



Australian Government
Civil Aviation Safety Authority

I, TERENCE LINDSAY FARQUHARSON, Acting Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 210A and subregulation 215 (3) of the *Civil Aviation Regulations 1988*, subregulation 11.068 (1) of the *Civil Aviation Safety Regulations 1998*, paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988*, and section 4 and subsection 33 (3) of the *Acts Interpretation Act 1901*.

[Signed T. Farquharson]

Terry Farquharson
Acting Director of Aviation Safety

14 August 2014

Civil Aviation Order 48.1 Amendment Instrument 2014 (No. 1)

1 Name of instrument

This instrument is the *Civil Aviation Order 48.1 Amendment Instrument 2014 (No. 1)*.

2 Commencement

This instrument commences on 1 September 2014.

3 Amendment of Civil Aviation Order 48.1

Schedule 1 amends *Civil Aviation Order 48.1* as contained in the *Civil Aviation Order 48.1 Instrument 2013*.

Schedule 1 Amendments

[1] Paragraph 2.2

substitute

- 2.2 Despite paragraph 2.1, the provisions of this instrument take effect for an AOC holder, an FCM and a Part 141 operator in accordance with subsections 4, 4A and 4B.

[2] Subparagraph 4.1 (b)

omit

FCM member

insert

flight crew member

[3] After paragraph 4.7

insert

- 4.8 To avoid doubt, this section does not apply to a Part 141 operator.

[4] After subsection 4

insert

4A Taking of effect for authorised Part 141 operators

- 4A.1 Subject to subsection 4B, this Order takes effect on and from 1 September 2014 for:

- (a) an authorised Part 141 operator; and
- (b) each flight crew member of a person mentioned in subparagraph (a).

- 4A.2 Subject to subsection 4B, despite subsection 3, on and after 1 September 2014, the Orders mentioned in a paragraph of subsection 3 are taken to no longer apply to the following:

- (a) a Part 141 operator;
- (b) each flight crew member of a person mentioned in subparagraph (a).

4B Delayed and transitional taking-of-effect for grandfathered Part 141 operators

- 4B.1 This subsection applies to each of the following (a *grandfathered Part 141 operator*):

- (a) a Part 141 operator who between the beginning of 30 April 2013 and the end of 31 August 2014 continuously held an AOC for flying training;
- (b) a Part 141 operator who, before 30 April 2013, applied for an AOC for flying training which was:
 - (i) issued after 30 April 2013; and
 - (ii) continuously held between the date it was issued and the end of 31 August 2014.

- 4B.2 Subject to paragraph 4B.3, this Order applies to a grandfathered Part 141 operator on and from 30 April 2016.

- 4B.3 At any time on or after 1 September 2014, but before 30 April 2016, a grandfathered Part 141 operator may tell CASA in writing that the operator intends to comply with the requirements of this Order from a specified date that is before 30 April 2016, for all of the operator's operations or for specified operations only.

- 4B.4 Where paragraph 4B.3 applies, the requirements of this Order take effect, from the specified date, for:

- (a) the grandfathered Part 141 operator; and
- (b) each of the operator's flight crew members.

- 4B.5 If paragraph 4B.4 applies then, despite subsection 3, from the date specified by the grandfathered Part 141 operator under paragraph 4B.3:

- (a) the Orders mentioned in a paragraph of subsection 3; and

- (b) any exemption issued to the grandfathered Part 141 operator under paragraph 4.1 of CAO 48.1 and in force;
are each taken to no longer apply to:
- (c) the operator; or
- (d) any flight crew member of the operator.

[5] Subparagraph 5.1 (a)

after

authorising

insert

Part 141 flight training (except in a flight simulation training device), Part 142 activity (except in a flight simulation training device),

[6] After subparagraph 5.1 (a)

insert

Note **Part 141 flight training** is conducted by a **Part 141 operator**, that is, by the holder of a **Part 141 certificate**: see subsection 2. Except in paragraph 2.2 and subsections 4, 10, 11 and 11B, a reference in this Order to an **AOC** is taken to include a **Part 141 certificate**: see paragraph 6.4.

[7] Paragraph 5.2

substitute

5.2 Subject to paragraph 5.3, this Order sets out:

- (a) for paragraph 28BA (1) (b) of the Act — conditions on each AOC mentioned in subparagraph 5.1 (a) (other than a Part 141 certificate that, for this Order, is included in the meaning of an AOC under paragraph 6.4; and
- (b) for subregulation 11.068 (1) of CASR 1998 — conditions on each Part 141 certificate that, for this Order, is included in the meaning of an AOC under paragraph 6.4; and

Note Except in paragraph 2.2 and subsections 4, 10, 11 and 11B, a reference in this Order to an **AOC** is taken to include a **Part 141 certificate**: see paragraph 6.4. However, conditions on an actual AOC are imposed under paragraph 28BA (1) (b) of the Act, and conditions on an actual Part 141 certificate are imposed under subregulation 11.068 (1) of CASR 1998.

- (c) for subregulation 11.068 (1) of CASR 1998 — conditions on the flight crew licence of each flight crew member mentioned in subparagraph 5.1 (b).

[8] Paragraph 6.1, after the definition of AOC

insert

Note Except in paragraph 2.2 and subsections 4, 10, 11 and 11B, a reference in this Order to an **AOC** is taken to include a **Part 141 certificate**: see paragraph 6.4.

[9] Paragraph 6.1, the definition of flying training

substitute

flying training means an aerial work operation for the commercial purpose prescribed in subparagraph 206 (1) (a) (vi) of CAR 1988 as in force

immediately before commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*.

Note Subparagraph 206 (1) (a) (vi) of CAR 1988, as in force immediately before commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No.1)* (the **amendment regulation**), included commercial “flying training” (other than certain conversion training) within the prescription of aerial work. After commencement of the amendment regulation, flying training (other than balloon flying training) is no longer within the prescription of aerial work. Therefore, the definition of “flying training” is no longer required for the Order except to the extent that its retention clarifies the operation of subsection 4B, **Delayed and transitional taking-of-effect for grandfathered Part 141 operators**.

[10] Paragraph 6.1, Definitions

insert

authorised Part 141 flight training has the same meaning as in subregulation 141.015 (2) of CASR 1998 but does not include flight training that is conducted in a flight simulation training device as the exclusive form of training conducted by the operator.

authorised Part 142 activity has the same meaning as in subregulation 142.015 (3) of CASR 1998 but does not include flight training that is conducted in a flight simulation training device as the exclusive form of training conducted by the operator.

balloon flying training means an aerial work operation for the commercial purpose prescribed in subparagraph 206 (1) (a) (vi) of CAR 1988.

Part 141 certificate has the same meaning as in subregulation 141.015 (4) of CASR 1998.

Note In subregulation 141.015 (4) of CASR 1998, a **Part 141 certificate** is defined as a certificate issued under regulation 141.060 of CASR 1998. Except in paragraph 2.2 and subsections 4, 10, 11 and 11B, a reference in this Order to an AOC is taken to include a Part 141 certificate: see paragraph 6.4.

Part 141 operator has the same meaning as in subregulation 141.015 (3) of CASR 1998.

Note In subregulation 141.015 (3) of CASR 1998, a **Part 141 operator** is defined as the holder of a Part 141 certificate. Except in paragraph 2.2 and subsections 4, 10, 11 and 11B, a reference in this Order to an AOC holder, is taken to include a Part 141 operator: see paragraph 6.4.

Part 142 operator has the same meaning as in subregulation 142.015 (4) of CASR 1998.

[11] After paragraph 6.3, Definitions

insert

6.4 In this Order:

- (a) other than in paragraph 2.2 and subsection 4 — a reference to an AOC is taken to include a Part 141 certificate; and
- (b) other than in paragraph 2.2 and subsections 4, 10, 11 and 11B — a reference to an AOC holder, or a holder, is taken to include a Part 141 operator; and
- (c) other than in paragraph 2.2 and subsections 4, 10, 11 and 11B — a reference to an FCM of an AOC holder (however described), is taken to include an FCM of a Part 141 operator.

Note For limits and requirements, subsection 12 deals specifically with Part 141 operators.

[12] Subparagraph 11.1 (b)

omit

flying training

insert

balloon flying training

[13] Subparagraph 11.1 (c)

omit

flying training

insert

balloon flying training

[14] Paragraph 11.1, the Note

omit

[15] Paragraph 11.2

omit

paragraph or paragraphs

insert

subparagraph or subparagraphs

[16] After subsection 11

insert

11A Part 141 flight training

11A.1 A Part 141 operator engaged in authorised Part 141 flight training must comply with the limits and requirements for FCMs mentioned in 1 or more of the following subparagraphs in accordance with this Order:

- (a) the limits and requirements specified in Appendix 1;
- (b) the limits and requirements specified in Appendix 6;
- (c) if the Part 141 operator has an FRMS approved for implementation by CASA in accordance with Appendix 7 — the limits and requirements specified in Appendix 7.

11A.2 Each FCM of an authorised Part 141 operator must comply with the limits and requirements mentioned in the subparagraph or subparagraphs which the operator has chosen to comply with under paragraph 11A.1.

11A.3 To avoid doubt, paragraphs 11A.1 and 11A.2 do not apply to a Part 141 operator, or the FCMs of such an operator, engaged in authorised Part 141 flight training that is conducted in a flight simulation training device as the exclusive form of training conducted by the operator under the authorisation.

11B Part 142 activity

11B.1 An AOC holder who is a Part 142 operator engaged in Part 142 activity must comply with the limits and requirements for FCMs mentioned in 1 or more of the following subparagraphs in accordance with this Order:

- (a) the limits and requirements specified in Appendix 1;

- (b) the limits and requirements specified in Appendix 6;
 - (c) if the Part 142 operator has an FRMS approved for implementation by CASA in accordance with Appendix 7 — the limits and requirements specified in Appendix 7.
- 11B.2 Each FCM of the Part 142 operator must comply with the limits and requirements mentioned in the subparagraph or subparagraphs which the operator has chosen to comply with under paragraph 11B.1.
- 11B.3 To avoid doubt, paragraphs 11B.1 and 11B.2 do not apply to a Part 142 operator, or the FCMs of such an operator, engaged in authorised Part 142 activity that is conducted in a flight simulation training device as the exclusive form of activity conducted by the operator under the authorisation.

[17] Paragraph 13.1

omit

subsection 10 or subsection 11,

insert

subsection 10, subsection 11 or subsection 11A,

[18] Paragraph 14.1

omit

In applying an Appendix mentioned in subsection 10 or subsection 11,

insert

In the application of an Appendix under this Order,

[19] Paragraph 14.2 (but without affecting the Note)

substitute

- 14.2 The limits and requirements that are to apply to an FCM must be determined in accordance with the Appendix chosen under this Order to apply to the FCM.

[20] Subparagraph 14.6 (d)

omit

under paragraph 10.1 or 11.1

[21] Paragraph 15.1

omit

subsection 10 or subsection 11 of

[22] Appendix 5, the heading

substitute

APPENDIX 5 — AERIAL WORK OPERATIONS OTHER THAN BALLOON FLYING TRAINING

[23] Appendix 5, subclause 1.1

omit

or commence

[24] Appendix 6, the heading

substitute

APPENDIX 6 — BALLOON FLYING TRAINING, PART 141 FLIGHT TRAINING AND PART 142 ACTIVITY

Note Appendix 6 does not apply to Part 141 flight training, or Part 142 activity if the flight training or activity is in a flight simulation training device.
