

EXPLANATORY STATEMENT

Select Legislative Instrument No. 274, 2013

Issued by the authority of the Minister for Infrastructure and Regional Development

Civil Aviation Act 1988

Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013

Subsection 98(1) of the *Civil Aviation Act 1988* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act, or necessary or convenient for carrying out or giving effect to the Act. That subsection also provides that the Governor-General may make regulations for the purposes of carrying out and giving effect to the provisions of the *Convention on International Civil Aviation* (Chicago Convention) relating to aviation safety and in relation to the safety of air navigation, being regulations with respect to any other matters to which the Parliament has power to make laws.

Subsection 9(1) of the Act specifies, in part, that the Civil Aviation Safety Authority (CASA) has the function of conducting the safety regulation of civil air operations in Australian territory by means that include developing and promulgating appropriate, clear and concise aviation safety standards and issuing certificates, licences, registrations and permits.

The Amendment Regulation makes various amendments to sections of the *Civil Aviation Regulations 1988* (CAR) and the *Civil Aviation Safety Regulations 1998* (CASR), which were affected by the making of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* on 14 February 2013 and by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*. The *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013* amended the commencement date of the *Civil Aviation Legislation Amendment regulation 2013 (No. 1)* from 4 December 2013 to 1 September 2014.

Civil Aviation Legislation Amendment Regulation 2013 (No. 1) added the following Parts to the CASR:

- Part 61 – Flight crew licensing;
- Part 64 – Authorisations for non-licensed personnel;
- Part 141 – Recreational, private and commercial pilot flight training, other than certain integrated training courses; and
- Part 142 – Integrated and multi-crew pilot flight training, contracted recurrent training and contracted checking.

The main objectives of the Amendment Regulation are to address minor technical matters and machinery provisions, provide for more flexible transition arrangements that reduce the immediate impact of the regulations that commence on 1 September 2014, as well as reduce compliance costs and administration.

Part 61 of the CASR provides an administrative and regulatory framework that prescribes requirements for the training and licensing of pilots and flight engineers as well as provisions for ensuring pilots and flight engineers maintain their competency before conducting flight operations. The Amendment Regulation removes the student pilot licence from Part 61 and replaces it with provisions that achieve the same safety outcomes and are consistent with the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO).

The Amendment Regulation moves the medical exemption provisions that are prescribed in Part 61 into Part 67 – Medical Certification, to bring together all of the medical standards into one CASR Part.

Part 61 includes provisions that ensure pilots and flight engineers undergo periodic refresher training and competency checks to ensure that competency is maintained. The Amendment streamlines and simplifies the Flight Review and Proficiency Check provisions without diminishing safety outcomes.

Part 64 of the CASR sets out the requirements for, and privileges of, authorisations for non-licensed personnel (i.e. non-pilots and non-air traffic controllers) to operate radios and taxi aeroplanes. Certain aircrew such as personnel involved in aeromedical operations have an authorisation under the current regulations to operate radios inflight. The Amendment Regulation provides for the transition of these authorisations into the equivalent Part 64 authorisation.

Parts 141 and 142 of the CASR provide an administrative and regulatory framework that prescribes the requirements for conducting training for flight crew licences, using aircraft and flight simulation training devices. The Amendment Regulation amends the definition of integrated training to avoid any doubt that a Part 142 organisation would be able to contract a third party to deliver theory training as part of an integrated training course for pilots.

Part 202 of the CASR prescribes transitional regulations. The Amendment Regulation preserves the eligibility requirements for certain helicopter pilot licences that are prescribed in the CAR until 31 August 2017. The proposal provides training organisations with additional time to re-equip with appropriately fitted aircraft that are needed to conduct the training required by Part 61. The new training standards harmonise Australian licensing with the ICAO standard.

Consultation

Consultation was undertaken for three weeks with the publication of the draft regulation on the CASA website and the Standards Consultative Committee Internet Discussion Forum on 4 October 2013. Comments closed on 25 October 2013 and CASA received five responses, including two that were received after the consultation closure date. The responses in the formal consultation process focused on the existing regulations and to a lesser extent on the new regulations. In response to the feedback, a limitation imposed on newly qualified helicopter flight instructors was relaxed, pilot instructor rating training was added to the scope of training Part 141 training organisations could provide, and changes were made to the requirements for the granting of certain helicopter ratings.

Publication of the draft regulation raised additional comments from industry outside of the formal consultation process which were also considered. In addition, separate discussions were held with the Australian Helicopter Industry Association through participation in their conference in Sydney on 8 October 2013. Additional industry feedback was received during the Safeski's Conference in Canberra on 16 and 17 October 2013 as well as the CASA Chief Flying Instructors' Conference held in conjunction with the Safeski's Conference. Comments received were consistent across consultation processes.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) assessed that the amendments are minor in nature and that no further analysis in the form of a Regulation Impact Statement was required (OBPR ID: 2777).

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Attachment A.

The Amendment Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. Details of the Amendment Regulation are set out in Attachment B.

The Amendment Regulation commences the day after registration, although the main amendments to the CASR Parts principally affected do not commence until 1 September 2014.

Authority: Subsection 98(1) of the
Civil Aviation Act 1988

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Amendment Regulation (the Regulation) makes various amendments to the Civil Aviation Regulations 1988 (CAR) and the Civil Aviation Safety Regulations 1998 (CASR) to address minor technical matters and machinery provisions and provide for more flexible transition arrangements that reduce the immediate impact of the flight crew licensing regulations that will commence on 1 September 2014 with a specific focus on the reduction of compliance costs, regulatory burden and administration. The Regulation will ensure safety outcomes of CASR Part 61 are consistent with the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO), ensure non-personnel authorisations (including non-pilots) are included into the equivalent Part 64 authorisations, and amend the definition of integrated training to clarify the provisions of CASR Part 141 and 142.

Human rights implications

Presumption of Innocence

An offence provision is included in this legislative instrument that is a strict liability offence and engages the right to the presumption of innocence under the International Covenant on Civil and Political Rights. The offences relate to administrative and safety requirements that must be adhered to by regulated individuals, operators or organisations involved in the aviation industry to ensure the integrity of the aviation safety system. The strict liability offence is considered justified and therefore not inconsistent with the presumption of innocence in that it is regulatory in nature. There is an expectation that individuals who participate in the aviation sector are deemed to have accepted certain conditions, particularly where the activities carry public safety risks. The deterrence effect of the strict liability offence also contributes significantly to maintaining the integrity of the aviation safety system.

Right to work, rights of equality and non-discrimination

A number of other rights under the International Covenant on Civil and Political Rights and under the International Covenant on Economic, Social and Cultural Rights are also engaged, such as the right to work, equality and non-discrimination. These rights are engaged by those provisions that stipulate licensing requirements for medical fitness.. These requirements are necessary in order to ensure competent use of aircraft and systems within Australia's aviation environment.

To the extent that certain aircraft are not prescribed for the purposes of requiring type specific training and checking, it might be said that the right to work, equality and non-discrimination under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR) are engaged for pilots of such aircraft since they cannot access some of the flight review and proficiency check concessions that a legislative instrument made under new provisions in this legislative instrument might otherwise provide. However, such differential treatment arises from the requirements of aviation safety for the particular types of specialised aircraft involved. In most cases the rights are engaged in a positive way.

Conclusion

The legislative instrument is compatible with human rights and to the extent that it may also limit human rights, those limitations are reasonable and proportionate in order to ensure the safety of aviation operations and to promote the integrity of the aviation safety system.

Warren Truss, Minister for Infrastructure and Regional Development.

Details of the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013**Section 1 — Name of Regulation**

Section 1 provides that the title of the Amendment Regulation is the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*.

Section 2 — Commencement

Section 2 provides that Sections 1 to 4 of the Amendment Regulation commence on the day following registration, the items in Schedule 1 of the Amendment Regulation commence on 1 September 2014 and the items in Schedule 2 of the Amendment Regulation commence on the day following registration.

Section 3 — Authority

Section 3 provides that the Amendment Regulation is made under the authority of the *Civil Aviation Act 1988*.

Section 4 — Schedule(s)

Section 4 provides that each instrument that is specified in a Schedule to the instrument will be amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the instrument will have effect according to its terms.

Schedule 1 — Amendments commencing 1 September 2014**Part 1—Main amendments**

Civil Aviation Regulations 1988

Item [1] — Subregulation 2(1) (definition of passenger)

Item [1] repeals the definition of *passenger*.

Item [2] — Subregulation 2(1) (definition of relevant NAA)

Item [2] repeals the definition of *relevant NAA*.

Item [3] — Subregulation 2(1)

Item [3] includes the Australian Sports Rotorcraft Association Inc. in the definition of *sport aviation body*.

Item [4] — Subregulation 2(1) (definition of student pilot)

Item [4] repeals the definition of *student pilot*.

Item [5] — Subregulation 2(12)

Item [5] repeals Subregulation 2(12) as the definition of night has been included in the CASR Dictionary.

Item [6] — Paragraph 42G(5)(b)

Item [6] omits the reference to student pilot licence in paragraph 42G(5)(b) as the requirement for a student pilot licence has been removed from the CASR.

Item [7] — Paragraph 42ZC(4)(d)

Item [7] omits the reference to student pilot licence in paragraph 42ZC(4)(d) as the requirement for a student pilot licence has been removed from the CASR.

Item [8] — Part 5 (table of contents)

Item [8] makes a minor editorial amendment to the heading for the table of contents to Part 5.

Item [9] — Subregulation 210A(5) (definition of tour of duty)

Item [9] repeals the definition of tour of duty as this definition has been included in the CASR Dictionary.

Item [10] — Subregulation 228(1)

Item [10] amends subregulation 228(1) to provide that a person commits an offence if he or she manipulates the controls of a registered aircraft during flight, without being authorised to do so.

Item [11] — Paragraph 228A(a)

Item [11] amends paragraph 228A(a) to extend the definition of a person qualified to taxi an aircraft to include a person authorised under Part 64 of CASR.

Item [12] — Paragraph 249(1)(a)

Item [12] makes an editorial amendment to paragraph 249(1)(a) to remove the reference to the general flying proficiency test and insert reference to flying training given to a student pilot.

Item [13] — Subregulation 297A(1) (table 297A, item 15)

Item [13] omits flight and substitute balloon flight in item 15 of table 297A, as all other flight crew licences are subject to review provisions under CASR.

Item [14] — Subregulation 297A(1) (table 297A, item 16)

Item [14] repeals item 16 of table 297A as all flight crew licences other than for balloons are subject to review provisions under CASR.

Item [15] — Subregulation 297A(1) (table 297A, item 17)

Item [15] repeals item 17 of table 297A as approvals for aeroplane and helicopter conversion training are subject to provisions under the CASR.

Item [16] — Subregulation 297A(1) (table 297A, item 18)

Item [16] omits the words an aircraft and substitute a balloon class, at item 18 of table 297A, as all other aircraft are subject to review provisions under CASR.

Item [17] — Subregulation 297A(1) (table 297A, item 19 to 21)

Item [17] repeals items 19 to 21 of table 297A as these approvals and requirements are subject to review provisions under CASR.

Item [18] — Subregulation 297A(1) (table 297A, item 22)

Item [18] inserts the word *balloon* in item 22 of table 297A, as all other aircraft are subject to review provisions under CASR.

Item [19] — Subregulation 297A(1) (table 297A, item 23)

Item [19] repeals item 23 of table 297A as these approvals and requirements are subject to review provisions under CASR.

Item [20] — Regulation 310

Item [20] repeals regulation 310, which allows CASA to vary the definition of night to take into account local conditions, as the definition of night has been included in the CASR Dictionary.

Item [21] — Division 3 of Part 20 (heading)

Item [21] modifies the wording of the heading to Division 3 of Part 20, without changing the intent.

Civil Aviation Safety Regulations 1998

Items [22] to [25] — Part 11 (table of contents)

Items [22] to [25] make minor consequential amendments to the Part 11 table of contents.

Item [26] — Paragraph 11.056(1)(ac)

Item [26] makes a minor editorial change to paragraph 11.056(1)(ac), without changing the intent of the paragraph.

Item [27] — Subpart 11.D (heading)

Item [27] amends the heading to clarify that the Subpart applies to applications to vary, suspend or cancel authorisations.

Item [28] — Regulation 11.120

Item [28] provides a clearer description of the Subpart's contents, without changing the intent of the Subpart.

Item [29] — Regulation 11.130 (heading)

Item [29] amends the regulation's heading without changing the intent of the regulation.

Item [30] — Subregulation 11.130(1)

Item [30] clarifies that holders of CASA authorisations may apply to have them suspended or cancelled. The intent of the subregulation has not changed.

Item [31] — Paragraphs 11.130(2)(a) and (3)(a)

Item [31] makes a minor editorial change to clarify paragraphs 11.130(2)(a) and (3)(a).

Item [32] — Regulation 13.375 (table 13.375, after item 12)

Item [32] inserts additional classes of Part 141 of CASR 1998 and 142 authorisations in Table 13.375.

Item [33] — Part 60 (table of contents)

Item [33] amends the Part 60 table of contents to clarify that regulations 60.055 and 60.060 do not apply to Part 141 and 142 operators.

Items [34] to [58] — Part 61 (table of contents)

Item [34] to [58] amends the Part 61 table of contents to reflect the amended, inserted and omitted Part 61 regulations described in the following items.

Item [59] — Subregulation 61.005(7)

Item [59] makes a minor editorial amendment to subregulation 61.005(7) to reflect that Subpart 61.F, about student pilot licenses, has been removed.

Item [60] — After regulation 61.005

Item [60] inserts a new regulation 61.007 that sets out the categories of aircraft to which Part 61 applies.

Item [61] — Regulation 61.010 (paragraph (b) of the definition of approved flight simulation training device)

Item [61] inserts a reference to an additional new approval in the definition of approved flight simulation training device in regulation 61.010.

Item [62] — Regulation 61.010 (subparagraph (c) (ii) of the definition of approved flight simulation training device)

Item [62] clarifies the definition of approved flight simulation training device in regulation 61.010.

Item [63] — Regulation 61.010 (subparagraph (c)(ii) of the definition of approved flight simulator)

Item [63] clarifies the definition of approved flight simulator in regulation 61.010.

Item [64] — Regulation 61.010

Item [64] inserts a definition of azimuth guidance operation in regulation 61.010. The definition itself is the same as that used for the previous terminology, azimuth guidance procedure.

Item [65] — Regulation 61.010 (definition of azimuth guidance procedure)

Item [65] repeals the definition of azimuth guidance procedure in regulation 61.010 as this definition is provided under the new terminology, azimuth guidance operation.

Item [66] — Regulation 61.010 (definition of circling approach)

Item [66] clarifies the definition of circling approach in regulation 61.010.

Item [67] — Regulation 61.010

Item [67] inserts a definition of course deviation indicator operation in regulation 61.010.

Item [68] — Regulation 61.010 (definition of course deviation indicator procedure)

Item [68] repeals the definition of course deviation indicator procedure in regulation 61.010 as this definition is provided under the new terminology, course deviation indicator operation.

Item [69] — Regulation 61.010 (paragraphs (a) and (b) of the definition of current)

Item [69] clarifies paragraphs (a) and (b) of the definition of current in regulation 61.010.

Item [70] — Regulation 61.010 (definition of dual flight check)

Item [70] clarifies the definition of dual flight check in regulation 61.010.

Item [71] — Regulation 61.010

Item [71] inserts the definition of initial flight training in regulation 61.010.

Item [72] — Regulation 61.010 (definition of instrument approach)

Item [72] repeals the definition of instrument approach in regulation 61.010 as it has been superseded by new terminology that aligns with ICAO terminology. New terms are added by items 64, 67 and 447.

Item [73] — Regulation 61.010 (definition of medical exemption)

Item [73] clarifies the definition of medical exemption in regulation 61.010.

Item [74] — Regulation 61.010 (definition of modified Austroads medical standards)

Item [74] repeals the definition of modified Austroads medical standards from Part 61. This definition is instead provided in Part 67 as per item [289].

Item [75] — Regulation 61.010 (paragraphs (e) and (f) of the definition of pilot licence)

Item [75] omits the reference to a student pilot licence in the definition of pilot licence in regulation 61.010, as the requirement for a student pilot licence has been removed from the CASR.

Item [76] — Regulation 61.010

Item [76] inserts the definition of recreational aircraft into regulation 61.010.

Item [77] — Regulation 61.030

Item [77] repeals regulation 61.030 as provisions for the Austroads medical standards are included in Part 67.

Item [78] — Paragraph 61.035(2)(j)

Item [78] repeals paragraph 61.035(2)(j), removing the reference to the authority to set out solo flight competencies in the Manual of Standards for Part 61, as this was considered redundant to other authorities referred to in the subregulation.

Item [79] — After regulation 61.060

Item [79] inserts new regulations, 61.061, 61.062, 61.063 which provides for CASA to prescribe: flight review requirements class ratings for type-rated aircraft; types of aircraft for additional limitations on class ratings and the types of single-engine helicopters acceptable for flight reviews.

Item [80] — Paragraph 61.095(1)(a)

Item [80] removes the reference to student pilot licence in paragraph 61.095(1)(a), as the requirement for a student pilot licence has been removed from the CASR.

Item [81] — Paragraph 61.095(3)(b)

Item [81] omits “or taking a flight test” from paragraph 61.095(3)(b) so that a person taking a flight test is able to log the flight time as pilot in command under supervision .

Item [82] — Paragraph 61.105(1)(d)

Item [82] clarifies the definition of instrument flight time for flight examiners in paragraph 61.105(1)(d).

Item [83] — Paragraph 61.110(b)

Item [83] makes a minor editorial change to paragraph 61.110(b), without changing the intent of the regulation.

Item [84] — Paragraph 61.110(c) and (d)

Item [84] removes paragraphs 61.110(c) and (d) from the definition of instrument ground time, as the simulator instructor is not flying the simulator and is therefore not accruing instrument flying experience.

Item [85] — Regulation 61.115

Item [85] replaces regulation 61.115 with a new Subdivision 61.A.3.1—Student pilots which provides for student pilots and flight engineers to undertake flight training without a licence and for other requirements relating to student pilots such as age requirements, medical requirements, recent flying experience and identity checks.

Item [86] — Paragraph 61.120(a)

Item [86] provides for persons to transmit on a radio for training purposes without holding a flight radio endorsement.

Item [87] — Paragraph 61.120(b)

Item [87] makes a minor editorial amendment to paragraph 61.120(b) to clarify that a radio transmission made for training purposes must be approved by an instructor but does not have to be supervised.

Item [88] — Paragraphs 61.155(2)(b) and (c)

Item [88] removes references to student pilot licence and other matters such as photograph requirements, relating to applications for flight crew licences and ratings.

Item [89] — After subregulation 61.155(2)

Item [89] inserts two new subregulations, 2A and 2B relating to the requirements for photographs to be submitted with applications for flight crew licences.

Item [90] — Subparagraphs 61.160(b)(ii) and (iii)

Item [90] omits references to student pilot licences from subparagraphs 61.160(b)(ii) and (iii), as the requirement for a student pilot licence has been removed from the CASR.

Item [91] — Regulations 61.165 and 61.170

Item [91] provides a definition of approval holder by reference to regulation 61.150 in regulations 61.165 and 61.170.

Item [92] — Subregulation 61.210(1)

Item [92] makes a minor editorial change to subregulation 61.210(1) so that it applies to student pilots.

Item [93] — Paragraphs 61.210(1)(a) and (b)

Item [93] makes a minor editorial change to paragraphs 61.210(1)(a) and (b) to include student pilots.

Item [94] — Subregulation 61.215(2)

Item [94] amends subregulation 61.215(2) to authorise Part141 and Part 142 operators to set a recreational pilot licence exam.

Item [95] — Subregulation 61.235(1)

Item [95] makes a minor editorial change to subregulation 61.235(1), without changing the intent.

Item [96] — Subregulation 61.235(2)

Item [96] makes a minor editorial change to subregulation 61.235(2), without changing the intent.

Item [97] — Paragraph 61.235(2)(a)

Item [97] makes minor editorial amendments to paragraph 61.235(2)(a), without changing the intent, and inserts a new paragraph (aa) that provides for written certification of the requirements in paragraph (a) to be eligible to take a flight test for a licence.

Item [98] — Subparagraph 61.235(2)(c)(i)

Item [98] makes a minor editorial amendment to subparagraph 61.235(2)(c)(i), without changing the intent.

Item [99] — Subparagraph 61.235(4)(a)(i)

Item [99] makes a minor editorial amendment to clarify that subparagraph 61.235(4)(a)(i) only applies to applications for operational ratings.

Item [100] — Subregulation 61.235(5)

Item [100] makes a minor editorial amendment to subregulation 61.235(5), without changing the intent.

Item [101] — Subparagraph 61.245(1)(b)(ii)

Item [101] makes a minor editorial amendment to subparagraph 61.245(1)(b)(ii), to clarify that if a flight test is to be undertaken in a simulator, the simulator must be appropriate for the flight test.

Item [102] — Paragraph 61.245(3)(b)

Item [102] makes a minor editorial amendment to provide for an applicant for a recreational or private pilot licence to be tested by the person who provides the certification under paragraph 61.235(2)(aa).

Item [103] — Regulation 61.265 (heading)

Item [103] omits the reference to student pilot licences in the heading to regulation 61, as the requirement for a student pilot licence has been removed from the CASR.

Item [104] — Subregulation 61.265(1)

Item [104] removes the reference to student pilot licences from subregulation 61.265(1), as the requirement for a student pilot licence has been removed from the CASR.

Item [105] — Regulation 61.285

Item [105] removes the reference to an examiner rating in the list of equivalent civil qualifications available to Australian Defence Force-trained personnel as the qualifications are not equivalent in relation to the granting of civil authorisations.

Item [106] — Paragraph 61.285(b)

Item [106] makes a minor editorial amendment to paragraph 61.285(b) to clarify that Australian Defence Force-trained personnel must have a current aviation English language proficiency assessment in order to meet the requirements for a civil flight crew licence.

Item [107] — Paragraphs 61.285(d) and (e)

Item [107] repeals paragraphs 61.285(d) and (e) as the reference to aviation English requirements are now included under 62.285(b) and the reference to student pilot licences is obsolete as the requirement for a student pilot licence has been removed from the CASR.

Item [108] — Regulation 61.300

Item [108] makes minor editorial amendments to regulation 61.300 by splitting it into two separate subregulations, without changing the intent.

Item [109] — After regulation 61.335

Item [109] inserts a new regulation 61.336 that provides for CASA to require a flight crew licence or certificate of validation holder to give CASA identity information in the form of a full face photograph. A person who exercises the privileges of the licence or certificate of validation without complying with CASA's request commits an offence. The penalty for this strict liability offence is 50 penalty units.

Item [110] — Paragraph 61.340(1)(c)

Item [110] clarifies paragraph 61.340(1)(c) relating to the requirements for identification documents that CASA may require a licence holder to produce, without changing the intent of the paragraph.

Item [111] — Paragraph 61.340(2)(d)

Item [111] makes minor editorial amendments to paragraph 61.340(2)(d), without changing the intent of the paragraph.

Item [112] — Paragraph 61.345(3)(k)

Item [112] makes a minor editorial amendment paragraph 61.345(3)(k) without changing the intent of the paragraph.

Item [113] — Regulation 61.370

Item [112] repeals regulation 61.370 and the requirement to provide CASA with a recent photograph of the licence holder every 10 years as the requirement for a flight crew licence to include a recent photograph of the licence holder is removed by item 124.

Item [114] — Subregulation 61.375(1)

Item [114] removes the reference to a student pilot licence from subregulation 61.375(1), as the requirement for a student pilot licence has been removed from the CASR.

Item [115] — Paragraphs 61.385(1)(d), (e) and (f)

Item [115] removes the limitation of the competency of flight planning procedures on licence holders from subregulation 61.385(1).

Item [116] — Regulation 61.395 (heading)

Item [116] amends the heading to Regulation 61.395 to clarify that the regulation applies to certain passenger flight activities.

Item [117] — Paragraph 61.400(2)(c)

Item [117] makes a minor editorial amendment to paragraph 61.400(2)(c).

Item [118] — Regulation 61.405 (heading)

Item [118] removes the reference to student pilot licenses from the heading to regulation 61.405, as the requirement for a student pilot licence has been removed from the CASR.

Item [119] — Subregulation 61.405(1)

Item [119] removes the reference to student pilot licence from subregulation 61.405(1), as the requirement for a student pilot licence has been removed from the CASR.

Item [120] — Paragraph 61.405(2)(c)

Item [120] makes a minor editorial amendment to paragraph 61.405(2)(c) without changing the intent.

Item [121] — After subregulation 61.405(2)

Item [121] adds a note after subregulation 61.405(2), referencing the modified Austroads medical standards in regulation 67.262.

Item [122] — Subregulation 61.405(3) (definition of current)

Item [122] removes the reference to student pilot licence from the definition of current in subregulation 61.405(3), as the requirement for a student pilot licence has been removed from the CASR.

Item [123] — Subregulation 61.410(2)

Item [123] amends subregulation 61.410(2) and adds subregulation (3) to clarify the provisions relating to the exercise of the private pilot licences without a class 1 or 2 medical certificate or exemption.

Item [124] — Paragraph 61.420(d)

Item [124] amends paragraph 61.420(d) to clarify the requirements for the carriage of identification documentation that includes a photograph, when a person's flight crew licence is more than ten years old.

Item [125] — Subregulation 61.430(1)

Item [125] amends subregulation 61.430(1) to remove reference to a student pilot licence, as the requirement for a student pilot licence has been removed from the CASR.

Item [126] — Paragraphs 61.435(1)(b) and (c)

Item [126] amends paragraphs 61.435(1)(b) and (c) to remove reference to a student pilot licence, as the requirement for a student pilot licence has been removed from the CASR.

Item [127] — Subregulation 61.435(2)

Item [127] repeals subregulation 61.435(2) as this is addressed in regulation 61.120.

Item [128] — Subpart 61.F

Item [128] repeals Subpart 61.F as it provides for student pilot licences which are no longer required under the amended CASR.

Item [129] — Subregulation 61.470(1)

Item [129] makes minor editorial amendments to clarify subregulation 61.470(1) without changing the intent.

Item [130] — Paragraph 61.495(2)(c)

Item [130] amends paragraph 61.495(2)(c) to provide additional instrument flight time experience requirements for applicants for a recreational pilot licence.

Item [131] — Paragraph 61.500(5)(c)

Item [131] amends paragraph 61.500(5)(c) to provide additional instrument flight time experience requirements.

Item [132] — Regulation 61.510

Item [132] amends regulation 61.510 to provide an alternate means of meeting compliance with this regulation.

Item [133] — Subparagraph 61.570(a)(ii)

Item [133] amends subparagraph 61.570(a)(ii) to refer to aircraft maximum certificated take-off weight rather than the number of engines and passengers.

Item [134] — Regulation 61.635

Item [134] amends regulation 61.635 to add the requirement that multi-crew pilot licence holders fly with an operator that is an approved training and checking organisation under regulation 217 of CAR.

Item [135] — After subregulation 61.640(1)

Item [135] adds a new subregulation 61.640(1A) setting out the conditions under which a multi-crew pilot licence holder is authorised to conduct a 3D instrument approach.

Item [136] — Subregulation 61.640(2)

Item [136] makes a minor editorial change to subregulation 61.640(2) to include a reference to new subregulation 61.640(1A).

Item [137] — Subregulation 61.640(3)

Item [137] makes a minor editorial change to the terminology used in subregulation 61.640(3) without changing the intent.

Item [138] — Paragraph 61.640(4)(b)

Item [138] makes a minor editorial change to the terminology used in paragraph 61.640(4)(b) without changing the intent.

Item [139] — Subregulation 61.645(2)

Item [139] makes a minor editorial change to the terminology used in subregulation 61.645(2) without changing the intent.

Item [140] — Subregulation 61.645(3)

Item [140] makes a minor editorial change to the terminology used in subregulation 61.645(3) without changing the intent.

Item [141] — Subregulations 61.645(4), (5), (6) and (7)

Item [141] makes minor editorial changes to the terminology used in subregulations 61.645(4), (5), (6) and (7) without changing the intent.

Item [142] — Subregulation 61.650(3)

Item [142] amends subregulation 61.650(3) to provide additional conditions under which a pilot may be considered to have a valid instrument proficiency check.

Item [143] — Subregulation 61.650(4)

Item [143] amends subregulation 61.650(4) and inserts new subregulations (4A) and 4(B): which provide for the conditions under which a pilot may be considered to have a valid instrument proficiency check.

Item [144] — Subparagraphs 61.650(5)(a)(i) and (b)(i)

Item [143] makes minor editorial changes to subparagraphs 61.650(5)(a)(i) and (b)(i).

Item [145] — Subregulation 61.680(1)

Item [145] makes a minor editorial change to the terminology used in subregulation 61.680(1) without changing the intent.

Item [146] — After subregulation 61.680(2)

Item [146] adds a new subregulation 61.680(2A) setting out the conditions under which an air transport pilot licence holder is authorised to conduct a 3D approach operation.

Item [147] — Subregulation 61.680(3)

Item [147] makes a minor editorial change to subregulation 61.680(3) to include a reference to the new subregulation 61.680(2A).

Item [148] — Subregulation 61.680(4)

Item [148] makes a minor editorial change to the terminology used in subregulation 61.680(4) without changing the intent.

Item [149] — Paragraph 61.680(5)(b)

Item [149] makes a minor editorial change to the terminology used in paragraph 61.680(5)(b) without changing the intent.

Item [150] — Subregulation 61.685(2)

Item [150] makes a minor editorial change to the terminology used in subregulation 61.685(2) without changing the intent.

Item [151] — Subregulation 61.685(3)

Item [151] makes a minor editorial change to the terminology used in subregulation 61.685(3) without changing the intent.

Item [152] — Subregulations 61.685(4), (5), (6) and (7)

Item [152] makes minor editorial changes to the terminology used in subregulations 61.685(4), (5), (6) and (7) without changing the intent.

Item [153] — Regulation 61.690

Item [153] repeals regulation 61.690 as the requirement is covered by regulation 61.875.

Item [154] — Subregulation 61.695(3)

Item [154] amends subregulation 61.695(3) to provide the conditions under which a pilot may be considered to have a valid instrument proficiency check.

Item [155] — Subregulation 61.695(4)

Item [155] repeals subregulation 61.695(4) and inserts new subregulations (4A) and (4B), which provide the conditions under which a pilot may be considered to have a valid instrument proficiency check.

Item [156] — Subparagraphs 61.695(5)(a)(i) and (b)(i)

Item [156] makes minor editorial changes to subparagraphs 61.695(5)(a)(i) and (b)(i).

Item [157] — Subregulation 61.730(1)

Item [157] removes the reference to a student pilot licence from subregulation 61.730(1), as the requirement for a student pilot licence has been removed from the CASR.

Item [158] — Subregulation 61.730(1) (note)

Item [158] removes the reference to a student pilot licence from the note to subregulation 61.730(1), as the requirement for a student pilot licence has been removed from the CASR.

Item [159] — Subregulation 61.730(3) (note)

Item [159] repeals the note to subregulation 61.730(3) as it refers to student pilot licences and the requirement for a student pilot licence has been removed from the CASR.

Item [160] — Subregulation 61.745(1)

Item [160] makes minor editorial change to subregulation 61.745(1) to remove the reference to the period of validity for flight reviews.

Item [161] — After subregulation 61.745(1)

Item [161] inserts a new subregulation 61.745(1A) which sets out more clearly the period of validity of flight reviews previously specified in subregulation 61.745(1).

Item [162] — Subregulation 61.745(3)

Item [162] amends subregulation 61.745(3) to clarify the conditions under which a pilot may exercise the privileges of an aircraft class rating and the conditions under which a pilot may be considered to have a valid proficiency check for the rating, and adds a new subregulation 61.745(3A), which lists the types of applicable proficiency checks that satisfy the requirements of subregulation 61.745(1).

Item [163] — After regulation 61.745

Item [163] inserts a new regulation 61.747 which provides the conditions relating to flight reviews under which pilots are permitted to exercise the privileges of a class rating.

Item [164] — Paragraph 61.750(1)(a)

Item [164] removes the reference to a student pilot licence from paragraph 61.750(1)(a), as the requirement for a student pilot licence has been removed from the CASR.

Item [165] — Subregulation 61.755(1)

Item [165] repeals subregulation 61.755(1) as a pilot with a type rating is not required to hold a design feature endorsement for that aircraft.

Item [166] — At the end of paragraph 61.755(2)(h)

Item [166] adds ski landing gear to the list of design features requiring endorsement at the end of paragraph 61.755(2)(h).

Item [167] — Regulation 61.770

Item [167] omits 61.800 and substitutes 61.805.

Item [168] — Subregulation 61.775(1)

Item [168] makes minor editorial changes to subregulation 61.775(1) to limit the application of regulation 61.775 to pilot type ratings for multi-engine turbine-powered aircraft.

Item [169] — Subregulation 61.780(2)

Item [169] makes minor editorial changes to clarify subregulation 61.780(2).

Item [170] — Regulation 61.795

Item [170] amends regulation 61.795 relating to the conditions under which pilots may exercise the privileges of a pilot type rating.

Item [171] — Regulation 61.800

Item [171] amends regulation 61.800 to extend the validity of a flight review for a pilot type rating to the end of the month in which the review is completed, makes provision for a flight review to be completed within a period of three months before the first review is due to expire, with the new validity period ending 24 months after the first review is completed. The amendment also sets new provisions that recognise certain proficiency checks that satisfy the flight review requirement.

Item [172] — Regulation 61.805 (heading)

Item [172] amends the heading to regulation 61.805 to improve clarity by adding the word pilot.

Item [173] — Subregulation 61.805(2)

Item [173] amends subregulation 61.805(2) to make subregulation (1) subject to new subregulations (4) and (4B).

Item [174] — Paragraph 61.805(2)(a)

Item [174] makes a minor editorial change to paragraph 61.805(2)(a) without changing the intent of the regulation.

Item [175] — After paragraph 61.805(2)(a)

Item [175] inserts a new paragraph 61.805(2)(aa), which provides the period of validity of an initial instrument rating by passing a flight test for the pilot type rating in an aircraft under the Instrument Flight Rules.

Item [176] — Subregulation 61.805(3)

Item [176] amends subregulation 61.805(3) to make subregulation (1) subject to amended subregulation (4) and new subregulation (4B).

Item [177] — Subregulation 61.805(4)

Item [177] amends subregulation 61.805 (4) to: provide that if an instrument proficiency check, of the type set out in subregulation (4A), is attempted but not successfully completed, the pilot would no longer have a valid instrument proficiency check for the type of aircraft in the category in which the check was attempted; and provides, under new subregulation (4B), that the validity of an instrument proficiency check is limited to the operations conducted by the operator if it derives from the pilot's participation in the operator's cyclic training and proficiency program.

Item [178] — Subparagraphs 61.805(5)(a)(i) and (b)(i)

Item [178] makes minor editorial changes to clarify subparagraphs 61.805(5)(a)(i) and (b)(i).

Item [179] — Subparagraphs 61.810(3)(a)(i) and (ii)

Item [179] amends subregulation 61.810(3) to specify the requirement that flight training be undertaken in accordance with the approved course, rather than for at least five hours.

Item [180] — Subregulation 61.810(5)

Item [180] repeals subregulation 61.810(5) as this is accounted for in subregulation 61.810(3).

Item [181] — Regulation 61.815 (heading)

Item [181] amends the heading to regulation 61.815 to omit the reference to air transport licence holders.

Item [182] — Paragraphs 61.815(a) and (b)

Item [182] removes the reference to air transport pilot licence holder from paragraphs 61.815(a) and (b) as regulation 61.810 provides for the holder of an air transport pilot licence to obtain a pilot type rating.

Item [183] — Subregulation 61.835(4)

Item [183] makes minor editorial changes to clarify subregulation 61.835(4).

Item [184] — Subregulation 61.840(1)

Item [184] amends subregulation 61.840(1) to expand the conditions to be met before the holder of a cruise relief co-pilot type rating can be authorised to act as co-pilot.

Item [185] — Subparagraph 61.840(4)(a)(ii)

Item [185] makes minor editorial changes to clarify subparagraph 61.840(4)(a)(ii).

Item [186] — Subregulation 61.860(1)

Item [186] makes a minor editorial change to the terminology used in subregulation 61.860(1) without changing the intent of the regulation.

Item [187] — Subregulation 61.860(5)

Item [187] makes a minor editorial change to the terminology in subregulation 61.860(5) without changing the intent of the regulation.

Item [188] — Paragraph 61.860(6)(b)

Item [188] makes a minor editorial change to the terminology in paragraph 61.860(6)(b) without changing the intent of the regulation.

Item [189] — Subregulation 61.865(2)

Item [189] makes a minor editorial change to the terminology in subregulation 61.865(2) without changing the intent of the regulation.

Item [190] — Subregulation 61.870(2)

Item [190] makes a minor editorial change to the terminology in subregulation 61.870(2) without changing the intent of the regulation.

Item [191] — Subregulation 61.870(3)

Item [191] makes a minor editorial change to the terminology in subregulation 61.870(3) without changing the intent of the regulation.

Item [192] — Subregulations 61.870(4), (5), (6) and (7)

Item [192] makes minor editorial changes to the terminology in subregulations 61.870(4), (5), (6) and (7) without changing the intent of the regulation.

Item [193] — Subregulation 61.880(3)

Item [193] amends subregulation 61.880(3) to provide that subregulations (1) and (2) are subject to the additional conditions, in amended subregulation (4) and new subregulation (4B), under which a pilot may be considered to have a valid instrument proficiency check.

Item [194] — Subregulation 61.880(4)

Item [194] amends subregulation 61.880(4) to provide that if an instrument proficiency check, of the type set out in subregulation (4A), is attempted but not successfully completed, the pilot would no longer have a valid instrument proficiency check for the type of aircraft in the category in which the check was attempted; and provides, under new subregulation (4B), that the validity of an instrument proficiency check is limited to the operations conducted by the operator if it derives from the pilot's participation in the operator's cyclic training and proficiency program.

Item [195] — Subparagraphs 61.880(5)(a)(i) and (b)(i)

Item [195] makes a minor editorial change to clarify subparagraphs 61.880(5)(a)(i) and (b)(i).

Item [196] — Subregulation 61.885(8)

Item [196] repeals subregulation 61.885(8) allowing aeronautical experience gained as part of an integrated training course to be counted for the grant of an instrument rating.

Item [197] — Subregulation 61.890 (Table 61.890, Part 2)

Item [197] makes minor editorial changes to the terminology used in Part 2 of Table 61.890 without changing the intent of the regulation.

Item [198] — Regulation 61.900

Item [198] makes a minor formatting change to regulation 61.900 without changing the intent of the regulation.

Item [199] — Regulation 61.900

Item [199] make a minor editorial change to the terminology used in regulation 61.900 without changing the intent of the regulation.

Item [200] — At the end of regulation 61.900

Item [200] adds a new subregulation 61.900(2) that sets out the conditions under which the holder of an IAP 3D instrument endorsement is authorised to carry out a 3D instrument approach operation; and adds a new subregulation 61.900(2) outlining the requirements for an instrument proficiency check.

Item [201] — Subregulation 61.920(2)

Item [201] amends subregulation 61.920 to remove references to the operator proficiency check and an operator's cyclic training and proficiency program, and replaces these with the requirement

that the holder of the rating must have piloted an aircraft under the IFR within the previous six months.

Item [202] — Paragraphs 61.925(1)(d) and (e)

Item [202] repeals paragraphs 61.925(1)(d) and (e) to remove references to the operator proficiency check and operator's cyclic training and proficiency program, and replaces these with a new paragraph 61.925(1)(d) with the requirement that the holder of a rating must have successfully completed an instrument proficiency check in an appropriate aircraft within the previous 24 months.

Item [203] — Paragraphs 61.925(2)(d) and (e)

Item [203] repeals paragraphs 61.925(2)(d) and (e) to remove references to the operator proficiency check and operator's cyclic training and proficiency program, and replaces these with a new paragraph 61.925(2)(d) with the requirement that the holder of a rating must have successfully completed an instrument proficiency check in an appropriate aircraft within the previous 24 months.

Item [204] — Paragraphs 61.925(3)(d) and (e)

Item [204] repeals paragraphs 61.925(3)(d) and (e) to remove references to the operator proficiency check and operator's cyclic training and proficiency program, and replaces these with a new paragraph 61.925(3)(d) with the requirement that the holder of a rating must have successfully completed an instrument proficiency check in an appropriate aircraft within the previous 24 months.

Item [205] — Regulation 61.935 (table 61.935, items 1 to 7, column 3)

Item [205] removes the requirement for night flying experience for private instrument endorsements in items 1 to 7 in column 3 of table 61.935.

Item [206] — Regulation 61.935 (table 61.935, items 18 to 20, column 2)

Item [206] makes a minor editorial change to the terminology used in items 18 to 20, column 2 of table 61.935 without changing the intent of the regulation.

Item [207] — Regulation 61.935 (table 61.935, item 21, column 1)

Item [207] makes a minor editorial change to the terminology used in item 21 in column 1 of table 61.935 in regulation 61.935 without changing the intent of the regulation.

Item [208] — Regulation 61.935 (table 61.935, item 21, column 2)

Item [208] makes a minor editorial change to the terminology used in item 21 in column 2 of table 61.935 without changing the intent of the regulation.

Item [209] — Regulation 61.935 (table 61.935, item 22, column 1)

Item [209] makes a minor editorial change to the terminology used in item 22 in column 1 of table 61.935 in Regulation 61.935 without changing the intent of the regulation.

Item [210] — Regulation 61.935 (table 61.935, item 22, column 2)

Item [210] makes a minor editorial change to the terminology used in item 22 in column 2 of table 61.935 in regulation 61.935 without changing the intent of the regulation.

Item [211] — Regulation 61.935 (table 61.935, item 22, column 3)

Item [211] makes a minor editorial change to the terminology used in item 22 in column 3 of table 61.935 in regulation 61.935 without changing the intent of the regulation.

Item [212] — Regulation 61.935 (table 61.935, items 23 to 25, column 2)

Item [212] makes minor editorial changes to the terminology used in items 23 to 25 in column 2 of table 61.935 in regulation 61.935 without changing the intent of the regulation.

Item [213] — Regulation 61.935 (table 61.935, item 26)

Item [213] amends item 26 in table 61.935 to provide for category specific endorsements and varies the night flying aeronautical experience requirements.

Item [214] — Subregulation 61.945(1)

Item [214] makes minor editorial changes to the terminology used in subregulation 61.945(1) without changing the intent of the regulation.

Item [215] — Subregulations 61.945(2) and (3)

Item [215] makes minor editorial changes to the terminology used in subregulations 61.945(2) and (3) without changing the intent of the regulation.

Item [216] — At the end of regulation 61.965

Item [216] adds a note at the end of regulation 61.965 referencing other relevant recent experience requirements for certain flight activities involving the carriage of passengers.

Item [217] — Subregulation 61.970(1)

Item [217] removes the exclusion on multi-engine helicopters in subregulation 61.970(1) so that pilots of these helicopters are subject to the conditions of this subregulation.

Item [218] — Subregulation 61.970(3)

Item [218] repeals subregulation 61.970(3), relating to multi-engine helicopters as multi-engine helicopters are addressed in subregulation (1).

Item [219] — Regulation 61.980 (table 61.980, item 3. Column 3)

Item [219] reduces the minimum helicopter aeronautical experience requirement for obtaining a helicopter night VFR endorsement from ten to five hours.

Item [220] — Paragraph 61.1055(1)(a)

Item [220] reduces the recent experience requirement for exercising the privileges of a low-level rating from ten hours to two hours of low level operations in paragraph 61.1055(1)(a).

Item [221] — Paragraph 61.1110(4)(a)

Item [221] removes from paragraph 61.1110(4)(a) the option to use an approved flight simulation training device for a proficiency check for aerial application ratings.

Item [222] — Paragraph 61.1110(4)(b)

Item [222] makes a minor editorial change to paragraph 61.1110(4)(b) to clarify that, in order to successfully complete an aerial applications proficiency check, the holder of an aerial application rating must meet the Part 61 MOS standards for such a check.

Item [223] — Regulation 61.1135

Item [223] replaces the conditions for exercising the privileges of a night aerial application endorsement regulation 61.1135 with simplified conditions.

Item [224] — Regulation 61.1145 (table 61.1145, item 10)

Item [224] repeals item 10 of table 61.1145 removing reference to a parachute dropping flight activity endorsement as this is no longer required as the training and accreditation system are managed by the Australian Parachute Federation.

Item [225] — Paragraphs 61.1165(g) to (k)

Item [225] removes references to the student pilot licence and makes other minor editorial changes to paragraphs 61.1165(g) to (k).

Item [226] — Subregulation 61.1170(4)

Item [226] repeals subregulation 61.1170(4) as the requirements in this subregulation are incorporated into table 61.1235.

Item [227] — After regulation 61.1170

Item [227] inserts, after regulation 61.1170, a new regulation 1172 which requires holders of flight instructor ratings granted on the basis of regulations 202.272 or 202.274 to either complete a training course or hold one of the qualifications mentioned in subregulation (2) by 3 December 2017.

Item [228] — Subregulation 61.1175(5)

Item [228] removes the reference to student pilot licences from subregulation 61.1175(5) as the requirement for a student pilot licence has been removed from the CASR.

Item [229] — Subregulation 61.1175(7)

Item [229] amends subregulation 61.1175(7) to authorise the holder of a grade 2 training endorsement to make an assessment of a knowledge deficiency report for an applicant for both flight crew licences and ratings.

Item [230] — Paragraph 61.1180(2)(c)

Item [230] makes an editorial change to the terminology used in paragraph 61.1180(2)(c) to refer to a flight instructor rather than a pilot instructor.

Item [231] — Paragraph 61.1180(4)(b)

Item [231] amends paragraph 61.1180(4)(b) to remove the requirement for a person to assess the competency to conduct flight training for each training endorsement the holder of a flight instructor rating holds.

Item [232] — Subregulation 61.1185(3)

Item [232] makes minor editorial changes to subregulation 61.1185(3).

Item [233] — After subregulation 61.1185(3)

Item [233] inserts a new subregulation 61.1185(3A), after subregulation 61.1185(3) which provides that an applicant for a flight instructor rating be taken to meet the flight time requirements for grant of the rating if the applicant meets the requirements in this subregulation.

Item [234] — Subregulation 61.1185(5)

Item [234] makes a minor editorial change to subregulation 61.1185(5) to include a reference to new subregulation 62.1185(3A).

Item [235] — Paragraphs 61.1190(g) and (h)

Item [235] amends paragraphs 61.1190(g) and (h) to remove the reference to a student pilot licence and to allow simulator instructors to assess the standard of knowledge, of an applicant for a rating on a pilot licence, in any items listed in the applicant's knowledge deficiency report.

Item [236] — After regulation 61.1195

Item [236] inserts, after regulation 61.1195 a new regulation 61.1197 which requires holders of simulator instructor ratings granted on the basis of regulation 202.272 or 202.274 to either

complete an approved course of training in principles and methods of instruction, or hold one of the qualifications mentioned in subregulation (2) by 1 September 2018.

Item [237] — Subregulations 61.1200(5) and (6)

Item [237] makes a minor editorial change to subregulations 61.1200(5) and (6) to clarify that this regulation applies to simulated instructors.

Item [238] — Subregulation 61.1200(6)

Item [238] amends subregulation 61.1200(6) to authorise the holder of a grade 2 training endorsement to make an assessment of a knowledge deficiency report for an applicant for both flight crew licences and ratings.

Item [239] — Paragraph 61.1205(4)(b)

Item [239] amends paragraph 61.1205(4)(b) to remove the requirement for a person to assess the competency of a simulator instructor for each simulator training endorsement the instructor holds.

Item [240] — Regulation 61.1225

Item [240] amends regulation 61.1225 to remove reference to student pilot licences and make minor editorial changes.

Item [241] — After regulation 61.1225

Item [241] inserts a new regulation 61.1227 providing that pilot instructors commit an offence if they allow a student pilot to operate a flight radiotelephone when the student does not meet the specified requirements. An offence against this regulation is a strict liability offence with a penalty of 50 penalty units.

Item [242] — Regulation 61.1235 (table 61.1235, item 1)

Item [242] removes, from item 1 of table 61.1235, the provision for a holder of a grade 1 instructor training endorsement to be authorised to conduct flight training for an instructor rating or instructor training endorsement (without also holding an instructor training endorsement).

Item [243] — Regulation 61.1235 (table 61.1235, item 2, column 2)

Item [243] makes a minor editorial change to item 2 in column 2 of table 61.1235 without changing the intent.

Item [244] — Regulation 61.1235 (table 61.1235, item 2, column 2)

Item [244] removes reference to a student pilot licence from item 2 in column 2 of table 61.1235, as the requirement for a student pilot licence has been removed from the CASR.

Item [245] — Regulation 61.1235 (table 61.1235, item 2, column 2)

Item [245] amends table 61.1235 to authorise the holder of a grade 2 training endorsement to also approve holders of pilot ratings.

Item [246] — Regulation 61.1235 (table 61.1235, item 2, column 3)

Item [246] makes a minor editorial change to item 2 in column 3 of table 61.1235 without changing the intent.

Item [247] — Regulation 61.1235 (table 61.1235, item 2, column 3)

Item [247] makes a minor editorial change to item 2 in column 3 of table 61.1235 to specify that the 200 hours of required flight time experience must be accumulated by conducting initial flight training.

Item [248] — Regulation 61.1235 (table 61.1235, item 3, column 1)

Item [248] amends the applicability of this training endorsement to aircraft other than aeroplanes.

Item [249] — Regulation 61.1235 (table 61.1235, item 3, column 2)

Item [249] removes reference to a student pilot licence from table 61.1235 as the requirement for a student pilot licence has been removed from the CASR.

Item [250] — Regulation 61.1235 (table 61.1235, after item 3)

Item [250] provides a separate grade 3 training endorsement for aeroplanes with the additional requirement for a spinning flight activity endorsement in column 3 for holders of a grade 3 aeroplane training endorsement.

Item [251] — Regulation 61.1235 (table 61.1235, cell at item 4, column 3)

Item [251] adds a requirement in table 61.1235 for holders of a multi-crew pilot training endorsement to have at least 100 hours of aeronautical experience in multi-crew operations.

Item [252] — Regulation 61.1235 (table 61.1235, cell at item 6, column 3)

Item [252] adds in table 61.1235 a requirement for holders of a multi-engine aeroplane training endorsement to have at least 50 hours of aeronautical experience as pilot of a multi-engine aeroplane

Item [253] — Regulation 61.1235 (table 61.1235, cell at item 9, column 3)

Item [253] adds a requirement in table 61.1235 for holders of a Night VFR rating training endorsement to have at least 20 hours of aeronautical experience at night as pilot of an aircraft.

Item [254] — Regulation 61.1235 (table 61.1235, cell at item 12, column 3)

Item [254] adds a requirement in table 61.1235 for holders of an aerial application rating (day) training endorsement to have at least 100 hours of aeronautical experience in aerial application operations below 500 ft AGL (above ground level).

Item [255] — Regulation 61.1235 (table 61.1235, cell at item 15, column 3)

Item [255] adds a requirement in table 61.1235 for holders of a multi-engine aeroplane rating instructor training endorsement to have a Grade 1 training endorsement (aeroplane) or type rating training endorsement for a type of multi-engine aeroplane.

Item [256] — Regulation 61.1235 (table 61.1235, item 24)

Item [256] repeals item 24 of table 61.1235 as, consequential to item 224, no training endorsement is required for parachute dropping activities.

Item [257] — Subregulation 61.1245(3)

Item [257] amends subregulation 61.1245(3) to include reference to a new provision in table 61.1235, cell at item 249.

Item [258] — Subregulation 61.1245(5)

Item [258] amends paragraph 61.1245(5) to provide a limitation on exercising the privileges of a grade 3 training endorsement (helicopter) to conduct flight training involving simulated engine failure only if the instructor has completed at least 100 hours of flight training under the grade 3 training endorsement (helicopter).

Item [259] — At the end of Division 61.T.4

Item [259] adds a new regulation 61.1252 which provides for holders of a grade 2 training endorsement (helicopter) granted on the basis of regulation 202.272 or 202.274, to apply to CASA to remove the condition proscribing basic instrument flight training if the holder meets the requirements under Part 61 of CASR 1998 for the grant of the endorsement.

Item [260] — Regulation 61.1260

Item [260] repeals regulation 61.1260 as the flight test for an examiner rating can be satisfactorily completed in a flight simulation training device so the requirement in this regulation is unnecessary.

Item [261] — Regulation 61.1270

Item [261] makes a minor editorial change to the terminology used in regulation 61.1270 without changing the intent of the regulation.

Item [262] — Subregulation 61.1275(1)

Item [262] makes a minor editorial change to subregulation 61.1275(1).

Item [263] — Regulation 61.1275(2) and (3)

Item [263] makes a minor editorial change to subregulations 61.1275(2) and (3).

Item [264] — Paragraph 61.1285(4)(b)

Item [264] removes the requirement to assess the holder of a flight examiner rating's competency to conduct flight testing for each flight examiner endorsement held by the examiner.

Item [265] — After subregulation 61.1305(3)

Item [265] inserts a new subregulation (3A) providing an offence for a flight examiner who conducts a relevant proficiency check without notifying CASA at least 24 hours before conducting the proficiency check, and without holding, under regulation 61.040, an approval to conduct the proficiency check without notifying CASA. The penalty for the offence is 50 penalty units.

Item [266] — Regulation 61.1310 (table 61.1310, cell at item 5, column 3)

Item [266] amends the requirements for a type rating flight test endorsement by removing the requirement to hold an air transport pilot licence and an instrument rating training endorsement.

Item [267] — After regulation 61.1315

Item [267] inserts a new regulation 61.1318 which provides that holders of a flight test endorsement are authorised to conduct flight tests in an aircraft only if their examiner's flight test endorsement was conducted in an aircraft.

Item [268] — After paragraph 61.1350(b)

Item [268] inserts a new paragraph 61.1350(ba) which provides a requirement for the holder of a flight engineer licence to carry a copy of any relevant medical exemption while exercising those privileges of the licence.

Item [269] — Paragraph 61.1350(c)

Item [269] amends paragraph 61.135(c) to clarify the requirement for the carriage of identification documentation, which is less than ten years old, by flight engineer licence holders when their licence is more than ten years old.

Item [270] — Subregulation 61.1370(2)

Item [270] makes a minor editorial change to subregulation 61.1370(2) without changing the intent of the regulation.

Item [271] — Regulation 61.1375

Item [271] amends regulation 61.1375 to change some terminology and provide the conditions under which the holder of a flight engineer type rating is authorised to exercise the privileges of the rating.

Item [272] — Subparagraphs 61.1385(3)(a)(i) and (ii)

Item [272] amends subparagraphs 61.1385(3)(a)(i) and (ii) to remove the requirement for a set amount of experience for the grant of flight engineer type ratings.

Item [273] — Paragraph 61.1395(f)

Item [273] makes a minor editorial change to paragraph 61.1395(f) to remove a flight engineers authorisation to approve persons, who do not hold flight crew ratings, to transmit on flight training frequencies.

Item [274] — After regulation 61.1400

Item [274] insets, after regulation 61.1400, a new regulation 61.1402 which provides that the holder of a flight engineer instructor rating granted on the basis of regulation 202.272 or 202.274 be authorised to exercise the privileges of the rating after 3 December 2017 only if the holder completes an approved course of training or holds one of the qualifications set out in this regulation.

Item [275] — Paragraph 61.1410(4)(b)

Item [275] removes from paragraph 61.1410(4)(b) the requirement that the competency of a flight engineer instructor be assessed for each flight engineer training endorsement held.

Item [276] — At the end of Division 61.X.2

Item [276] adds a new regulation 61.1427 providing that a flight engineer commits an offence if he or she allows a student to operate a flight radiotelephone when the student does not meet the specified English language requirements. An offence against this regulation is a strict liability offence with a penalty of 50 penalty units.

Item [277] — Regulation 61.1450

Item [277] repeals regulation 61.1450 to remove the current limitation which specifies that flight engineer examiners can only conduct flight tests in an aircraft if the flight test for their examiner rating was conducted in an aircraft.

Item [278] — Regulation 61.1460

Item [278] makes a minor editorial change to the terminology used in regulation 61.1460 without changing the intent of the regulation.

Item [279] — Regulation 61.1465

Item [279] makes a minor editorial change to regulation 61.1465.

Item [280] — Paragraph 61.1470(4)(b)

Item [280] removes from paragraph 61.1470(4)(b) the requirement that the competency of a flight engineer instructor examiner be assessed for each flight engineer examiner training endorsement held.

Item [281] — Paragraph 61.1480(2)(b)

Item [281] makes a minor editorial change to paragraph 61.1480(2)(b), to reflect the renumbering of paragraphs on regulation 61.235, without changing the intent.

Item [282] — After subregulation 61.1490(3)

Item [282] inserts a new subregulation(3A) providing an offence for a flight engineer examiner who conducts a relevant proficiency check without notifying CASA at least 24 hours beforehand conducting the proficiency check, and without holding under regulations 61.040, an approval to conduct the proficiency check without notifying CASA. The penalty for the offence is 50 penalty units.

Item [283] — After paragraph 61.1535(b)

Item [283] inserts a new paragraph 61.1535(ba) which provides a requirement for the holder of a glider pilot licence to carry a copy of any relevant medical exemption while exercising the privileges of the licence.

Item [284] — Paragraph 61.1535(c)

Item [284] amends paragraph 61.1535(c) to clarify the requirements for the carriage of identification documentation, which is less than ten years old, when a person's glider pilot licence is more than ten years old.

Item [285] — Regulation 64.010 (definition of class)

Item [285] provides the definition of class within regulation 64.010 rather than referring to the definition provided in regulation 61.010.

Item [286] — Regulation 66.010 (definition of medically significant condition)

Item [286] repeals the definition of medically significant condition in regulation 66.010 as all medical requirements are consolidated in Part 67 of the CASR.

Item [287] — Part 67 (table of contents)

Item [287] makes minor editorial changes to the Part 67 table of contents to account for the addition of regulations taken from Part 61 of CASR by item 73 and 74.

Item [288] — At the end of regulation 67.005

Item [288] adds further applicability provisions for Part 67 of CASR including when a person meets modified Austroads medical standards and provision of offences related to holders of medical certificates.

Item [289] — Subregulation 67.180(9)

Item [289] makes a minor editorial amendment to remove the reference to special medical certificates from subregulation 67.180(9) as these special medical certificates are no longer applicable.

Item [290] — After Subpart 67.C

Item [290] inserts, after regulation 67.260, a new Subpart 67.D which provides the definition of Modified Austroads medical standards and the conditions under which a person meets these standards.

Item [291] — Subpart 67.D (heading)

Item [291] modifies the heading of Subpart 67.D to include recreational aviation medical practitioner's certificates.

Item [292] — Regulation 67.265 (heading)

Item [292] modifies the heading to regulation 67.265 to clarify that this regulation applies to medical certificate holders.

Item [293] — Regulation 67.270 (heading)

Item [293] modifies the heading to regulation 67.270 to clarify that this regulation applies to licence holders.

Item [294] — Subregulations 67.270(2) to (4)

Item [294] amends subregulations 67.270(2) to (4), including the note, to clarify the obligations of a medical certificate holder and inserts a new subregulation 67.270 (5) that provides for an offence

if a licence holder does an act authorised by the licence in the circumstances set out in paragraphs 67.270(5)(b) to (e), and he or she does not meet the conditions of new subregulation 67.270(6). The penalty for an offence against subregulation 67.270(5) is 50 penalty units.

Item [295] — After regulation 67.270

Item [295] inserts a new regulation 67.271 which provides offences for student pilots doing an authorised act in particular circumstances with impaired efficiency. The penalty for offences against this regulation is 50 penalty units.

Item [296] — Subregulation 99.010(1) (subparagraph (c)(iv) of the definition of aerodrome testing area)

Item [296] adds a new subparagraph 99.010(1)(c)(v) to the definition of aerodrome testing area to include a building located on a certified or registered aerodrome used by a Part 141 operator conducting flying training in an aircraft.

Item [297] — Subregulation 99.010(1) (definition of passenger)

Item [297] repeals the definition of passenger in subregulation 99.010(1) as this definition is contained in the Dictionary Part 1.

Item [298] — Paragraph 99.030(2)(k)

Item [298] amends paragraph 99.030(2)(k) to include Part 141 operators conducting flying training in aircraft in the list of organisations that must develop a Drug Alcohol Management Plan.

Item [299] — Part 101 (table of contents)

Item [299] makes a minor editorial change to the Part 101 table of contents to change the terminology used without changing the intent of regulation.

Item [300] — Paragraphs 101.005(3)(e) and (f)

Item [300] makes a minor editorial change to paragraphs 101.005(3)(e) and (f) to change the terminology used without changing the intent of regulation.

Item [301] — Subregulation 101.055(5) (definition of rocket)

Item [301] removes the reference to height capability of a firework rocket, from the definition of rocket in subregulation 101.055(5).

Item [302] — Subregulations 101.070(1), 101.075(1) and 101.085(1) (notes)

Item [302] repeals the notes to subregulations 101.070(1), 101.075(1) and 101.085(1) to remove the definition of AGL.

Item [303] — Subregulation 101.105(2)

Item [303] includes height above water in the definitions for the Subpart.

Item [304] — Paragraph 101.115(1)(a)

Item [304] makes a minor editorial amendment to paragraph 101.115(1)(a) to change the terminology used without changing the intent of the regulation.

Item [305] — Subregulation 101.170(1) (note)

Item [305] makes a minor editorial amendment to the note to subregulation 101.170(1) to remove the definition of AGL.

Item [306] — Subregulation 101.250(1) (note 1)

Item [306] makes a minor editorial amendment to note 1 to subregulation 101.250(1) to remove the definition of AGL.

Item [307] — Paragraph 101.290(1)(d)

Item [307] makes a minor editorial amendment to paragraph 101.290(1)(d) to change the terminology used.

Item [308] — Paragraph 101.295(2)(a)

Item [308] makes a minor editorial amendment to paragraph 101.295(2)(a) to change the terminology used.

Item [309] — Subregulation 101.400(1) (note 1)

Item [309] makes a minor editorial amendment to subregulation 101.400(1) to remove the definition of AGL.

Item [310] — Section 101.415 (note 1)

Item [310] makes a minor editorial amendment to note 1 to Section 101.415 to change the terminology used.

Item [311] — Subregulation 101.435(1) (note 1)

Item [311] repeals note 1 to subregulation 101.435(1) to remove the definition of AGL in each subregulation.

Item [312] — Subsection 101.435(1) (note 2)

Item [312] makes a minor editorial amendment to Subsection 101.435(1) to change the numbering of the notes.

Item [313] — Subregulation 101.440(1) (note 1)

Item [313] makes a minor editorial amendment to note 1 to subregulation 101.440(1) to remove the definition of AGL.

Item [314] — Subregulation 101.455(1) (note 1)

Item [314] repeals the note to subregulation 101.455(1) to remove the definition of AGL.

Item [315] — Subsection 101.455(1) (note 2)

Item [315] makes a minor editorial amendment to Subsection 101.455(1) to change the numbering of the notes.

Item [316] — Subregulation 101.490(1)

Item [316] makes a minor editorial amendment to subregulation 101.490(1) to change the terminology used without changing the intent of the regulation.

Item [317] — Regulation 101.500 (table 101.500, item 4)

Item [317] makes a minor editorial amendment to item 4 of table 101.500 to change the terminology used without changing the intent of the regulation.

Item [318] — Part 137 (table of contents)

Item [318] makes minor editorial amendments to the Part 137 table of contents to reflect changes made to the headings of two regulations by the *Civil Aviation Legislation Amendment Regulation 2013 (No.1)*.

Item [319] — Part 139 (table of contents)

Item [319] makes a minor editorial amendment to the Part 139 table of contents to reflect the change to the heading of regulation 139.365.

Item [320] — Regulation 139.365 (heading)

Item [320] modifies the heading to regulation 139.365 to change the terminology used without changing the intent of the regulation.

Item [321] — Regulation 139.365

Item [321] makes a minor editorial amendment to regulation 139.365 to change the terminology used without changing the intent of the regulation.

Item [322] — Paragraphs 139.370(1)(b) and (c)

Item [322] makes minor editorial amendments to paragraphs 139.370(1)(b) and (c) to change the terminology used without changing the intent of the regulation.

Item [323] to Item [326] — Part 141 of CASR 1998 (table of contents)

Item [323] to [326] makes minor editorial amendments to the Part 141 table of contents.

Item [327] — Subregulation 141.015(1)

Item [327] makes a minor editorial amendment to subregulation 141.015(1) without changing the intent of the regulation.

Item [328] — Paragraph 141.015(1)(c)

Item [328] excludes training conducted as a multi-crew operation from the definition of Part 141 training.

Item [329] — Paragraphs 141.015(1)(e) and (f)

Item [329] excludes training conducted as a multi-crew operation from the definition of Part 141 training and remove the restriction on training as part of a flight review.

Item [330] — Subparagraph 141.015(1)(g)(i)

Item [330] makes a minor editorial amendment to subparagraph 141.015(1)(g)(i) to add a reference to cruise relief type ratings .

Item [331] — Subregulation 141.035(1)

Item [331] amends subregulation 141.035(1) to require that an application to CASA for approvals under Part 141 be in writing.

Item [332] — Subregulation 141.055(1)

Item [332] amends subregulation 141.055(1) to require that an application to CASA for a Part 141 certificate be in writing.

Item [333] — Paragraph 141.055(2)(a)

Item [333] amends subregulation 141.055(2) to provide that an applicant for a Part 141 certificate also include the address of its operational headquarters.

Item [334] — Subparagraph 141.060(1)(i)(iv)

Item [334] makes a minor editorial amendment to the formatting of subparagraph 141.060(1)(i)(iv) without changing the intent of the regulation.

Item [335] — Paragraph 141.060(1)(j)

Item [335] repeals paragraph 141.060(1)(j) as a consequence of item 351.

Item [336] — Paragraph 141.080(1)(a)

Item [336] makes a minor editorial amendment to paragraph 141.080(1)(a).

Item [337] — Subregulation 141.080(2)

Item [337] makes a minor editorial amendment to subregulation 141.080(2).

Item [338] — Paragraph 141.085(4)(c)

Item [338] makes a minor editorial amendment to paragraph 141.085(4)(c) without changing the intent of the regulation.

Item [339] — Subregulation 141.125(1)

Item [339] amends paragraph 141.125(1)(a) to provide that the head of operations of a Part 141 of CASR 1998 operator must hold either a grade 1 training endorsement or the required training endorsements for all flight training the operator proposes to conduct.

Item [340] — Subparagraph 141.130(4)(b)(ii)

Item [340] amends subparagraph 141.130(4)(b)(ii) to provide that the head of operations of a Part 141 operator must meet the requirements in the operator's exposition, rather than complete the operators training in human factors and non-technical skills.

Item [341] — Subregulations 141.155(3) and (4)

Item [341] makes a minor editorial amendment to change the numbering of subregulations 141.155(3) and (4).

Item [342] — Regulation 141.200 (heading)

Item [342] replaces the heading to regulation 141.200 to clarify that the regulation relates to training in non-technical skills as well as human factors training.

Item [343] — Paragraph 141.200(1)(b)

Item [343] amends paragraph 141.200(1)(b) to reflect that Part 141 instructors must meet the requirements in the operator's exposition, rather than complete the operators training in human factors and non-technical skills.

Item [344] — Paragraph 141.220(1)(c)

Item [344] amends paragraph 141.220(1)(c) to require that an operator who conducts training in flight simulation training devices also ensures the correct operation and maintenance of the devices.

Item [345] — Paragraphs 141.260(1)(a) and (b)

Item [345] makes a minor editorial amendment to the terminology used in paragraphs 141.260(1)(a) and (b) without changing the intent of the regulation.

Item [346] — Paragraph 141.260(1)(h)

Item [346] makes a minor editorial amendment to paragraph 141.260(1)(h) to change the order in which the requirements are listed.

Item [347] — Paragraph 141.260(1)(k)

Item [347] makes a minor editorial amendment to paragraph 141.260(1)(k) to clarify that it includes the supervision of instructors and course participants.

Item [348] — Paragraphs 141.270(1)(a) and (b)

Item [348] makes a minor editorial amendment to the terminology used in paragraphs 141.270(1)(a) and (b) without changing the intent of the regulation.

Item [349] — Subpart 141.K (heading)

Item [349] modifies the heading to Subpart 141 to clarify that it relates to miscellaneous offences.

Item [350] — Regulation 141.305

Item [350] removes references to a student pilot licence and makes minor editorial changes to regulation 141.305 to provide for an offence if a student pilot is authorised to carry out a solo flight by a Part 141 operator and the student does not meet the requirements of subregulations 141.305 (3), (4), (5) or (6). An offence against subregulations (1), (4) or (6) is an offence of strict liability. The penalty for an offence is 50 penalty units.

Item [350] also inserts a new regulation 141.306 which provides that an operator commits an offence if a person undertakes a solo flight and the person does not meet the requirements of subregulation 141.306 (2). An offence against subregulation (1)(a) is an offence of strict liability. The penalty for an offence is 50 penalty units.

Item [351] — At the end of Part 141

Item [351] adds, at the end of Part 141 a new regulation 141.315 which provides that an operator commits an offence if, in any 12 month period, the operator uses a foreign registered aircraft to conduct authorised activities in Australian territory for a total of more than the number of days mentioned in subregulation (2). An offence against this regulation is an offence of strict liability with a penalty of 50 penalty units.

Item [351] also provides that the meaning of authorised activity in this regulation means an activity authorised by a civil aviation authorisation held by the operator.

Item [352] — Part 142 (table of contents)

Item [352] makes a minor editorial amendment to the Part 142 table of contents to delete the entry for repealed regulation 142.090.

Item [353] — Part 142 (table of contents)

Item [353] makes a minor editorial amendment to the Part 142 table of contents to reflect the changed heading for regulation 142.335.

Item [354] — Part 142 (table of contents)

Item [354] makes a minor editorial amendment to the Part 142 table of contents to reflect the changed heading for regulation 142.385 and adds an entry for new regulation 142.386.

Item [355] — Part 142 (table of contents)

Item [355] makes a minor editorial amendment to the Part 142 table of contents to add an entry for new regulation 142.395.

Item [356] — Subregulation 142.015(2)

Item [356] makes a minor editorial amendment to subregulation 142.015(2) without changing the intent of the regulation.

Item [357] — Paragraphs 142.015(2)(d) and (e)

Item [357] makes minor editorial amendments to subregulation 142.015(2), and amends 142.015(2)(e) to remove training for a design feature or flight activity endorsement from the definition of Part 142 training.

Item [358] — Subparagraph 142.015(2)(g)(i)

Item [358] makes a minor editorial amendment to subparagraph 142.015(2)(g)(i) to add references to regulations 61.835 and 61.1370.

Item [359] — Subregulation 142.040(1)

Item [359] amends subregulation 142.040(1) to require that an application to CASA for approvals under Part 142 of CASR 1998 be in writing.

Item [360] — Regulation 142.070

Item [360] makes a minor editorial amendment to regulation 142.070 to clarify that the position of safety manager is prescribed in Part 142.

Item [361] — Paragraph 142.080(2)(a)

Item [361] amends subregulation 142.080(2) to provide that an applicant for a Part 142 certificate also include the address of its operational headquarters.

Item [362] — Subparagraph 142.085(1)(e)(iv)

Item [362] makes a minor editorial amendment to subparagraph 142.085(1)(e)(iv) without changing the intent of the regulation.

Item [363] — Paragraph 142.085(1)(f)

Item [363] repeals paragraph 142.085(1)(f) as a consequence of item [380].

Item [364] — Regulation 142.090

Item [364] repeals regulation 142.090 as the requirement to issue a separate AOC is no longer required.

Item [365] — Subregulation 142.105(1)

Item [365] amends subregulation 142.105(1) to require that an application to CASA for a certificate authorising activities in a flight simulator to be in writing.

Item [366] — Paragraph 142.105(2)(a)

Item [366] makes a minor editorial amendment to paragraph 142.105(2)(a) to provide that an application to conduct Part 142 activities in a flight simulation training device must, in addition to the previously specified information and documents, also include the Part 142 activities the applicant proposes to conduct.

Items [367] and [368] — Regulation 142.135

Item [367] and [368] amend regulation 142.135 to rearrange the structure of the subregulations and clarify the regulations, without changing the intent of the regulation.

Item [369] — Paragraph 142.140(4)(c)

Item [369] makes a minor editorial amendment to the terminology used in paragraph 142.140(4)(c) without changing the intent of the regulation.

Item [370] — Subparagraph 142.190(2)(n)(iii)

Item [370] amends subparagraph 142.190(2)(n)(iii) to reflect that Part 142 instructors must meet the requirements in the operator's exposition, rather than complete the operator's training in human factors and non-technical skills.

Item [371] — Subregulations 142.215(3) and (4)

Item [371] makes a minor editorial amendment to subregulations 142.215(3) and (4) to change the order in which the subregulations are listed.

Item [372] — Paragraph 142.265(1)(c)

Item [372] amends paragraph 142.265(1)(c) to require that an operator who conducts training in flight simulation training devices also ensures the correct operation and maintenance of the devices.

Item [373] — Regulation 142.335 (heading)

Item [373] modifies the heading to regulation 142.335 to clarify that the regulation relates to training in non-technical skills as well as human factors training.

Item [374] — Paragraph 142.335(1)(b)

Item [374] makes a minor editorial amendment to paragraph 142.335(1)(b) to reflect that Part 142 instructors must meet the requirements in the operator's exposition, rather than complete the operator's training in human factors and non-technical skills.

Item [375] — Paragraphs 142.340(1)(a) and (b)

Item [375] makes minor editorial amendments to paragraphs 142.340(1)(a) and (b) and provides a requirement for operators to also include their trading name in their exposition.

Item [376] — Paragraph 142.340(1)(h)

Item [376] makes a minor editorial amendment to paragraph 142.340(1)(h) to change the order in which the requirements are listed.

Item [377] — Paragraph 142.340(1)(k)

Item [377] makes a minor editorial amendment to paragraph 142.340(1)(k) to clarify that an exposition includes a description of procedures for the supervision of instructors and course participants.

Item [378] — Paragraphs 142.350(1)(a) and (b)

Item [378] makes a minor editorial amendment to the terminology used in paragraphs 142.350(1)(a) and (b) without changing the intent of the regulation.

Item [379] — Regulation 142.385

Item [379] removes references to a student pilot licence and makes minor editorial changes to regulation 142.385 to provide for an offence if a student pilot is authorised to carry out a solo flight by a Part 142 operator and the student does not meet the requirements of subregulations 142.385 (3), (4), (5) or (6). An offence against subregulations (1), (4) or (5) is an offence of strict liability. The penalty for an offence is 50 penalty units.

Item[379] also inserts a new regulation 142.386 which provides that an operator commits an offence if a person undertakes solo flight training and the person does not meet the requirements of subregulation 142.306 (2). An offence against subregulation (1)(a) is an offence of strict liability. The penalty for an offence is 50 penalty units.

Item [380] — At the end of Part 142

Item [380] adds, at the end of Part 142 a new regulation 142.395 which provides that an operator commits an offence if, in any 12 month period, the operator uses a foreign registered aircraft to conduct authorised activities in Australian territory for a total of more than the number of days mentioned in subregulation (2). An offence against this regulation is an offence of strict liability with a penalty of 50 penalty units.

Item [380] also provides the meaning of authorised activity for this regulation.

Item [381] — Part 143 (table of contents)

Item [381] makes a minor editorial amendment to the Part 143 table of contents to reflect the changed regulation for 143.105.

Item [382] — Part 200 (at the end of the table of contents)

Item [382] makes a minor editorial amendment to the Part 200 the table of contents to add headings for two new regulations 200.025 and 200.030.

Item [383] — Regulation 200.025

Item [383] makes a minor editorial amendment to regulation 200.025 to provide that a person is taken to hold a civil aviation authorisation to perform essential duties during flight time, on an unregistered Australian aircraft, if they meet the requirements previously specified in paragraphs (a) and (b) of the regulation.

Item [384] — At the end of Part 200

Item [384] adds, at the end of Part 200 a new regulation 200.030 which provides for an offence if a person flies an unregistered sports aviation aircraft. The penalty for an offence against this regulation is 50 penalty units.

Item [385] — Part 201 (table of contents)

Item [385] makes a minor editorial amendment to the Part 201 table of contents to add a heading for new regulation 201.025.

Item [386] — Subregulation 201.004(2) (table 201.004, items 1 and 2)

Item [386] makes minor editorial amendments to items 1 and 2 of table 201.004 and excludes, from the list of reviewable decisions, the imposition or variation of a condition requested by an authorisation holder.

Item [387] — Subregulation 201.004(2) (table 201.004, after item 8)

Item [387] adds new item 8A to table 201.004 which makes a direction under regulation 42.640 a reviewable decision.

Item [388] — Subregulation 201.004(3)

Item [388] amends subregulation 201.004(3) to provide for decisions made by other decision makers to be reviewable in accordance with this regulation 200.004. Item [388] also creates two new subregulations, 201.004(4) which provides details of the persons whose decisions are reviewable and 201.004(5) which provides the types of decision which are reviewable.

Item [389] — At the end of Part 201

Item [389] adds, at the end of Part 201, a new regulation 201.025 which provides for CASA to issue legislative instruments prescribing definitions in these Regulations for subsection 98(5A) of the Act.

Item [390] and [391] — Part 202 (table of contents)

Items [390] and [391] make a number of minor editorial amendments to the Part 202 table of contents to add headings for the transitional provisions created by the *Civil Aviation Legislation Amendment Regulation 2013 (No.1)* and this amendment regulation.

Item [392] — Division 202.CB.1 (heading)

Item [392] modifies the heading to Division 202.CB.1.

Item [393] — Regulation 202.260

Item [393] makes a minor editorial amendment to regulation 202.260.

Item [394] — Regulation 202.261 (heading)

Item [394] modifies the heading to regulation 202.261.

Item [395] — Regulation 202.261

Item [395] makes a minor editorial amendment to regulation 202.261.

Item [396] — Regulation 202.261 (definition of amendments)

Item [396] amends the definition of amendment to include the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013*.

Item [397] — Regulation 202.261 (definition of cessation time)

Item [397] makes a minor editorial amendment to the definition of cessation time in regulation 202.261.

Item [398] — After regulation 202.261

Item [398] adds a new regulation 202.262 which provides for Division 202.CB.1 to apply to the holder of a student pilot licence who has passed the general flying progress test under Part 5 of CAR before 1 September 2014.

Item [399] — Division 202.CB.2 (heading)

Item [399] modifies the heading to Division 202.CB.2 to make it a Subdivision of 202.CB.1.

Item [400] — After subregulation 202.263(2)

Item [400] inserts a new subregulation 202.263(2A) which provides that an old aircraft endorsement authorisation for a type of aircraft for which there is no equivalent pilot type rating under CASR 1998 be taken to be equivalent to a class rating for the class of aircraft that includes the type of aircraft.

Item [401] — Paragraph 202.267(3)(b)

Item [401] makes a minor editorial amendment to paragraph 202.267(3)(b) to provide that it does not apply to student pilot licences.

Item [402] — Paragraph 202.267(5)(a)

Item [402] makes a minor editorial amendment to subregulation 202.267(5)(a).

Item [403] — Subregulation 202.267(7)

Item [403] repeals subregulation 202.267(7) as the provision has been incorporated in regulation 61.1172 by item [227].

Item [404] — Regulation 202.268

Item [404] amends regulation 202.268 to remove a limitation under regulation 61.510 for authorisations equivalent to a private pilot licence. This item also inserts a new regulation 202.268A which provides for the removal of limitations, set out in regulation 61.747, on the exercise of the privileges of a class rating.

Item [405] — Subregulation 202.270(2)

Item [405] makes a minor formatting change to subregulation 202.270(2)

Item [406] — Regulation 202.271

Item [406] makes a minor editorial amendment to regulation 202.271 to clarify that the associated entries in the table of contents expire when the Subdivision expires.

Item [407] — Division 202.CB.3 (heading)

Item [407] modifies the heading to Division 202.CB to make it a Subdivision.

Item [408] — After subregulation 202.272(1)

Item [408] inserts a new subregulation 202.272(1A) to provide that the holder of a continued aircraft endorsement be granted an equivalent aircraft class or type rating only if the holder also holds a continued authorisation that is equivalent to a flight crew licence.

Item [409] — At the end of regulation 202.272

Item [409] adds a new subregulation 202.272(5) that requires the holder of a grade 2 training endorsement (helicopter), granted in accordance with subregulation 202.272(2), to meet the relevant requirements of table 61.1235.

Item [410] — Regulation 202.273

Item [410] makes a minor editorial amendment to regulation 202.273 to clarify that the associated entries in the table of contents expire when the Subdivision expires.

Item [411] — Division 202.CB.4 (heading)

Item [411] modifies the heading to Division 202.CB.4 to make it a Subdivision.

Item [412] — Subregulation 202.274(3)

Item [412] makes a minor editorial amendment to subregulation 202.274(3) to clarify that the associated entries in the table of contents expire when the Subdivision expires.

Item [413] — Paragraph 202.275(1)(a)

Item [413] removes flight examiner ratings from the application of subregulation 202.275(1).

Item [414] — Subregulation 202.275(4)

Item [414] makes a minor editorial amendment to subregulation 202.275(4) clarify that the associated entries in the table of contents expire when the Subdivision expires.

Item [415] — After subregulation 202.276(2)

Item [415] inserts a new subregulation 202.276(2A) which provides that the holder of an aircraft class rating or type rating granted on the basis of regulation 202.277A meet the flight review requirements for the rating under Part 61.

Item [416] — Subregulation 202.276(5) to (7)

Item [416] makes a minor editorial amendment to subregulation 202.276(5) and (6) and renumbers subregulation 202.276(7) as 202.276(5). Item [416] also makes a minor editorial amendment to clarify that the associated entries in the table of contents expire when the Subdivision expires.

Item [417] — Regulation 202.278

Item [417] repeals regulation 202.278 and inserts regulations 202.277A, 202.277B, 202.277C, 202.277D, 202.278, 202.279, 202.280 and 202.281.

Regulation 202.277A contains provisions for the grant of a private pilot licence, with helicopter category rating, based on old requirements.

Subregulation 202.277A(1) provides that an applicant for a private pilot licence with a helicopter category rating be taken to meet the requirements of paragraphs 61.515(2)(b), (c) and (d) if the applicant meets the requirements mentioned in paragraphs 5.87(1)(d), (e) and (f) of CAR, as in force immediately before 1 September 2014.

Subregulation 202.277A(2) provides that for subregulation 202.277A(1), CASA may set and conduct a private pilot (helicopter) licence flight test using the helicopter syllabus published under regulation 5.59 of CAR, as in force, or amended, immediately before 1 September 2014. The subregulation also provides for regulation 5.93 of CAR to continue to be in force.

Subregulation 202.277A(3) provides that regulation 202.277A and the entry for the regulation in the Part 202 table of contents, expire on 31 August 2017.

Regulation 202.277B contains provisions for the grant of a commercial pilot licence, with helicopter category rating, based on old requirements.

Subregulation 202.277B(1) provides that an applicant for a private pilot licence with a helicopter category rating be taken to meet the requirements of paragraphs 61.580(2)(b), (c) and (d) if the applicant meets the requirements mentioned in paragraphs 5.120(1)(d), (e) and (f) of CAR, as in force immediately before 1 September 2014.

Subregulation 202.277B(2) provides that for subregulation 202.277A(1)), CASA may set and conduct a commercial pilot (helicopter) licence flight test using the helicopter syllabus published under regulation 5.59 of CAR, as in force, or amended, immediately before 1 September 2014. The subregulation also provides for regulation 5.127 of CAR to continue to be in force.

Subregulation 202.277B(3) provides that regulation 202.277A and the entry for the regulation in the Part 202 table of contents, expire on 31 August 2018.

Regulation 202.277C provides transitional provisions relating to English language competency for certain holders of old student pilot licences.

Subregulation 202.277C(1) provides that subregulation 202.277C(2) applies to a person who held a student pilot licence immediately before 1 September 2014 and had not passed a general flying progress flight test under Part 5 of CAR before that date.

Subregulation 202.277C(2) provides that a person mentioned in subregulation 202.277C(1) be taken to have been assessed by CASA as meeting the general English language proficiency standard.

Regulation 202.277D provides that, despite regulation 61.1240, the holder of a grade 3 training endorsement (aeroplane) granted on the basis of regulation 202.272 be also authorised to conduct basic instrument flight.

Regulation 202.278 makes provision for the grant of a pilot type rating on the basis of overseas training and assessment.

Subregulation 202.278(1) makes provision for the recognition of the training and assessment of an applicant that was conducted by a training provider which is authorised by the national aviation authority of a recognised foreign State for the purposes of subregulation 61.810(3).

Subregulation 202.278(2) provides that regulation 202.278 and the entry for the regulation in the Part 202 table of contents, expire on 31 August 2018.

Regulation 202.279 provides for instrument proficiency checks partially conducted by a foreign-authorised person.

Subregulation 202.279(1) provides that regulation 202.279 apply in relation to the proficiency checks laid out in paragraphs 202.279(1)(a) to (c).

Subregulation 202.279(2) provides that a pilot of a multi-crew pilot licence, air transport pilot licence or instrument rating be taken to have successfully completed the instrument proficiency check if the person meets the conditions of this subregulation.

Subregulation 202.279(3) provides that this regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 August 2018. Regulation 202.280 provides for the transition of driver's licence medical certificates (aviation).

Subregulation 202.280(1) provides the regulation applies to the holder of a driver's licence medical certificate (aviation) that was in force immediately before 1 September 2014.

Subregulation 202.280(2) provides that on and after 1 September 2014, a valid driver's licence medical certificate (aviation) is taken to be a recreational aviation medical practitioner's certificate.

Subregulation 202.280(3) provides the definition of the driver's licence medical certificate (aviation).

Subregulation 202.280(4) provides that this regulation, and the entry for this regulation in the Part 202 table of contents, expire at the end of 31 May 2015.

Regulation 202.281 provides that Division 202.CB.1, and the entries for this Division in the Part 202 table of contents, expire at the end of 31 August 2025.

Item [418] — Division 202.CE.1 (heading)

Item [418] modifies the heading to Division 202.CE.1.

Item [419] — Regulation 202.300 (heading)

Item [419] modifies the heading to regulation 202.300.

Item [420] — Regulation 202.300

Item [420] makes a minor editorial amendment to regulation 202.300

Item [421] — Regulation 202.300

Item [421] amends the definition of amendment to include the Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013.

Item [422] — Regulation 202.300 (definition of cessation time)

Item [422] makes a minor editorial amendment to the definition of cessation time in regulation 202.300.

Item [423] — Regulation 202.300 (definition of old authorisation)

Item [423] amends the definition of old authorisation to include an aircraft radiotelephone operator certificate of proficiency issued under regulation 83A of CAR.

Item [424] — Subregulations 202.301(1) and 202.302(2)

Item [424] makes a minor editorial amendment to subregulations 202.301(1) and 202.302(2).

Item [425] — After subregulation 202.304(1)

Item [425] insert a provision that a person who is taken to have applied for and met the requirements of a flight crew licence under Part 61 is not taken to have applied for the grant of an aeronautical radio operator certificate under the transitional provisions in Part 202.

Item [426] — Division 202.CE.2 (heading)

Item [426] modifies the heading to Division 202.CE.2.

Item [427] — Regulation 202.307 (heading)

Item [427] modifies the heading to regulation 202.307.

Item [428] — Regulation 202.307

Item [428] makes a minor editorial amendment to regulation 202.307.

Item [429] — Regulation 202.307 (definition of cessation time)

Item [429] makes a minor editorial amendment to the definition of cessation time in regulation 202.307.

Item [430] — Subregulation 202.311(1)

Item [430] makes a minor editorial amendment to subregulation 202.311(1).

Item [431] — Regulation 202.312

Item [431] makes a minor editorial amendment to regulation 202.312 to set out provisions for the expiry of the Division at the end of 31 August 2018.

Item [432] — Subpart 202.GA (heading)

Item [432] modifies the heading to Subpart 202.GA.

Item [433] — Regulation 202.720

Item [433] makes a minor editorial amendment to regulation 202.720.

Item [434] — Paragraphs 202.721(1)(a), 202.722(1)(a), 202.723(1)(a) and 202.728(1)(a)

Item [434] makes a minor editorial amendment to paragraphs 202.721(1)(a), 202.722(1)(a), 202.723(1)(a) and 202.728(1)(a).

Item [435] — Regulation 202.729

Item [435] makes a minor editorial amendment to regulation 202.729.

Item [436] — Subpart 202.GB (heading)

Item [436] modifies the heading to Subpart 202.GB.

Item [437] — Regulation 202.740

Item [437] makes a minor editorial amendment to regulation 202.740.

Item [438] — Regulations 202.741, 202.742 and 202.743

Item [438] amends regulations 202.741, 202.742 and 202.743 to provide that an AOC authorising flying training that is in force immediately before 4 December 2013, even if under suspension, remains in force subject to any changes to the conditions of the AOC relating to Part 142 of CASR 1998 training. It also provides that any application made for an AOC that had not been determined prior to 4 December 2013 is taken to be an application for an AOC for flight training that is equivalent to the proposed training.

Item [439] — Paragraph 202.747(1)(a)

Item [439] makes a minor editorial amendment to change the formatting of paragraph 202.747(1)(a).

Item [440] — Subparagraph 202.749(1)(a)(i)

Item [440] makes a minor editorial amendment to change the formatting of subparagraph 202.749(1)(a)(i).

Item [441] — Paragraph 202.750(1)(a)

Item [441] makes a minor editorial amendment to change the formatting of paragraph 202.750(1)(a).

Item [442] — Paragraph 202.751(1)(a)

Item [442] makes a minor editorial amendment to paragraph 202.751(1)(a).

Item [443] — Regulation 202.752

Item [443] makes a minor editorial amendment to regulation 202.752 to set out provisions for the expiry of the Division at the end of 31 August 2017

Item [444] — Part 1 of the Dictionary (definition of 2D instrument approach procedure)

Item [444] replaces the term of 2D instrument approach procedure with 2D instrument approach operation and amends its definition in Part 1 of the Dictionary

Item [445] — Part 1 of the Dictionary (definition of 3D instrument approach procedure)

Item [445] replaces the term of 3D instrument approach procedure with 3D instrument approach operation and amends its definition in Part 1 of the Dictionary.

Item [446] — Part 1 of the Dictionary (definition of apply)

Item [446] makes a minor editorial amendment to the definition of apply in Part 1 of the Dictionary.

Item [447] — Part 1 of the Dictionary

Item [447] inserts into Part 1 of the Dictionary the definitions of authorised instrument approach procedure and authorised instrument departure procedure.

Item [448] — Part 1 of the Dictionary (definition of class)

Item [448] amends the definition of class in Part 1 of the Dictionary for Parts 61 and 64, and for Part 67 in relation to medical certificates.

Item [449] — Part 1 of the Dictionary

Item [449] inserts into Part 1 of the Dictionary definitions of certificate of validation, cross-country flight and examiner.

Item [450] to Item [453] — Part 1 of the Dictionary

Item [450] to [453] make minor editorial amendments to the definitions of flight crew endorsement, flight crew licence, flight crew rating, flight engineer, flying in formation in Part 1 of the Dictionary.

Item [454] — Part 1 of the Dictionary (paragraphs (a) and (b) of the definition of flying in formation)

Item [454] changes the format of the term in Part 1 of the Dictionary.

Item [455] — Part 1 of the Dictionary

Item [455] inserts definitions of instructor and instrument approach operation into Part 1 of the Dictionary.

Item [456] — Part 1 of the Dictionary (paragraph (b) of the definition of integrated training)

Item [456] modifies the definition of integrated training to permit a Part 142 operator to engage another person or operator to conduct ground theory training on behalf of the operator.

Item [457] — Part 1 of the Dictionary (definition of medical certificate)

Item [457] makes a minor editorial amendment to the definition of medical certificate in Part 1 of the Dictionary.

Item [458] — Part 1 of the Dictionary

Item [458] inserts the definitions of medical practitioner for Part 61 and medically significant condition, medical practitioner and meets the modified Austroads medical standards into Part 1 of the Dictionary for Parts 61 and 67.

Item [459] — Part 1 of the Dictionary (definition of NAA)

Item [459] repeals the definition of NAA in Part 1 of the Dictionary as this acronym is no longer used.

Item [460] — Part 1 of the Dictionary

Item [460] inserts the definitions of national aviation authority, overseas endorsement, overseas flight crew licence, overseas medical certificate, overseas rating, pilot, solo and student pilot into Part 1 of the Dictionary.

Item [461] — Part 1 of the Dictionary (definition of successfully participating)

Item [461] makes a minor editorial amendment to the definition of successfully participating in Part 1 of the Dictionary.

Item [462] — Part 1 of the Dictionary

Item [462] inserts the definition of tour of duty into Part 1 of the Dictionary.

Item [463] — Clause 30 of Part 2 of the Dictionary

Item [463] repeals the definition of class in Clause 30 of Part 2 of the Dictionary as this is provided for in the definition of class in Part 1 of the Dictionary.

Item [464] — Amendments of listed provisions—conversion of notes to decentralised tables of contents

Item [464] makes a minor editorial amendment, and add a table of contents, to the amendments of listed provisions.

Part 2—Amendments of references to NAA*Civil Aviation Regulations 1988***Item [465] — Paragraph 42W(5)(a)**

Item [465] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Item [466] — Subparagraphs 42WA(1)(b)(i) and (ii)

Item [466] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Item [467] — Paragraphs 42WA(1)(c) and (3)(a)

Item [467] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Civil Aviation Safety Regulations 1998

Item [468] — Part 21 (table of contents)

Item [468] amends the table of contents for regulations 21.029 and 21.029A to replace *NAA* with *national aviation authority*.

Item [469] — Paragraph 21.011(c)

Item [469] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Item [470] — Regulation 21.029 (heading)

Item [470] makes an editorial change to the heading of regulation 21.029.

Item [471] — Regulation 21.029A (heading)

Item [471] makes an editorial change to the heading of regulation 21.029A.

Item [472] — Part 42 (table of contents)

Item [472] amends the table of contents for regulation 42.306.

Item [473] — Paragraph 42.301(1)(c)

Item [473] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Item [474] — Regulation 42.306 (heading)

Item [474] makes an editorial change to the heading of regulation 42.306

Item [475] — Paragraph 42.306(2)(a)

Item [475] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Item [476] — Amendments of listed provisions—references to *NAA*

Item [476] provides for the deletion of *NAA* and its replacement with *national aviation authority* in the regulations listed in this item.

Schedule 2—Amendments commencing day after registration

Civil Aviation Legislation Amendment Regulation 2013 (No. 1)

Item [1] — Item 1 of Schedule 1 (heading)

Item [1] repeals the heading and substitute ‘After regulation 11.026’.