



Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 March 2021

David Hurley
Governor-General

By His Excellency's Command

Michael McCormack
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional
Development

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1 Name

This instrument is the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	5 March 2021
2. Schedule 1	Immediately after the start of 2 December 2021.	2 December 2021
3. Schedule 2	The day after this instrument is registered.	5 March 2021
4. Schedule 3	Immediately after the start of 2 December 2021.	2 December 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Consequential amendments

Civil Aviation Regulations 1988

1 Subregulation 2(1) (definition of *adopted in pursuance of the Convention*)

Omit “Article 37 of the Convention”, substitute “Article 37 of the Chicago Convention”.

2 Subregulation 2(1)

Repeal the definitions (including the notes) in the following table.

Item	Definition
1	definition of <i>aerodrome control service</i>
2	definition of <i>aerodrome meteorological minima</i>
3	definition of <i>aerodrome reference point</i>
4	definition of <i>aerodrome traffic</i>
5	definition of <i>aerodyne</i>
6	definition of <i>aeronautical mobile radio service</i>
7	definition of <i>aeroplane</i>
8	definition of <i>airborne weather radar system</i>
9	definition of <i>airline</i>
10	definition of <i>air traffic</i>
11	definition of <i>air traffic control</i>
12	definition of <i>air traffic control clearance</i>
13	definition of <i>air traffic control instructions</i>
14	definition of <i>air traffic controller licence</i>
15	definition of <i>air traffic control service</i>
16	definition of <i>alternate aerodrome</i>
17	definition of <i>altitude</i>
18	definition of <i>approach control service</i>
19	definition of <i>apron</i>
20	definition of <i>area control service</i>
21	definition of <i>authorised</i>
22	definition of <i>authorised person</i>
23	definition of <i>aviation authority</i>
24	definition of <i>car</i>
25	definition of <i>cargo</i>
26	definition of <i>ceiling</i>

3 Subregulation 2(1) (definition of *centre of gravity*)

Omit “subregulation 235(1)”, substitute “regulation 235”.

4 Subregulation 2(1)

Repeal the definitions in the following table.

Item	Definition
1	definition of <i>certificate of airworthiness</i>
2	definition of <i>channel</i>
3	definition of <i>Civil Aviation Orders</i>

5 Subregulation 2(1) (paragraph (b) of the definition of *class A aircraft*)

Omit “Air Operator’s Certificate which authorises the use of that aircraft for the commercial purpose referred to in paragraph 206(1)(c)”, substitute “Australian air transport AOC which authorises the use of that aircraft in scheduled air transport operations”.

6 Subregulation 2(1)

Repeal the definitions (including the notes) in the following table.

Item	Definition
1	definition of <i>class of airspace</i>
2	definition of <i>constable</i>
3	definition of <i>control area</i>
4	definition of <i>controlled aerodrome</i>
5	definition of <i>controlled airspace</i>
6	definition of <i>control zone</i>
7	definition of <i>crew member</i>
8	definition of <i>cruising level</i>
9	definition of <i>current flight plan</i>
10	definition of <i>danger area</i>
11	definition of <i>elevation</i>
12	definition of <i>examination</i>
13	definition of <i>expected approach time</i>
14	definition of <i>experimental aircraft</i>
15	definition of <i>FAA</i>
16	definition of <i>flight information area</i>
17	definition of <i>flight information service</i>
18	definition of <i>flight level 290</i>
19	definition of <i>Flight Service</i>
20	definition of <i>flight visibility</i>
21	definition of <i>flying training</i>
22	definition of <i>foreign aircraft</i>
23	definition of <i>grant</i>

7 Subregulation 2(1) (definition of gross weight)

Omit “subregulation 235(1)”, substitute “regulation 235”.

8 Subregulation 2(1)

Repeal the definitions (including the notes) in the following table.

Item	Definition
1	definition of <i>ground radar</i>
2	definition of <i>hazardous weather conditions</i>
3	definition of <i>heading</i>
4	definition of <i>heavier-than-air aircraft</i>
5	definition of <i>helicopter</i>
6	definition of <i>horizontal plane</i>
7	definition of <i>ICAO Doc. 9574-AN/934</i>
8	definition of <i>I.F.R. flight</i>
9	definition of <i>I.F.R. operation</i>
10	definition of <i>I.M.C.</i>
11	definition of <i>international air service</i>
12	definition of <i>international operating agency</i>
13	definition of <i>international registration plan</i>
14	definition of <i>International Telecommunications Convention</i>
15	definition of <i>jet-propelled aircraft</i>
16	definition of <i>joint registration plan</i>
17	definition of <i>landing area</i>
18	definition of <i>land station</i>
19	definition of <i>licensed</i>
20	definition of <i>lighter-than-air aircraft</i>
21	definition of <i>long-range radio navigation system</i>
22	definition of <i>manned balloon</i>
23	definition of <i>maximum landing weight</i>
24	definition of <i>maximum take-off weight</i>
25	definition of <i>meteorological information</i>
26	definition of <i>meteorological minima</i>
27	definition of <i>meteorological observation</i>
28	definition of <i>meteorological observer</i>
29	definition of <i>meteorological report</i>
30	definition of <i>mile</i>
31	definition of <i>military aerodrome</i>
32	definition of <i>military aircraft</i>
33	definition of <i>movement area</i>
34	definition of <i>navigation system</i>
35	definition of <i>night flight</i>
36	definition of <i>non-controlled aerodrome</i>

9 Subregulation 2(1) (definition of operating crew)

Repeal the definition (including the note), substitute:

operating crew means a crew member.

10 Subregulation 2(1)

Repeal the definitions (including the notes) in the following table.

Item	Definition
1	definition of <i>operational information service</i>
2	definition of <i>position report</i>
3	definition of <i>positive position fix</i>
4	definition of <i>power-assisted sailplane</i>
5	definition of <i>prohibited area</i>
6	definition of <i>provisionally certificated aircraft</i>
7	definition of <i>public transport service</i>
8	definition of <i>radiocommunication system</i>
9	definition of <i>radio navigation aid</i>
10	definition of <i>radio navigation system</i>
11	definition of <i>radiotelephonic language</i>
12	definition of <i>Regional Air Navigation Agreement</i>
13	definition of <i>regular aerodrome</i>
14	definition of <i>relevant airworthiness standards</i>
15	definition of <i>reporting point</i>
16	definition of <i>restricted area</i>
17	definition of <i>rotorcraft</i>
18	definition of <i>route sector</i>
19	definition of <i>route segment</i>
20	definition of <i>RVSM airspace</i>
21	definition of <i>RVSM airworthiness approval</i>
22	definition of <i>RVSM airworthiness approved aircraft</i>
23	definition of <i>RVSM foreign airworthiness approval</i>
24	definition of <i>RVSM operational approval</i>
25	definition of <i>secondary surveillance radar transponder</i>
26	definition of <i>self-contained navigation system</i>
27	definition of <i>signal area</i>
28	definition of <i>State</i>
29	definition of <i>taxi speed</i>
30	definition of <i>Territory</i>
31	definition of <i>the Director of Meteorology</i>
32	definition of <i>track</i>
33	definition of <i>traffic advisory service</i>
34	definition of <i>traffic avoidance advice</i>
35	definition of <i>traffic information</i>

Item	Definition
36	definition of <i>traffic pattern</i>
37	definition of <i>unlawful interference with aviation</i>
38	definition of <i>vertical plane</i>
39	definition of <i>V.F.R.</i>
40	definition of <i>V.F.R. flight</i>
41	definition of <i>V.F.R. operation</i>
42	definition of <i>visibility</i>
43	definition of <i>V.M.C.</i>

11 Subregulation 2(2)

Omit “The Authority”, substitute “CASA”.

12 Subregulations 2(3) to (8), (10) and (11)

Repeal the subregulations.

13 Regulations 6 and 6A

Repeal the regulations.

14 Subparagraphs 42X(2)(b)(i) and (ii) and (c)(ii)

Before “aviation authority”, insert “national”.

15 Paragraph 52(1)(d)

Omit “Air Operator’s Certificate becomes aware of a defect in an aircraft component that he or she owns and intends to install in an aircraft used in operations under that Air Operator’s Certificate”, substitute “AOC, an aerial work certificate or a Part 141 certificate, becomes aware of a defect in an aircraft component that the person owns and intends to install in an aircraft used in operations under that certificate”.

16 Regulation 58 (heading)

Omit “**manned balloon**”, substitute “**manned free balloon**”.

17 Subregulations 58(1) and 60(1) and (2)

Omit “manned balloon”, substitute “manned free balloon”.

18 Subregulation 5.01(1) (definition of *approved check radio operator*)

Repeal the definition, substitute:

approved check radio operator means a person who holds both:

- (a) a commercial pilot (balloon) licence; and
- (b) a flight instructor (balloon) rating.

19 Subregulation 5.01(1) (definition of *balloon proficiency check*)

Repeal the definition, substitute:

balloon proficiency check means a check that tests the aeronautical skills and aeronautical knowledge relevant to balloon flight of the person undertaking the check.

20 Subregulation 5.01(1) (definition of *commercial (balloon) pilot licence*)

Repeal the definition.

21 Subparagraph 5.138(2)(b)(ii)

Omit “; and”, substitute “.”.

22 Subparagraphs 5.138(2)(b)(iii) and (iv)

Repeal the subparagraphs.

23 Subregulation 5.138(3)

Repeal the subregulation.

24 Subregulation 5.143(1) (note)

Repeal the note.

25 Subregulation 5.143(7) (paragraph (a) of the definition of *appropriate person*)

Repeal the paragraph, substitute:

(a) a person who holds a flight instructor (balloon) rating; or

26 Parts 7 and 8

Repeal the Parts.

27 Regulations 92 and 92A

Repeal the regulations.

28 Subregulation 94(1)

Omit “the lights or signals prescribed in Part 13”, substitute “a standard visual signal or aviation distress signal”.

29 Paragraph 95(1)(b)

Omit “the Convention”, substitute “the Chicago Convention”.

30 Regulations 96, 99AA, 99A, 100 and 101

Repeal the regulations.

31 Paragraph 105(1)(a)

Omit “air traffic controller licence”, substitute “ATC licence”.

32 Divisions 2 and 3 of Part 10

Repeal the Divisions.

33 Parts 11 to 13

Repeal the Parts.

34 Division 1A of Part 14

Repeal the Division.

35 Regulation 206

Repeal the regulation, substitute:

206 Prescribed purpose—miscellaneous

For the purposes of subsection 27(9) of the Act, each of the following is a prescribed purpose:

- (a) the flying or operation of an aircraft for balloon flying training (within the meaning of subregulation 5.01(1)) that is:
 - (i) for the grant of a balloon flight crew licence or balloon flight crew rating under Part 5; and
 - (ii) conducted for hire or reward;
- (b) an aerial application operation (within the meaning of regulation 137.010 of CASR) to which Part 137 of CASR applies that is conducted for hire or reward;
- (c) the operation of a glider involving the carriage of passengers that is conducted for hire or reward.

36 Regulations 207 to 209

Repeal the regulations.

37 Subregulation 210A(5) (subparagraph (c)(iv) of the definition of *licence holder*)

Repeal the subparagraph, substitute:

- (iv) a commercial pilot (balloon) licence;

38 Regulations 210B, 215 to 222 and 222A to 224

Repeal the regulations.

39 Paragraph 224A(3)(b)

Omit “is successfully participating in an operator’s training and checking system approved by CASA under regulation 217”, substitute “complies with the operator’s training and checking system in accordance with regulation 119.170, 138.125 or 142.310 of CASR”.

40 Regulations 225 to 234A

Repeal the regulations.

41 Subregulation 235(1)

Omit “(1)”.

42 Subregulations 235(2) to (13)

Repeal the subregulations.

43 Regulations 235A to 248 and 248A to 260

Repeal the regulations.

44 Division 5 of Part 14

Repeal the Division.

45 Regulations 262AL and 262AO to 262AS

Repeal the regulations.

46 Subregulation 263(1) (subparagraph (c)(iii) of the definition of *licence*)

Repeal the subparagraph, substitute:

(iii) a commercial pilot (balloon) licence;

47 Regulation 286

Repeal the regulation.

48 Paragraph 297(1)(b)

Omit “the Convention” (first occurring), substitute “the Chicago Convention”.

49 Subregulation 297A(1) (table items 24 to 30)

Repeal the items.

50 Subregulation 298A(8) (paragraph (b) of the definition of *certificate*)

Repeal the paragraph.

51 Subparagraph 299(1)(c)(iv)

Repeal the subparagraph, substitute:

(iv) a commercial pilot (balloon) licence;

52 Subregulation 303(1)

After “Civil Aviation Orders”, insert “, or a Manual of Standards, or both,”.

53 Regulations 309, 309A, 311, 323AA, 323A, 324 and 332

Repeal the regulations.

54 Subsections 5(3) and (4) of Part 2 of Schedule 5

Omit “I.F.R.”, substitute “IFR”.

55 Part 5 of Schedule 7 (heading)

Omit “**manned balloons**”, substitute “**manned free balloons**”.

56 Subclause 5.1 of Schedule 7

Omit “manned balloon”, substitute “manned free balloon”.

57 Parts 1 and 2 of Schedule 8 (heading)

Omit “**balloons**”, substitute “**manned free balloons**”.

Civil Aviation Safety Regulations 1998

58 Subregulation 11.160(3) (note 3)

Repeal the note.

59 Subregulation 11.185(5) (note 3)

Repeal the note.

60 Subregulation 11.260(4) (note)

Repeal the note.

61 Regulation 13.375 (table item 9, column 3)

Omit “Air traffic control licence”, substitute “ATC licence”.

62 Regulation 21.001

Before “This”, insert “(1)”.

63 At the end of regulation 21.001

Add:

(2) This Part does not apply to hang gliders or paragliders.

Note: The Part 103 Manual of Standards may make provision in relation to airworthiness requirements for hang gliders and paragliders (see regulation 103.030).

64 After paragraph 21.006A(1)(a)

Insert:

(aa) if the aircraft is a Part 103 aircraft—the owner of the aircraft;

65 At the end of subregulation 21.006A(2) (before the note)

Add:

or ;(c) if the aircraft is a non-type certificated aircraft—the airworthiness standards that applied to the issue of the aircraft’s certificate of airworthiness or permit under this Part.

66 Subregulation 21.081(1)

After “in accordance with the”, insert “requirements and”.

67 Paragraph 21.081(1)(b)

Repeal the paragraph, substitute:

(b) under Division 91.T.3.

68 Subregulation 21.083(1)

After “in accordance with the”, insert “requirements and”.

69 Paragraph 21.083(1)(b)

Repeal the paragraph, substitute:

(b) under Division 91.T.3.

70 Subregulation 21.085(5)

Omit “limitations mentioned in regulation 262AO of CAR”, substitute “requirements and limitations under Division 91.T.3”.

71 Subregulation 21.173(2)

Omit “registered with a sport aviation body”, substitute “listed with a Part 103 ASAO”.

72 Subregulation 21.181(2)

Omit “Subject to subregulation (4), a”, substitute “A”.

73 Subregulation 21.181(4)

Repeal the subregulation, substitute:

- (4) A certificate of airworthiness is taken to not be in force for any period during which:
- (a) the aircraft is either not registered in Australia or not listed with a Part 103 ASAO; or
 - (b) any type certificate or type acceptance certificate for the type of aircraft concerned is not in force; or
 - (c) in the case of a certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186, the aircraft is modified and the modification:
 - (i) is not authorised by the manufacturer; or
 - (ii) if the manufacturer was no longer existing at the time of the modification or could not have authorised the modification at that time—is not authorised by an authorised person to perform the functions of the manufacturer in relation to the continuing airworthiness of the light sport aircraft; or
 - (iii) does not comply with the LSA standards.
- (4A) For the purposes of subregulation (4), if the certificate of airworthiness was issued for a specified period, the period during which the certificate is taken to not be in force counts as part of the period for which the certificate was issued.

74 Subregulation 21.181(5)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

75 Subregulation 21.181(9)

Omit “stops being in force”, substitute “is taken to not be in force”.

76 Regulation 21.192

Omit “registered with a sport aviation body”, substitute “listed with a Part 103 ASAO”.

77 Regulation 21.192 (note)

Repeal the note.

78 Subregulations 21.195B(1) and (2)

Omit “Subject to subregulation (4), an”, substitute “An”.

79 Subregulation 21.195B(4)

Repeal the subregulation, substitute:

- (4) An experimental certificate for an aircraft is taken to not be in force for any period during which the aircraft is either not registered in Australia or not listed with a Part 103 ASAO.
- (4A) For the purposes of subregulation (4), the period during which the certificate is taken to not be in force counts as part of the period for which the certificate was issued.

80 Paragraph 21.195B(8)(a)

Omit “stops being in force”, substitute “is taken to not be in force”.

81 Subregulation 21.197(6)

Repeal the subregulation, substitute:

- (6) If CASA or an authorised person issues a special flight permit for an aircraft, CASA or the authorised person may direct that any of the following do not apply in relation to the aircraft while the permit is in force:
 - (a) paragraph 91.145(2)(c);
 - (b) paragraph 91.145(2)(d);
 - (c) Division 91.C.3.

82 Subregulation 21.213(2)

Omit “AOC issued for regular public transport operations”, substitute “Australian air transport AOC that authorises scheduled air transport operations”.

83 Paragraph 21.221(1)(b)

Omit “limitations mentioned in subregulation 21.081(4) and regulation 262AO of CAR”, substitute “requirements and limitations under subregulation 21.081(4) and Division 91.T.3”.

84 Subregulation 21.221(5)

Omit “limitations mentioned in subregulation 21.081(4) and regulation 262AO of CAR”, substitute “requirements and limitations under subregulation 21.081(4) and Division 91.T.3”.

85 Paragraph 21.223(1)(b)

Omit “limitations mentioned in subregulation 21.083(7) and regulation 262AO of CAR”, substitute “requirements and limitations under subregulation 21.083(7) and Division 91.T.3”.

86 Subregulation 21.223(6)

Omit “limitations mentioned in subregulation 21.083(7) and regulation 262AO of CAR”, substitute “requirements and limitations under subregulation 21.083(7) and Division 91.T.3”.

87 Paragraph 21.225(1)(b)

Omit “limitations mentioned in subregulation 21.085(6) and regulation 262AO of CAR”, substitute “requirements and limitations under subregulation 21.085(6) and Division 91.T.3”.

88 Subregulation 21.225(5)

Omit “limitations mentioned in subregulation 21.085(6) and regulation 262AO of CAR”, substitute “requirements and limitations under subregulation 21.085(6) and Division 91.T.3”.

89 Subregulation 21.460(4)

Repeal the subregulation, substitute:

- (4) The holder must ensure that a copy of the current version of the amendment or supplement is available (electronically or otherwise) to:
 - (a) for a registered aircraft—the registered operator of the aircraft; or
 - (b) for a Part 103 aircraft that is listed with a Part 103 ASAO—the owner of the aircraft.

90 Regulation 39.001A (paragraph (b) of the definition of *airworthiness directive*)

Before “a foreign”, insert “for a type certificated aircraft—”.

91 Regulation 39.001A (paragraph (c) of the definition of *airworthiness directive*)

Omit “model of aircraft”, substitute “model of type certificated aircraft”.

92 Regulation 39.002

Before “If”, insert “(1)”.

93 Regulation 39.002

After “under”, insert “subregulation (2) or”.

94 At the end of regulation 39.002

Add:

- (2) An aircraft, or an aeronautical product fitted to an aircraft, is excluded from the operation of an airworthiness directive mentioned in subregulation (3) if:
 - (a) the aircraft is a type certificated aircraft; and
 - (b) a standard certificate of airworthiness is not in force for the aircraft; and
 - (c) the aircraft is not type certificated in the primary, intermediate or restricted category.
- (3) The airworthiness directives are:
 - (a) unless the airworthiness directive is expressed to apply to the aircraft—an airworthiness directive mentioned in paragraph (a) of the definition of *airworthiness directive* in regulation 39.001A; and
 - (b) an airworthiness directive mentioned in paragraph (b) or (c) of the definition of *airworthiness directive* in regulation 39.001A.

95 After regulation 39.002A

Insert:

39.002B Compliance with foreign airworthiness directives

The requirements of an Australian airworthiness directive for an aircraft are taken to have been complied with in respect of the aircraft if:

- (a) the Australian airworthiness directive was issued before 1 October 2009; and
- (b) an equivalent foreign State of Design airworthiness directive has been issued; and
- (c) the requirements of a means of compliance with the equivalent foreign State of Design airworthiness directive, approved by the national aviation authority that issued the airworthiness directive, have been complied with in respect of the aircraft.

96 Subregulation 39.003(1)

After “an Australian aircraft”, insert “, or a Part 103 aircraft,”.

97 Paragraph 39.004(2)(b)

Omit “subject to subregulation (5)—”.

98 Paragraph 39.004(3)(b)

Omit “subject to subregulation (5)—”.

99 Subregulation 39.004(5)

Repeal the subregulation.

100 Regulation 42.010 (note 2)

Omit “Under regulation”, substitute “Under regulations 202.180 and”.

101 Regulation 42.010 (paragraph (a) of note 2)

Repeal the paragraph, substitute:

- (a) a registered aircraft that is used to conduct a Part 121 operation that is a scheduled air transport operation;
- (aa) a registered aircraft that is used to conduct a Part 135 operation that is a scheduled air transport operation;

102 Subregulation 42.015(1) (definition of *air transport AOC*)

Repeal the definition.

103 Subregulation 42.015(1) (definition of *EDTO*)

Repeal the definition.

104 Subregulation 42.030(2) (note 3)

Repeal the note.

105 Subregulation 42.040(1) (heading)

Before “*air transport AOC*”, insert “*Australian*”.

106 Subregulation 42.040(1)

Before “air transport AOC”, insert “Australian”.

107 Subregulation 42.040(2) (heading)

Before “*air transport AOC*”, insert “*Australian*”.

108 Subregulation 42.040(2)

Before “air transport AOC”, insert “Australian”.

109 Subregulation 42.105(1) (note 2)

Before “air transport AOC”, insert “Australian”.

110 Paragraph 42.120(b)

After “under”, insert “subregulation 39.002(2) or”.

111 Regulation 42.120

Omit “39.002(b)”, substitute “39.002(1)(b)”.

112 Regulation 42.120 (note 1)

Omit “39.002(b)”, substitute “39.002(1)(b)”.

113 Regulation 42.120 (note 1)

Omit “39.002(c)”, substitute “39.002(1)(c)”.

114 Paragraph 42.155(2)(b)

Omit “EDTO approval issued under Civil Aviation Order 82.0”, substitute “approval under regulation 121.010 for the purposes of paragraph 121.035(1)(b)”.

115 After paragraph 42.155(2)(b)

Insert:

(ba) an aircraft for which an approval under regulation 135.020 for the purposes of subregulation 135.035(1) is in force;

116 Paragraphs 42.195(1)(b) and (c)

Omit “39.002(b)”, substitute “39.002(1)(b)”.

117 Subparagraph 42.195(1)(c)(ii)

Omit “39.002(c)”, substitute “39.002(1)(c)”.

118 Paragraph 42.195(4)(a)

Omit “39.002(b)”, substitute “39.002(1)(b)”.

119 Subregulation 42.195(5)

Omit “39.002(b)”, substitute “39.002(1)(b)”.

120 Paragraph 42.195(6)(a)

Omit “39.002(b)”, substitute “39.002(1)(b)”.

121 Regulations 42.295 and 42.350

Before “air transport AOC”, insert “Australian”.

122 Subregulation 42.360(3) (note)

Repeal the note.

123 Paragraph 42.900(2)(f)

Omit “39.002(b)”, substitute “39.002(1)(b)”.

124 Subparagraph 42.900(2)(f)(ii)

After “under”, insert “subregulation 39.002(2) or”.

125 Subregulation 42.930(1)

Repeal the subregulation, substitute:

- (1) If the certificate of airworthiness for an aircraft expires or is cancelled, the airworthiness review certificate for the aircraft ceases to be in force at the same time as the certificate of airworthiness expires or is cancelled.
- (1A) If the certificate of airworthiness for an aircraft is taken to not be in force under subregulation 21.181(4) for a period, the airworthiness review certificate for the aircraft is taken to not be in force for the same period.
- (1B) For the purposes of subregulation (1A), the period during which the airworthiness review certificate is taken to not be in force counts as part of the period for which the certificate was issued.

126 Regulations 42.940 and 42.970

Before “air transport AOC” (wherever occurring), insert “Australian”.

127 Regulation 45.005

Before “This”, insert “(1)”.

128 At the end of regulation 45.005

Add:

- (2) However, this Part does not apply to a Part 103 aircraft (other than a sailplane).

129 Subregulation 45.015(2)

Repeal the subregulation, substitute:

- (2) However, if the aircraft is a registered sailplane operating in Australian territory:
 - (a) the aircraft’s markings need not include the Australian nationality mark;
and
 - (b) if the first letter of the aircraft’s registration mark is “G”—the aircraft’s markings need not include that first letter.

130 Paragraph 45.090(1)(c)

Omit “provisionally certificated aircraft”, substitute “aircraft for which a provisional certificate of airworthiness is in force”.

131 At the end of subregulation 47.015(1) (before the note)

Add:

- ; (l) a Part 103 aircraft mentioned in subparagraph 103.005(4)(b)(i), (ii), (iva), (v), (vi) or (vii) that is listed with a Part 103 ASAO;
- (m) a Part 103 aircraft mentioned in subparagraph 103.005(4)(b)(iii) or (iv).

132 Subregulation 61.007(2)

Omit “registered glider”, substitute “glider that is a registered sailplane”.

133 Regulation 61.010

Insert:

glider activity means:

- (a) operating a Part 103 aircraft that is a glider; or
- (b) providing training in operating a Part 103 aircraft that is a glider.

glider organisation means a sport aviation body that administers glider activities.**134 Regulation 61.010 (definition of *recreational aviation administration organisation*)**

Repeal the definition.

135 At the end of regulation 61.025

Add “and includes a touring motor glider being operated under Part 91”.

136 Regulation 61.116 (note)

Omit “229 of CAR”, substitute “91.415”.

137 Regulation 61.120

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

138 Regulation 61.120 (note)

Repeal the note, substitute:

- Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.
- Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

139 Paragraph 61.145(1)(a)

Omit “or motorised glider”.

140 At the end of paragraph 61.145(1)(b)

Add “or exposition (whichever is applicable)”.

141 Paragraphs 61.145(2)(c) and (3)(b)

After “operations manual”, insert “or exposition (whichever is applicable)”.

142 Subregulation 61.145(4)

Repeal the subregulation.

143 Subregulation 61.430(2) (note)

Omit “229 of CAR”, substitute “91.415”.

144 Subregulations 61.435(1) and 61.435(3)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

145 Regulation 61.435 (note)

Repeal the note, substitute:

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

146 Regulation 61.460 (note 3)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

147 Paragraph 61.480(1)(a)

Omit “recreational aviation administration organisation”, substitute “sport aviation body”.

148 Subregulation 61.490(3)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

149 Paragraphs 61.500(2)(b), (3)(b), (4)(b) and (5)(b)

Omit “recreational aviation administration organisation”, substitute “sport aviation body”.

150 Regulation 61.505 (note 3)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

151 Subparagraphs 61.570(a)(i) to (iii)

Repeal the subparagraphs, substitute:

- (i) a multi-crew aircraft in an air transport operation; or
- (ii) if the holder has less than 750 hours of flight time as a pilot of an aeroplane—an aeroplane certificated for single-pilot operation with a maximum certificated take-off weight of more than 5,700 kg in an air transport operation; or
- (iii) if the holder has less than 750 hours of flight time as a pilot of a rotorcraft—a rotorcraft with a maximum certificated take-off weight of more than 3,175 kg in an air transport operation; and

152 Regulation 61.570 (note 3)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

153 Regulation 61.635

Omit “is approved as a training and checking organisation under regulation 217 of CAR”, substitute “has a training and checking system that is in accordance with the requirements of Part 119 or 138”.

154 Regulations 61.635 (note 3) and 61.665 (note 3)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

155 Paragraphs 61.1165(j), 61.1190(g) and 61.1227(1)(a)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

156 Subregulations 61.1355(1) and (2)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

157 Regulation 61.1355 (note)

Repeal the note, substitute:

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

158 Paragraphs 61.1395(f), 61.1427(1)(a) and 61.1510(b)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

159 Paragraph 61.1510(a)

Omit “or motorised glider”.

160 Regulation 61.1510 (note)

Repeal the note, substitute:

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

161 Subregulation 61.1515(1)

Omit “operations manual of a recreational aviation administration organisation that administers glider activities”, substitute “operations manual or exposition (whichever is applicable) of a glider organisation”.

162 Subregulation 61.1515(2)

Omit “or motorised glider”.

163 Paragraph 61.1515(2)(a)

Omit “or motorised gliders”.

164 Paragraph 61.1515(2)(b)

Omit “or motorised glider”.

165 Subregulation 61.1515(3)

Omit “or motorised glider”.

166 Paragraph 61.1515(4)(a)

Omit “recreational aviation administration organisation that administers glider activities”, substitute “glider organisation”.

167 Paragraph 61.1515(4)(a)

Omit “or motorised glider”.

168 Regulation 61.1520

Omit “or motorised glider”.

169 Regulation 61.1520

Omit “operations manual of the organisation that”, substitute “operations manual or exposition (whichever is applicable) of the glider organisation that”.

170 Paragraph 61.1525(3)(b)

Omit “recreational aviation administration organisation that administers glider activities”, substitute “glider organisation”.

171 Regulation 61.1530

Omit “or motorised glider”.

172 Paragraph 61.1540(2)(a)

Omit “recreational aviation administration organisation that administers glider activities”, substitute “glider organisation”.

173 Paragraphs 61.1540(2)(c) and (3)(a), (b) and (c)

Omit “or motorised glider”.

174 Paragraph 64.005(a)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

175 Regulation 64.005 (note 1)

Repeal the note, substitute:

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 1A: Under Part 61:

(a) holders of flight crew licences are authorised to transmit on an aviation safety radio frequency, or to taxi an aeroplane, in certain circumstances; and

- (b) people receiving training for a flight crew licence are authorised to transmit on an aviation safety radio frequency in certain circumstances.

Note 1B: For the definition of *aviation safety radio frequency*, see the Dictionary.

176 Regulation 64.005 (note 2)

Omit “229 of CAR”, substitute “91.415”.

177 Regulation 64.005 (note 3)

Repeal the note.

178 Subregulation 64.035(1)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

179 Regulation 64.040

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

180 Paragraph 64.045(3)(e)

Repeal the paragraph, substitute:

- (e) an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for the purposes of subparagraph 91.400(1)(a)(iv).

181 Subregulation 65.065(1)

Omit “a radio frequency of a kind used for the purpose of ensuring the safety of air navigation”, substitute “an aviation safety radio frequency”.

182 Subregulation 65.065(3) (note)

Repeal the note, substitute:

Note 1: A person is prohibited from transmitting on an aviation safety radio frequency unless the person is authorised or qualified to do so: see regulation 91.625.

Note 2: For the definition of *aviation safety radio frequency*, see the Dictionary.

183 Subregulation 67.235(2)

Omit “air traffic controller licence” (wherever occurring), substitute “ATC licence”.

184 Paragraphs 67.265(1)(c) and 67.270(1)(c)

Omit “air traffic controller licence”, substitute “ATC licence”.

185 Subregulation 90.008(1) (note)

Repeal the note.

186 Regulation 90.265 (heading)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

187 Paragraph 90.265(1)(c)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

188 Subregulation 90.265(1) (note)

Repeal the note.

189 Paragraph 90.275(1)(d)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

190 Subregulation 90.275(1) (note)

Repeal the note.

191 Paragraph 90.280(1)(d)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

192 Subregulation 90.280(1) (note)

Repeal the note.

193 Paragraph 90.285(1)(c)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

194 Subregulation 90.285(1) (note)

Repeal the note.

195 Paragraph 90.410(1)(c)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

196 Subregulation 90.410(1) (note)

Repeal the note.

197 Subpart 90.E (heading)

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

198 Regulation 90.600

Omit “regular public transport operations”, substitute “scheduled air transport operations”.

199 Regulation 90.600 (note)

Repeal the note.

200 After subregulation 91.030(2)

Insert:

- (2A) If Part 103 does not apply to the operation of a touring motor glider because of the operation of subregulation 103.005(2A), then, despite subregulation (2) of this regulation, the provisions mentioned in subregulation (2) of this regulation apply to the operation of the touring motor glider.

201 After paragraph 91.030(3)(ma)

Insert:

(mb) regulation 91.725;

202 Subregulation 91.035(1) (after table item 2)

Insert:

2A	Division 91.C.3	Division 121.C.3
		Division 133.C.3
		Division 135.C.3

203 Division 91.C.3 (after the heading)

Insert:

Note: This Division does not apply to the operation of an aircraft if Division 121.C.3, 133.C.3 or 135.C.3 applies to the operation: see regulation 91.035.

204 Paragraphs 91.145(2)(a) to (d)

Repeal the paragraphs, substitute:

- (a) if the aircraft is required to be registered—the aircraft must be registered;
- (b) the aircraft must have a certificate of airworthiness or special flight permit;
- (c) the aircraft must meet the requirements prescribed by the Part 45 Manual of Standards (display of nationality marks, registration marks and aircraft registration identification plates);
- (d) if Part 42 does not apply to the aircraft:
 - (i) a maintenance release, or other document approved for use under these Regulations as an alternative to a maintenance release, must be in force for the aircraft; and
 - (ii) the flight must comply with any condition that is set out or referred to in the maintenance release or other document approved for use as an alternative to the maintenance release;

205 At the end of subregulation 91.145(2)

Add:

Note: CASA or an authorised person may direct that these requirements do not apply to an aircraft with a special flight permit: see regulation 21.197.

206 Subparagraph 91.745(2)(d)(i)

Omit “a provisionally certificated aircraft”, substitute “an aircraft for which a provisional certificate of airworthiness is in force”.

207 Paragraph 91.850(2)(c)

After “operation”, insert “or a balloon transport operation”.

208 Paragraph 91.865(1)(a)

Omit “the aircraft is provisionally certificated”, substitute “only a provisional certificate of airworthiness has been issued for the aircraft”.

209 Subregulation 91.870(1)

Omit “a provisionally certificated aircraft”, substitute “an aircraft for which a provisional certificate of airworthiness is in force”.

210 Subregulation 91.900(4)

Omit “a person”, substitute “an authorised person”.

211 Regulation 92.165 (heading)

Repeal the heading, substitute:

92.165 Goods carried by external load

212 Regulation 92.165

Omit “that is a helicopter”, substitute “that is a rotorcraft”.

213 Paragraph 92.165(a)

Omit “helicopter”, substitute “rotorcraft”.

214 Subparagraph 92.165(b)(i)

Omit “a slung load”, substitute “an external load”.

215 Paragraph 92.165(c)

Omit “operating crew”, substitute “crew members”.

216 Paragraph 92.165(c)

Omit “helicopter”, substitute “rotorcraft”.

217 Paragraph 92.165(d)

Omit “helicopter’s”, substitute “rotorcraft’s”.

218 Paragraph 92.165(e)

Repeal the paragraph, substitute:

- (e) the rotorcraft is being used to conduct an external load operation in accordance with the requirements of these Regulations that apply in relation to the rotorcraft.

219 Regulation 92.165 (note)

Repeal the note, substitute:

Note: See Part 133 in relation to requirements that apply to external load operations that are part of a medical transport operation and Part 138 in relation to requirements that apply to external load operations that involve an aerial work operation.

220 Paragraphs 92.195(1)(b) and (2)(b)

Omit “an aircraft engaged in regular public transport operations”, substitute “a prescribed aircraft (within the meaning of section 9 of the *Aviation Transport Security Act 2004*)”.

221 Paragraphs 99.015(2)(i) and (j)

Omit “air traffic controller licence”, substitute “ATC licence”.

222 Regulation 101.020

Omit “7, 9, 10, 11, 12, 13”, substitute “9, 10”.

223 Subregulation 101.105(1) (definition of *tethered balloon*)

Omit “a balloon”, substitute “an unmanned balloon”.

224 Subregulation 101.285(2) (paragraph (c) of the definition of *relevant qualification*)

Repeal the paragraph, substitute:

(c) an ATC licence;

225 Subregulation 101.285(7)

Omit “specified under paragraph 99A(3)(b) of CAR for a particular area or aerodrome”, substitute “prescribed by the Part 91 Manual of Standards for the purposes of subregulation 91.255(1) or paragraph 91.630(1)(b)”.

226 Paragraphs 101.290(1)(a), 101.295(3)(c) and 101.300(3)(c)

Omit “air traffic control licence” (wherever occurring), substitute “ATC licence”.

227 After subregulation 103.005(2)

Insert:

(2A) Despite subregulation (1), this Part does not apply to the operation of a touring motor glider if:

- (a) the touring motor glider is registered; and
- (b) the touring motor glider is being operated solely under Part 91 during a flight; and
- (c) either:
 - (i) the pilot in command for the flight is exercising the privileges of a pilot licence with an aeroplane category rating; or
 - (ii) the pilot in command for the flight holds an approval under regulation 61.040 for paragraph 61.1515(1)(b).

228 After subparagraph 103.005(4)(b)(iv)

Insert:

(iva) a touring motor glider;

229 Paragraph 103.025(2)(a)

Omit “or powered paraglider”, substitute “, powered paraglider or registered touring motor glider”.

230 Regulation 103.100

Repeal the regulation, substitute:

103.100 Application of CAR Parts 4 to 4D

- (1) Parts 4 and 4A of CAR do not apply to a Part 103 aircraft unless:
 - (a) the aircraft is listed with a Part 103 ASAO; and
 - (b) a standard certificate of airworthiness is in force in relation to the aircraft.
- (2) Parts 4B, 4C and 4D of CAR do not apply to a Part 103 aircraft unless:
 - (a) a standard certificate of airworthiness is in force in relation to the aircraft;
and
 - (b) the aircraft is:
 - (i) a sailplane; or
 - (ii) listed with a Part 103 ASAO.

231 Subregulation 105.085(2)

Omit “The pilot in command of the aircraft contravenes”, substitute “The operator and the pilot in command of an aircraft each contravene”.

232 At the end of regulation 117.005

Add:

- ; and (c) not providing statistical information about aircraft; and
- (d) not providing traffic reports.

233 At the end of subregulation 117.015(2)

Add:

- ; (e) the holder of an aerial work certificate;
- (f) the holder of an approval under regulation 131.035 to conduct a specialised balloon operation.

234 At the end of Part 117

Add:

117.020 Owner or registered operator to provide information about aircraft

- (1) CASA may, by written notice given to the owner of an aircraft or the registered operator of the aircraft if the owner is not the registered operator of the aircraft, direct the person to:
 - (a) collect specified statistical and other information relating to the aircraft, including information in relation to any of the following:
 - (i) operations of the aircraft;
 - (ii) passengers or cargo carried by the aircraft;
 - (iii) crew members of the aircraft;
 - (iv) modifications, repairs, damage or defects in the aircraft; and
 - (b) provide the information to CASA within the time stated in the notice.
- (2) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.

-
- (3) CASA may, by written notice given to the person, grant the extension.
 - (4) If CASA gives a person a direction under this regulation, the person must comply with the direction:
 - (a) if CASA grants an extension under subregulation (3)—within the time stated in the notice of extension; or
 - (b) otherwise—within the time stated in the notice under subregulation (1).
 - (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 25 penalty units.

117.025 Owner or registered operator to provide traffic reports

- (1) CASA may, by written notice given to the owner of an aircraft engaged in air transport operations or the registered operator of the aircraft if the owner is not the registered operator of the aircraft, direct the person to:
 - (a) prepare traffic reports; and
 - (b) provide the traffic reports to CASA within the time stated in the notice.
- (2) The person may, before the end of the time stated in the notice, apply in writing to CASA for an extension.
- (3) CASA may, by written notice given to the person, grant the extension.
- (4) If CASA gives a person a direction under this regulation, the person must comply with the direction:
 - (a) if CASA grants an extension under subregulation (3)—within the time stated in the notice of extension; or
 - (b) otherwise—within the time stated in the notice under subregulation (1).
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 25 penalty units.

117.030 Protection of information

When this regulation applies

- (1) This regulation does not apply in relation to personal information.

Note: For disclosure of personal information, see regulation 201.016.

Information must not be disclosed except in certain circumstances

- (2) A person to whom information has been disclosed under regulation 117.020 or 117.025 must not disclose the information.
- (3) Subregulation (2) does not apply if:
 - (a) the disclosure is for the purposes of these Regulations or the Act; or
 - (b) the disclosure is authorised or required by a law of the Commonwealth; or
 - (c) the disclosure is in connection with compliance with a requirement of the Chicago Convention; or

- (d) CASA is satisfied that the disclosure is necessary in the interests of the safety of air navigation; or
- (e) the disclosure is with the consent of the person to whom the information disclosed relates.

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

Penalty: 25 penalty units.

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

235 Subregulation 119.070(1) (note)

Repeal the note, substitute:

- Note 1: These matters are in addition to the matters specified in section 28 (CASA must issue AOC if satisfied about certain matters) of the Act.
- Note 2: For Australian air transport AOCs with ANZA privileges, these matters are also in addition to the matters specified in section 28B (Additional conditions for issue of an Australian AOC with ANZA privileges) of the Act and subregulation (4) of this regulation.

236 At the end of regulation 119.070

Add:

Additional conditions—Australian air transport AOC with ANZA privileges

- (4) For the purposes of paragraph 28B(1)(e) of the Act, it is also a condition for the issue of an Australian air transport AOC with ANZA privileges that CASA must be satisfied that each aeroplane the applicant proposes to operate under the AOC for ANZA activities in New Zealand complies with the following requirements:
 - (a) the aeroplane either:
 - (i) has a maximum take-off weight of more than 15,000 kg; or
 - (ii) is permitted by its type certificate or foreign type certificate to have a passenger seating capacity of more than 30 seats;
 - (b) the aeroplane is registered in Australia or New Zealand.

237 At the end of subregulation 119.080(1)

Add:

- Note 1: These matters are in addition to the matters specified in section 28BA (general conditions) and subsection 28BAA(1) (certain conditions for grant of AOC also have effect as ongoing conditions on the AOC) of the Act.
- Note 2: For Australian air transport AOCs with ANZA privileges, these matters are also in addition to the matters specified in subsection 28BAA(2) (certain conditions for grant of AOC also have effect as ongoing conditions on the AOC) of the Act and subregulation (3) of this regulation.

238 At the end of regulation 119.080

Add:

Additional conditions—Australian air transport AOC with ANZA privileges

- (3) For the purposes of paragraph 28BA(1)(b) of the Act, it is also a condition of an Australian air transport AOC with ANZA privileges that each aeroplane operated by the AOC holder under the AOC for ANZA activities in New Zealand must comply with the following requirements:
- (a) the aeroplane either:
 - (i) has a maximum take-off weight of more than 15,000 kg; or
 - (ii) is permitted by its type certificate or foreign type certificate to have a passenger seating capacity of more than 30 seats;
 - (b) the aeroplane is registered in Australia or New Zealand.

239 Paragraphs 131.005(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) is equipped to carry one or more persons; and
- (b) is permanently tethered.

240 At the end of subregulation 131.025(1)

Add:

- ; (c) balloon flying training (within the meaning of subregulation 5.01(1) of CAR) for the grant of a balloon flight crew licence (within the meaning of that subregulation) or a balloon flight crew rating (within the meaning of that subregulation).

Note: Balloon flying training for any of these purposes is a prescribed purpose under paragraph 206(a) of CAR which means an AOC is required to conduct this training. Balloon flying training conducted for other purposes is a Part 131 recreational activity.

241 Division 131.C.6 (heading)

Omit “for balloons”.

242 Subregulation 131.435(1)

Repeal the subregulation, substitute:

- (1) The operator and pilot in command of a Part 131 aircraft for a flight that is a balloon transport operation each contravene this subregulation if, during the flight, the pilot in command permits balloon flying training (within the meaning of subregulation 5.01(1) of CAR) for any purpose.

243 Regulation 131.450

Repeal the regulation, substitute:

131.450 Loading procedures

A balloon transport operator’s exposition must include the following in relation to a flight of a Part 131 aircraft:

- (a) procedures for loading the aircraft for a flight to comply with regulation 131.445;
- (b) procedures for working out the following weights for a flight of the aircraft:

- (i) the total weight of the crew members and any carry-on baggage of the crew members;
- (ii) the total weight of any passengers and any carry-on baggage of the passengers;
- (iii) the total weight of any cargo (other than carry-on baggage);
- (iv) the total weight of any usable fuel and fuel containers to be carried;
- (v) the total weight of any assembled balloon components;
- (c) procedures to ensure that a last-minute change to a load does not cause the aircraft to exceed its weight limits;
- (d) procedures for offloading passengers or cargo to ensure that the aircraft does not exceed its weight limits;
- (e) procedures to ensure the aircraft's minimum weight can be maintained throughout the flight;
- (f) procedures for ensuring that ambient temperature increases before the aircraft takes off for the flight do not cause the aircraft to exceed its weight limits.

244 Subregulation 131.565(1)

After “subregulation (2)”, insert “or (2A).”

245 After subregulation 131.565(2)

Insert:

- (2A) The requirement is that any other person who is to perform an activity essential to the operation of the Part 131 aircraft for the flight is authorised to perform that activity under regulation 5.03 of CAR.

246 Subregulation 132.005(1)

Repeal the subregulation.

247 Paragraph 132.045(1)(a)

Repeal the paragraph.

248 Paragraph 132.045(1)(b)

After “CAR”, insert “or of Part 91”.

249 Subparagraph 132.070(1)(a)(ii)

Omit “regular public transport or charter operations”, substitute “air transport operations”.

250 Regulation 132.080

Repeal the regulation.

251 Subparagraph 132.150(a)(ii)

Omit “regular public transport or charter operations”, substitute “air transport operations”.

252 Paragraph 132.155(4)(a)

Omit “regular public transport or charter operations” (wherever occurring), substitute “air transport operations”.

253 Subregulation 132.155(4) (note)

Omit “Division 4 of Part 14 of CAR”, substitute “Division 91.D.7”.

254 After subregulation 135.035(2)

Insert:

(2A) Subregulation (2) does not apply to:

- (a) an operator or a pilot; and
- (b) a requirement;

if the operator or the pilot holds an approval under regulation 135.020 for the requirement.

255 At the end of regulation 135.035 (after the penalty)

Add:

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

256 Subregulation 137.135(4) (note)

Repeal the note.

257 Regulation 137.155

Repeal the regulation.

258 Regulation 139.001 (note 1)

Omit “regulation 92 of CAR”, substitute “regulations 91.410 and 121.205”.

259 Regulation 139.001 (paragraph (a) of note 2)

Omit “use of aerodromes (Part 9 of CAR) or”.

260 Subparagraphs 141.015(1)(g)(ii) and 142.015(2)(g)(ii)

Omit “a training and checking organisation approved under regulation 217 of CAR”, substitute “an operator that has a training and checking system that is in accordance with the requirements of Part 119 or 138”.

261 Subregulation 149.415(6)

Omit “the sport aviation body”, substitute “the ASAO”.

262 Subregulation 171.010(1) (definition of *radionavigation service*)

Repeal the definition.

263 Subpart 200.A

Repeal the Subpart.

264 Regulations 200.001, 200.002, 200.003, 200.004, 200.006, 200.010, 200.013 and 200.014

Repeal the regulations.

265 Regulation 200.020

Omit “(other than the excluded provisions)”.

266 Paragraph 200.025(a)

After “sport aviation body”, insert “(other than an ASAO)”.

267 Paragraph 200.030(b)

After “sport aviation body”, insert “(other than an ASAO)”.

268 Subregulation 201.001(1)

Repeal the subregulation, substitute:

- (1) CASA may appoint a person, or the persons included in a class of persons, to be an authorised person in relation to any one or more of the following:
 - (a) CASR;
 - (b) a particular provision of CASR;
 - (c) CAR;
 - (d) a particular provision of CAR.

269 After regulation 201.001

Insert:

201.002 Identity cards

CASA must issue identity cards

- (1) CASA must issue an authorised person with an identity card if the person:
 - (a) is an officer; and
 - (b) performs functions or duties or exercise powers under any one or more of the following provisions:
 - (i) subregulation 30(4) of CAR;
 - (ii) subregulation 33(2) of CAR;
 - (iii) regulation 43A of CAR;
 - (iv) regulation 50D of CAR;
 - (v) regulation 53 of CAR;
 - (vi) regulation 290 of CAR;
 - (vii) regulation 302 of CAR;
 - (viii) regulation 305 of CAR;
 - (ix) a provision of CASR under which the person may enter premises or exercise inspection powers.
- (2) The identity card is valid for the period that the person has been appointed as an authorised person for.
- (3) The identity card must:

-
- (a) contain a photograph of the person that is no more than 5 years old; and
 - (b) specify which of the following the person is appointed as an authorised person for:
 - (i) CASR;
 - (ii) a particular provision of CASR;
 - (iii) CAR;
 - (iv) a particular provision of CAR; and
 - (c) specify any conditions of the appointment.

Returning identity cards

- (4) A person contravenes this subregulation if:
 - (a) the person has been issued with an identity card; and
 - (b) the person ceases to be an authorised person for any or all of the provisions specified in the card; and
 - (c) the person does not return the card to CASA within 7 days of the person ceasing to be an authorised person.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 10 penalty units.

Display and production of identity cards

- (6) If an authorised person is performing functions or exercising powers in accordance with CASR or CAR, the person must:
 - (a) wear their identity card so that it can be readily seen; and
 - (b) upon request, show their identity card.

201.002A Authorised persons requesting cockpit entry or occupation of seat etc.

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, an authorised person requests to enter the cockpit; and
 - (b) the request is for the purposes of, or in connection with, the authorised person performing their duties; and
 - (c) the authorised person produces or displays their identity card; and
 - (d) the pilot in command refuses or fails to comply with the request.
- (2) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, an authorised person requests to occupy a particular seat or particular position on the aircraft; and
 - (b) the request is for the purposes of, or in connection with, the authorised person performing their duties; and
 - (c) the authorised person produces or displays their identity card; and
 - (d) the pilot in command refuses or fails to comply with the request.
- (3) Subregulation (1) or (2) does not apply if the pilot in command is satisfied that the safety of the aircraft, or of any person or property, is likely to be endangered as a result of the entry of the authorised person to the cockpit, or the occupation of the seat or position by the authorised person (as the case may be).

-
- (4) The pilot in command of an aircraft for a flight contravenes this subregulation if:
- (a) subregulation (1) or (2) applies in relation to a request (the *first request*) by an authorised person; and
 - (b) the authorised person requests the pilot in command to report to CASA the reasons for the refusal or failure to comply with the first request; and
 - (c) the pilot in command fails to give the report to CASA in the approved form within 7 days of the refusal or failure.

Note: Under regulation 11.018, a report in the approved form is not complete unless it contains all of the information required by the form.

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

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

270 Subregulation 201.004(2) (after table item 17)

Insert:

17A	under subregulation 91.980(1) imposing conditions on the operation of foreign registered aircraft in Australian territory
17B	under subregulation 119.105(1) directing an Australian air transport operator to change its exposition
17C	under subregulation 119.105(2) directing an Australian air transport operator to remove key personnel
17D	under subregulation 119.135(5) directing a head of flying operations of an Australian air transport operator to undertake an assessment
17E	under subregulation 119.145(5) directing a head of training and checking of an Australian air transport operator to undertake an assessment
17F	under subregulation 119.165(2) directing an Australian air transport operator that key personnel of the operator must have additional qualifications or experience
17G	under subregulation 119.165(3) directing key personnel of an Australian air transport operator to undertake an examination, interview or training
17H	under subregulation 131.115(1) directing a balloon transport operator to change its exposition
17J	under subregulation 131.115(2) directing a balloon transport operator to remove key personnel
17K	under subregulation 131.145(3) directing a head of flying operations of a balloon transport operator to undertake an assessment
17L	under subregulation 131.175(2) directing a balloon transport operator that key personnel of the operator must have additional qualifications or experience
17M	under subregulation 131.175(3) directing key personnel of a balloon transport operator to undertake an examination, interview or training

271 Subregulation 201.004(2) (after table item 22)

Insert:

23	under subregulation 138.068(1) directing an aerial work operator to change its operations manual
23A	under subregulation 138.068(2) directing an aerial work operator to remove key personnel
23B	under subregulation 138.090(4) directing a head of operations of an aerial work operator to undertake an assessment
23C	under subregulation 138.100(5) directing a head of training and checking of an aerial work operator to undertake an assessment
23D	under subregulation 138.120(2) directing an aerial work operator that key personnel of the operator must have additional qualifications or experience
23E	under subregulation 138.120(3) directing key personnel of an aerial work operator to undertake an examination, interview or training

272 Subregulation 201.004(2) (after table item 24)

Insert:

25	under subregulation 141.100(1) directing a Part 141 operator to change its operations manual
25A	under subregulation 141.100(2) directing a Part 141 operator to remove key personnel
25B	under subregulation 141.125(3) directing a head of operations of a Part 141 operator to undertake an assessment
25C	under subregulation 141.155(2) directing a Part 141 operator that key personnel of the operator must have additional qualifications or experience
25D	under subregulation 141.155(3) directing key personnel of a Part 141 operator to undertake an examination, interview or training
25E	under subregulation 142.155(1) directing a Part 142 operator to change its exposition
25F	under subregulation 142.155(2) directing a Part 142 operator to remove key personnel
25G	under subregulation 142.185(6) directing a head of operations of a Part 142 operator to undertake an assessment
25H	under subregulation 142.215(2) directing a Part 142 operator that key personnel of the operator must have additional qualifications or experience
25J	under subregulation 142.215(3) directing key personnel of a Part 142 operator to undertake an examination, interview or training

273 At the end of subregulation 201.004(2) (after the table)

Add:

Note: See also section 31 of the Act.

274 After regulation 201.020

Insert:

201.022 Carriage of medicines—relationship with other laws

- (1) This regulation applies if a provision of these Regulations or of a Manual of Standards:
 - (a) requires that a medicine or drug must be carried on an aircraft; or

- (b) prescribes a requirement in relation to the carriage or use of a medicine or drug on an aircraft.
- (2) None of the following persons are required to obtain or have a licence, approval or permission for carrying or using the medicine or drug on the aircraft:
 - (a) the operator of the aircraft;
 - (b) the pilot in command of the aircraft;
 - (c) a crew member of the aircraft.
- (3) This regulation applies despite any other law of the Commonwealth, or of a State or Territory.

275 At the end of Part 201

Add:

201.030 Approvals by CASA—definitions in these Regulations

- (1) If a definition in these Regulations refers to a person holding an approval under this regulation, a person may apply, in writing, to CASA for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

276 Division 202.AD.1

Repeal the Division.

277 Paragraph 202.180(1)(a)

Repeal the paragraph, substitute:

- (a) a registered aircraft that is used to conduct a Part 121 operation that is a scheduled air transport operation; and
- (aa) a registered aircraft that is used to conduct a Part 135 operation that is a scheduled air transport operation; and

278 Subregulation 202.181(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to any of the following:
 - (a) a registered aircraft that is used to conduct a Part 121 operation that is not a scheduled air transport operation;
 - (b) a registered aircraft that is used to conduct a Part 133 operation;
 - (c) a registered aircraft that is used to conduct a Part 135 operation that is not a scheduled air transport operation;
 - (d) a registered aircraft that is used to conduct an aerial work operation under an aerial work certificate;
 - (e) a registered aircraft that is used to conduct an aerial application operation under an AOC;
 - (f) a registered aircraft that is used to conduct authorised Part 141 flight training or an authorised Part 142 activity;

- (g) a registered large aircraft that is not authorised to operate under an AOC, an aerial work certificate or a Part 141 certificate.

279 Paragraph 202.862(4)(a)

Omit “sports”, substitute “sport”.

280 Part 1 of the Dictionary

Insert:

aerodrome control service has the same meaning as in Annex 11 to the Chicago Convention.

aerodrome reference point, in relation to an aerodrome, means the geographical location of the aerodrome:

- (a) determined in accordance with the Part 139 Manual of Standards; or
- (b) specified by a Part 141 operator in its operations manual, or a Part 142 operator in its exposition.

aerodrome traffic has the same meaning as in Annex 11 to the Chicago Convention.

aeroplane means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight, but does not include a power-assisted sailplane.

air traffic has the same meaning as in Annex 11 to the Chicago Convention.

air traffic control means Air Traffic Services in its capacity as a provider of air traffic control services.

air traffic control clearance means an authorisation given by a person performing duties in air traffic control for an aircraft to proceed under conditions specified in the authorisation.

air traffic control instructions means directions given by a person performing duties in air traffic control for an aircraft to conduct its flight in the manner specified in the directions.

air traffic control service has the same meaning as in Annex 11 to the Chicago Convention.

281 Part 1 of the Dictionary (definition of *Air Traffic Services*)

Repeal the definition, substitute:

Air Traffic Services:

- (a) in relation to an air traffic service provided in Australian-administered airspace—means:
 - (i) an ATS provider; or
 - (ii) the Defence Force in its capacity as a provider of air traffic services; and
- (b) in relation to an air traffic service provided in airspace that is not Australian-administered airspace—an air traffic service provider authorised by the national aviation authority of the relevant foreign country to provide the air traffic service.

282 Part 1 of the Dictionary

Insert:

alternate aerodrome has the same meaning as in Annex 2 to the Chicago Convention.

altitude has the same meaning as in Annex 2 to the Chicago Convention.

approach control service has the same meaning as in Annex 11 to the Chicago Convention.

apron has the same meaning as in Annex 11 to the Chicago Convention.

area control service has the same meaning as in Annex 11 to the Chicago Convention.

Australian-administered airspace has the same meaning as in the *Air Services Act 1995*.

283 Part 1 of the Dictionary (definition of *authorised Part 141 flight training*)

Repeal the definition, substitute:

authorised Part 141 flight training: see regulation 141.015.

284 Part 1 of the Dictionary (definition of *authorised Part 142 activity*)

Repeal the definition, substitute:

authorised Part 142 activity: see regulation 142.015.

285 Part 1 of the Dictionary (definition of *authorised person*)

Repeal the definition, substitute:

authorised person means a person who is appointed under regulation 201.001 to be an authorised person in relation to one or more of the following:

- (a) CASR;
- (b) a particular provision of CASR;
- (c) CAR;
- (d) a particular provision of CAR.

286 Part 1 of the Dictionary

Insert:

aviation safety radio frequency means a radio frequency that is published in the AIP or NOTAMs and covered by any of the subparagraphs of paragraph 91.625(1)(a).

balloon transport AOC: see subregulation 131.015(1).

balloon transport operation: see regulation 131.010.

balloon transport operator: see subregulation 131.015(2).

class of airspace:

- (a) means a class of airspace designated by Australia or a foreign country in accordance with Annex 11 to the Chicago Convention; and
- (b) in relation to Australian-administered airspace—includes a volume of airspace determined to be a class of airspace under paragraph 5(1)(d) of the *Airspace Regulations 2007*.

cloud ceiling has the same meaning as **ceiling** in Annex 2 to the Chicago Convention.

287 Part 1 of the Dictionary (definition of *commercial (balloon) pilot licence*)

Repeal the definition, substitute:

commercial pilot (balloon) licence means a commercial pilot (balloon) licence issued under Part 5 of CAR.

288 Part 1 of the Dictionary

Insert:

control area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian-administered airspace—includes a volume of airspace determined to be a control area under paragraph 5(1)(c) of the *Airspace Regulations 2007*.

controlled aerodrome: an aerodrome is a **controlled aerodrome** at a particular time if, at that time, an air traffic control service is provided to aerodrome traffic.

controlled airspace means airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification.

Note: The airspace classification is the classification of airspace as a class of airspace (for example, class A airspace).

control zone:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian-administered airspace—includes a volume of airspace determined to be a control zone under paragraph 5(1)(b) of the *Airspace Regulations 2007*.

289 Part 1 of the Dictionary (definition of *corporation*)

Omit “and 149”, substitute “, 131 and 149”.

290 Part 1 of the Dictionary

Insert:

cruising level has the same meaning as in Annex 2 to the Chicago Convention.

danger area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian territory—includes an area designated as a danger area by a declaration made under subregulation 6(1) of the *Airspace Regulations 2007*.

EDTO has the meaning given by the Part 121 Manual of Standards.

elevation has the same meaning as in Annex 4 to the Chicago Convention.

employed in private operations: an aircraft is **employed in private operations** if the aircraft is used to conduct an operation that is a private operation.

examination means an examination by way of a test of theoretical knowledge or a practical test of knowledge and skill.

291 Part 1 of the Dictionary (definition of **excluded provisions**)

Repeal the definition.

292 Part 1 of the Dictionary

Insert:

experimental aircraft means an aircraft for which a special certificate of airworthiness is in force under regulation 21.195A.

293 Part 1 of the Dictionary (at the end of the definition of **exposition**)

Add:

; or (c) for a balloon transport operator:

- (i) the set of documents approved by CASA under regulation 131.085; or
- (ii) if the set of documents is changed under regulation 131.095, 131.105 or 131.115—the set of documents as changed.

294 Part 1 of the Dictionary

Insert:

FAA means the Federal Aviation Administration of the United States of America.

flight information area means a volume of airspace determined to be a flight information area under subparagraph 5(1)(a)(i) of the *Airspace Regulations 2007*.

flight information service has the same meaning as in Annex 11 to the Chicago Convention.

flight plan has the same meaning as in Annex 2 to the Chicago Convention.

flight visibility has the same meaning as in Annex 2 to the Chicago Convention.

flying training means any training given during flight time in an aircraft for the purpose of increasing a person's skill in flying the aircraft.

foreign aircraft has the same meaning as foreign registered aircraft.

Note: However, a reference to **foreign aircraft** or **foreign registered aircraft** does not include a state aircraft of a foreign country: see subregulation 3(5) of CAR.

gas balloon means a balloon that sustains flight with lighter-than-air gas.

295 Part 1 of the Dictionary (definition of **glider**)

Repeal the definition, substitute:

glider means an unpowered, heavier-than-air aircraft that derives its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight.

296 Part 1 of the Dictionary

Insert:

grant, in relation to a civil aviation authorisation, includes grant by renewal.

297 Part 1 of the Dictionary (definition of *hang glider*)

Repeal the definition, substitute:

hang glider means a glider with some rigid structure:

- (a) that has an empty weight of 70 kg or less; and
- (b) the free flight of which does not depend on an engine.

298 Part 1 of the Dictionary

Insert:

heading has the same meaning as in Annex 2 to the Chicago Convention.

height has the same meaning as in Annex 2 to the Chicago Convention.

helicopter means a heavier-than-air aircraft supported in flight by the reaction of the air on one or more normally power-driven rotors on substantially vertical axes.

hot air airship means a power driven lighter-than-air aircraft where the engine does not create any portion of lift.

IFR operation means an operation conducted under the IFR.

international operating agency means an international operating agency referred to in Article 77 of the Chicago Convention.

international registration plan means a plan for the registration by an international organisation of aircraft operated, or to be operated, by an international operating agency, being a plan approved by the Council by a determination made in pursuance of Article 77 of the Chicago Convention.

joint registration plan means a plan for joint registration by Contracting States constituting an international operating agency of aircraft operated, or to be operated, by the agency, being a plan approved by the Council by a determination made in pursuance of Article 77 of the Chicago Convention.

299 Part 1 of the Dictionary (paragraphs (b) and (c) of the definition of *key personnel*)

After “the people” insert “(however described)”.

300 Part 1 of the Dictionary (at the end of the definition of *key personnel*)

Add:

- ; or (d) for a balloon transport operator—means the people (however described) that hold, or carry out the responsibilities of, the positions mentioned in paragraphs (a) and (b) of the definition of *key personnel* in subsection 28(3) of the Act.

301 Part 1 of the Dictionary

Insert:

landing area has the same meaning as in Annex 2 to the Chicago Convention.

level, in relation to a flight of an aircraft, has the same meaning as in Annex 2 to the Chicago Convention.

licensed means licensed under CASR or CAR.

302 Part 1 of the Dictionary (paragraph (a) of the definition of *manned free balloon*)

Repeal the paragraph, substitute:

- (a) is equipped to carry one or more persons; and

303 Part 1 of the Dictionary

Insert:

meteorological information means information:

- (a) that is any of the following kinds:
- (i) meteorological reports;
 - (ii) meteorological analyses;
 - (iii) meteorological forecasts;
 - (iv) meteorological warnings;
 - (v) meteorological advices;
 - (vi) revisions or amendments of any of those kinds of information; and
- (b) which may be required for aviation purposes.

military aircraft means an aircraft of any part of the Defence Force (including an aircraft that is being constructed for any part of the Defence Force), other than an aircraft that is an Australian aircraft that is registered.

movement area has the same meaning as in Annex 11 to the Chicago Convention.

navigation system, in relation to an aircraft, means a system by which the aircraft can be navigated.

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

non-scheduled air transport operation means an air transport operation that is not:

- (a) a scheduled air transport operation; or
- (b) a medical transport operation.

Note: A non-scheduled air transport operation includes an operation for the carriage, in accordance with fixed schedules to and from fixed terminals, of passengers or cargo, or

passengers and cargo, in circumstances in which the accommodation in the aircraft is not available for use by persons generally.

304 Part 1 of the Dictionary (definition of *paraglider*)

Repeal the definition, substitute:

paraglider means a glider:

- (a) with a wing that is inflated and maintains its profile in flight due to the ram-air pressure of the air through which it moves; and
- (b) that has an empty weight of 70 kg or less; and
- (c) the free flight of which does not depend on an engine.

305 Part 1 of the Dictionary

Insert:

Part 141 certificate: see regulation 141.015.

306 Part 1 of the Dictionary (paragraph (b) of the definition of *passenger*)

Omit “member of the crew”, substitute “crew member”.

307 Part 1 of the Dictionary (definition of *passenger transport operation*)

Repeal the definition, substitute:

passenger transport operation has the meaning given by clause 75 of Part 2 of the Dictionary.

308 Part 1 of the Dictionary (paragraph (a) of the definition of *personnel*)

Repeal the paragraph, substitute:

- (a) for an Australian air transport operator, an aerial work operator or a balloon transport operator, includes any of the following persons who have duties or responsibilities that relate to the safe conduct of the operator’s Australian air transport operations, aerial work operations or balloon transport operations:
 - (i) an employee of the operator;
 - (ii) a person engaged by the operator (whether by contract or other arrangement) to provide services to the operator;
 - (iii) an employee of a person mentioned in subparagraph (ii); or

309 Part 1 of the Dictionary (paragraph (a) of the definition of *pilot certificate*)

Omit “recreational aviation administration organisation”, substitute “sport aviation body”.

310 Part 1 of the Dictionary (definition of *power-assisted sailplane*)

Repeal the definition, substitute:

power-assisted sailplane means a powered sailplane that has insufficient performance with the engine operating to achieve the applicable take-off and climb performance criteria for powered sailplanes specified by the airworthiness standards prescribed by regulation 22.001 of CASR.

311 Part 1 of the Dictionary (definition of *powered hang glider*)

Repeal the definition, substitute:

powered hang glider means a hang glider with an engine attached that has, when the engine is not being operated, the characteristics of a hang glider.

312 Part 1 of the Dictionary (definition of *powered parachute*)

Repeal the definition, substitute:

powered parachute means a single-seat or two-seat power-driven aircraft with a ram-air parachute wing, to which all of the following apply:

- (a) the aircraft has a single non-turbine engine and a single propeller;
- (b) the aircraft has a maximum take-off weight not exceeding 600 kilograms;
- (c) the aircraft has, when the engine is not being operated, the characteristics of a parachute.

313 Part 1 of the Dictionary (definition of *powered paraglider*)

Repeal the definition, substitute:

powered paraglider means a paraglider with an engine attached that has, when the engine is not being operated, the characteristics of a paraglider.

314 Part 1 of the Dictionary (definition of *powered sailplane*)

Repeal the definition (including the note), substitute:

powered sailplane means a sailplane equipped with one or more engines that has, when the engine or engines are not being operated, the characteristics of a sailplane.

315 Part 1 of the Dictionary

Insert:

private operation: an operation of an aircraft is a *private operation* if the operation is not one of the following:

- (a) an operation that is required to be conducted under the authority of an AOC under Part 119, 129 or 131 or regulation 206 of CAR;
- (b) an operation that is required to be conducted under the authority of an aerial work certificate under Part 138;
- (c) Part 141 flight training (within the meaning of Part 141);
- (d) a Part 142 activity (within the meaning of Part 142);
- (e) an adventure flight for a limited category aircraft;
- (f) a specialised balloon operation that is conducted for hire or reward;
- (g) an operation authorised by a New Zealand AOC with ANZA privileges that is in force for Australia;
- (h) an operation under a permission under subsection 25(2) or (3) (non-scheduled flights by foreign registered aircraft) or section 27A (permission for operation of foreign registered aircraft without AOC) of the Act.

316 Part 1 of the Dictionary (definition of *probity offence*)

Repeal the definition.

317 Part 1 of the Dictionary (definition of *prohibited area*)

Repeal the definition, substitute:

prohibited area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian territory—includes an area designated as a prohibited area by a declaration made under subregulation 6(1) of the *Airspace Regulations 2007*.

318 Part 1 of the Dictionary

Insert:

radio navigation aid means a standard radio navigation aid of a kind mentioned in section 2.1.1 of Chapter 2 of Volume 1 of Annex 10 to the Chicago Convention.

radionavigation service means a radio navigation service within the meaning of Annex 10 to the Chicago Convention.

Regional Air Navigation Agreement means a Regional Air Navigation Agreement approved by decision of the Council of the International Civil Aviation Organisation.

319 Part 1 of the Dictionary (definition of *regular public transport operations*)

Repeal the definition.

320 Part 1 of the Dictionary

Insert:

relevant airworthiness standards means:

- (a) for an aircraft that conforms to a type certificate issued, or taken to have been issued, under regulation 21.013A or 21.029—the airworthiness standards included in the type certification basis for the aircraft; or
- (b) for an aircraft for which a type acceptance certificate has been issued, or is taken to have been issued, under regulation 21.029A—the airworthiness standards that the aircraft had to meet for the issue of the foreign type certificate that was the basis for issuing the type acceptance certificate.

321 Part 1 of the Dictionary (definition of *restricted area*)

Repeal the definition, substitute:

restricted area:

- (a) has the same meaning as in Annex 11 to the Chicago Convention; and
- (b) in relation to Australian territory—includes an area designated as a restricted area by a declaration made under subregulation 6(1) of the *Airspace Regulations 2007*.

322 Part 1 of the Dictionary (definition of *sailplane*)

Repeal the definition, substitute:

sailplane means a glider:

- (a) that has an empty weight of more than 70 kg; and
- (b) the free flight of which does not depend on an engine.

323 Part 1 of the Dictionary

Insert:

scheduled air transport operation means an air transport operation, other than a medical transport operation, that is conducted:

- (a) in accordance with fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals; and
- (b) in circumstances in which the accommodation in the aircraft is available for use by persons generally.

324 Part 1 of the Dictionary (first and second occurring definitions of ***significant change***)

Repeal the definitions, substitute:

significant change:

- (a) for an Australian air transport operator: see regulation 119.020; or
- (b) for a balloon transport operator: see regulation 131.030; or
- (c) for an aerial work operator: see regulation 138.012.

325 Part 1 of the Dictionary

Insert:

specialised balloon operation: see regulation 131.020.

326 Part 1 of the Dictionary (paragraph (d) of the definition of ***sport aviation body***)

Repeal the paragraph, substitute:

- (d) Recreational Aviation Australia Limited; or

327 Part 1 of the Dictionary (paragraph (f) of the definition of ***sport aviation body***)

Repeal the paragraph, substitute:

- (f) Sports Aviation Federation of Australia Limited; or

328 Part 1 of the Dictionary

Insert:

State includes the Northern Territory.

329 Part 1 of the Dictionary (definition of ***student pilot***)

Repeal the definition, substitute:

student pilot means:

- (a) for aircraft other than Part 131 aircraft—a person who is authorised to pilot an aircraft under regulation 61.112; or
- (b) for Part 131 aircraft—a person who:

- (i) does not hold a commercial pilot (balloon) licence within the meaning of subregulation 5.01(1) of CAR; and
- (ii) is receiving balloon flying training within the meaning of that subregulation.

330 Part 1 of the Dictionary

Insert:

Territory does not include the Northern Territory.

traffic information has the same meaning as in Annex 11 to the Chicago Convention.

traffic pattern means the path over the ground of aircraft in flight in the vicinity of an aerodrome during the execution of take-offs and landings and their paths when manoeuvring on the manoeuvring area.

331 Part 1 of the Dictionary (definition of *unmanned free balloon*)

Repeal the definition, substitute:

unmanned free balloon means a free balloon that:

- (a) is not tethered; and
- (b) is not equipped to carry persons.

Note: There are 4 different kinds of unmanned free balloons: see regulation 101.145.

332 Part 1 of the Dictionary

Insert:

VFR operation means an operation conducted under the VFR.

333 Clause 3 of Part 2 of the Dictionary

Repeal the clause, substitute:

3 Definition of *air transport operation*

- (1) An *air transport operation* is a passenger transport operation, a cargo transport operation or a medical transport operation, that:
 - (a) is conducted for hire or reward; or
 - (b) is prescribed by an instrument issued under regulation 201.025.
- (2) Despite subclause (1), an *air transport operation* does not include an aerial work operation or a balloon transport operation.

334 Subclause 60(2) of Part 2 of the Dictionary (subparagraph (a)(i) of the definition of *psychoactive substance*)

Omit “that Convention”, substitute “the Chicago Convention”.

335 At the end of Part 2 of the Dictionary

Add:

75 Definition of *passenger transport operation*

- (1) A ***passenger transport operation*** is an operation of an aircraft that involves the carriage of passengers, whether or not cargo is also carried on the aircraft.
- (2) Despite subclause (1), an operation is not a ***passenger transport operation*** if the operation is:
 - (a) an operation of an aircraft with a special certificate of airworthiness; or
 - (b) a cost-sharing flight; or
 - (c) a medical transport operation; or
 - (d) if the registered operator of an aircraft is an individual—an operation of the aircraft:
 - (i) that involves the carriage of that individual; and
 - (ii) does not also involve the carriage of other passengers; or
 - (e) if the registered operator of an aircraft is an individual—an operation of the aircraft:
 - (i) that involves the carriage of that individual; and
 - (ii) involves the carriage of other passengers; and
 - (iii) for which no payment or reward is made or given in relation to the carriage of the other passengers or cargo.

Schedule 2—Transitional provisions commencing at early commencement time

Civil Aviation Safety Regulations 1998

1 After Subpart 202.EA

Insert:

Subpart 202.EAA—Transitional provisions for Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138

Division 202.EAA.1—Amendments made by the Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021

Subdivision 202.EAA.1.1—Preliminary

202.405 Definitions for this Division

In this Division:

aerial work (air ambulance) operation means an operation (however described) for the purpose mentioned in subparagraph 206(1)(a)(vii) of the old CAR.

amending Regulations means the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

authorisation has the same meaning as in Part 11.

corresponding new provision: in relation to a provision (the ***old provision***) of the old Regulations that is repealed by the amending Regulations, the ***corresponding new provision*** is the provision (or provisions) of the new Regulations that:

- (a) is in relation to a matter covered by the old provision; and
- (b) has a substantially similar effect in relation to the matter as the old provision.

early commencement time means the time when Schedule 2 to the amending Regulations commences.

eligible instrument: see regulation 202.405A.

IFR includes the I.F.R. within the meaning of the old CAR.

IFR flight includes an I.F.R. flight within the meaning of the old CAR.

instrument means a legislative or administrative instrument made under, or for the purposes of, a provision of:

- (a) these Regulations (including the old Regulations); or
- (b) the Act; or

- (c) another instrument made under or for the purposes of these Regulations (including the old Regulations) or the Act.

main commencement time means the time when Schedule 1 to the amending Regulations commences.

make, in relation to an instrument, includes grant or issue the instrument.

new Regulations: see subregulation 202.405B(2).

old CAR means CAR as in force immediately before the main commencement time and includes Civil Aviation Orders issued under those Regulations.

old Regulations means these Regulations (including the old CAR) as in force immediately before the main commencement time.

transition period means the period:

- (a) beginning immediately after the early commencement time; and
- (b) ending immediately before the main commencement time.

VFR includes the V.F.R. within the meaning of the old CAR.

VFR flight includes a V.F.R. flight within the meaning of the old CAR.

202.405A Meaning of *eligible instrument*

An instrument is an **eligible instrument** if the instrument is made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act and is in relation to any of the following:

- (a) a particular person;
- (b) a particular flight;
- (c) a particular aircraft;
- (d) a particular aerodrome;
- (e) a particular act, event, case or circumstance.

202.405B Meaning and effect of *new Regulations*

- (1) For the purposes of Subdivisions 202.EAA.1.1 to 202.EAA.1.7, assume that the following regulations (and any Manuals of Standards issued under those regulations) commence at the early commencement time:
 - (a) the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*;
 - (b) the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*;
 - (c) the *Civil Aviation Safety Amendment (Part 119) Regulations 2018*;
 - (d) the *Civil Aviation Safety Amendment (Part 121) Regulations 2018*;
 - (e) the *Civil Aviation Safety Amendment (Part 133) Regulations 2018*;
 - (f) the *Civil Aviation Safety Amendment (Part 135) Regulations 2018*;
 - (g) the *Civil Aviation Safety Amendment (Part 138) Regulations 2018*;
 - (h) the *Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019*.

- (2) The **new Regulations** means these Regulations as amended by the regulations mentioned in subregulation (1) and any includes Manuals of Standards issued under those regulations.

202.405C Relationship with section 7 of the *Acts Interpretation Act 1901*

Nothing in this Division limits the effect of section 7 of the *Acts Interpretation Act 1901* (as it applies because of paragraph 13(1)(a) of the *Legislation Act 2003*).

Subdivision 202.EAA.1.2—Requirements for existing AOC holders before main commencement time

202.406 AOC holders to give CASA proposed operations manuals and expositions etc. before main commencement time

- (1) An operator mentioned in column 1 of an item in the following table must, during the period mentioned in column 3 of the item, give CASA the documents and information (the **compliance material**) mentioned in column 2 of the item.

Operators to give compliance material			
Item	Column 1	Column 2	Column 3
	Operator	Compliance material	Compliance period
1	An operator who is the holder of an AOC that: (a) authorises the holder to conduct charter operations, regular public transport operations, or aerial work (air ambulance) operations, in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period	All of the following: (a) the operator's proposed exposition prepared for the purposes of compliance with the requirements of the new Regulations; (b) a compliance statement for the operator that meets the requirement in subregulation (2); (c) a copy of each civil aviation authorisation and exemption that is held by the operator and that is in force at any time during the transition period	The transition period
2	An operator who is the holder of an AOC that: (a) authorises the holder to conduct aerial work operations (other than aerial work (air ambulance) operations) in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period	All of the following: (a) the operator's proposed operations manual prepared for the purposes of compliance with the requirements of the new Regulations; (b) a compliance statement for the operator that meets the requirement in subregulation (2); (c) a copy of each civil aviation authorisation and exemption that is held by the operator and that is in force at any time during the transition period;	The transition period

Schedule 2 Transitional provisions commencing at early commencement time

Operators to give compliance material			
Item	Column 1	Column 2	Column 3
	Operator	Compliance material	Compliance period
		<p>(d) if the operator proposes to conduct operations mentioned in subregulation 138.125(1) of the new Regulations after the main commencement time—the operator’s proposed training and checking manual prepared for the purposes of compliance with the requirements of the new Regulations;</p> <p>(e) if the operator proposes to conduct operations mentioned in subregulation 138.140(1) of the new Regulations after the main commencement time—the operator’s proposed safety management system manual prepared for the purposes of compliance with the requirements of the new Regulations</p>	
3	<p>An operator who is the holder of an AOC that:</p> <p>(a) authorises the holder to conduct a charter operation in a manned free balloon or a hot air airship; and</p> <p>(b) is in force at any time during the transition period</p>	<p>Both of the following:</p> <p>(a) the operator’s proposed exposition prepared for the purposes of compliance with the requirements of the new Regulations;</p> <p>(b) a copy of each civil aviation authorisation and exemption that is held by the operator and that is in force at any time during the transition period</p>	The transition period
4	<p>An operator who is the holder of an AOC that:</p> <p>(a) authorises the holder to conduct:</p> <p>(i) regular public transport operations in an aeroplane or a rotorcraft; or</p> <p>(ii) charter operations in an aeroplane or a rotorcraft; or</p> <p>(iii) aerial work (air ambulance) operations in an aeroplane</p>	<p>An extract from the operator’s proposed exposition:</p> <p>(a) prepared for the purposes of compliance with the requirements of the new Regulations; and</p> <p>(b) containing a description of the operator’s process for making changes to the exposition that meets the requirements mentioned in paragraph 119.205(1)(m) of the new Regulations</p>	<p>The period:</p> <p>(a) beginning immediately after the early commencement time; and</p> <p>(b) ending at the start of 6 October 2021</p>

Operators to give compliance material			
Item	Column 1	Column 2	Column 3
	Operator	Compliance material	Compliance period
	or a rotorcraft; and (b) is in force at any time during the transition period		
5	An operator who is the holder of an AOC that: (a) authorises the holder to conduct aerial work operations (other than aerial work (air ambulance) operations) in an aeroplane or a rotorcraft; and (b) is in force at any time during the transition period	An extract from the operator's proposed operations manual: (a) prepared for the purposes of compliance with the requirements of the new Regulations; and (b) containing a description of the operator's process for making changes to the operations manual that meets the requirements under paragraph 138.155(1)(m) of the new Regulations; and (c) if the operator proposes to conduct an operation involving the carriage of an aerial work passenger after the main commencement time—containing a description of the operator's procedures relating to the carriage of passengers that meets the requirements prescribed by the Part 138 Manual of Standards for the purposes of subparagraph 138.305(2)(c)(iv) of the new Regulations	The period: (a) beginning immediately after the early commencement time; and (b) ending at the start of 6 October 2021

Note: For the definitions of *aerial work (air ambulance) operations* and *transition period*, see 202.405.

- (2) The compliance statement mentioned in column 2 of the table in subregulation (1) must be made in the approved form.

Note: Under regulation 11.018, a compliance statement in the approved form is not complete unless it contains all of the information required by the form.

Effect of suspension

- (3) In determining if an AOC is in force during the transition period for the purposes of an item in the table in subregulation (1), disregard any suspension of the AOC during that period.

Subdivision 202.EAA.1.3—Existing AOCs due to expire

202.407 AOCs due to expire

- (1) If the term of an AOC held by a person would, apart from this regulation, expire on a day (the *old AOC expiry day*) during the period (the *relevant period*):

(a) beginning on 4 September 2021; and

(b) ending on 2 March 2022;

then, the term of the AOC is extended for a period of 6 months beginning on the old AOC expiry day.

(2) If:

(a) the term of a person's AOC is extended under subregulation (1); and

(b) the person holds an authorisation or exemption that would, apart from this regulation, cease to have effect on a day (the *old authorisation expiry day*) during the relevant period;

then, the authorisation or exemption continues in effect until the later of the following days or times:

(c) the end of the period of 6 months beginning on the old AOC expiry day;

(d) the old authorisation expiry day.

Subdivision 202.EAA.1.4—Applications for Australian air transport AOCs made before main commencement time

202.408 Applications for Australian air transport AOCs under new law made before main commencement time

(1) A person may apply to CASA for the issue of an Australian air transport AOC under the new Regulations during the period:

(a) beginning on 7 June 2021; and

(b) ending immediately before the main commencement time.

(2) If the application meets the requirements mentioned in regulation 119.065 of the new Regulations, CASA may, before or after the main commencement time, subject to the Act and the conditions mentioned in regulation 119.070 of the new Regulations, issue an Australian air transport AOC to the person.

(3) If CASA issues the Australian air transport AOC to the person:

(a) the Australian air transport AOC comes into force at the later of:

(i) the main commencement time; or

(ii) a time after the main commencement time specified in the Australian air transport AOC; and

(b) regulation 119.075 of the new Regulations applies in relation to the person.

202.408A Applications for AOCs under old law made before main commencement time

(1) This regulation applies if:

(a) a person applies to CASA for the issue or variation of an AOC under the old Regulations; and

(b) the application is made before the main commencement time; and

(c) CASA has not made a decision on the application as at the main commencement time.

(2) Despite the amending Regulations, the old Regulations continue to apply in relation to the application.

Subdivision 202.EAA.1.5—Applications for balloon transport AOCs made before main commencement time

202.409 Applications for balloon transport AOCs under new law made before main commencement time

- (1) A person may apply to CASA for the issue of a balloon transport AOC under the new Regulations during the period:
 - (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.
- (2) If the application meets the requirements mentioned in regulation 131.075 of the new Regulations, CASA may, before or after the main commencement time, subject to the Act and the conditions mentioned in regulation 131.080 of the new Regulations, issue a balloon transport AOC to the person.
- (3) If CASA issues the balloon transport AOC to the person:
 - (a) the balloon transport AOC comes into force at the later of:
 - (i) the main commencement time; or
 - (ii) a time after the main commencement time specified in the balloon transport AOC; and
 - (b) regulation 131.085 of the new Regulations applies in relation to the person.

Subdivision 202.EAA.1.6—Applications for aerial work certificates made before main commencement time

202.410 Applications for aerial work certificates under new law made before main commencement time

- (1) A person may apply to CASA for the issue of an aerial work certificate under the new Regulations during the period:
 - (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.
- (2) If the application meets the requirements mentioned in regulation 138.035 of the new Regulations, CASA may, before or after the main commencement time, subject to the conditions mentioned in regulation 138.040 of the new Regulations, issue an aerial work certificate to the person.
- (3) If CASA issues the aerial work certificate to the person:
 - (a) the aerial work certificate comes into force at the later of:
 - (i) the main commencement time; or
 - (ii) a time after the main commencement time specified in the aerial work certificate; and
 - (b) regulation 138.045 of the new Regulations applies in relation to the person.

Subdivision 202.EAA.1.7—Applications for instruments (other than AOCs and aerial work certificates) made before main commencement time

202.411 Applications for instruments (other than AOCs and aerial work certificates) under new law made before main commencement time

- (1) A person may apply to CASA for an instrument (other than an AOC or an aerial work certificate) to be made under the new Regulations during the period:
 - (a) beginning on 7 June 2021; and
 - (b) ending immediately before the main commencement time.
- (2) If the application meets the requirements (if any) of the new Regulations, CASA may, before or after the main commencement time, subject to the conditions (if any) mentioned in the new Regulations, make the instrument.
- (3) If CASA makes the instrument, the instrument comes into force at the later of:
 - (a) the main commencement time; or
 - (b) a time after the main commencement time specified in the instrument.

202.411A Applications for instruments (other than AOCs, aerial work certificates and exemptions) under old law made before main commencement time

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, a person made an application (the **old application**) to CASA for the making of an instrument (other than an AOC, an aerial work certificate or an exemption) under a provision of the old Regulations that is repealed by the amending Regulations; and
 - (b) the old application is for an instrument that authorises a particular activity or thing; and
 - (c) CASA has not made a decision on the old application as at the main commencement time.

Old law continues to apply if application is for transitional instrument

- (2) If the old application is for an instrument of a kind covered by subregulation (4), then, despite the amending Regulations, the old Regulations continue to apply in relation to the application.

New law applies to other instruments

- (3) If:
 - (a) the old application is not for an instrument of a kind covered by subregulation (4); and
 - (b) under the new Regulations a person may apply for an authorisation in relation to the activity or thing mentioned in paragraph (1)(b); and
 - (c) the requirements mentioned in subregulation 11.030(1) are met in relation to the old application;then, both of the following apply:

- (d) the old application is taken:
 - (i) to be an application under the new Regulations for an authorisation in relation to the activity or thing; and
 - (ii) to meet the requirements mentioned in regulation 11.030 and any other requirements relating to the making of the application under another provision of the new Regulations that deals with authorisations of that kind; and
 - (iii) to have been made at the main commencement time;
- (e) Part 11 (applications and decision making) of these Regulations applies in relation to the application.

Transitional instruments

- (4) An instrument is covered by this subregulation if:
 - (a) despite the repeal of the provision of the old Regulations under which, or for the purposes of which, the instrument is made, the instrument continues in force after the main commencement time as a result of the operation of a provision of this Division; or
 - (b) another provision of this Division provides that if the instrument is in force immediately before the main commencement time, a new instrument is taken to be made for the purposes of a provision of the new Regulations.

202.411B Applications for exemptions under old law made before main commencement time

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, a person made an application (the **old application**) to CASA for an exemption from compliance with a requirement under a provision (the **old provision**) of the old Regulations that is repealed by the amending Regulations or a provision (the **old provision**) of an instrument made under, or for the purposes of, the old Regulations or the Act; and
 - (b) CASA has not made a decision on the old application as at the main commencement time.

Old law continues to apply if application is for transitional exemption

- (2) If the old application is for an exemption of a kind covered by subregulation (4), then, despite the amending Regulations, the old Regulations continue to apply in relation to the old application.

New law applies to other exemptions

- (3) If:
 - (a) the old application is not for an exemption of a kind covered by subregulation (4); and
 - (b) there is a corresponding new provision in relation to the old provision; and
 - (c) an application may be made under the new Regulations for an exemption from compliance in relation to the corresponding new provision; and

- (d) the requirements mentioned in subregulations 11.165(2) and (3) are met in relation to the old application;
- then, both of the following apply:
- (e) the old application is taken:
 - (i) to be an application for an exemption in relation to the corresponding new provision; and
 - (ii) to meet the requirements mentioned in regulation 11.165; and
 - (iii) to have been made at the main commencement time;
 - (f) Part 11 (applications and decision making) of these Regulations applies in relation to the application.

Note: For the definition of *corresponding new provision*, see 202.405.

Transitional exemptions

- (4) An exemption is covered by this subregulation if:
 - (a) despite the repeal of the provision of the old Regulations under which, or for the purposes of which, the exemption is made, the exemption continues in force after the main commencement time as a result of the operation of a provision of this Division; or
 - (b) another provision of this Division provides that if the exemption is in force immediately before the main commencement time, a new exemption is taken to be made for the purposes of a provision of the new Regulations.

Schedule 3—Transitional provisions commencing at main commencement time

Civil Aviation Safety Regulations 1998

1 Before Subpart 202.EB

Insert:

Subdivision 202.EAA.1.8—Main translation rules for old instruments

202.412 References in old instruments to old Regulations

When this regulation applies

- (1) This regulation applies to an instrument (the ***old instrument***) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
 - (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Note: Examples of old instruments include AOCs, CAOs, approvals and other authorisations.

Effect of old instrument

- (2) Subject to this Division, if:
 - (a) the old instrument refers to a provision (the ***old provision***) of the old Regulations that is repealed by the amending Regulations; and
 - (b) there is a corresponding new provision in relation to the old provision;
 then the reference to the old provision is taken, after the main commencement time, to be a reference to the corresponding new provision.

Note: For the definition of ***corresponding new provision***, see 202.405.

202.412A References in old instruments to old terminology

When this regulation applies

- (1) This regulation applies to an instrument (the ***old instrument***) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
 - (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Effect of old instrument

- (2) Subject to this Division, the old instrument has effect after the main commencement time in accordance with the following table.

Effect of old instruments		
Item	Column 1	Column 2
	A reference in the old instrument to ...	is taken instead to be a reference to ...
1	an airline	an operator who conducts scheduled air transport operations, other than medical transport operations.
2	foreign aircraft	foreign registered aircraft.
3	I.F.R.	IFR.
4	I.F.R. flight	IFR flight.
5	I.F.R. operation	IFR operation.
6	I.M.C.	IMC.
7	manned balloon	manned free balloon
8	public transport service	an air transport operation, other than a medical transport operation.
9	V.F.R.	VFR.
10	V.F.R. flight	VFR flight.
11	V.F.R. operation	VFR operation.
12	V.M.C.	VMC.

202.412B References in old instruments to kinds of aircraft

When this regulation applies

- (1) This regulation applies to an instrument (the **old instrument**) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:
- (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Effect of old instrument

- (2) Subject to this Division, the old instrument has effect after the main commencement time in relation to an aircraft (the **relevant aircraft**) in accordance with the following table.

Effect of old instruments			
Item	Column 1	Column 2	Column 3
	If the old instrument refers to an aircraft of the following kind ...	and the relevant aircraft is, after the main commencement time, used for conducting an operation or activity of the following kind ...	then, a reference in the old instrument to an aircraft of the kind mentioned in column 1 is taken instead to be a reference to ...
1	a regular public transport aircraft	a scheduled air transport operation	an aircraft used for conducting a scheduled air transport operation.
2	a charter aircraft	a non-scheduled air transport operation	an aircraft used for conducting an operation that is a non-scheduled air transport operation.
3	a charter aircraft	a medical transport operation	an aircraft used for conducting a medical transport operation.
4	a charter aircraft	a balloon transport operation	an aircraft used for conducting a balloon transport operation.
5	an aerial work aircraft	an aerial work operation	an aircraft used for conducting an aerial work operation.
6	an aerial work aircraft	an aerial application operation within the meaning of Part 137	an aircraft used for conducting an aerial application operation under an AOC that authorises the use of the aircraft in aerial application operations within the meaning of that Part.
7	an aerial work aircraft	an aerial work operation in a manned free balloon or a hot air airship	an aircraft used for conducting a specialised balloon transport operation.
8	an aerial work aircraft	Part 141 flight training within the meaning of Part 141	an aircraft used for conducting Part 141 flight training.
9	an aerial work aircraft	a Part 142 activity within the meaning of Part 142	an aircraft used for conducting a Part 142 activity.
10	an aerial work aircraft	balloon flying training within the meaning of Part 5 of CAR	an aircraft used for conducting balloon flying training within the meaning of Part 5 of CAR.

- (3) However, the effect of subregulation (2) applies only in relation to the relevant aircraft to the extent that the aircraft is used for the purpose of conducting the operation or activity of the kind mentioned in column 2 of the item in the table.
- (4) The definition of **kind**, of an aircraft, in Part 1 of the Dictionary does not apply in relation to this regulation.

202.412C References in old instruments to kinds of operations

When this regulation applies

- (1) This regulation applies to an instrument (the **old instrument**) made under, or for the purposes of, a provision of these Regulations (including the old Regulations) or the Act if the old instrument:

- (a) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
- (b) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Effect of old instrument

- (2) Subject to this Division, the old instrument has effect after the main commencement time in relation to an operation or activity (the **relevant operation or activity**) conducted by an aircraft in accordance with the following table.

Effect of old instruments			
Item	Column 1	Column 2	Column 3
	If the old instrument refers to an operation of the following kind ...	and the relevant operation or activity is an operation or activity of the following kind ...	then, a reference in the old instrument to an operation of the kind mentioned in column 1 is taken instead to be a reference to ...
1	a regular public transport operation	a scheduled air transport operation	a scheduled air transport operation.
2	a charter operation	a non-scheduled air transport operation	a non-scheduled air transport operation.
3	a charter operation	a medical transport operation	a medical transport operation.
4	a charter operation	a balloon transport operation	a balloon transport operation.
5	an aerial work operation	an aerial work operation	an aerial work operation under an aerial work certificate.
6	an aerial work operation	an aerial application operation within the meaning of Part 137	an aerial application operation under an AOC that authorises the use of the aircraft in aerial application operations.
7	an aerial work operation	balloon flying training within the meaning of Part 5 of CAR	balloon flying training within the meaning of Part 5 of CAR.
8	an aerial work operation	Part 141 flight training within the meaning of Part 141	Part 141 flight training.
9	an aerial work operation	a Part 142 activity within the meaning of Part 142	a Part 142 activity.
10	an aerial work operation	a specialised balloon operation within the meaning of Part 131	a specialised balloon operation that is conducted for hire or reward.
11	any of: (a) an aerial work (air ambulance) operation; or (b) an air ambulance	a medical transport operation	a medical transport operation.

Effect of old instruments			
Item	Column 1	Column 2	Column 3
	If the old instrument refers to an operation of the following kind ...	and the relevant operation or activity is an operation or activity of the following kind ...	then, a reference in the old instrument to an operation of the kind mentioned in column 1 is taken instead to be a reference to ...
	operation; or (c) any other operation involving aerial ambulance functions (however described)		

(3) However, if:

- (a) as a result of the operation of subregulation (2), an aircraft used for conducting a medical transport operation is subject, after the main commencement time, to both of the following requirements:
 - (i) a requirement that applies in relation to an air ambulance operation;
 - (ii) a requirement that applies in relation to a charter operation; and
- (b) the requirements apply in relation to the same matter;

then the old instrument has effect after the main commencement time in relation to the aircraft as if the requirement mentioned in subparagraph (a)(i) does not apply.

Subdivision 202.EAA.1.9—AOCs

202.413 Old AOCs taken to authorise operations etc.

When this regulation applies

- (1) This regulation applies in relation to an operator who is the holder of an AOC (the **old AOC**) if:
 - (a) the old AOC authorises the operator to conduct an operation or activity of the kind mentioned in column 1 of an item in the table in subregulation (2); and
 - (b) the old AOC:
 - (i) is in force immediately before the main commencement time and continues in force (including as a result of the operation of a provision of this Division) immediately after that time; or
 - (ii) is issued after the main commencement time as a result of the operation of a provision of this Division.

Old AOCs taken to authorise operations etc.

- (2) The following table has effect.

Schedule 3 Transitional provisions commencing at main commencement time

Effect of old AOCs		
Item	Column 1	Column 2
	If the old AOC authorises an operation of the following kind ...	then, from the later of: (a) the main commencement time; or (b) the time when the operator gives CASA the compliance material for the operator mentioned in column 2 of the table in subregulation 202.413A(1) ...
1	a regular public transport operation	the old AOC is taken to authorise: (a) a scheduled air transport operation; and (b) a non-scheduled air transport operation.
2	a charter operation, other than an a charter operation in: (a) a manned free balloon; or (b) a hot air airship	the old AOC is taken to authorise a non-scheduled air transport operation.
3	a charter operation in: (a) a manned free balloon; or (b) a hot air airship	the old AOC is taken to authorise a balloon transport operation.
4	an aerial work (air ambulance) operation	the old AOC is taken to authorise a medical transport operation.
5	an aerial work operation (the relevant aerial work operation), other than: (a) an aerial application operation; or (b) an aerial work (air ambulance) operation; or (c) an aerial work operation in a manned free balloon or a hot air airship	an aerial work certificate is taken to have been issued to the operator under regulation 138.040 authorising the relevant aerial work operation.
6	an aerial work operation: (a) in a manned free balloon; or (b) in a hot air airship; other than commercial balloon flying training	an approval is taken to have been issued to the operator under regulation 131.035 to conduct a specialised balloon operation.

Terms and conditions of AOCs authorising new operations—scheduled and non-scheduled air transport operations

- (3) If column 1 of item 1, 2, or 4 in the table applies in relation to an old AOC, then:
- (a) the holder of the old AOC is authorised to conduct the operation mentioned in column 2 of the item, subject to:
 - (i) the conditions in regulation 119.080; and
 - (ii) any conditions of the old AOC; and
 - (b) regulations 119.070 (conditions for issue) and 119.075 (approval of exposition) do not apply in relation to the holder of the AOC.

Terms and conditions of AOCs authorising new operations—balloon transport operations

- (4) If column 1 of item 3 in the table applies in relation to an old AOC, then:
- (a) the holder of the old AOC is authorised to conduct the operation mentioned in column 2 of the item, subject to:
 - (i) the conditions in regulation 131.090; and
 - (ii) any conditions of the old AOC; and
 - (b) regulations 131.080 (conditions for issue) and 131.085 (approval of exposition) do not apply in relation to the holder of the AOC.

Terms and conditions of aerial work certificates

- (5) If column 1 of item 5 in the table applies in relation to an old AOC, then:
- (a) the aerial work certificate mentioned in column 2 of the item is subject to:
 - (i) the conditions in regulation 138.050; and
 - (ii) any conditions of the old AOC; and
 - (b) subregulation 138.040(1) (conditions for issue) and regulation 138.045 (approval of manuals) do not apply in relation to the holder of the aerial work certificate; and
 - (c) the aerial work certificate ceases to be in force on the day the old AOC expires.

Terms and conditions of approvals—specialised balloon operations

- (6) If column 1 of item 6 in the table applies in relation to an old AOC, then:
- (a) for the purposes of regulation 11.056, the approval mentioned in column 2 of the item is taken to have been granted on the condition that any terms or conditions of the old AOC are complied with; and
 - (b) subregulation 11.056(2) does not apply in relation to the approval; and
 - (c) the approval ceases to be in force on the day the old AOC expires.

Effect of suspension

- (7) If an old AOC has been suspended and the suspension is in force immediately before the main commencement time, then:
- (a) disregard the suspension for the purposes of subparagraph (1)(b)(i); and
 - (b) if, as a result of subregulation (2), the old AOC is taken to authorise an operation—the suspension continues in force in relation to the old AOC and applies in relation to that operation; and
 - (c) if, as a result of subregulation (2), an authorisation is taken to be issued, then:
 - (i) the authorisation is taken to be suspended; and
 - (ii) the period of suspension for the authorisation is the same as for the old AOC.

202.413A Operations manuals, expositions and training and checking manuals taken to be approved

- (1) The following table has effect in relation to an operator.

Schedule 3 Transitional provisions commencing at main commencement time

Operations manuals and expositions taken to be approved			
Item	Column 1	Column 2	Column 3
	If ...	and the operator gives CASA the following documents and information (the compliance material) ...	then, from the later of: (a) the main commencement time; or (b) the time when the compliance material is given to CASA; CASA is taken to have approved ...
1	<p>either of the following apply:</p> <p>(a) both:</p> <p>(i) the operator is the holder of an AOC that authorises the holder to conduct charter operations, regular public transport operations or aerial work (air ambulance) operations; and</p> <p>(ii) the AOC is in force immediately before the main commencement time;</p> <p>(b) after the main commencement time, the operator is the holder of an AOC that is taken to authorise an Australian air transport operation as a result of the operation of a provision of this Division</p>	<p>both:</p> <p>(a) the operator's proposed exposition prepared for the purpose of compliance with the requirements of these Regulations; and</p> <p>(b) a compliance statement for the operator that meets the requirements mentioned in subregulation 202.406(2)</p>	<p>the operator's proposed exposition under regulation 119.075.</p>
2	<p>either of the following apply:</p> <p>(a) both:</p> <p>(i) the operator is the holder of an AOC that authorises the holder to conduct aerial work operations (other than aerial work (air ambulance) operations) in an aeroplane or a rotorcraft; and</p> <p>(ii) the AOC is in force immediately before the main commencement time;</p> <p>(b) after the main commencement time, the operator is issued an aerial work certificate as a result of the operation of a provision of this Division</p>	<p>both:</p> <p>(a) the operator's proposed operations manual prepared for the purposes of compliance with the requirements of these Regulations; and</p> <p>(b) a compliance statement for the operator that meets the requirements mentioned in subregulation 202.406(2)</p>	<p>the operator's proposed operations manual under regulation 138.045.</p>

Operations manuals and expositions taken to be approved			
Item	Column 1	Column 2	Column 3
	If ...	and the operator gives CASA the following documents and information (the compliance material) ...	then, from the later of: (a) the main commencement time; or (b) the time when the compliance material is given to CASA; CASA is taken to have approved ...
3	all of the following apply: (a) the operator had given CASA a training and checking manual in accordance with Civil Aviation Order 82.1; (b) as at the main commencement time, the training and checking manual is the most recent training and checking manual for the operator; (c) after the main commencement time, the operator is required under regulation 138.125 to have a training and checking system	the operator's proposed training and checking manual prepared for the purposes of compliance with the requirements of these Regulations	the operator's proposed training and checking manual under regulation 138.045.
4	either of the following apply: (a) both: (i) the operator is the holder of an AOC that authorises the holder to conduct a charter operation in a manned free balloon or a hot air airship; and (ii) the AOC is in force immediately before the main commencement time; (b) after the main commencement time, the operator is the holder of an AOC that is taken to authorise a balloon transport operation as a result of the operation of a provision of this Division	the operator's proposed exposition prepared for the purposes of compliance with the requirements of these Regulations	the operator's proposed exposition under regulation 131.085.

Effect of suspension

- (2) In determining if an AOC is in force immediately before the main commencement time for the purposes of an item in the table in subregulation (1), disregard if the AOC is suspended at that time.

Subdivision 202.EAA.1.10—Applications for AOCs made after main commencement time

202.414 Applications for AOCs made after main commencement time

Subject to this Division, the new Regulations apply in relation to an application for an AOC made after the main commencement time.

Subdivision 202.EAA.1.11—Applications for aerial work certificates made after main commencement time

202.415 Applications for aerial work certificates made after main commencement time

Subject to this Division, the new Regulations apply in relation to an application for an aerial work certificate made after the main commencement time.

Subdivision 202.EAA.1.12—Old instruments other than AOCs

202.416 Approvals taken to be granted

Approval taken to be granted

- (1) If
- (a) a flight of an aircraft occurs after the main commencement time; and
 - (b) an instrument (the *old instrument*) mentioned in column 2 of an item in the following table applies in relation to the flight, or would have applied in relation to the flight if the amending Regulations had not been made; and
 - (c) the old instrument is an eligible instrument; and
 - (d) the old instrument:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division;

then, for the purposes of the provision mentioned in column 3 of the item, after the main commencement time, an approval under regulation 91.045 for the activity or thing mentioned in column 4 of the item is taken to be granted to the person mentioned in column 5 of the item in relation to the flight.

Note: For the definition of *eligible instrument*, see 202.405A.

Approved activities where old instrument applies					
Item	Column 1 Subject	Column 2 Old instrument	Column 3 Provision of new Regulations	Column 4 Approved activity or thing	Column 5 Approved person
1	VFR flights in class A airspace	An approval under subregulation 99AA(3) of the old CAR to conduct a flight as a VFR flight in class A	Paragraph 91.285(1)(b)	To conduct the flight as a VFR flight in class A airspace	The pilot in command of the aircraft

Approved activities where old instrument applies					
Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Subject	Old instrument	Provision of new Regulations	Approved activity or thing	Approved person
		airspace			
2	Towing of things by aircraft	Permission or an approval under regulation 149 of the old CAR to tow a thing by an aircraft	Paragraph 91.210(2)(a)	To tow the thing during the flight	The pilot in command of the aircraft
3	Aerobatic manoeuvres over populous area	Permission under paragraph 155(4)(b) of the old CAR to conduct an aerobatic manoeuvre over a populous area	Subparagraph 91.185 (2)(b)(i)	To conduct the aerobatic manoeuvre during the flight over the populous area	The pilot in command of the aircraft
4	Aerobatic manoeuvres at air display	Permission under paragraph 155(4)(b) of the old CAR to conduct an aerobatic manoeuvre at a public gathering	Subparagraph 91.185 (2)(b)(ii)	To conduct the aerobatic manoeuvre during the flight at an air display performed before the public gathering	The pilot in command of the aircraft
5	Formation flying at night	An approval under subparagraph 163AA(1)(c)(ii) of the old CAR to fly an aircraft in formation flight at night	Paragraph 91.205(2)(b)	To fly in formation at night during the flight	The pilot in command of the aircraft
6	Formation flying in IMC	An approval under subparagraph 163AA(1)(c)(ii) of the old CAR to fly an aircraft in formation flight in IMC	Paragraph 91.205(3)(b)	To fly in formation in IMC during the flight	The pilot in command of the aircraft
7	Carriage on wings, undercarriage etc. for non-aerial work operations	Permission under subregulation 250(2) of the old CAR for the carriage of a person on or in a part of an aircraft during a flight not involving an aerial work operation	Paragraph 91.200(1)(b)	To carry a person on or in: (a) a part of the aircraft that is not designed to carry crew members or passengers; or (b) a thing attached to	Both: (a) the operator of the aircraft; and (b) the pilot in command of the aircraft

Schedule 3 Transitional provisions commencing at main commencement time

Approved activities where old instrument applies					
Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Subject	Old instrument	Provision of new Regulations	Approved activity or thing	Approved person
				the aircraft; during the flight	
8	Aerodrome meteorological minima for landing or taking-off	An exemption under regulation 11.160 from compliance with subregulation 257(3) or (4) of the old CAR	Subparagraphs 91.315(1)(b) (i) and (ii)	To conduct a low-visibility operation at an aerodrome during the flight	Both: (a) the operator of the aircraft; and (b) the pilot in command of the aircraft
9	Carriage of people in provisionally certificated aircraft	An authorisation for a person to be carried in an aircraft for the purposes of paragraph 262AO(11)(a) of the old CAR	Subparagraph 91.865 (2)(b)(ii)	For the carriage of the person covered by the authorisation mentioned in column 2	The holder of the provisional certificate of airworthiness for the aircraft
10	Experimental aircraft	An authorisation for an aircraft to be operated over the built up area of a city or town for the purposes of subregulation 262AP(5) of the old CAR	Paragraph 91.875(2)(f)	To conduct the flight over a populous area	The holder of the experimental certificate for the aircraft
11	Experimental aircraft	An approval under paragraph 262AP(6)(b) of the old CAR for the operation of an experimental aircraft other than under the VFR by day	Subparagraph 91.875 (2)(e)(ii)	To conduct the flight other than by day and under the VFR	The holder of the experimental certificate for the aircraft
12	Experimental aircraft	An approval under paragraph 262AP(8)(a) of the old CAR for an experimental aircraft to carry a specified number of passengers that is more than 6	Paragraph 91.885(a)	To carry on board the aircraft up to the number of passengers specified in the approval mentioned in column 2	The holder of the experimental certificate for the aircraft

Terms of approval

- (2) For the purposes of regulation 11.056, the approval is taken to have been granted on the condition that any terms or conditions of the old instrument are complied with.
- (3) The approval ceases at the earliest of the following:
 - (a) the day (if any) specified in the old instrument as the day on which the old instrument ceases to be in force;
 - (b) the second anniversary of the day the old instrument was made that occurs after the main commencement time;
 - (c) if the operator of the aircraft is the holder of an AOC and the old instrument applies in relation to the operations authorised by the AOC—the day the operator's AOC expires;
 - (d) if the operator of the aircraft is the holder of an aerial work certificate and the old instrument applies in relation to the operations authorised by the aerial work certificate—the day the operator's aerial work certificate expires;
 - (e) if the operator of the aircraft is the holder of a Part 141 certificate and the old instrument applies in relation to the operations authorised by the Part 141 certificate—the day the operator's Part 141 certificate expires.
- (4) Subregulation 11.056(2) (conditions to be set out) does not apply in relation to the approval.

Effect of suspension

- (5) If the old instrument has been suspended and the suspension is in force immediately before the main commencement time, then:
 - (a) disregard the suspension for the purposes of subparagraph (1)(d)(i); and
 - (b) the approval taken to be granted under subregulation (1) is taken to be suspended; and
 - (c) the period of suspension for the approval is the same as for the old instrument.

202.416A Exemptions taken to be granted*When this regulation applies*

- (1) This regulation applies in relation to a flight of an aircraft that occurs after the main commencement time if:
 - (a) an instrument (the **old instrument**) mentioned in column 2 of an item in the following table applies in relation to the flight, or would have applied in relation to the flight if the amending Regulations had not been made; and
 - (b) the old instrument is an eligible instrument; and
 - (c) the old instrument:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is made, or taken to be made, after the main commencement time as a result of the operation of a provision of this Division; and

- (d) after the main commencement time, a requirement (the ***new requirement***) mentioned in column 3 of the item applies in relation to the flight.

Note: For the definition of ***eligible instrument***, see 202.405A.

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
1	Radio-communication systems	An approval of a radiocommunication system under subregulation 82(1) of the old CAR in relation to an aircraft	<p>A requirement under any of the following provisions relating to the fitment or carriage of a radiocommunication system:</p> <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (b) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (e) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (f) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (g) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
2	Radio-communication systems	An exemption under subregulation 82(3) of CAR (as in force before the commencement of the <i>Civil Aviation and Civil Aviation Safety Amendment Regulations 2011</i> (No. 2)) in relation to an aircraft that continued to have effect because of regulation 202.011A of these Regulations (as in force before the main commencement time)	<p>A requirement under any of the following provisions relating to the fitment or carriage of a radiocommunication system:</p> <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (b) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (e) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (f) a provision of the Part 135 Manual of Standards prescribed for the purposes of

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			subregulation 135.370(1); (g) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
3	Documents to be carried in aircraft	An approval under paragraph 139(1)(c) or (d) of the old CAR in relation to a document that must be carried on an aircraft when flying	A requirement under any of the following provisions to carry the document on an aircraft when a flight begins: (a) paragraph 91.105(2)(a) or subregulation 91.110(3); (b) a provision of the Part 121 Manual of Standards prescribed for the purposes of paragraph 121.085(1)(a); (c) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.275(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of paragraph 133.055(1)(a); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of paragraph 135.065(1)(a)
4	Picking up of persons or objects during aerial work operations	Authority under subregulation 151(3) of the old CAR for a person to be picked up by an aircraft during a flight involving an aerial work operation	A requirement in relation to the pick up or set down of a person during a flight under a provision prescribed by the Part 138 Manual of Standards for the purposes of subregulation 138.410(2)
5	Picking up of persons or objects during medical transport operations	Authority under subregulation 151(3) of the old CAR for a person to be picked up by an aircraft during a flight involving an aerial work (air ambulance) operation	A requirement under a provision prescribed by the Part 133 Manual of Standards for the purposes of paragraph 133.295(1)(b) in relation to an external load operation involving winching a person during a flight
6	Low flying during aerial work operations	A permit under paragraph 157(4)(b) of the old CAR for a flight during an aerial work operation to be made at a lower height	A requirement under a provision prescribed by the Part 138 Manual of Standards for the purposes of regulation 138.275 in relation to the circumstances of the flight
7	Instruments and equipment for VFR flights	Permission under subregulation 174A(3) of the old CAR for an aircraft to be flown under the VFR	A requirement under any of the following provisions relating to the fitment or carriage of equipment on the aircraft for a flight under the VFR: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.273(1);

Schedule 3 Transitional provisions commencing at main commencement time

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			<p>(b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1);</p> <p>(c) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1);</p> <p>(d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.367(1);</p> <p>(e) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1);</p> <p>(f) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1);</p> <p>(g) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1);</p> <p>(h) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)</p>
8	Instruments and equipment for VFR flights by night	Permission under subregulation 174A(4) of the old CAR for an aircraft to be flown under the VFR at night	<p>A requirement under any of the following provisions relating to the fitment or carriage of equipment on the aircraft for a VFR flight by night:</p> <p>(a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.273(1);</p> <p>(b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1);</p> <p>(c) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.367(1);</p> <p>(d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1);</p> <p>(e) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1);</p> <p>(f) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1);</p> <p>(g) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)</p>
9	VFR flights at night by single engine turbine	Both: (a) an approval under subparagraph	A requirement under subregulation 135.240(2) in relation to a VFR flight at night

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
	powered aircraft	174B(2)(d)(i) of the old CAR for an operator to conduct charter operations that involve the carrying of passengers for hire or reward; and (b) an approval under subparagraph 174B(2)(d)(ii) of the old CAR for the operation mentioned in paragraph (a) to be conducted in a single engine turbine powered aeroplane	
10	VFR flights at night below 1,000 feet	Permission under subregulation 174B(4) of the old CAR for an aircraft to be flown under the VFR at night at a height of less than 1,000 feet above the highest obstacle located within 10 miles of the aircraft	A requirement under regulation 91.277 in relation to a VFR flight at night
11	Navigation equipment for VFR flights	Permission under subregulation 174D(4) of the old CAR in relation to the requirements for equipping an aircraft for flight under the VFR for navigation or to obtain positive position fixes	A requirement under any of the following provisions relating to requirements for equipping an aircraft for a VFR flight for navigation or to obtain positive position fixes: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.273(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1); (d) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.367(1); (e) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (f) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1);

Schedule 3 Transitional provisions commencing at main commencement time

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			<p>(g) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1);</p> <p>(h) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)</p>
12	IFR flights by single engine turbine powered aircraft	<p>Both:</p> <p>(a) an approval under subparagraph 175A(1)(d)(i) of the old CAR for an operator to conduct charter or regular public transport operations that involve the carrying of passengers for hire or reward; and</p> <p>(b) an approval under subparagraph 175A(1)(d)(ii) of the old CAR for the operation mentioned in paragraph (a) to be conducted in a single engine turbine powered aeroplane</p>	A requirement under subregulation 135.240(2) in relation to an IFR flight
13	Instruments and equipment for IFR flights	Permission under subregulation 177(3) of the old CAR for an aircraft to be flown under the IFR	<p>A requirement under any of the following provisions relating to the fitment or carriage of equipment on an aircraft for an IFR flight:</p> <p>(a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.287(1);</p> <p>(b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1);</p> <p>(c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1);</p> <p>(d) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1);</p> <p>(e) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1);</p> <p>(f) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)</p>

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
14	Instruments and equipment for IFR flights at night	Permission under subregulation 177(4) of the old CAR for an aircraft to be flown under the IFR at night	<p>A requirement under any of the following provisions relating to the fitment or carriage of equipment on an aircraft for an IFR flight by night:</p> <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.287(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (f) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
15	Navigation equipment for IFR flights	Permission under subregulation 179A(4) of the old CAR in relation to the requirements for equipping an aircraft for flight under the IFR for navigation or to obtain positive position fixes	<p>A requirement under any of the following provisions relating to requirements for equipping an aircraft for an IFR flight for navigation or to obtain positive position fixes:</p> <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.287(1); (b) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (c) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (d) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (e) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (f) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
16	Navigation lights	A direction under subregulation 196(1) of the old CAR in relation to the display of navigation lights for a	<p>A requirement under any of the following provisions to fit or display navigation lights:</p> <ul style="list-style-type: none"> (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1);

Schedule 3 Transitional provisions commencing at main commencement time

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
		flight or operation of an aeroplane	(b) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (c) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (d) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
17	Anti-collision lights	A direction under subregulation 196(3) of the old CAR in relation to the display of anti-collision lights for a flight or operation of an aeroplane	A requirement under any of the following provisions to fit or display anti-collision lights: (a) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (b) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (c) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (d) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
18	Airship lights	A direction under subregulation 203(1) of the old CAR in relation to the display of lights for a flight or operation of an airship	A requirement under a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1) to fit or display lights
19	Aircraft instruments and equipment	An approval under subregulation 207(2) of the old CAR in relation to the fitting of an instrument, or the carriage of equipment, for an aircraft	Both: (a) a requirement to fit an instrument of the type covered by the approval mentioned in column 2, or to carry equipment of the type covered by the approval mentioned in column 2, for an aircraft; and (b) a requirement relating to an instrument of the type covered by the approval mentioned in column 2, or equipment of the type covered by the approval mentioned in column 2, that is fitted to, or carried on, an aircraft; under any of the following provisions: (c) a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.810(1); (d) a provision of the Part 103 Manual of Standards prescribed for the purposes of subregulation 103.090(1);

Exemption from new requirement where old instrument applies			
Item	Column 1	Column 2	Column 3
	Subject	Old instrument	New requirement
			(e) a provision of the Part 121 Manual of Standards prescribed for the purposes of subregulation 121.460(1); (f) a provision of the Part 131 Manual of Standards prescribed for the purposes of subregulation 131.460(1); (g) a provision of the Part 133 Manual of Standards prescribed for the purposes of subregulation 133.360(1); (h) a provision of the Part 135 Manual of Standards prescribed for the purposes of subregulation 135.370(1); (i) a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.465(2)
20	Flight check systems	An approval under subregulation 232(2) of the old CAR of a flight check system for an aircraft	A requirement under paragraph 91.095(2)(a) or subregulation 121.055(1), 131.255(1), 133.030(1), 135.040(1) or 138.210(2) to comply with the flight check requirements set out in the aircraft flight manual instructions for an aircraft
21	Carriage on wings, undercarriage etc. for aerial work operations	Permission under subregulation 250(2) of the old CAR for the carriage of a person during a flight involving an aerial work operation	A requirement under a provision of the Part 138 Manual of Standards prescribed for the purposes of subregulation 138.410(2)
22	Carriage of animals	A permission under subregulation 256A(1) of the old CAR to carry a live animal on an aircraft	A requirement under a provision of the Part 91 Manual of Standards prescribed for the purposes of subregulation 91.620(5) relating to the carriage of animals on an aircraft

Exemption taken to be granted

- (2) A person who would (apart from this subregulation) contravene an offence provision of these Regulations if the new requirement is not met in relation to the flight is taken, after the main commencement time, to have been granted an exemption (the **new exemption**) under Division 11.F.1 from the new requirement for the flight.

Terms of exemption

- (3) For the purposes of regulation 11.205, the new exemption is taken to have been granted on the condition that any terms or conditions of the old instrument are complied with.
- (4) The new exemption ceases at the earliest of the following:

- (a) the day (if any) specified in the old instrument as the day on which the old instrument ceases to be in force;
 - (b) the second anniversary of the day the old instrument was made, granted, given or issued (as the case requires) that occurs after the main commencement time;
 - (c) if the operator of the aircraft is the holder of an AOC and the old instrument applies in relation to the operations authorised by the AOC—the day the operator's AOC expires;
 - (d) if the operator of the aircraft is the holder of an aerial work certificate and the old instrument applies in relation to the operations authorised by the aerial work certificate—the day the operator's aerial work certificate expires;
 - (e) if the operator of the aircraft is the holder of a Part 141 certificate and the old instrument applies in relation to the operations authorised by the Part 141 certificate—the day the operator's Part 141 certificate expires.
- (5) Subregulation 11.056(2) (conditions to be set out) and regulations 11.225 (publication of exemption) and 11.230 (when exemptions cease) do not apply in relation to the new exemption.

Effect of suspension

- (6) If the old instrument has been suspended and the suspension is in force immediately before the main commencement time, then:
- (a) disregard the suspension for the purposes of subparagraph (1)(c)(i); and
 - (b) the exemption taken to be granted under subregulation (2) is taken to be suspended; and
 - (c) the period of suspension for the exemption is the same as for the old instrument.

202.416B Directions taken to be issued

When this regulation applies

- (1) This regulation applies if:
- (a) CASA issued a direction under one of the following provisions of the old CAR:
 - (i) subregulation 92(2) (use of aerodromes);
 - (ii) paragraph 174A(1A)(a) or (2)(e) (instruments and equipment for VFR flights);
 - (iii) subregulation 177(1) (instruments and equipment for IFR flights);
 - (iv) subregulation 207(2) or (3) (aircraft instruments and equipment);
 - (v) subregulation 209(1) (private operations);
 - (vi) subregulation 221(1) (facilities and safety devices);
 - (vii) subregulation 235(2) or (7) (weights for take-off and landing of aircraft);
 - (viii) subregulation 244(2) (safety precautions before take-off);
 - (ix) subregulation 245(1) (tests before take-off);
 - (x) subregulation 251(3) or (6) (seat belts and safety harnesses);
 - (xi) subregulation 252(1) (emergency systems and equipment); and

- (b) the direction is an eligible instrument; and
- (c) the direction:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is made, or is taken to be made, after the main commencement time as a result of the operation of a provision of this Division.

Note: For the definition of *eligible instrument*, see 202.405A.

Effect of direction

- (2) The direction has effect, after the main commencement time, as if the direction were issued by CASA under subregulation 11.245(1).
- (3) The direction ceases to be in force at the earlier of the following:
 - (a) the day (if any) specified in the direction as the day on which the direction ceases to be in force;
 - (b) the second anniversary of the day the direction was issued that occurs after the main commencement time.
- (4) Subregulation 11.245(2) is taken to be satisfied in relation to the direction.
- (5) Regulation 11.250 (period of effect of direction) does not apply in relation to the direction.

202.416C Effect of old exemptions

When this regulation applies

- (1) This regulation applies in relation to a person if:
 - (a) either:
 - (i) CASA granted the person an exemption (the *old exemption*) under regulation 11.160 from compliance with a provision (the *old provision*) under the old Regulations; or
 - (ii) the person is subject to an exemption (the *old exemption*) from compliance with a provision (the *old provision*) of the old Regulations that continued to have effect under regulation 202.011, 202.011B or 202.011F of the old Regulations; and
 - (b) the old exemption is an eligible instrument; and
 - (c) the old exemption:
 - (i) is in force immediately before the main commencement time; or
 - (ii) is granted after the main commencement time as a result of the operation of a provision of this Division; and
 - (d) the old provision is repealed by the amending Regulations; and
 - (e) after the main commencement time, there is a corresponding new provision in relation to the old provision.

Note 1: For the definition of *eligible instrument*, see 202.405A.

Note 2: For the definition of *corresponding new provision*, see 202.405.

Exemption taken to be granted

- (2) The person is taken, after the main commencement time, to have been granted an exemption (the ***new exemption***) under Division 11.F.1 from compliance with the corresponding new provision.

Terms of exemption

- (3) For the purposes of regulation 11.205, the new exemption is taken to have been granted on the condition that any terms or conditions of the old exemption are complied with.
- (4) The new exemption ceases at the earliest of the following:
- (a) the day (if any) specified in the old exemption as the day on which the old exemption ceases to be in force;
 - (b) the second anniversary of the day the old exemption was granted that occurs after the main commencement time;
 - (c) if the person is the holder of an AOC and the old exemption applies in relation to the operations authorised by the AOC—the day the person's AOC expires;
 - (d) if the person is the holder of an aerial work certificate and the old exemption applies in relation to the operations authorised by the aerial work certificate—the day the person's aerial work certificate expires;
 - (e) if the person is the holder of a Part 141 certificate and the old exemption applies in relation to the operations authorised by the Part 141 certificate—the day the person's Part 141 certificate expires.
- (5) Subregulation 11.056(2) (conditions to be set out) and regulations 11.225 (publication of exemption) and 11.230 (when exemptions cease) do not apply in relation to the new exemption.

Effect of suspension

- (6) If the old exemption has been suspended and the suspension is in force immediately before the main commencement time, then:
- (a) disregard the suspension for the purposes of subparagraph (1)(c)(i); and
 - (b) the new exemption taken to be granted under subregulation (2) is taken to be suspended; and
 - (c) the period of suspension for the new exemption is the same as for the old exemption.

Subdivision 202.EAA.1.13—Applications for instruments other than AOCs and aerial work certificates

202.417 Applications for instruments (other than AOCs and aerial work certificates) made after main commencement time

Subject to this Division, the new Regulations apply in relation to an application for an instrument (other than an AOC or an aerial work certificate) that is made after the main commencement time.

Subdivision 202.EAA.1.14—Other general transitional matters**202.418 Flight training and checking***When this regulation applies*

- (1) This regulation applies in relation to a flight by an aircraft if:
 - (a) after the main commencement time, a requirement (the ***new requirement***) under a provision of these Regulations or an instrument made under, or for the purposes of, these Regulations, applies in relation to the flight; and
 - (b) the new requirement is in relation to a training or checking event (the ***new event***) that is:
 - (i) specified in a determination made for the purposes of subregulation (3); and
 - (ii) in relation to a person; and
 - (c) a training or checking event (the ***old event***) that is specified in the determination in relation to the new event happened in relation to the person before the main commencement time; and
 - (d) the flight occurs:
 - (i) after the main commencement time; and
 - (ii) before the time (if any) specified in the determination in relation to the new event.

New event taken to have happened

- (2) After the main commencement time, for the purposes of these Regulations or an instrument made under, or for the purposes of, these Regulations, the new event is taken to have happened in relation to the person.

Determination

- (3) CASA may make a written determination for the purposes of this regulation.

Note: A determination made under this subregulation is a legislative instrument: see subsection 98(5AA) of the Act.

Training or checking events

- (4) In this regulation, a ***training or checking event*** includes any of the following:
 - (a) satisfactory completion of training or education (however described);
 - (b) successful completion of a check, a test, a flight review or an assessment of competency (however described);
 - (c) obtaining a qualification or certificate;
 - (d) completing experience;
 - (e) completing a flight or series of flights;
 - (f) successfully participating in a training and checking system (however described).

202.418A Flights in progress

If a flight of an aircraft begins before the main commencement time but has not ended by that time, then, despite the amending Regulations, the old Regulations continue to apply in relation to the flight.

202.418B Manuals of Standards may deal with other transitional matters

For the avoidance of doubt, a Manual of Standards made for a Part under these Regulations may provide for matters of a transitional nature (including prescribing any saving or application provisions) relating to a provision of the Manual of Standards.

Note: If there is an inconsistency between a MOS and a provision of the Act or these Regulations, the provision of the Act or these Regulations prevails to the extent of the inconsistency: see regulation 1.008.

Subdivision 202.EAA.1.15—Miscellaneous transitional provisions

202.419 Statistical returns

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, a person was directed to give information under subregulation 132(1) of the old CAR in relation to an aircraft; and
 - (b) the direction is an eligible instrument; and
 - (c) the direction is in force immediately before the main commencement time; and
 - (d) as at the main commencement time, the direction has not been complied with.

Note: For the definition of *eligible instrument*, see 202.405A.

Direction continues to have effect

- (2) The direction continues to have effect, after the main commencement time, as if the direction had been given by CASA under regulation 117.020 in relation to the aircraft.
- (3) For the purposes of subregulation 117.020(4), the person must comply with the direction within 60 days after the main commencement time.

202.419A Reports

- (1) If:
 - (a) before the main commencement time, a person was required (the *old requirement*) to give a traffic report under subregulation 132(2) of the old CAR; and
 - (b) as at the main commencement time, the old requirement has not been complied with;then, after the main commencement time, the person is taken to have been given a direction under regulation 117.025 to prepare and provide a traffic report.

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- (2) For the purposes of subregulation 117.025(4), the person must comply with the direction within 60 days after the main commencement time.

202.419B Protection of information

Regulation 117.030 applies in relation to disclosures of information in accordance with regulations 117.020 and 117.025 (including those provisions as applied by regulations 202.419 and 202.419A) that happen after the main commencement time (whether the information was obtained or disclosed before or after the main commencement time).

202.419C Special flight permits

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, CASA or an authorised person has:
 - (i) issued a special flight permit for an aircraft under regulation 21.197; and
 - (ii) directed that all or any of paragraphs 133(1)(a), (c) and (d) and regulation 139 of the old CAR do not apply to the aircraft; and
 - (b) the permit and the direction are in force immediately before the main commencement time.

Effect of regulations

- (2) These Regulations have effect, after the main commencement time, as if:
- (a) a reference in the direction to paragraph 133(1)(a) of the old CAR were instead a reference to paragraph 91.145(2)(c); and
 - (b) a reference in the direction to paragraph 133(1)(c) of the old CAR were instead a reference to paragraph 91.145(2)(d); and
 - (c) a reference in the direction to regulation 139 of the old CAR were instead a reference to Division 91.C.3.

202.419D Special flight authorisations

- (1) If:
- (a) before the main commencement time, a special flight authorisation (the ***old authorisation***) for the operation of an aircraft had been issued under regulation 135A of the old CAR; and
 - (b) the old authorisation is in force immediately before the main commencement time;
- then, after the main commencement time, a special flight authorisation (the ***new authorisation***) is taken to be in force in relation to the aircraft under regulation 91.970 for flight of the aircraft in Australian territory.
- (2) For the purposes of paragraph 91.970(3)(c), the new authorisation is taken to have been granted on the condition that any terms or conditions of the old authorisation are complied with.
- (3) The new authorisation ceases:

- (a) if the old authorisation specifies a day on which the old authorisation ceases to be in force—on that day; or
- (b) otherwise—the second anniversary of the day the old authorisation was given that occurs after the main commencement time.

202.419E Foreign state aircraft

When this regulation applies

- (1) This regulation applies in relation to a flight in Australian territory by a state aircraft of a foreign country that occurs after the main commencement time if:
 - (a) before the main commencement time, CASA had given permission or an invitation (the **old permission**) for the flight under regulation 136 of the old CAR; and
 - (b) the old permission is an eligible instrument; and
 - (c) the old permission is in force immediately before the main commencement time.

Note: For the definition of **eligible instrument**, see 202.405A.

Approval taken to be granted

- (2) For the purposes of subregulation 91.975(1), after the main commencement time, the operator of the aircraft is taken to have been granted an approval under regulation 91.045 for the flight.
- (3) For the purposes of regulation 11.056, the approval is taken to have been granted on the condition that any terms or conditions of the old permission are complied with.
- (4) Subregulation 11.056(2) does not apply in relation to the approval.
- (5) The approval ceases:
 - (a) if the old permission specifies a day on which the old permission ceases to be in force—on that day; or
 - (b) otherwise—the second anniversary of the day the old permission was given that occurs after the main commencement time.

202.419F Discharge of firearms in aircraft

When this regulation applies

- (1) This regulation applies in relation to a flight of an aircraft involved in an aerial work operation that occurs after the main commencement time if:
 - (a) before the main commencement time, CASA had given permission (the **old permission**) under subregulation 144(3) of the old CAR for a person to discharge a firearm while on an aircraft involved in an aerial work operation; and
 - (b) the old permission is an eligible instrument; and
 - (c) the old permission is in force immediately before the main commencement time.

Note: For the definition of **eligible instrument**, see 202.405A.

Person taken to be authorised to discharge firearm

- (2) For the purposes of subregulation 91.165(2), after the main commencement time, the person is taken to have been granted an authorisation (the **new authorisation**) to discharge the firearm while on the aircraft.

Terms of authorisation

- (3) For the purposes of regulation 11.056, the new authorisation is taken to have been granted on the condition that any terms or conditions of the old permission are complied with.
- (4) Subregulation 11.056(2) (conditions to be set out) does not apply in relation to the new authorisation.
- (5) The new authorisation ceases at the earlier of the following:
- (a) the day (if any) specified in the old permission as the day on which the old permission ceases to be in force;
 - (b) the second anniversary of the day the old permission was given that occurs after the main commencement time.

Exemption for operator and pilot taken to be granted

- (6) Subregulations (7) to (10) apply if the operator and the pilot in command of the aircraft for the flight are subject to a requirement (the **new requirement**) under a provision prescribed by the Part 138 Manual of Standards for the purposes of paragraph 138.432(2)(b) in relation to the discharge of a firearm while on the aircraft.
- (7) For the purposes of regulation 138.432, after the main commencement time, the operator and the pilot in command of the aircraft for the flight are each taken to have been granted an exemption (the **new exemption**) under Division 11.F.1 from the new requirement in relation to the flight.

Terms of exemption

- (8) For the purposes of regulation 11.205, the new exemption is taken to have been granted on the condition that any terms or conditions of the old permission are complied with.
- (9) The new exemption ceases at the earliest of the following:
- (a) the day (if any) specified in the old permission as the day on which the old permission ceases to be in force;
 - (b) the second anniversary of the day the old permission was given that occurs after the main commencement time;
 - (c) if the operator of the aircraft is the holder of an aerial work certificate and the old permission applies in relation to the operations authorised by the aerial work certificate—the day the operator's aerial work certificate expires.
- (10) Subregulation 11.205(2) (conditions to be set out) and regulations 11.225 (publication of exemption) and 11.230 (when exemptions cease) do not apply in relation to the new exemption.

202.419G Instrument approach and departure procedure

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, CASA had issued a determination (the **old determination**):
 - (i) under paragraph 178(6)(b) of the old CAR in relation to an instrument approach procedure; or
 - (ii) under paragraph 178(6)(c) of the old CAR in relation to an instrument departure procedure; and
 - (b) the old determination is an eligible instrument; and
 - (c) the old determination is in force immediately before the main commencement time.

Note: For the definition of **eligible instrument**, see 202.405A.

Determination continues to have effect

- (2) The old determination continues to have effect, after the main commencement time, as if the determination were an instrument (the **new instrument**):
 - (a) if subparagraph (1)(a)(i) applies—issued under regulation 201.025 for the purposes of subparagraph (a)(ii) of the definition of **authorised instrument approach procedure** in Part 1 of the Dictionary; or
 - (b) if subparagraph (1)(a)(ii) applies—issued under regulation 201.025 for the purposes of subparagraph (a)(ii) of the definition of **authorised instrument departure procedure** in Part 1 of the Dictionary.
- (3) The new instrument ceases to be in force at the earlier of the following:
 - (a) the day (if any) specified in the old determination as the day on which the old determination ceases to be in force;
 - (b) the second anniversary of the day the old determination was issued that occurs after the main commencement time.

202.419H Existing RVSM approvals

When this regulation applies

- (1) This regulation applies in relation to an operator of an aircraft if:
 - (a) the operator held an RVSM operational approval (the **old operational approval**) under regulation 181M of the old CAR; and
 - (b) the old operational approval covers the aircraft; and
 - (c) the old operational approval is in force immediately before the main commencement time; and
 - (d) an RVSM airworthiness approval (the **old airworthiness approval**) under regulation 181G of the old CAR is in force for the aircraft immediately before the main commencement time.

Approval taken to be granted

- (2) For the purposes of regulation 91.655, the operator of the aircraft is taken, after the main commencement time, to hold an approval (the **new approval**) under regulation 91.045 for the aircraft to be flown in RVSM airspace.

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- (3) The new approval ceases to have effect at the earliest of the following:
- (a) the day (if any) specified in the old operational approval as the day on which the old operational approval ceases to be in force;
 - (b) the day (if any) specified in the old airworthiness approval as the day on which the old airworthiness approval ceases to be in force;
 - (c) the second anniversary of the day the old operational approval was given that occurs after the main commencement time;
 - (d) the second anniversary of the day the old airworthiness approval was given that occurs after the main commencement time;
 - (e) if the operator is the holder of an AOC—the day the operator’s AOC expires;
 - (f) if the operator is the holder of an aerial work certificate—the day the operator’s aerial work certificate expires.

202.419J Applications for RVSM operational approval

When this regulation applies

- (1) This regulation applies in relation to an operator of an aircraft if:
- (a) before the main commencement time, the operator applied for a RVSM operational approval under regulation 181L of the old CAR; and
 - (b) as at the main commencement time, the application has not been finally determined; and
 - (c) the requirements in paragraphs 181M(1)(a) to (c) of the old CAR would have been satisfied in relation to the aircraft (assuming that regulation 181M had not been repealed by the amending Regulations).

Application taken to be made

- (2) At the main commencement time, the application is taken to have been made under regulation 91.045 for the aircraft to be flown in RVSM airspace for the purposes of subparagraph 91.655(2)(a)(i).

202.419K Operations manuals

When this regulation applies

- (1) This regulation applies if:
- (a) before the main commencement time, CASA had given a direction under subregulation 215(3) of the old CAR in relation to an operator’s operations manual; and
 - (b) the direction is an eligible instrument; and
 - (c) the direction is in force immediately before the main commencement time.

Note: For the definition of *eligible instrument*, see 202.405A.

Direction continues to have effect

- (2) The direction continues to have effect, after the main commencement time:
- (a) in relation to an operator that is an Australian air transport operator—as if the direction had been given by CASA under subregulation 119.105(1) in relation to the operator’s exposition; and

- (b) in relation to an operator that is an aerial work operator—as if the direction had been given by CASA under subregulation 138.068(1) in relation to the operator’s operations manual; and
 - (c) in relation to an operator that is a balloon transport operator—as if the direction had been given by CASA under subregulation 131.115(1) in relation to the operator’s exposition.
- (3) The direction ceases to be in force:
 - (a) in relation to an operator that is an Australian air transport operator—on the day the operator’s AOC expires; and
 - (b) in relation to an operator that is an aerial work operator—on the day the operator’s aerial work certificate expires; and
 - (c) in relation to an operator that is balloon transport operator—on the day the operator’s AOC expires.

202.419L Fuel records

When this regulation applies

- (1) This regulation applies in relation to a record that was required to be maintained under regulation 220 of the old CAR immediately before the main commencement time.

Old CAR continues to apply

- (2) Despite the repeal of regulation 220 of the old CAR by the amending Regulations, that regulation as in force immediately before the main commencement time continues to apply in relation to the record for a period of 6 months beginning immediately after the main commencement time.

202.419M Light sport aircraft

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, for the purposes of subregulation 262APA(7) of the old CAR, a person was appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of an aircraft; and
 - (b) the appointment is in force immediately before the main commencement time.

Person taken to be authorised person

- (2) For the purposes of subregulation 91.900(4), after the main commencement time the person is taken to be an authorised person.

202.419N Operating requirements for light sport aircraft

When this regulation applies

- (1) This regulation applies if:

- (a) before the main commencement time, CASA had determined (the ***old determination***) one or more additional operating limitations in relation to an aircraft under subregulation 262APA(4) of the old CAR; and
- (b) the old determination is an eligible instrument; and
- (c) the old determination is in force immediately before the main commencement time.

Note: For the definition of ***eligible instrument***, see 202.405A.

Effect of determination

- (2) The old determination has effect, after the main commencement time, as if it had been issued as a direction by CASA under subregulation 11.245(1) in relation to the aircraft.
- (3) The direction ceases to be in force at the earlier of the following:
 - (a) the day (if any) specified in the old determination as the day on which the old determination ceases to be in force;
 - (b) the second anniversary of the day the old determination was issued that occurs after the main commencement time.
- (4) Subregulation 11.245(2) is taken to be satisfied in relation to the direction.
- (5) Regulation 11.250 (period of effect of direction) does not apply in relation to the direction.

202.419P Reviewable decisions

Despite the amendments of regulation 297A of the old CAR made by the amending Regulations, that regulation, as in force immediately before the main commencement time, continues to apply after the main commencement time in relation to a decision made before the main commencement time.

202.419Q Authorised persons and identity cards

When this regulation applies

- (1) This regulation applies if:
 - (a) before the main commencement time, a person was appointed (the ***old appointment***) under paragraph 6(1)(a) or (b) of the old CAR to be an authorised person in relation to a provision of CAR; and
 - (b) the old appointment is in force immediately before the main commencement time.

Person taken to be authorised person

- (2) For the purposes of these Regulations, after the main commencement time, the person is taken to be an authorised person under regulation 201.001 in relation to:
 - (a) if the relevant provision of CAR is in force immediately after the main commencement time—that provision of CAR; or
 - (b) if the relevant provision of CAR is repealed by the amending Regulations—the corresponding new provision (if any).

Note: For the definition of ***corresponding new provision***, see 202.405.

- (3) For the purposes of subregulation 201.001(4), a person taken to be an authorised person under subregulation (2) of this regulation is appointed on the conditions of the person's old appointment.
- (4) To avoid doubt, subregulations 201.001(2) and (3) do not apply in relation to a person taken to be an authorised person under subregulation (2) of this regulation.

Identity cards

- (5) If:
 - (a) before the main commencement time, an identity card had been issued under subregulation 6A(1) of the old CAR to an authorised person in relation to one or more provisions (the *old provision*) of CAR; and
 - (b) the identity card was in the possession of the authorised person immediately before the main commencement time;then, for the purposes of these Regulations, after the main commencement time, the identity card is taken:
 - (c) to have been issued to the authorised person under regulation 201.002; and
 - (d) to specify whichever of the following is applicable:
 - (i) if paragraph (2)(a) of this regulation applies—the relevant provision of CAR;
 - (ii) if paragraph (2)(b) of this regulation applies—the relevant corresponding new provision.

Note: For the definition of *corresponding new provision*, see 202.405.

202.419R Applications for certificates of airworthiness

- (1) Despite the amendment of regulation 21.173 by Schedule 1 to the amending Regulations, the owner of an aircraft that is registered with one of the following bodies is eligible, under that regulation, to apply for a certificate of airworthiness for the aircraft:
 - (a) Australian Sport Rotorcraft Association Incorporated;
 - (b) The Gliding Federation of Australia Incorporated;
 - (c) Sports Aviation Federation of Australia Limited;
 - (d) Recreational Aviation Australia Limited.
- (2) This regulation is repealed at the end of 2 December 2024.

202.419S Applications for experimental certificates

- (1) Despite the amendment of regulation 21.192 by Schedule 1 to the amending Regulations, the owner of an aircraft that is registered with one of the following bodies is eligible, under that regulation, to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191:
 - (a) Australian Sport Rotorcraft Association Incorporated;
 - (b) The Gliding Federation of Australia Incorporated;
 - (c) Sports Aviation Federation of Australia Limited;
 - (d) Recreational Aviation Australia Limited.
- (2) This regulation is repealed at the end of 2 December 2024.

202.419T Application of Part 61 in relation to pilot certificates

- (1) This regulation applies if, immediately before the commencement of Schedule 1 to the amending Regulations, a person held a pilot certificate granted by:
 - (a) Recreational Aviation Australia Limited; or
 - (b) Australian Sport Rotorcraft Association Incorporated; or
 - (c) The Gliding Federation of Australia Incorporated.
- (2) Despite the amendment of Part 61 made by Schedule 1 to the amending Regulations, that Part continues to apply in relation to the person and the pilot certificate as if those amendments had not been made.
- (3) This regulation is repealed at the end of the day that is 3 years after the day on which the *Civil Aviation Legislation Amendment (Part 149) Regulations 2018* commenced.