



Australian Government

Civil Aviation Safety Authority

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988*, regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998* and regulations 5, 38, 43, 50B and 235 and subregulations 151 (3), 174B (2), 175A (1), 207 (2), 209 (1), 215 (3), 217 (1), 250 (2) and (3) and 251 (3) of the *Civil Aviation Regulations 1988*.

[Signed P. Spence]

Pip Spence

Director of Aviation Safety

30 November 2021

Civil Aviation Order (Flight Operations) Repeal and Amendment Instrument 2021 (No. 1)

1 Name of instrument

This instrument is the *Civil Aviation Order (Flight Operations) Repeal and Amendment Instrument 2021 (No. 1)*.

2 Commencement

This instrument commences on 2 December 2021.

3 Interpretation

A reference in this instrument to a Civil Aviation Order identified by a specified number is taken to include a reference to the section of the Civil Aviation Orders with that number.

Note Some existing legislative instruments are referred to as a Civil Aviation Order followed by a number. Other instruments are referred to as a section of the Civil Aviation Orders. For consistency, in this instrument, all such instruments are referred to as a Civil Aviation Order followed by a number. For example, a reference to Civil Aviation Order 82.7 is taken to include a reference to section 82.7 of the Civil Aviation Orders.

4 Amendment of Civil Aviation Order 82.0

Schedule 1 amends *Civil Aviation Order 82.0 Instrument 2014*.

5 Amendment of Civil Aviation Order 82.1

Schedule 2 amends Civil Aviation Order 82.1 – Conditions on Air Operators' Certificates authorising charter operations and aerial work operations.

6 Amendment of Civil Aviation Order 82.7

Schedule 3 amends Civil Aviation Order 82.7 – Air Operators' Certificates authorising aerial work operations and charter operations in balloons.

7 Amendment of Civil Aviation Order 100.5

Schedule 4 amends *Civil Aviation Order 100.5 (General requirements in respect of maintenance of Australian aircraft) 2011*.

8 Amendment of Civil Aviation Order 100.7

Schedule 5 amends *Civil Aviation Order 100.7 Instrument 2015*.

9 Repeal

Each instrument mentioned in Schedule 6 is repealed.

Schedule 1 Amendment to Civil Aviation Order 82.0

[1] Subsection 1D

omit

[2] Subsection 1

omit

aerial work operations, charter operations and regular public transport operations

insert

the flying or operation of an aircraft for a purpose prescribed by regulation 206 of CAR

[3] Paragraph 2.1

A definition listed in an item in the following table is omitted

Item	Definition
1	<i>ACARS</i>
2	<i>adequate aerodrome</i> (including note)
3	<i>AEO</i>
4	<i>aircraft</i>
5	<i>approved AEO cruise speed</i> (including notes)
6	<i>approved OEI cruise speed</i> (including notes)
7	<i>CFSS</i>
8	<i>check pilot</i>
9	<i>CMP</i> (including note)
10	<i>cockpit documentation</i>
11	<i>configuration maintenance and procedures (CMP) standards document</i>
12	<i>CTAF radio frequency</i>
13	<i>EDTO alternate aerodrome</i> (including notes)
14	<i>EDTO entry point</i>
15	<i>EDTO, or extended diversion time operation</i>
16	<i>ground-based radiocommunication service</i>
17	<i>high capacity aircraft</i>
18	<i>IAP</i>

Item	Definition
19	<i>ISA</i> , or <i>international standard atmosphere</i>
20	<i>MEL</i>
21	<i>minimum safe fuel</i>
22	<i>night vision device</i> , or <i>NVD</i>
23	<i>non-controlled aerodrome</i>
24	<i>OEI</i>
25	<i>OEM</i>
26	<i>operational support personnel</i>
27	<i>passenger</i>
28	<i>radiocommunication confirmation system</i>
29	<i>remote island</i>
30	<i>SATCOM</i>
31	<i>TAWS-B+ system</i>
32	<i>threshold time</i> (including notes)

[4] Paragraphs 2.1A to 2.5

omit

[5] Paragraph 3.1

omit

charter, or regular public transport, operations

insert

the operation of a glider for the purpose prescribed by paragraph 206 (c) of CAR

[6] Paragraph 3.2

omit

charter, or regular public transport, operations

insert

the operation of a glider for the purpose prescribed by paragraph 206 (c) of CAR

[7] Paragraph 3.3

omit

charter, or regular public transport, operations

insert

the operation of a glider for the purpose prescribed by paragraph 206 (c) of CAR

[8] Subsections 3A to 3E

omit

[9] Paragraph 4.1, note

omit

[10] Paragraph 5.1

omit

by this Part

insert

by Civil Aviation Order 82.1 (**CAO 82.1**)

[11] After 5.1

insert

Note 1 From 2 December 2021, CAO 82.1 only applies to operators holding an AOC authorising operation of a glider for the purpose prescribed by paragraph 206 (c) of CAR, that is, commercial glider passenger-carrying operations.

Note 2 From 2 December 2021, operators holding an AOC authorising operation of an aircraft for the purpose prescribed by paragraph 206 (b) of CAR (commercial Part 137 aerial application operations) are not required to have their Chief Pilot comply with Appendix 1. The requirements relating to the head of flight operations for such an operator are in Part 137 of CASR. See regulation 137.065 of CASR.

[12] Subsections 7 to 10

omit

[13] Paragraph 11.1

substitute

- 11.1 If the pilot in command of an aircraft, operated under an AOC authorising operations for the purpose prescribed by paragraph 206 (b) of CAR, uses an EFB as a means of viewing or accessing authorised aeronautical information, the certificate authorising the operations is subject to the condition that the AOC holder must comply with, and ensure flight crew compliance with, the applicable requirements in Appendix 9.

[14] Appendix 1, paragraph 2.2 (a)

omit

Civil Aviation Regulations 1998

insert

Civil Aviation Safety Regulations 1998, the Manuals of Standards

[15] Appendix 1, subclause 4.1

omit

[16] Appendix 1, Table A

omit

[17] Appendices 2 to 8C

omit

[18] Appendix 9, subclause 1.1, definition of *electronic flight bag*, paragraph (a)

omit

the following apply

insert

the following, as in force immediately before 2 December 2021, would have applied

[19] Appendix 9, subparagraph 1.3 (a) (i)

substitute

(i) is used to view authorised aeronautical information, but without the functionality to change any of that data; and

[20] Appendix 9, paragraph 3.6 (b)

substitute

(b) paper versions of the authorised aeronautical information for the flight for which the EFB of the pilot in command was intended to be a substitute.

[21] Appendix 9, subclause 5.4

omit

[22] Appendix 9, subclause 6.3

substitute

6.3 If the pilot in command of an aircraft uses a permitted EFB as a means of viewing some of the authorised aeronautical information, the training in the use of the EFB must ensure continuing flight crew proficiency in the non-EFB documents used to complement EFB use.

[23] Appendix 9, subclause 6.5

omit

Schedule 2 Amendment to Civil Aviation Order 82.1

[1] Instrument title

omit

CHARTER OPERATIONS AND AERIAL WORK OPERATIONS

insert

COMMERCIAL GLIDER PASSENGER OPERATIONS

[2] Paragraph 1.1

omit

charter operations and aerial work operations

insert

the operation of a glider for the purpose prescribed by paragraph 206 (c) of CAR

[3] Paragraph 1.2

omit

charter operations and aerial work operations

insert

the operation of a glider for the purpose prescribed by paragraph 206 (c) of CAR

[4] After Subsection 1

insert

1A Definition

1A.1 In this section:

approved loading system means a system prepared by an operator in accordance with the requirements of Civil Aviation Order 100.7, and approved by CASA or the holder of an appropriate and valid Weight Control Authority for ensuring that an aircraft is loaded within approved limits at all times during flight.

[5] After paragraph 2.4

insert

2.4A Each operator must provide an operations manual for the use and guidance of the operations personnel of the operator.

Note Before 2 December 2021, this requirement was in subregulation 215 (1) of CAR.

2.4B Each operator must ensure that the operations manual contains such information, procedures and instructions with respect to the flight operations of all types of aircraft operated by the operator as are necessary to ensure the safe conduct of the flight operations (other than information, procedures or instructions that are set out in other documents required to be carried in the aircraft under CAR and CASR).

Note Before 2 December 2021, this requirement was in subregulation 215 (2) of CAR.

2.4C Each operator must revise the operations manual from time to time where necessary as the result of changes in the operator's operations, aircraft or equipment, or in the light of experience.

Note Before 2 December 2021, this requirement was in subregulation 215 (5) of CAR.

2.4D Each operator must ensure that all amendments to the operations manual are incorporated in all copies of the operations manual kept within the operator's organisation and that copies of those amendments are forwarded to all persons to whom copies of the operations manual have been provided in accordance with paragraph 2.5.

Note Before 2 December 2021, this requirement was in subregulation 215 (8) of CAR.

2.4E For regulation 11.245 of CASR, each member of the operations personnel of the operator must comply with all instructions contained in the operations manual insofar as they relate to the member's duties or activities.

Note Before 2 December 2021, this requirement was in subregulation 215 (9) of CAR.

2.4F The direction in paragraph 2.4E ceases to be in force at the end of 1 December 2031.

[6] Paragraph 2.5

omit

For the purposes of subregulations 215 (3) and (6) of the *Civil Aviation Regulations 1988*, each

insert

Each

[7] After subsection 2

insert

2A Loading

- 2A.1 Where an aircraft has an approved loading system, the operator and the pilot in command must ensure that the aircraft is loaded at all times in accordance with that system.

Note 1 Before 2 December 2021, this requirement was in subsection 3 of Civil Aviation Order 20.16.1.

Note 2 Civil Aviation Order 100.7 requires all aircraft, except balloons, to have a loading system unless it can be shown that the aircraft cannot possibly be loaded so that its centre of the gravity falls outside the approved range, observing all limitations on compartment loads.

Note 3 Some acceptable types of loading systems are given in the CASA publication titled *Weight Control of Aircraft*. Where the necessary limitations can be presented in placard form, such placards prominently displayed in the aircraft may be an acceptable type of loading system.

- 2A.2 When passengers are carried, the operator or the operator's representative must compile a passenger list and leave it for retention at the aerodrome of departure. The list must contain the aircraft registration, the names of passengers carried, the date and estimated time of departure, and the places of embarkation and destination.

Note Before 2 December 2021, this requirement was in subsection 7 of Civil Aviation Order 20.16.1.

[8] Subsections 3 to 5

omit

[9] Paragraph 6.1

omit

charter, or aerial work,

[10] Paragraph 6.5, note

omit

[11] Appendix 1, subclause 1.2

omit

[12] Appendix 1, paragraph 2.1 (a)

substitute

- (a) a copy of the Act, the *Civil Aviation Regulations 1988*, the *Civil Aviation Safety Regulations 1998* and those Parts of the Civil Aviation Orders and Manuals of Standards that apply to the operator's operations; and

[13] Appendix 1, paragraph 2.5 (b)

omit

[14] Appendix 1, paragraph 2.5 (c)

omit

section 20.16.1

insert

paragraph 2A.2

[15] Appendix 1, paragraphs 2.5 (d) to (f)

omit

[16] Appendices 2 to 4

omit

Schedule 3 Amendment to Civil Aviation Order 82.7

[1] Instrument title

omit

**AERIAL WORK OPERATIONS AND CHARTER OPERATIONS IN
BALLOONS**

insert

COMMERCIAL BALLOON LICENCE OR RATING TRAINING

[2] Paragraph 1.1

omit

aerial work operations and charter operations in balloons

insert

the flying or operation of an aircraft for the purpose prescribed by
paragraph 206 (a) of CAR

[3] Paragraph 2.1, after definition of *flight crew member*

insert

Note This term has a meaning in this section that is different to the meaning of the term given by the Dictionary of CASR.

[4] Paragraph 2.1, after definition of *passenger*

insert

Note This term has a meaning in this section that is different to the meaning of the term given by the Dictionary of CASR.

[5] After paragraph 5.5

insert

5.5A Each operator must provide an operations manual for the use and guidance of the operations personnel of the operator.

Note Before 2 December 2021, this requirement was in subregulation 215 (1) of CAR.

5.5B Each operator must ensure that the operations manual contains such information, procedures and instructions with respect to the flight operations of all types of aircraft operated by the operator as are necessary to ensure the safe conduct of the flight operations (other than information, procedures or instructions that are set out in other documents required to be carried in the aircraft under CAR and CASR).

Note Before 2 December 2021, this requirement was in subregulation 215 (2) of CAR.

5.5C Each operator must revise the operations manual from time to time where necessary as the result of changes in the operator's operations, aircraft or equipment, or in the light of experience.

Note Before 2 December 2021, this requirement was in subregulation 215 (5) of CAR.

5.5D Each operator must ensure that all amendments to the operations manual are incorporated in all copies of the operations manual kept within the operator's organisation and that copies of those amendments are forwarded to all persons to whom copies of the operations manual have been provided in accordance with paragraph 5.6.

Note Before 2 December 2021, this requirement was in subregulation 215 (8) of CAR.

5.5E For regulation 11.245 of CASR, each member of the operations personnel of the operator must comply with all instructions contained in the operations manual insofar as they relate to the member's duties or activities.

Note Before 2 December 2021, this requirement was in subregulation 215 (9) of CAR.

5.5F The direction in paragraph 5.5E ceases to be in force at the end of 1 December 2031.

[6] Paragraph 5.6

omit

For the purposes of subregulations 215 (3) and (6) of the *Civil Aviation Regulations 1988*, each

insert

Each

[7] Appendix 1, paragraph 2.1 (a)

substitute

(a) a copy of the Act, the *Civil Aviation Regulations 1988*, the *Civil Aviation Safety Regulations 1998* and those Parts of the Civil Aviation Orders and Manuals of Standards that apply to the operator's operations; and

[8] Appendix 1, paragraph 2.5 (b)

omit

[9] Appendix 2, paragraph 3.2 (a)

substitute

(a) ensuring that the operator's flying operations are conducted in compliance with the Act, the *Civil Aviation Regulations 1988*, the *Civil Aviation Safety Regulations 1998*, the Civil Aviation Orders and the Manuals of Standards;

[10] Appendix 2, subclause 5.1

omit

him or her

insert

the Chief Pilot

Schedule 4 Amendment to Civil Aviation Order 100.5

[1] Before section 1A, enacting words

omit

Regulations 1988.

insert

Regulations 1988 and regulation 11.245 of the Civil Aviation Safety Regulations 1998.

[2] Subsection 2

insert

PSEA means prescribed single-engine aeroplane: see subregulation 135.240 (3) of CASR.

[3] Paragraph 2A.2

substitute

2A.2 For a regulation mentioned in paragraph 2A.5, night vision goggles (**NVG**) used in an aircraft is not an aircraft component within the meaning of subregulation 2 (1) of CAR if the NVG is maintained:

- (a) for a flight of an aircraft that is a Part 133 operation — in accordance with the requirements of section 11.63 of the Part 133 Manual of Standards;
- (b) for a flight of an aircraft that is not a Part 133 operation — in accordance with the requirements of section 26.78 of the Part 91 Manual of Standards.

[4] Paragraph 2A.3

omit

[5] Subsection 10, including heading

substitute

10 Prescribed single-engine aeroplanes (PSEA)

10.1 For regulation 11.245 of CASR, the operator of an aeroplane must not operate the aeroplane as a PSEA unless the aeroplane complies with each of the requirements mentioned in Appendix 2 and:

- (a) is approved in writing by CASA as a PSEA in the STC, TAC or TC for the aeroplane; or
- (b) immediately before 2 December 2021, was approved in writing by CASA as an approved single engine turbine-powered aeroplane (ASETPA) in the STC, TAC or TC for the aeroplane.

10.2 The direction in paragraph 10.1 ceases to be in force at the end of 1 December 2031.

[6] Appendix 2, heading

substitute

Prescribed single-engine aeroplanes (PSEA)

[7] Appendix 2, Part 1, before clause 1, notes 1 and 2

substitute

Note Paragraph 10.1 of this CAO requires an aeroplane operated as a PSEA to comply with each of the following requirements. Aircraft systems and equipment mentioned within these requirements must be approved under regulation 21.305 of CASR.

[8] Appendix 2, Part 1, subclause 9.1, note

omit

ASETPA approval.

insert

PSEA inclusion on the TC, STC or TAC.

[9] Appendix 2, Part 1, clause 13, including heading

omit

[10] Appendix 2, Part 2, note

omit

Schedule 5 Amendment to Civil Aviation Order 100.7

[1] Before section 1A, enacting words

omit

1988 and subregulations 5 (1) and 235 (1)

insert

1988, regulation 11.245 of the *Civil Aviation Safety Regulations 1998* and subregulation 5 (1) and regulation 235

[2] Subparagraph 4.1A (d)

omit

subregulation 262AP (3) of CAR

insert

paragraphs 91.875 (2) (f) to (j) of CASR

[3] Paragraph 5.1

substitute

5.1 For regulation 11.245 of CASR, where loading data prepared in accordance with this subsection for an aircraft is approved by CASA, the pilot in command of the aircraft must not commence a flight if the pilot has not received evidence, and taken such action as is necessary to ensure, that the data have been complied with.

5.1A The direction in paragraph 5.1 ceases to be in force at the end of 1 December 2031.

[4] Paragraph 7.1

omit

subregulation 235 (1)

insert

regulation 235

Schedule 6 Repeal of instruments

Instrument

Civil Aviation Order 82.3 Instrument 2004

Civil Aviation Amendment Order (No. R54) 2004

Civil Aviation Order 82.5 Instrument 2004

Civil Aviation Amendment Order (No. R55) 2004

Civil Aviation Order 82.6 (Night vision imaging system — helicopters) 2007

CASA 30/21 – Required Communication Performance and Required Surveillance Performance (RCP 240 and RSP 180) Capability Declarations – Direction 2021

CASA EX45/21 — ATSB Winching Operations Instrument 2021
