 - (ii) the person does not satisfy subregulation (4) in relation to the balloon.

Penalty: 50 penalty units.

- (2) The operator of a balloon commits an offence if:
 - (a) the operator permits a person to fly a balloon as pilot acting in command under supervision; and
 - (b) the person does not satisfy subregulation (3) in relation to the balloon.

Penalty: 50 penalty units.

- (3) A person satisfies this subregulation if:
 - (a) the person holds:
 - (i) a commercial pilot (balloon) licence; or
 - (ii) a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence; and
 - (b) the person holds a balloon class endorsement that authorises him or her to fly the balloon as pilot in command; and
 - (c) if the person carries out an activity for which a balloon flight crew rating is required—the person holds a balloon flight

crew rating that permits him or her to carry out that activity as pilot in command of the balloon.

- (4) A person satisfies this subregulation in relation to a balloon if:
 - (a) the person is the co-pilot of the balloon; and
 - (b) the operator of the balloon permits the person to fly the balloon as pilot acting in command under supervision; and
 - (c) the pilot in command of the balloon is appointed for the purpose by the operator of the balloon.
- (5) An offence against this regulation is an offence of strict liability.

5.41 Balloon flight crew licence—tests and examinations

- (1) CASA may set and conduct the following theory examinations:
 - (a) commercial pilot (balloon) licence theory examinations;
 - (b) flight radiotelephone theory examinations.
- (2) CASA may set and conduct commercial pilot (balloon) licence flight tests.
- (3) CASA may set and conduct flight radiotelephone practical tests.

5.42 Balloon flight tests—CASA to be notified

- (1) An approved balloon testing officer commits an offence if the officer:
 - (a) conducts a flight test; and
 - (b) has not, at least 24 hours before the test:
 - (i) given CASA notice of the time, date, place and nature of the proposed test; and
 - (ii) obtained from CASA a flight test number for the test.

Penalty: 50 penalty units.

- (2) An approved balloon testing officer commits an offence if the officer:
 - (a) conducts a flight test; and
 - (b) does not do each of the following:
 - (i) enter the flight test number on the flight test report form used for the flight test;

- (ii) record the results of the test on the flight test report form;
- (iii) send the flight test report form to CASA:
 - (A) if the test is passed—within 14 days after the day of the test; or
 - (B) if the test is failed—within 90 days after the day of the test.

Penalty: 50 penalty units.

- (3) CASA may give a written notice to an approved balloon testing officer requiring the officer to give CASA documents relating to a flight test that he or she has notified to CASA under subregulation (1) that:
 - (a) are described in the notice; and
 - (b) are in the officer's possession and control; and
 - (c) are reasonably required by CASA in relation to the test.
- (4) An approved balloon testing officer commits an offence if the officer:
 - (a) receives a notice under subregulation (3); and
 - (b) does not send the documents to CASA within:
 - (i) if the test is passed—14 days after the day of the test; or
 - (ii) if the test is failed—90 days after the day of the test.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.
- (6) In this regulation:

flight test report form means a form issued by CASA for recording the results of flight tests.

5.50 Authorisation to test balloon

- (1) CASA may, in writing, authorise the holder of a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence to perform activities essential to the operation of a balloon for which the holder does not hold a balloon class endorsement during a flight conducted for the purpose of:

- (a) testing the balloon; or
 - (b) carrying out an experiment in relation to the balloon.
 - (2) An authorisation may be given subject to any condition that is necessary in the interests of the safety of air navigation.
 - (3) CASA must set out the condition in the authorisation.
 - (4) The holder of an authorisation commits an offence if the holder contravenes a condition to which the authorisation is subject.
- Penalty: 50 penalty units.
- (5) An offence against this regulation is an offence of strict liability.

5.51 Personal log books

- (1) The holder of a balloon flight crew licence or CAR certificate of validation commits an offence if the holder does not have a personal log book that is suitable:
 - (a) for the entry of balloon flight crew ratings, balloon class endorsements and other kinds of privileges; and
 - (b) for recording the matters required by regulation 5.52 to be recorded in a personal log book; and
 - (c) for recording any other matter that CASA directs must be recorded in a personal log book.

Penalty: 50 penalty units.

Note: Regulation 5.56 requires the holder of a balloon flight crew licence or CAR certificate of validation to produce his or her personal log book when required by CASA.

- (2) CASA may, in writing, direct the holder of a balloon flight crew licence or CAR certificate of validation to record the matters set out in the direction in his or her personal log book.
- (3) CASA must not give a direction under subregulation (2) unless it is necessary to do so in the interests of the safety of air navigation.
- (4) A person to whom a direction is given under subregulation (2) commits an offence if the person contravenes the direction.

Penalty: 50 penalty units.

- (5) A direction does not have effect in relation to a person until it is given to the person.
- (6) An offence against this regulation is an offence of strict liability.

5.52 What must be recorded in a personal log book?

- (1) The holder of a balloon flight crew licence or CAR certificate of validation commits an offence if the holder does not record in his or her personal log book:
 - (a) his or her full name, address, date of birth and aviation reference number; and
 - (b) any information about each flight undertaken by the holder that CASA directs be recorded in the log book.

Penalty: 50 penalty units.

- (2) CASA may give directions in Civil Aviation Orders setting out the information about each flight undertaken by the holder of a balloon flight crew licence or CAR certificate of validation that the holder must record in his or her personal log book.
- (3) CASA must not give a direction under subregulation (2) unless it is necessary to do so in the interests of the safety of air navigation.
- (4) A person to whom a direction is given under subregulation (2) commits an offence if the person contravenes the direction.

Penalty: 50 penalty units.

- (5) A direction does not have effect in relation to a person until it is given to the person.
- (6) An offence against this regulation is an offence of strict liability.

5.53 How long must a personal log book be retained?

- (1) A person commits an offence if the person:
 - (a) is required by subregulation 5.51 (1) to have a personal log book; and
 - (b) does not retain the log book for as long as the person holds a balloon flight crew licence or CAR certificate of validation.

Penalty: 50 penalty units.

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- (2) An offence against this regulation is an offence of strict liability.

5.54 Evidence of identity—CASA’s powers

- (1) CASA may require a person to produce evidence of his or her identity before:
- (a) CASA issues a balloon flight crew licence, CAR certificate of validation, balloon flight crew rating or balloon class endorsement to the person; or
 - (b) the person attempts an examination conducted by CASA.
- (2) Despite anything else in these Regulations, if a person is required to produce evidence of his or her identity under subregulation (1), then until the person produces the evidence:
- (a) CASA may refuse to issue the licence, certificate, rating or endorsement; or
 - (b) CASA may refuse to allow the person to attempt the examination.
- (3) Subject to subregulation (6), if there are reasonable grounds for believing that a person has performed, or is about to perform, an activity essential to the operation of an Australian balloon, CASA may require the person to produce evidence of his or her identity.
- (4) Despite anything else in these Regulations, if a person who is about to perform an activity essential to the operation of an Australian balloon is required to produce evidence of his or her identity under subregulation (3), CASA may direct the person not to perform the duty until he or she produces the evidence.
- (5) A person to whom a direction is given under subregulation (4) commits an offence if the person contravenes the direction.
- Penalty: 50 penalty units.
- (6) CASA must not require a person to produce evidence of his or her identity under subregulation (3) unless it is necessary to do so in the interests of the safety of air navigation.
- (7) A person who has performed an activity essential to the operation of an Australian balloon commits an offence if the person:
- (a) is required to produce evidence of his or her identity under subregulation (3); and

- (b) refuses to produce the evidence.

Penalty: 50 penalty units.

- (8) An offence against this regulation is an offence of strict liability.

5.54A Evidence of identity—examinations

- (1) A person who is permitted by this Part to conduct an examination may require a person to produce evidence of his or her identity before he or she attempts an examination conducted by the first-mentioned person.

Note: Under regulation 2, the definition of *examination* includes flight tests.

- (2) If a person is required to produce evidence of his or her identity under subregulation (1), the examiner may refuse to allow the person to attempt the examination until he or she produces the evidence.

5.56 Balloon flight crew licence—production etc.

- (1) CASA may request the holder of a balloon flight crew licence or CAR certificate of validation to produce to CASA any or all of the following for inspection by CASA:
 - (a) his or her licence or certificate;
 - (b) his or her personal log book;
 - (c) his or her medical certificate.
- (2) The holder of a balloon flight crew licence or CAR certificate of validation commits an offence if:
 - (a) CASA requests the holder to produce a document under subregulation (1); and
 - (b) the holder does not:
 - (i) if the holder has immediate access to the document at the time the request is made—produce the document without delay; or
 - (ii) if subparagraph (i) does not apply—produce the document at the place specified by CASA not more than 7 days after the day of the request.

Penalty: 50 penalty units.

- (3) For subparagraph (2) (b) (ii), CASA may specify the place at which the holder of a balloon flight crew licence or CAR certificate of validation must produce a document.
- (4) An offence against this regulation is an offence of strict liability.
- (5) In this regulation:

medical certificate includes an overseas medical certificate.

Division 5.6—Balloon flight crew licensing—balloon flying schools

5.57 Balloon flying schools—transfer of student records

- (1) This regulation applies if:
 - (a) a person has received balloon flying training at a balloon flying school (the *first school*); and
 - (b) the person subsequently arranges to receive balloon flying training at another balloon flying school (the *other flying school*).
- (2) The first school must, on the written or oral request of the person or the other flying school, give a copy of the person's student record to the other flying school.

5.58 Balloon flying schools—chief balloon flying instructor

- (1) CASA may approve the appointment of a person who holds approved qualifications to be the chief balloon flying instructor of a balloon flying school.
- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must:
 - (a) set out the condition in the approval; or
 - (b) give it as a direction in Civil Aviation Orders.
- (4) A person commits an offence if the person contravenes a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person ceases to hold the approved qualifications; or
 - (b) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or
 - (c) it is necessary to do so in the interests of the safety of air navigation.
- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.
- (7) An offence against this regulation is an offence of strict liability.
- (8) In this regulation:
approved qualifications means qualifications approved by CASA for subregulation (1).

5.59 Syllabuses of training

CASA may publish (whether as Civil Aviation Orders or otherwise) the following syllabuses of training:

- (a) balloon syllabus;
- (b) balloon flight crew rating syllabus;
- (c) flight radiotelephone operator syllabus.

Division 5.7—Balloon flight crew licensing—flight radiotelephone operator licence

5.61 Flight radiotelephone operator licence—issue

- (1) For subregulation 5.09 (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16; and
 - (b) has passed a flight radiotelephone theory examination; and
 - (c) has passed a flight radiotelephone practical test.
- (2) Despite subregulation (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16; and

-
- (b) holds, or has held, a qualification:
 - (i) that CASA is satisfied is at least equivalent to a flight radiotelephone operator licence; and
 - (ii) that was issued by the Defence Force of Australia.
 - (3) Despite subregulation (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16; and
 - (b) holds, or has held, an overseas radio licence that is at least equivalent to the flight radiotelephone operator licence.
 - (4) For this regulation, an overseas radio licence is equivalent to a flight radiotelephone operator licence if it authorises the holder of the licence to operate a radiocommunication system installed in, or carried on, an aircraft during flight time in the aircraft.

5.62 Flight radiotelephone operator licence—authorisation

A flight radiotelephone operator licence authorises the holder of the licence to operate:

- (a) a radiocommunication system that is installed in, or carried on, an aircraft during flight time in the aircraft and when the aircraft is on the ground; and
- (b) a radiocommunication system used in connection with aircraft.

Note: Regulation 83 prohibits a person from transmitting on a radio frequency used for the purpose of ensuring the safety of air navigation without being qualified to do so. A person is qualified to do so if the person holds a flight radiotelephone operator licence.

5.63 Flight radiotelephone operator licence—conduct of examination and test

- (1) A flight radiotelephone theory examination and flight radiotelephone practical test must be conducted only by a CASA flying operations inspector or an approved check radio operator.
- (2) If:
 - (a) a person attempts a flight radiotelephone theory examination or a flight radiotelephone practical test; and
 - (b) the examination or test is not conducted by a CASA flying operations inspector or an approved check radio officer;

the person is taken not to have passed the examination or test.

Division 5.11—Balloon flight crew licensing—commercial pilot (balloon) licences

5.138 Commercial pilot (balloon) licence—qualifications

- (1) For subregulation 5.09 (1), a person is qualified to hold a commercial pilot (balloon) licence if the person:
 - (a) is at least 18; and
 - (b) holds a current private pilot certificate (balloons); and
 - (c) has held one of the following for at least one year:
 - (i) a private pilot certificate (balloons);
 - (ii) a certificate or licence issued by the competent authority of a foreign country that is at least equivalent to a private pilot certificate (balloons); and
 - (d) has passed a commercial pilot (balloon) licence theory examination; and
 - (e) has passed a commercial pilot (balloon) licence flight test; and
 - (f) has completed a course of balloon flying training in accordance with regulation 5.146; and
 - (g) has the aeronautical experience set out in regulation 5.145.
- (2) Despite subregulation (1), a person is qualified to hold a commercial pilot (balloon) licence if:
 - (a) the person:
 - (i) holds, or has held, an overseas balloon authorisation that is at least equivalent to the commercial pilot (balloon) licence; and
 - (ii) satisfies the requirements of subregulation (1), other than paragraph (f); or
 - (b) the person:
 - (i) holds a current overseas balloon authorisation that is at least equivalent to the commercial pilot (balloon) licence; and
 - (ii) satisfies the requirements of subregulation (1), other than paragraphs (e) and (f); and

- (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed a balloon proficiency check required by regulation 217.
- (3) For subparagraph (2) (b) (iv), a person is not taken to have satisfactorily completed a balloon proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (4) For this regulation, a certificate or licence issued by the competent authority of a country other than Australia is equivalent to a private pilot certificate (balloons) if it authorises the holder of the certificate or licence to fly balloons as pilot in command in private operations.
- (5) For this regulation, an overseas balloon authorisation is equivalent to a commercial pilot (balloon) licence if it authorises the holder of the licence to fly balloons as pilot in command in aerial work operations or charter operations.
- (6) In this regulation:

competent authority, in relation to a foreign country, means the body that has responsibility for the licensing of persons to fly balloons in private operations in that country.

private pilot certificate (balloons) means a certificate that is issued by the Australian Ballooning Federation Inc.

5.139 Commercial pilot (balloon) licence—authorisation

Subject to regulations 5.140 to 5.144, a commercial pilot (balloon) licence authorises the holder of the licence to fly a balloon that is engaged in aerial work operations or charter operations:

- (a) as pilot in command; or
- (b) as co-pilot for the purposes of acting as pilot in command under supervision.

Note: The requirements for private balloon operations are set out in Civil Aviation Order 95.54.

5.140 Commercial pilot (balloon) licence—authorisation: balloon classes

A commercial pilot (balloon) licence does not authorise the holder of the licence to fly as pilot in command of a balloon that is engaged in aerial work operations or charter operations unless the holder also holds a balloon class endorsement for the class of balloon in which the balloon that is to be flown is included.

5.141 Commercial pilot (balloon) licence—authorisation: balloon types

- (1) A commercial (balloon) pilot commits an offence if the pilot:
 - (a) flies as pilot in command of a balloon that is engaged in aerial work operations or charter operations; and
 - (b) has not undertaken at least 2 flights as pilot in command or as pilot acting in command under supervision of a balloon:
 - (i) that has a fuel system of the same design as the balloon that the pilot proposes to fly; and
 - (ii) that has a deflation system of the same design as the balloon that the pilot proposes to fly; and
 - (iii) that has an envelope capacity equal to, or greater than, the balloon that the pilot proposes to fly.

Penalty: 50 penalty units.

- (2) For subregulation (1), each flight must include:
 - (a) at least 1 inflation of the balloon envelope; and
 - (b) at least 30 minutes of free flight time; and
 - (c) at least 1 deflation of the balloon envelope.
- (3) An offence against this regulation is an offence of strict liability.

5.142 Commercial pilot (balloon) licence—rating required

- (1) A commercial pilot (balloon) licence does not authorise the holder of the licence, in the course of flying a balloon, to carry out any activity for which a balloon flight crew rating is required:
 - (a) as pilot in command, or co-pilot—unless the holder also holds a balloon flight crew rating that authorises him or her to carry out the activity in that capacity in the balloon; or

- (b) in dual flying—unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give balloon flying training in relation to the rating.
- (2) A commercial pilot (balloon) licence authorises the holder of the licence to fly a tethered balloon at night under the VFR without holding a balloon grade of night VFR rating.

5.143 Commercial pilot (balloon) licence—regular balloon flight reviews required

- (1) A commercial (balloon) pilot commits an offence if the pilot:
 - (a) flies as pilot in command of a balloon that is engaged in aerial work operations or charter operations; and
 - (b) has not, within the period of 2 years immediately before the day of the flight, satisfactorily completed a balloon flight review.

Penalty: 50 penalty units.

Note: A pilot who flies balloons for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) A balloon flight review must:
 - (a) be conducted only by an appropriate person in a balloon for which the pilot holds a balloon class endorsement; and
 - (b) include at least:
 - (i) 1 inflation of the balloon envelope; and
 - (ii) 30 minutes of flight time; and
 - (iii) 1 deflation of the balloon envelope.
- (3) If:
 - (a) a commercial (balloon) pilot undertakes a balloon flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
 the pilot is taken not to have satisfactorily completed the review.
- (4) A person commits an offence if:
 - (a) the person conducts a balloon flight review of a commercial (balloon) pilot; and

- (b) the pilot satisfactorily completes the review; and
- (c) the person is satisfied that the pilot is able to safely fly a balloon in aerial work operations or charter operations; and
- (d) the person does not make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the review.

Penalty: 50 penalty units.

- (5) For this regulation, a commercial (balloon) pilot is taken to have satisfactorily completed a balloon flight review if, within the period of 2 years immediately before the day of a proposed flight, the pilot has:
 - (a) passed a flight test conducted for the purpose of:
 - (i) the issue of a commercial pilot (balloon) licence; or
 - (ii) the issue, or renewal, of a flight instructor (balloon) rating; or
 - (b) satisfactorily completed a balloon proficiency check; or
 - (c) satisfactorily completed balloon conversion training given by the holder of a flight instructor (balloon) rating.
- (6) An offence against this regulation is an offence of strict liability.
- (7) In this regulation:

appropriate person means:

- (a) an authorised balloon flight instructor; or
- (b) a CASA flying operations inspector; or
- (c) an authorised person.

balloon conversion training means training undertaken by a commercial (balloon) pilot for the purpose of qualifying for a balloon class endorsement.

balloon flight review means a test of the aeronautical skills and aeronautical knowledge of the person undertaking the review that are relevant to the safe flight of balloons in aerial work operations or charter operations.

5.144 Commercial pilot (balloon) licence—recent experience requirements

- (1) A commercial (balloon) pilot commits an offence if the pilot:
 - (a) flies as pilot in command of a balloon that is engaged in charter operations; and
 - (b) has not, within the period of 90 days immediately before the day of the flight, undertaken at least 1 flight as pilot in command, or pilot acting in command under supervision, of a balloon.

Penalty: 50 penalty units.

- (2) For subregulation (1), the flight must include:
 - (a) at least 1 inflation of the balloon envelope; and
 - (b) at least 30 minutes of free flight time; and
 - (c) at least 1 deflation of the balloon envelope.
- (3) An offence against this regulation is an offence of strict liability.

5.145 Commercial pilot (balloon) licence—aeronautical experience required

For paragraph 5.138 (1) (g), a person's aeronautical experience must consist of at least 75 hours flight time as pilot in command of a balloon that includes at least:

- (a) 60 hours of free flight time; and
- (b) 5 hours of tethered flight time.

5.146 Commercial pilot (balloon) licence—balloon flying training required

For paragraph 5.138 (1) (f), a course of balloon flying training must:

- (a) consist of at least 8 hours of balloon flying training that:
 - (i) is undertaken by a person within the period of 1 year immediately before the day on which the person attempts the commercial pilot (balloon) licence flight test; and
 - (ii) includes at least 3 flights in a free balloon and 1 flight in a tethered balloon; and

- (iii) includes at least 3 inflations, and 3 deflations, of a balloon envelope; and
- (b) be conducted in accordance with the relevant balloon syllabus; and
- (c) be conducted by an authorised balloon flight instructor.

5.147 Commercial pilot (balloon) licence—flight tests

- (1) A commercial pilot (balloon) licence flight test must be conducted only by a CASA flying operations inspector or an approved person in a balloon for which the person attempting the test is qualified to hold a balloon class endorsement.

Note Requirements to qualify for class endorsements are set out in the Civil Aviation Orders.

- (2) An approved balloon testing officer, or a CASA flying operations inspector, commits an offence if:
 - (a) the officer or inspector conducts a commercial pilot (balloon) licence flight test; and
 - (b) the person attempting the test has not been recommended for the test by the chief balloon flying instructor of the balloon flying school where the person attempts the test.

Penalty: 50 penalty units.

- (3) A chief balloon flying instructor commits an offence if:
 - (a) the chief balloon flying instructor recommends a person for a commercial pilot (balloon) licence flight test; and
 - (b) the person does not satisfy the requirements of paragraphs 5.138 (1) (b), (c), (d), (f) and (g).

Penalty: 50 penalty units.

- (4) A chief balloon flying instructor commits an offence if:
 - (a) the chief balloon flying instructor recommends a person for a commercial pilot (balloon) licence flight test; and
 - (b) the person is not at least 17.

Penalty: 50 penalty units.

Note: Paragraph 5.138 (1) (a) requires a person to be 18 to qualify for the licence.

- (5) If:

- (a) a person attempts a commercial pilot (balloon) licence flight test; and
 - (b) the requirements of subregulations (1), (2), (3) and (4) are not satisfied in relation to the attempt;
- the person is taken not to have passed the test.
- (6) CASA may approve a person for subregulation (1) to conduct a commercial pilot (balloon) flight test.
 - (7) An offence against this regulation is an offence of strict liability.

6 Regulations 83 to 83F

substitute

83 Transmitting on aeronautical radio frequencies

- (1) A person commits an offence if:
 - (a) the person transmits on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation; and
 - (b) the person is not qualified to transmit on the radio frequency.

Penalty: 50 penalty units.

- (2) For paragraph (1) (b), a person is qualified to transmit on a radio frequency of a kind mentioned in paragraph (1) (a) if the person:
 - (a) holds a flight radiotelephone operator licence within the meaning of subregulation 5.01 (1); or
 - (b) is authorised to transmit on the frequency under Part 61, 64 or 65 of CASR; or
 - (c) for a pilot flying a foreign registered aircraft—is authorised (however described) to transmit on the frequency under the law of the aircraft's State of registry.

- (3) An offence against this regulation is an offence of strict liability.

7 Regulation 141

omit

8 Subregulation 149 (1), including the penalty

substitute

- (1) The pilot in command of an aircraft commits an offence if:

- (a) he or she permits anything to be towed by the aircraft; and
- (b) the requirement mentioned in subregulation (1A) is not met.

Penalty: 50 penalty units.

(1A) For paragraph (1) (b), the requirement is that the towing must be:

- (a) permitted by this regulation; or
- (b) authorised under Part 61 of CASR.

9 Regulation 155

substitute

155 Aerobatic manoeuvres

- (1) The pilot in command of an aircraft commits an offence if the pilot conducts an aerobatic manoeuvre at night.

Penalty: 25 penalty units.

- (2) The pilot in command of an aircraft commits an offence if the pilot conducts an aerobatic manoeuvre that is not in VMC.

Penalty: 25 penalty units.

- (3) The pilot in command of an aircraft commits an offence if:
- (a) the pilot conducts a particular kind of aerobatic manoeuvre; and
 - (b) neither of the following state that the aircraft may perform that kind of aerobatic manoeuvre:
 - (i) the aircraft's certificate of airworthiness;
 - (ii) the aircraft's flight manual.

Penalty: 25 penalty units.

- (4) A person commits an offence if:
- (a) the person conducts an aerobatic manoeuvre over a populous area or public gathering; and
 - (b) the person does not have CASA's written permission to do so.

Penalty: 25 penalty units.

- (5) The pilot in command of an aircraft commits an offence if:

- (a) the pilot conducts an aerobatic manoeuvre; and
- (b) the pilot does not, before conducting the aerobatic manoeuvre, take any action that is necessary to ensure that each of the following requirements are met:
 - (i) any loose articles must be removed from the aircraft or made secure in the aircraft;
 - (ii) all locker and compartment doors of the aircraft must be fastened;
 - (iii) the safety harness or seat belt of any vacant seat must be made secure so as to avoid the fouling of the controls of the aircraft;
 - (iv) the dual controls (if any) of the aircraft must be removed from the aircraft or rendered inoperative, unless the control seats are occupied in accordance with regulation 226 or the dual control seat is vacant;
 - (v) every person in the aircraft must be secured with a correctly adjusted safety harness or seat belt.

Penalty: 25 penalty units.

- (6) An offence against this regulation is an offence of strict liability.

10 Subregulations 156 (1) and (2)

omit

a regatta, race meeting or public gathering

insert

a public gathering

11 Paragraph 157 (4) (c)

substitute

- (c) the pilot of the aircraft is receiving flight training in low-level operations or aerial application operations, within the meaning of Part 61 of CASR; or

12 Paragraph 163AA (1) (a)

substitute

- (a) each of the pilots in command is authorised, under Part 61 of CASR, to fly in formation;

13 Subregulations 163AA (2) to (5)

omit

14 Regulation 174C

omit

15 Regulation 176

omit

16 Subparagraph 206 (1) (a) (vi)

substitute

- (vi) balloon flying training (within the meaning of subregulation 5.01 (1)) for the grant of a balloon flight crew licence or rating;

17 Subregulation 206 (2)

omit

18 After regulation 210

insert

210A Flight time limitations

- (1) CASA may, in writing, give directions to a licence holder or an aircraft operator about any of the following:
 - (a) the number of hours that a licence holder may fly in any period as a member of the flight crew of an aircraft;
 - (b) the length of each tour of duty undertaken by a licence holder;
 - (c) the length of reserve time for a licence holder;
 - (d) the rest periods that must be taken by a licence holder;
 - (e) the circumstances in which a licence holder must not:
 - (i) fly as a member of the flight crew of an aircraft; or
 - (ii) perform any other duty associated with his or her employment.
- (2) CASA may, in writing, give directions to an aircraft operator about the circumstances in which an operator must not require a licence holder:

- (a) to fly as a member of the flight crew of an aircraft; or
 - (b) perform any other duty associated with the holder's employment.
- (3) A person commits an offence if:
- (a) CASA gives the person a direction under subregulation (1) or (2); and
 - (b) the person does not comply with the direction.

Penalty: 50 penalty units.

- (4) An offence against this regulation is an offence of strict liability.
- (5) In this regulation:

licence holder means the holder of:

- (a) a flight crew licence, rating or endorsement; or
- (b) a certificate of validation; or
- (c) any of the following within the meaning of subregulation 5.01 (1):
 - (i) a balloon class endorsement;
 - (ii) a balloon flight crew rating;
 - (iii) a CAR certificate of validation;
 - (iv) a commercial (balloon) pilot licence;
 - (v) a flight radiotelephone operator licence.

reserve time means a period during which a flight crew member is required by an operator to hold himself or herself available for a tour of duty.

rest period means a period of time during which a flight crew member is relieved by an operator of all duties associated with his or her employment.

tour of duty, for a flight crew member:

- (a) means a period when the member begins any duties associated with his or her employment before making a flight or series of flights until when the member is finally relieved of all such duties after the end of the flight or flights; and
- (b) includes a period during which the member is required by an operator to hold himself or herself available at an aerodrome for the performance of any such duties.

210B Pilot in command under supervision

- (1) The operator of an aircraft commits an offence if:
 - (a) the operator permits a person to pilot the aircraft as pilot in command under supervision; and
 - (b) the person is not authorised under Part 61 to pilot the aircraft as pilot in command under supervision.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

19 After regulation 224

insert

224A Commercial operations carrying passengers—requirements if pilot in command 60 or more

- (1) The operator and pilot in command of an Australian aircraft each commit an offence if:
 - (a) a flight of the aircraft is a commercial operation; and
 - (b) a passenger is carried on the flight; and
 - (c) the pilot in command of the aircraft is at least 60; and
 - (d) the aircraft is an aircraft of a category mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1) (d), the aircraft categories are the following:
 - (a) **an aeroplane;**
 - (b) **a helicopter;**
 - (c) **a powered-lift aircraft;**
 - (d) **a gyroplane;**
 - (e) **an airship.**

- (3) Subregulation (1) does not apply if:
 - (a) the aircraft:
 - (i) is fitted with fully functioning dual controls; and

- (ii) has a flight crew that includes a qualified pilot for the aircraft who is not the pilot in command; or
- (b) the pilot in command is successfully participating in an operator's approved cyclic training and proficiency program; or
- (c) if the pilot in command is less than 65—the pilot in command has met the requirement mentioned in subregulation (4) within one year before the day of the flight; or
- (d) if the pilot in command is at least 65—the pilot in command has met the requirement mentioned in subregulation (4) within 6 months before the day of the flight.

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

- (4) For paragraphs (3) (c) and (d), the requirement is that the pilot in command has successfully completed an operator proficiency check or flight review in an aircraft of the same category or an approved flight simulator for the category of aircraft.
- (5) An offence against this regulation is an offence of strict liability.
- (6) In this regulation:

approved flight simulator: see regulation 61.010 of CASR.

category, of aircraft: see regulation 61.010 of CASR.

qualified pilot, for a flight of an aircraft, means the holder of an air transport or commercial pilot licence who:

- (a) is authorised under Part 61 of CASR to pilot the aircraft; and
- (b) either:
 - (i) is less than 60; or
 - (ii) meets the requirements of paragraph (3) (b), (c) or (d).

20 Regulation 229

substitute

228A Definition of *qualified* to taxi an aircraft

For regulations 229 and 230, a person is ***qualified*** to taxi an aircraft if:

- (a) the person is authorised to taxi the aircraft under Part 61 or 64; or
- (b) for a foreign registered aircraft—the person is authorised (however described) to taxi or fly the aircraft under the law of the aircraft's State of registry.

229 Operation of aircraft on ground—only qualified persons may taxi aircraft

- (1) A person commits an offence if:
 - (a) the person taxis an aircraft; and
 - (b) the person is not qualified to taxi the aircraft.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

21 Subregulation 230 (2)

omit

or by a person who may, under Part 5, fly the aircraft.

insert

or by a person who is qualified to taxi the aircraft.

22 Paragraph 249 (1) (a)

substitute

- (a) flying training given to:
 - (i) the holder of a student pilot licence; or
 - (ii) a person who does not hold a flight crew licence or a commercial (balloon) pilot licence within the meaning of subregulation 5.01 (1);

23 Paragraph 262AL (2) (f)

omit

aircraft endorsement

insert

aircraft class or type rating

24 Paragraph 262AM (2) (f)

omit

aircraft endorsement

insert

aircraft class or type rating

25 Paragraph 262AM (7) (a)

substitute

(a) the pilot in command holds:

- (i) a commercial pilot licence or air transport pilot licence, with appropriate flight crew ratings and endorsements for a flight of that kind; or
- (ii) if the aircraft is a balloon—a commercial pilot (balloon) licence, with the appropriate balloon class endorsement, and any appropriate balloon flight crew rating, within the meaning of subregulation 5.01 (1), for a flight of that kind; and

26 Paragraph 262AP (2) (c)

omit

aircraft endorsement

insert

aircraft class or type rating

27 Subregulation 263 (1), definition of *certificate*

substitute

certificate means:

- (a) a certificate under Division 3 of Part 4; or
- (b) a certificate of validation; or
- (c) a CAR certificate of validation within the meaning of subregulation 5.01 (1).

28 Subregulation 263 (1), definition of *licence*

substitute

licence means:

- (a) an aircraft engineer licence; or

- (b) a flight crew licence, rating or endorsement; or
- (c) any of the following within the meaning of subregulation 5.01 (1):
 - (i) a balloon class endorsement;
 - (ii) a balloon flight crew rating;
 - (iii) a commercial (balloon) pilot licence;
 - (iv) a flight radiotelephone operator licence.

29 Subregulation 263 (4)

omit

30 Regulation 264

substitute

264 Refusal to grant certificate under Division 3 of Part 4

CASA must not refuse to grant a certificate under Division 3 of Part 4 except on one or more of the following grounds:

- (a) that the applicant has failed to satisfy a requirement prescribed by or specified under these Regulations in relation to the grant of the certificate;
- (b) that the applicant has made in, or in connection with, the application a statement that was false or misleading in a material particular;
- (c) that a court has made an order under section 30A of the Act in relation to the applicant;
- (d) in relation to the initial issue of a certificate:
 - (i) that the applicant was the holder of a certificate that was previously cancelled; or
 - (ii) that the applicant is not a fit and proper person to have the responsibilities and exercise and perform the functions and duties of a holder of the certificate.

31 Paragraph 265 (1) (a)

omit

regulation 5.38, 107 or 117; or

insert

regulation 299; or

32 Regulation 272A, heading

substitute

272A Effect of suspension of approval, authority, certificate or licence

33 Subregulation 298A (8), definition of *aircraft endorsement*

omit

34 Subregulation 298A (8), definition of *certificate*, paragraph (b)

substitute

- (b) a certificate under Part 8; or
- (c) a certificate of validation; or
- (d) a CAR certificate of validation within the meaning of subregulation 5.01 (1).

35 Subregulation 298A (8), definition of *endorsement*, paragraph (b)

substitute

- (b) a flight crew endorsement; or
- (ba) a balloon class endorsement within the meaning of subregulation 5.01 (1); or

36 Subregulation 298A (8), definition of *licence*, after paragraph (b)

insert

- (ba) a balloon flight crew licence within the meaning of subregulation 5.01 (1); or

37 Subregulation 298A (8), definition of *rating*, after paragraph (a)

insert

- (aa) a balloon flight crew rating within the meaning of subregulation 5.01 (1); or

38 After regulation 298E

insert

299 Further examination of holders of flight crew licences etc.

- (1) This regulation applies to the holder of any of the following:
 - (a) a flight crew licence, rating or endorsement;
 - (b) a certificate of validation;
 - (c) any of the following within the meaning of subregulation 5.01 (1):
 - (i) a balloon class endorsement;
 - (ii) a balloon flight crew rating;
 - (iii) a CAR certificate of validation;
 - (iv) a commercial (balloon) pilot licence;
 - (v) a flight radiotelephone operator licence.
 - (2) If CASA considers it necessary in the interests of the safety of air navigation, CASA may give the holder a notice in writing:
 - (a) requiring the holder to undertake an examination specified by CASA to demonstrate that the holder continues to possess the aeronautical skills and aeronautical knowledge appropriate to the licence, rating, endorsement or certificate; and
 - (b) setting out the reasons for CASA's decision; and
 - (c) setting out the time and place of the examination.
- Note: A decision to require a person to undertake an examination is reviewable by the Administrative Appeals Tribunal: see regulation 297A.
- (3) CASA must not set out a time under paragraph (2) (c) that is within 21 days after the date of the notice.
 - (4) A person who is given a notice under subregulation (2) commits an offence if the person:
 - (a) refuses to undertake an examination; or
 - (b) fails to attend at the time and place set out in the notice.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

39 Subregulation 302 (1)

omit

other than a flight crew licence or a special pilot licence,

insert

other than a flight crew licence,

40 Subregulation 303 (2)

substitute

(2) In this regulation:

licence includes:

- (a) a flight crew rating or endorsement; or
- (b) a balloon flight crew rating or balloon class endorsement within the meaning of subregulation 5.01 (1).

41 Part 20, after Division 2

insert

Division 3—Transitional provisions relating to remaking of Part 5 (commencing on 1 September 2014)

333 Certain civil aviation authorisations not affected by substitution of Part 5 on 1 September 2014

- (1) Subregulation (2) applies to a balloon-related civil aviation authorisation issued under Part 5 if the authorisation was in force immediately before 1 September 2014.
- (2) Despite the substitution of Part 5 on 1 September 2014, the authorisation continues in force according to its terms as if the substitution had not occurred.
- (3) Subregulation (4) applies to a balloon-related civil aviation authorisation if the authorisation was under suspension immediately before 1 September 2014.
- (4) Despite the substitution of Part 5 on 1 September 2014, the authorisation is not repealed, and its suspension continues according to its terms, as if the substitution had not occurred.

334 Civil Aviation Orders for Part 5—balloons

- (1) This regulation applies to a Civil Aviation Order made under a provision mentioned in subregulation (2) if the Order:
 - (a) was in force immediately before 1 September 2014; and

- (b) related to balloons.
- (2) For subregulation (1) the provisions are the following:
 - (a) regulation 5.14;
 - (b) regulation 5.17;
 - (c) regulation 5.19;
 - (d) regulation 5.20;
 - (e) regulation 5.52;
 - (f) regulation 5.58;
 - (g) regulation 5.59.
- (3) Despite the substitution of Part 5 on 1 September 2014, the Civil Aviation Order continues in force according to its terms to the extent that it relates to balloons as if the substitution had not occurred.

335 Civil Aviation Orders—flight time limitations

- (1) This regulation applies to a Civil Aviation Order made under regulation 5.55 if the Order was in force immediately before 1 September 2014.
- (2) The Civil Aviation Order continues in force according to its terms as if it had been made on 1 September 2014 under regulation 210A.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Endnotes

Endnote 1—About the endnotes

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
5, 2013	19 Feb 2013 (<i>see</i> F2013L00218)	(<i>see</i> s 2)	
254, 2013	25 Nov 2013 (<i>see</i> F2013L01976)	Sch 1 (items 2–10): 26 Nov 2013	—
274, 2013	17 Dec 2013 (<i>see</i> F2013L02129)	Sch 2: 18 Dec 2013	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	am No 254, 2013
Sch 1	
hdg to Sch 1	am No 274, 2013
item 15	am No 254, 2013
item 44	am No 254, 2013
item 45	am No 254, 2013
Sch 2	
item 41	am No 254, 2013

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]