

Explanatory Statement

Civil Aviation Act 1988

Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)

Purpose

The main purposes of this instrument are to amend various Civil Aviation Orders (the *CAOs*) to take into account the commencement of Parts 61, 64, 141 and 142 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*, to repeal other CAOs that will no longer be required when those Parts commence, and to provide related transitional provisions.

Background

Parts 61, 64, 141 and 142 of CASR 1998, which commence on 1 September 2014, are inserted into CASR 1998 by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* (as amended by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*), the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013* and the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*.

Those Parts provide a comprehensive set of regulations relating to flight crew licensing, authorisation of non-licensed personnel, and flight training.

Part 61 sets out the licensing scheme for pilots and flight engineers of registered aircraft.

Part 64 sets out requirements that persons, other than holders of flight crew licences, must satisfy to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation, or to taxi an aeroplane.

Part 141 deals with the conduct of recreational, private and commercial pilot flight training, other than certain integrated training courses. It also makes provision for applicants for, and holders of, certificates that authorise a person to conduct that flight training.

Part 142 deals with the conduct of integrated and multi-crew pilot flight training, contracted recurrent training and contracted checking. It also makes provision for applicants for, and holders of, certificates that authorise a person to conduct that flight training.

Legislation

The provisions of Parts 61, 64, 141 and 142 of CASR 1998 will replace many CAOs, or provisions of the CAOs. Those CAOs have been made by CASA under a range of powers under civil aviation legislation. Relevant provisions of the civil aviation legislation are described below.

Civil Aviation Act 1988 (the Act)

Division 2 of Part III of the Act relates to Air Operators' Certificates (the *AOCs*), which are required for operators to conduct specified operations in aircraft, including regular public transport, charter and aerial work operations. Under paragraph 28BA (1) (b), in

Division 2 of Part III of the Act, an AOC has effect subject to any conditions specified in the regulations or the CAOs.

Subregulation 98 (4A) of the Act empowers CASA to issue CAOs, not inconsistent with this Act or the regulations, and not prescribing any pecuniary penalty, with respect to any matter in relation to which regulations may be made for section 28BA.

Section 98 of the Act empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation. In particular, under subsection 98 (5), the regulations may provide that CASA may issue a CAO containing a direction, instruction, notification, permission, approval or authority. Under subsection 98 (5A), the regulations may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation, or the maintenance, of aircraft, and the airworthiness of, or design standards for, aircraft.

Civil Aviation Safety Regulations 1998

Under regulation 11.056 of CASR 1998, CASA may grant an authorisation subject to any condition that CASA is satisfied is necessary in the interests of preserving a level of aviation safety that is at least acceptable. The term *authorisation* is defined in regulation 11.015 of CASR 1998, and includes a pilot qualification such as a licence, rating, endorsement or certificate.

Under regulation 11.068 of CASR 1998, for subsection 98 (5A) of the Act, CASA may issue a legislative instrument that imposes a condition relating to a matter mentioned in that subsection on a specified class of authorisations.

Subregulation 11.160 (1) of CASR 1998 provides that, for subsection 98 (5A) of the Act, CASA may grant an exemption from a provision of the regulations, including the *Civil Aviation Regulations 1988 (CAR 1988)*, in relation to a matter mentioned in that subsection. Under subregulation 11.160 (2), an exemption may be granted to a person, or to a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic. Under subregulation 11.205 (1), CASA may impose conditions on an exemption if this is necessary in the interests of the safety of air navigation. Subregulation 11.230 (1) of CASR 1998 operates so that an exemption issued under subregulation 11.160 (1) ceases at the end of the day no longer than 3 years after the day on which the exemption commences.

Civil Aviation Regulations 1988

Regulation 5 of CAR 1988 allows CASA to issue a direction, instruction, notification or give a permission, approval or authority, if empowered or required under the regulations, in CAOs. This includes issuing an exemption, being a permission to not comply with regulatory requirements.

Regulation 38 of CAR 1988 allows CASA to give directions relating to the maintenance of Australian aircraft for the purpose of ensuring the safety of air navigation.

Part 5 of CAR 1988 relates to qualifications of flight crew. It includes the following regulations:

- regulation 5.14, which allows CASA to give directions in CAOs setting out requirements for the issue of a flight crew rating to a person, and to specify flight tests that must be passed and other requirements and conditions that must be met
- regulation 5.17, which allows CASA to give directions in CAOs setting out the period for which a flight crew rating, or grade of flight crew rating, remains in force
- regulation 5.18, which allows CASA to give directions in CAOs setting out the authority given by a flight crew rating, or grade of flight crew rating, the limitations on that authority, and the flight tests that must be passed, or any other requirement that must be satisfied, before that authority may be exercised
- regulation 5.20, which allows CASA to approve a person to give flying training, and allows CASA to give directions in CAOs specifying conditions on the approval
- regulation 5.22, which allows CASA to give directions in CAO prescribing the aircraft endorsements that must be held by the holder of a pilot licence before the holder is permitted to carry out the duties authorised by the licence in a particular type or class of aircraft, or in an aircraft that has a special design feature, and allows CASA to give directions in CAOs classifying types of aeroplanes and helicopters into classes
- regulation 5.23, which allows CASA to give directions in CAOs setting out requirements for the issue of aircraft endorsements
- regulation 5.52, which allows CASA to give directions in CAOs setting out the information about each flight undertaken by a pilot that the pilot must record in his or her personal log book
- regulation 5.55, which allows CASA to give directions to a pilot or an operator about the number of hours that the pilot may fly in any period, the length of each tour of duty, rest periods that must be taken and related matters
- regulation 5.59, which allows CASA to prepare and publish specified syllabuses of training in the form of CAOs
- regulation 5.187, which allows CASA to approve a syllabus of training for instruction of a student in the duties of a flight engineer
- regulation 5.215, which allows CASA to give notice of conditions on the approval of a course of training in a CAO
- regulation 5.216, which allows CASA, by notice in a CAO, to specify requirements for a course for the training of multi-crew (aeroplane) pilots and related criteria and requirements for multi-crew pilot (aeroplane) licence theory examinations and flight tests.

The *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* will substitute a new Part 5 of CAR 1988, which will deal with flight crew licensing for balloons only. Provisions for flight crew licensing and training of pilots of other aircraft will be contained in new Parts 61, 64, 141 and 142 of CASR 1998.

Regulation 150 of CAR 1988 relates to dropping of articles from aircraft. It allows CASA to issue directions to ensure the safety of aircraft and to minimise hazard to persons, animals or property. It also allows CASA to approve the type, and the method of use, of apparatus used solely for the purpose of navigating an aircraft.

Regulation 156 of CAR 1988 empowers CASA to give written permission, and to specify conditions in the permit, to allow an aircraft to be flown over a regatta, race meeting or public gathering.

Regulation 157 of CAR 1988 relates to low flying. It allows CASA to permit aircraft engaged in private operations or aerial work operations, being operations that require low flying, to be flown at a height that is lower than the standard minimum height. It also allows CASA to issue directions that must be complied with for operations which require the dropping of packages or other articles or substances.

Regulation 207 of CAR 1988 allows CASA to authorise and approve particular types of Australian aircraft for use in classes of operation. It also allows CASA to approve and direct that Australian aircraft used in a class of operation must be fitted with instruments, and fitted with or carrying equipment. CASA may also give directions about how the instruments and equipment are to be fitted, carried and used.

Regulation 208 of CAR 1988 relates to the number of operating crew of an Australian aircraft. It allows CASA to direct that the number of operating crew specified in the certificate of airworthiness of, or the flight manual for, the aircraft, is supplemented by additional operating crew members, and the qualifications of those additional crew members.

Regulation 209 of CAR 1988 allows CASA to direct conditions that the operator and the pilot in command of an aircraft engaged in private operations must comply with in the interest of safety.

Regulation 235 of CAR 1988 relates to the take-off and landing of aircraft. It allows CASA to give directions setting out the method of estimating the weight and centre of gravity of an aircraft. It also allows CASA to give directions setting out the manner of determining the maximum weight that the aircraft must not exceed at take-off or landing, and directions with respect to the method of loading of persons and goods, including fuel, on aircraft.

Regulation 303 of CAR 1988 allows CASA, wherever it is empowered under CAR 1988 or CASR 1998 to grant or issue a licence or certificate upon or subject to conditions, to specify and notify in the CAOs any conditions that are to be of general application to a specified class of licences or certificates.

Acts Interpretation Act 1901

Under subsection 33 (3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Instrument

The instrument amends 26 CAOs, predominantly to take into account the amendments made by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*, which inserts new Parts 61, 64, 141 and 142 of CASR 1998. It also repeals 16 CAOs and 17 related instruments that will no longer be required following the commencement of Parts 61, 64, 141 and 142 of CASR 1998.

The instrument also provides transitional provisions by providing that the CAOs apply to a continued authorisation, that is an old authorisation that is continued in

force by the transitional provisions in regulations 202.263 and 202.264 of CASR 1998, as if it were the equivalent new authorisation under CASR 1998.

The instrument also provides an exemption for people who hold a certificate of competence in sling load operations, and approved persons, under section 3 of CAO 29.6. The exemption allows certificate holders and approved persons to continue their current activities.

CASA has also taken the opportunity to update cross-references and the language used in the CAOs, and to apply current drafting practices.

Further details of the instrument are set out in Attachment 1.

Legislative Instruments Act

Under subsection 98 (5AAA) of the Act, CAOs are declared to be legislative instruments. In addition, an instrument issued under paragraph 98 (5A) (a) of the Act is a legislative instrument if the instrument is expressed to apply to a class of persons or aircraft. The instrument is, therefore, a legislative instrument, and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *Legislative Instruments Act 2003*.

Consultation

Consultations with industry and the public on the proposals for licensing and training have taken place over an extended period of time. A number of factors contributed to the extended time frame, including the need to conduct detailed risk assessment and analysis, and the need to take account of new standards and recommended practices published by the International Civil Aviation Organization. The complex and technical nature of the provisions has necessitated an iterative consultation and development process with industry as outlined below.

CASR Part 61:

- Discussion Paper DP 0005FS published 30 November 2000
- Notice of Proposed Rule Making (*NPRM*) 0309FS published 18 July 2003
- Further industry/CASA review in 2005
- Final industry/CASA review of content to date in February 2011
- Subsequent internal CASA review in 2011
- Consultation draft published 17 November 2011.

CASR Part 64:

- Discussion Paper DP 0204FS published 28 March 2002
- NPRM 0310FS published 24 July 2003
- Consultation draft published 1 August 2012.

The Consultation draft was developed following the review of comments received on the NPRM and further CASA internal discussion related to the need for a CASA issued authorisation to taxi aeroplanes.

CASR Part 141:

- NPRM 0311FS published 22 July 2003
- Ongoing discussion with industry since that time, culminating in industry and internal CASA review in early 2011
- Consultation draft published 1 December 2011.

CASR Part 142:

- NPRM 312FS published 22 July 2003
- Ongoing discussion with industry since that time, culminating in an industry and internal CASA review in early 2011
- Consultation Draft published 21 November 2011.

Given the extensive consultation undertaken in the development of Parts 61, 64, 141 and 142 of CASR 1998, it is CASA's view that no further consultations in relation to this instrument were necessary or appropriate since the instrument merely repeals CAOs, makes amendments to the CAOs, and provides transitional arrangements that are consequential to the making of Parts 61, 64, 141 and 142 of CASR 1998.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Attachment 2.

Office of Best Practice Regulation

A Regulation Impact Statement (*RIS*) is not required as the instrument merely makes consequential amendments to the CAOs to take into account the making of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*. A RIS for that Regulation was prepared and assessed as adequate by the Office of Best Practice Regulation (OBPR ID: 2777).

Making and commencement

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

The instrument commences immediately before the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*. That Regulation, as amended by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*, commences on 1 September 2014.

Sections 4 to 29 and Schedules 1 to 26, which amend various CAOs, expire on the day after the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*, as if they had been repealed by another instrument.

Section 30 and Schedule 27, which repeal various CAOs and related instruments, expire on the day after the last repeal date specified in Schedule 27, as if they had been repealed by another instrument.

Section 32, which contains an exemption, expires at the end of August 2017, as if it had been repealed by another instrument.

The remainder of the instrument expires at the end of August 2018, as if it had been repealed by another instrument.

[*Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)*]

Attachment 1

Details of the *Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)*

Section 1

Section 1 provides that the title of the instrument is the *Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)*.

Section 2

Section 2 provides that the instrument commences immediately before the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*. The *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* (as amended by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*), commences on 1 September 2014. That Regulation will amend CASR 1998 and CAR 1988, including the repeal or amendment of several regulations under which the CAOs affected by this instrument have been made.

Some of the CAOs and provisions of the CAOs repealed by this instrument were made by CASA under powers in provisions of CAR 1988 which are repealed by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*. This instrument commences at a time at which CASA has the powers to repeal those CAOs and provisions of the CAOs before those powers under CAR 1988 are repealed, while retaining the CAOs and provisions of the CAOs until they are no longer required because of the commencement of Parts 61, 64, 141 and 142 of CASR 1998.

Section 3

Subsection 3 (1) defines the terms ***continued authorisation*** and ***new authorisation*** by reference to the definition of those terms in new regulation 202.261 of CASR 1998, which are used in the transitional provisions for Part 61 of CASR 1998. Those terms are used in section 31 of this instrument.

Subsection 3 (2) provides that a reference to a CAO identified by a specified number is taken to include a reference to the section of the CAOs with that number. The purpose of this subsection is to address the different ways in which CAOs are described. As the Note explains, some existing CAOs are referred to as a CAO followed by a number (e.g. Civil Aviation Order 95.10), while others are referred to as a section of the CAOs (e.g. section 20.16.3 of the CAOs).

Sections 4 to 29

Sections 4 to 29 provide that Schedules 1 to 26 respectively each amend a different CAO. The details of the amendments to each CAO are set out below in relation to the relevant Schedule.

Section 30

Subsection 30 (1) repeals each CAO mentioned in Part 1 of Schedule 27 on the date specified for it in that Schedule.

To avoid doubt, subsection 30 (2) also repeals earlier instruments, listed in Part 2 of Schedule 27, appearing on the Federal Register of Legislative Instruments relating to the CAOs that are repealed by subsection 30 (1).

Section 31

Section 31 provides that the CAOs apply to a continued authorisation as if it were the equivalent new authorisation. This provision provides for transitional arrangements that are consistent with new subregulation 202.263 (2) of CASR 1998, which will provide that Part 61 of CASR 1998 applies to a continued authorisation as if it were the equivalent new authorisation.

Section 32

Section 32 provides an exemption, under regulation 11.160 of CASR 1998, for people who hold a certificate of competence in sling load operations, and approved persons, under section 3 of CAO 29.6.

Paragraph 3.1 of CAO 29.6 provides that a pilot shall not engage in sling load operations unless he or she has carried out a course of training, has been certified by an approved person and his or her licence has been endorsed accordingly.

Paragraph 3.2 of CAO 29.6 specifies the people who are approved persons for subsection 3 of CAO 29.6.

From the commencement of this instrument, section 3 of CAO 29.6 will be replaced, and will provide that a pilot must not conduct a sling load operation unless the pilot is authorised under Part 61 of CASR 1998 to conduct the operation.

From the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*, regulation 61.065 of CASR 1998 will make it an offence for the holder of a flight crew licence to conduct an activity mentioned in Part 61 of CASR 1998 while piloting a registered aircraft or acting as an instructor or examiner unless the holder is authorised under Part 61 to conduct the activity.

Under new regulation 61.1080, the holder of a sling operations endorsement will be authorised to conduct a sling load operation in a helicopter. Under new regulation 61.1245, the holder of a sling operations training endorsement will be authorised to conduct flight training for a sling operations endorsement.

Therefore, without this exemption in subsection 32 (1) of this instrument, a person who, immediately before 1 September 2014, held a certificate under subsection 3 of CAO 29.6 would be prohibited from conducting a sling load operation in a helicopter until the person obtained a sling operations endorsement under Part 61 of CASR 1998. Similarly, without the exemption in subsection 32 (3), a person who, immediately before 1 September 2014, was an approved person would be prohibited from conducting flight training for a sling operations endorsement until the person obtained a sling operations training endorsement under Part 61 of CASR 1998.

The exemption in section 32, therefore, allows certificate holders and approved persons to continue their current activities.

Under paragraphs 32 (2) (a) and 32 (4) (a), the exemption will cease for a person who is granted the relevant endorsement under Part 61 of CASR 1998. The person will then be authorised under Part 61 to conduct the relevant activity and the exemption will no longer be required.

Under paragraphs 32 (2) (b) and 32 (4) (b), the exemption will cease for a person if CASA directs the person to cease the relevant activity.

Section 33

Section 33 provides for the expiry of the various provisions of the instrument.

Sections 4 to 29 and Schedules 1 to 26, which amend various CAOs, expire on the day after the commencement of the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*, as if they had been repealed by another instrument.

Section 30 and Schedule 27, which repeal various CAOs, expire on the day after the last repeal date specified in Schedule 27, as if they had been repealed by another instrument.

Section 32, which contains an exemption, expires at the end of August 2017, as if it had been repealed by another instrument.

The remainder of the instrument expires at the end of August 2018, as if it had been repealed by another instrument.

Schedule 1

Schedule 1 amends CAO 20.16.1 which relates to loading of aircraft.

Item 1 inserts a definition of ***aerial application operation*** by reference to the definition of that term in regulation 61.010 of CASR 1998.

Item 2 amends paragraph 5.1.1 to change the reference to *agricultural operations* to a reference to *an aerial application operation*, for consistency with the language in CASR 1998.

Schedule 2

Schedule 2 amends CAO 20.18, which relates to basic operational equipment for aircraft equipment on Australian registered aircraft.

Item 1 inserts a definition of aerial work for CAO 20.18 to include flight training conducted by a Part 141 operator or a Part 142 operator, so that the provisions of CAO 20.18 that apply to aerial work operations continue to apply to flight training conducted by a Part 141 operator or a Part 142 operator, despite the amendment of subparagraphs 2 (7) (d) (vii) and 206 (1) (a) (vi) of CAR 1988 by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*.

Item 2 substitutes a new subparagraph 4.1B (b), which specifies the qualifications and location of the crew of an aircraft that is not equipped with an automatic pilot and is operated under the Instrument Flight Rules. The amendment contains a requirement for the pilot, other than the pilot in command, to be authorised under Part 61 of CASR 1998. It replaces superseded terms used in that subparagraph.

Schedule 3

Schedule 3 amends CAO 20.21, which relates to aircraft engaged in agricultural operations.

Item 1 amends specified references to *agricultural operations* to *aerial application operations*, for consistency with the language in CASR 1998.

Items 2 and 5 make similar amendments to subsection 2 and paragraph 3.2.

Item 3 inserts a definition of *aerial application operation* by reference to the definition of that term in regulation 61.010 of CASR 1998.

Item 3 also omits the definition of *the Regulations*, which defined that term as referring to CAR 1988. Items 4 and 9 makes consequential amendments to provisions that contain the term *the Regulations* to instead refer to CAR 1988 or CASR 1998, as is appropriate for the each provision.

Items 6 and 7 amend subsection 7 to recognise that regulation 308 of CAR 1988, which allowed CASA to grant exemptions from compliance with provisions of CAR 1988, has been repealed. CASA's power to grant exemptions from compliance with provisions of CAR 1988 and CASR 1998 is now in regulation 11.160 of CASR 1998. Item 7 also has the effect of renewing the grant of the exemption in paragraph 7.1 from the date of this instrument.

Item 8 inserts a new paragraph 7.3 which specifies that the exemption in paragraph 7.1 expires at the end of August 2017, as if subsection 7 had been repealed by another instrument. This is consistent with subregulation 11.230 (1) of CASR 1998 which operates so that an exemption issued under subregulation 11.160 (1) ceases at the end of the day no longer than 3 years after the day on which the exemption commences.

Schedule 4

Schedule 4 amends CAO 29.2, which relates to night flying training.

Item 1 substitutes a new application provision in subsection 1 so that CAO 29.2 will apply to the conduct of night circuit operations in aircraft operated by an operator authorised to conduct flying training at night.

Item 2 substitutes a new paragraph 2.1 to update terminology and references to other documents used in that paragraph. For example, the term licensed aerodrome has been replaced with certified or registered aerodrome to reflect the terminology used in Part 139 of CASR 1998.

Item 3 amends paragraph 2.2 to remove the requirement that operations must be within the overlying airspace to a maximum of 1 500 feet above the aerodrome elevation. The requirement of the paragraph is subject to the approval of CASA.

Item 4 amends paragraph 2.3 in line with current drafting practice.

Item 5 substitutes a new subsection 3, which relates to supervision of operations. The amendment replaces the detailed provisions relating to the qualification and duties of the instructor in charge with a requirement that night circuit operations must be conducted under the supervision of a flight instructor authorised by the operator to supervise the night flying training.

Item 6 amends subsection 4, which relates to requirements for lighting and ground facilities. It clarifies that the obligations in that subsection are obligations of the operator. The amendments update references to the documents containing the requirements, being the applicable Civil Aviation Advisory Publication instead of Appendix I of the CAO.

Item 7 amends subsection 5, which relates to aircraft equipment. It clarifies that the obligations in that subsection are obligations of the operator. It also removes the waiver from the requirement for passenger compartment lighting where no passengers are carried.

Item 8 omits subsection 6, which relates to delegations. It also omits Appendix I, relating to requirements for authorised landing areas and helicopter landing sites used for night flying training. It also omits Appendix II, which contains the form of a log book certification for supervision of night flying training. These provisions are no longer required in light of the other amendments in this Schedule.

Schedule 5

Schedule 5 amends CAO 29.4, which relates to air displays.

Item 1 inserts a definition of ***aerial application operation*** by reference to the definition of that term in regulation 61.010 of CASR 1998.

Items 2 and 3 replace specified references to ***programme*** with references to ***program***, in accordance with current drafting practices, and correct a typographical error.

Item 4 substitutes a revised paragraph 4.2 which relates to manoeuvring limitations. The substantive requirements of the provision remain the same. However, CASA may approve non-compliance with the standards relating to tracking towards, and distances from, spectators as part of the program of events.

Item 5 substitutes a revised paragraph 4.3, which relates to agricultural demonstrations. The references to *agricultural* have been changed to *aerial application*, for consistency with the language in CASR 1998. Superseded references to required pilot qualifications have been replaced with a requirement that the pilot must be authorised under Part 61 of CASR 1998 to conduct an aerial application operation in that category of aircraft.

Item 6 amends paragraph 5.4 to require the organiser of the air display to be responsible for ensuring compliance with CASR 1998 in addition to compliance with CAR 1988 and CAO 29.4.

Schedule 6

Schedule 6 amends CAO 29.5, which relates to dropping of articles from aircraft in flight, other than agricultural operations and agricultural training operations.

Item 1 amends subsection 1 to amend references to *agricultural* to *aerial application*, for consistency with the language in CASR 1998.

Item 2 inserts a definition of ***aerial application operation*** by reference to the definition of that term in regulation 61.010 of CASR 1998. It also inserts a definition

of *aerial application training operation*, which means flight training for aerial application operations.

Item 3 amends paragraph 4.11 to require the pilot in command to be authorised under Part 61 of CASR 1998 to conduct the activity, rather than requiring the pilot to possess the qualifications in the Appendix.

Item 4 amends paragraph 7.1, which relates to operating conditions. It amends the requirement that aeroplanes not fly over any populous area at a height lower than 1 500 feet above the terrain. For consistency with other categories of aircraft, this height is reduced to 1 000 feet above the terrain.

Item 5 omits Appendix I, which sets out the minimum pilot qualifications depending on the nature of the operations. This Appendix is no longer required because of the amendment in Item 2.

Schedule 7

Schedule 7 amends CAO 29.6, which relates to helicopter external sling load operations.

Item 1 omits paragraphs 3.1 to 3.4 relating to pilot qualifications. Paragraph 3.1 prohibits a pilot from engaging in sling load operations unless the pilot has trained for, and been issued with, a certificate of competency in sling load operations by an approved person. Paragraph 3.2 describes who an approved person is for CAO 29.6. Paragraphs 3.1 to 3.4 are replaced with a requirement that a pilot must not conduct a sling load operation unless the pilot is authorised under Part 61 of CASR 1998 to conduct the operation.

Item 2 omits Appendix I, which sets out the format of the certificate of competency in sling load operations.

The detailed requirements in paragraphs 3.1 to 3.4 and Appendix I will no longer be required because of corresponding provisions in Part 61 of CASR 1998.

Section 32 of the instrument provides a transitional arrangement, in the form of an exemption for up to 3 years, for certificate holders and approved persons who have not yet received the corresponding authorisation under Part 61.

Schedule 8

Schedule 8 amends CAO 29.10, which relates to a permission to conduct low flying for aircraft engaged in aerial stock mustering.

Item 1 amends various references to “aerial stock mustering” and substitutes a reference to “aerial mustering” to maintain consistency with the terminology used in CASR 1998.

Item 2 omits definition of terms that are no longer required in the CAO as a result of the amendments in Items 6 and 7.

Item 3 updates the definition of *registered* to mean registered under CASR 1998, rather than registered under CAR 1988, to reflect changes to those regulations under which aircraft are now registered under Part 47 of CASR 1998.

Item 4 substitutes paragraph 5.2, relating to the carriage of persons during aerial stock mustering operations. The requirement that a passenger shall not be carried during solo training specified in paragraph 7.2 will be removed as paragraph 7.2 will be omitted by Item 6.

Item 5 substitutes subsection 6, relating to pilot qualifications. It requires the pilot to have been approved by CASA, hold a valid pilot licence and have the minimum experience prescribed by subsection 7. These requirements are replaced by a requirement that a pilot must not engage in an aerial mustering operation unless the pilot is authorised under Part 61 of CASR 1998 to conduct an aerial mustering operation in that kind of aircraft.

Item 6 omits subsections 7 to 12, which relate to training, experience and approval of pilots and approved persons to conduct aerial stock mustering operations and related training operations. These provisions will no longer be required as these subjects will be addressed by Parts 61, 141 and 142 of CASR 1998.

Item 7 omits Appendices I, II and III which contain the syllabus of training for an aerial stock mustering permission and the format of the related training certificate and renewal certificate. These Appendices will no longer be required following the repeal of subsections 7 to 12 by Item 8.

Schedule 9

Schedule 9 amends CAO 29.11, which relates to helicopter winching and rappelling operations.

Item 1 updates the definition of *course of training* in subsection 2 to refer to the requirements for the winch and rappelling operations endorsement and the winch and rappelling operations training endorsement mentioned in Part 61 of CASR 1998, instead of the requirements in Appendices I and II for certificates under the CAO.

Item 2 amends paragraph 5.1 to clarify that paragraph 5.1 is also subject to paragraph 5.8.

Items 3 and 4, like item 1, amend paragraphs 5.3 and 5.4 to reflect the introduction of new endorsements under Part 61 of CASR 1998.

Item 5 updates paragraph 6.2 to reflect that the relevant equipment standards for winching and related equipment are contained in Part 21 of CASR 1998, rather than in Part 103 of the CAOs.

Item 6 corrects a typographical error.

Item 7 substitutes a new subsection 9, which relates to pilot qualifications. It requires the pilot to have completed a course of training and obtained a certificate from an approved person. It also sets out who an approved person is for subsection 9. These requirements are replaced by a requirement that a pilot must not act as part of the

flight crew of a helicopter engaged in winching or rappelling operations unless the pilot is authorised under Part 61 of CASR 1998 to conduct a winch or rappelling operation in a helicopter.

Item 8 amends paragraph 10.2, which specifies the requirements for an approved person to certify that another person may act as an aircrewman or winch operator. It updates the requirements so that the holder of a winch and rappelling operations training endorsement under Part 61 of CASR 1998 will be an approved person for subsection 10.

Item 9 omits Appendices I and II, which contain the certificates of competency in winching and rappelling operations. These Appendices will be redundant with the introduction of equivalent new authorisations under Part 61 of CASR 1998.

Schedule 10

Schedule 10 amends CAO 40.2.2, which relates to night visual flight rules (*V.F.R.*) ratings and night V.F.R. agricultural ratings on pilot licences.

With the commencement of Part 61 of CASR 1998, the provisions of the CAO relating to ratings for aircraft, other than the balloon grade of night V.F.R. rating, will not be required.

Item 1 substitutes a new heading for the CAO to reflect that the CAO will only apply to the balloon grade of night V.F.R. rating.

Items 2 and 3 amend subsection 1, which specifies the application of the CAO, to reflect that the CAO only applies to the balloon grade of night V.F.R. rating, and identifies the relevant provisions relating to flight tests and other requirements.

Item 4 omits the definition of *centre-line thrust aeroplane*, which will no longer be required because of the amendment of subsection 3 of Appendix I by item 11.

Item 5 omits paragraph 4.2, which will no longer be required as it only relates to night V.F.R. agricultural ratings.

Item 6 amends subsection 5, which relates to aeronautical experience. It is simplified to reflect that the CAO only applies to the balloon grade of night V.F.R. rating.

Item 7 omits paragraphs 6.1, 6.2, 6.3 and 6.5 which apply to aeroplane, helicopter, gyroplane and airship grades of night V.F.R. rating. Those grades of rating will no longer be issued following commencement of Part 61 of CASR 1998.

Item 8 omits subsection 6A, which relates to grades of night V.F.R. agricultural ratings. Those grades of rating will no longer be issued following commencement of Part 61 of CASR 1998.

Item 9 omits paragraphs 7.1, 7.3, 8.1, 8.3 and 9.2, which relate to grades of night V.F.R. rating, other than the balloon grade of night V.F.R. rating, and grades of night V.F.R. agricultural ratings. Those grades of rating will no longer be issued following commencement of Part 61 of CASR 1998.

Item 10 omits subsections 1 and 2 of Appendix I, which relate to aircraft other than balloons.

Item 11 amends subsection 3 of Appendix I, which relates to the authority given by a rating, to remove those provisions that do not relate to balloons.

Item 12 omits subsection 4 of Appendix I, which relates to exemptions from the requirements of subsection 2 of Appendix I. As subsection 2 of Appendix I is being repealed by item 10, subsection 4 of Appendix I has no operation and can be repealed.

Item 13 amends subsection 5 of Appendix I, which sets out recent experience requirements, to remove those provisions that do not relate to balloons.

Item 14 amends paragraph 7.1 of Appendix I to update the cross reference to the provision of the regulations under which CASA may impose conditions on an authorisation.

Item 15 omits Appendix II, which applies to night V.F.R. agricultural ratings. Those ratings will no longer be issued following commencement of Part 61 of CASR 1998.

Schedule 11

Schedule 11 amends CAO 40.7, which relates to aircraft endorsements and flight instructor ratings for balloon pilots.

Item 1 amends paragraph 2.2 to update a cross-reference to the regulations in an example following the repeal of a regulation used in the example.

Item 2 omits subsections 3 and 7. Subsection 3 prescribes the class endorsements for balloons. Subsection 7 sets out the authority given by a class endorsement to fly the balloon included in that class. These provisions will no longer be required following the amendment of Part 5 of CAR 1988 by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*, which will repeal regulation 5.22 of CAR 1988 and insert new definitions of **class** and **balloon class endorsement**.

Schedule 12

Schedule 12 amends CAO 48.0, which relates to flight and duty time limitations for flight crew members in aerial work, charter and regular public transport service operations.

Item 1 replaces paragraph 1.3 with paragraphs 1.2 and 1.3 to update the types of pilot licences to which the flight and duty time limitations apply to reflect the types of licences under Part 61 of CASR 1998.

Items 2 and 3 amend the definitions of **reserve time**, **rest period** and **tour of duty** in subsection 2 so that those terms have the same meaning as in new regulation 210A of CAR 1988, which is inserted by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*.

Schedule 13

Schedule 13 amends CAO 48.1, which relates to flight and duty time limitations for pilots.

Item 1 inserts a definition of ***aerial application operation*** by reference to the definition of that term in regulation 61.010 of CASR 1998.

Item 2 amends specified references to ***aerial agricultural operations*** to ***aerial application operations***, for consistency with the language in CASR 1998.

Schedule 14

Schedule 14 amends CAO 48.2, which relates to flight and duty time limitations for flight engineers.

Item 1 corrects specified references to a ***night engineer*** that should be references to a ***flight engineer***.

Item 2 replaces specified references to a ***Flight Engineer*** with references to a ***flight engineer***, for consistency throughout the CAO.

Schedule 15

Schedule 15 amends CAO 48.3, which relates to flight and duty time limitations for flight navigators.

Item 1 corrects the references to a ***night crew*** in paragraph 2.1 that should refer to a ***flight crew***.

Schedule 16

Schedule 16 amends CAO 82.0, which relates to AOCs authorising aerial work operations, charter operations and regular public transport operations and sets out conditions to which such AOCs are subject for the purposes of paragraph 28BA (1) (b) of the Act.

Item 1 inserts new subsections 8A, 8B and 8C.

New subsection 8A will make it a condition of each AOC authorising regular public transport, or charter, operations that the AOC holder must ensure that the requirements of subsection 8A are met. Those requirements relate to the aeronautical experience of the pilot in command of an aeroplane with a maximum take-off weight of more than 5 700 kg and a flight manual that specifies that it may be flown under the instrument flight rules (I.F.R.).

These aeronautical experience requirements will not change from the current requirements. Relevant pilots are already required to meet those requirements as a condition of the pilot's command endorsement as set out in subsection 8A of CAO 40.1.0. However, as CAO 40.1.0 is being repealed by this instrument, the requirements are instead being imposed as a condition on the operator's AOC.

New subsection 8B will make it a condition of each AOC authorising regular public transport operations in aeroplanes certified for multi-crew operations that the AOC holder must ensure that the requirements of subsection 8B are met, subject to the written approval of CASA. The requirements of subsection 8B relate to the recent experience requirements of pilots, including requirements relating to proficiency checks specified in new Appendix 8B, and flight checks.

These recent experience requirements will not increase the current requirements. Relevant pilots are already required to meet similar requirements as a condition of the pilot's air transport pilot (aeroplane) licence as set out in subsection 11 of CAO 40.1.5. However, as CAO 40.1.5 is being repealed by this instrument, the requirements are instead being imposed as a condition on the operator's AOC.

The requirements in subsection 8B differ from the requirements in subsection 11 of CAO 40.1.5 in that: the period of 70 days in paragraph 11.2 of CAO 40.1.5 has been increased to 90 days; the period of 35 days in paragraphs 11.3 and 11.5 of CAO 40.1.5 has been increased to 45 days; and the requirement for 3 hours' flight time in paragraph 11.3 of CAO 40.1.5 has been reduced to 1 hour. This reduction from 3 hours to 1 hour reflects the standard in paragraph 11.3 of CAO 40.1.5, as modified by the current exemption and related conditions in instrument CASA EX11/13.

In addition, some requirements may be met in an aircraft simulator, and a pilot is taken to meet the requirements of paragraphs 8B.2, 8B.5 and 8B.7 if the pilot is successfully participating in an operator's approved training and checking system that covers an aircraft of that type.

New subsection 8C will make it a condition of each AOC authorising regular public transport, or charter, operations that the AOC holder must ensure that the requirements of subsection 8C are met. Those requirements relate to the aeronautical experience of the pilot in command of a helicopter. The minimum aeronautical experience is specified in Appendix 8C.

These aeronautical experience requirements will not change from the current requirements. Relevant pilots are already required to meet those requirements as a condition of the pilot's type or class endorsement as set out in subsection 8 of CAO 40.3.0. However, as CAO 40.3.0 is being repealed by this instrument, the requirements are instead being imposed as a condition on the operator's AOC.

Item 2 inserts new Appendices 8B and 8C.

Appendix 8B specifies the details of the proficiency check required by new subsection 8B and corresponds to the flight proficiency check currently required of a pilot under subsection 11 of CAO 40.1.5 and set out in Appendix II of CAO 40.1.5.

Appendix 8C specifies the minimum aeronautical experience requirements for new subsection 8C. The requirement depends on whether the helicopter is single engine or multi-engine, whether the operation is conducted under the V.F.R. or the I.F.R., and whether a permitted reduction applies. The requirements corresponds to the period currently required of a pilot under subsection 8 of CAO 40.3.0 and set out in Appendix VI of CAO 40.3.0.

As CAO 40.1.5 and CAO 40.3.0 are being repealed by this instrument, the details and requirements in Appendix II of CAO 40.1.5 and Appendix VI of CAO 40.3.0 are being included in CAO 82.0.

Schedule 17

Schedule 17 amends CAO 82.3, which relates to conditions on AOCs authorising regular public transport operation in other than high capacity aircraft.

Item 1 amends paragraphs 3.1 and 3.2 and inserts new paragraph 3.2A. Paragraphs 3.1 and 3.2 require each operator to provide a training and checking organisation under regulation 217 of CAR 1988 that is in accordance with Appendix 2 of CAO 82.3.

Item 1 makes these requirements subject to new paragraph 3.2. Paragraph 3.2 allows the operator to contract a Part 142 operator to perform activities that the operator would otherwise be required by subsection 3 to perform. However, the operator cannot contract a Part 142 operator to conduct checking for aircraft that have a maximum operational passenger seat configuration of more than 30 seats. A Part 142 operator is the holder of a Part 142 authorisation, as defined in regulation 142.010 of CASR 1998.

Schedule 18

Schedule 18 amends CAO 82.5, which relates to conditions on AOCs authorising regular public transport operation in high capacity aircraft.

Item 1 amends paragraphs 3.1 and 3.2 and inserts new paragraph 3.2A. Paragraphs 3.1 and 3.2 require each operator to provide a training and checking organisation under regulation 217 of CAR 1988 that is in accordance with Appendix 2 of CAO 82.5.

Item 1 makes these requirements subject to new paragraph 3.2. Paragraph 3.2 allows the operator to contract a Part 142 operator to perform activities that the operator would otherwise be required by subsection 3 to perform. However, the operator cannot contract a Part 142 operator to conduct checking for aircraft that have a maximum operational passenger seat configuration of more than 30 seats. A Part 142 operator is the holder of a Part 142 authorisation, as defined in regulation 142.010 of CASR 1998.

Schedule 19

Schedule 19 amends CAO 95.8, which grants an exemption from specified provisions of CAR 1988 for hang-gliders.

Item 1 amends the heading to reflect that the exemption will be from provisions of both CAR 1988 and CASR 1998.

Item 2 inserts a definition of **CASR 1998**, which means the *Civil Aviation Safety Regulations 1998*.

Items 3 and 4 amend paragraph 3.1 to reflect that Part 61 of CASR 1998, instead of Part 5 of CAR 1988, may apply to the aircraft to which CAO 95.8 applies.

Item 5 amends subparagraph 3.1 (b) to reflect amendments to regulation 83 of CAR 1988.

Items 6 and 7 amend paragraphs 4.2 and 7.3 to replace the requirement that the person must hold a flight radiotelephone operator licence with a requirement that the person

must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

Item 8 updates paragraph 7.6 to refer to relevant authorisations under Part 61 of CASR 1998, instead of qualifications under Part 5 of CAR 1988, as Part 5 of CAR 1988 will no longer apply to aircraft to which CAO 95.8 applies.

Schedule 20

Schedule 20 amends the *Civil Aviation Order 95.10 Instrument 2014*, which grants an exemption from specified provisions of CAR 1988 for low-momentum ultralight aeroplanes.

Item 1 omits the definition of ***flight radiotelephone operator licence***, which will no longer be required because of the amendments in items 5 and 6.

Items 2 and 3 amend paragraph 3.1 to reflect that Part 61 of CASR 1998, instead of Part 5 of CAR 1988, may apply to the aircraft to which the *Civil Aviation Order 95.10 Instrument 2014* applies.

Item 4 amends subparagraph 3.1 (b) to reflect amendments to regulation 83 of CAR 1988.

Items 5 and 6 amend paragraph 4.2 and subparagraph 6.1 (i) to replace the requirement that the person must hold a flight radiotelephone operator licence with a requirement that the person must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

Item 7 updates subparagraphs 6.4 (d) and (e) to refer to relevant authorisations under Part 61 of CASR 1998, instead of qualifications under Part 5 of CAR 1988, as Part 5 of CAR 1988 will no longer apply to aircraft to which the *Civil Aviation Order 95.10 Instrument 2014* applies.

Item 8 amends subparagraph 7.1 (d) to remove the reference to subregulation 141 (1) of CAR 1988, which will be omitted from CAR 1988.

Schedule 21

Schedule 21 amends CAO 95.12, which grants an exemption from specified provisions of CAR 1988 for single-place gyroplanes having an empty weight of not more than 250 kilograms.

Item 1 amends the heading to reflect that the exemption will be from provisions of both CAR 1988 and CASR 1998.

Item 2 amends specified references to “aerial stock mustering” and substitutes a reference to “aerial mustering” to maintain consistency with the terminology used in CASR 1998.

Items 3 and 4 amend subsection 3 to reflect that Part 61 of CASR 1998, instead of Part 5 of CAR 1988, may apply to the aircraft to which CAO 95.12 applies.

Item 5 amends subparagraph 3 (b) to reflect amendments to regulation 83 of CAR 1988.

Items 6 and 8 amend paragraph 4.2 and subparagraph 6.1 (h) to replace the requirement that the person must hold a flight radiotelephone operator licence with a requirement that the person must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

Item 7 updates sub-subparagraph 5 (c) (iv) to refer to the new provisions in Part 61 of CASR 1998 relating to the conduct of flight training for aerial mustering.

Item 8 also amends subparagraph 6.1 (i) to refer to the low-level rating with an aerial mustering – gyroplane endorsement under Part 61 of CASR 1998 relating to the conduct of aerial mustering.

Item 9 updates subparagraph 6.3 (d) and (e) to refer to relevant authorisations under Part 61 of CASR 1998, instead of qualifications under Part 5 of CAR 1988, as Part 5 of CAR 1988 will no longer apply to aircraft to which CAO 95.12 applies.

Schedule 22

Schedule 22 amends CAO 95.12.1, which grants an exemption from specified provisions of CAR 1988 for 2-place gyroplanes and single-place gyroplanes certificated as light sport aircraft.

Item 1 amends the heading to reflect that the exemption will be from provisions of both CAR 1988 and CASR 1998.

Item 2 amends specified references to “aerial stock mustering” and substitutes a reference to “aerial mustering” to maintain consistency with the terminology used in CASR 1998.

Items 3 and 4 amend paragraph 3.1 to reflect that Part 61 of CASR 1998, instead of Part 5 of CAR 1988, may apply to the aircraft to which CAO 95.12.1 applies.

Item 5 amends subparagraph 3.1 (b) to reflect amendments to regulation 83 of CAR 1988.

Items 6 and 9 amend paragraph 5.2 and subparagraph 7.2 (b) to replace the requirement that the person must hold a flight radiotelephone operator licence with a requirement that the person must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

Item 7 updates sub-subparagraph 6.1 (b) (vi) to refer to the new provisions in Part 61 of CASR 1998 relating to the conduct of flight training for aerial mustering.

Item 8 amends subparagraph 7.1 (j) to refer to the low-level rating with an aerial mustering – gyroplane endorsement under Part 61 of CASR 1998 relating to the conduct of aerial mustering.

Item 10 updates subparagraph 7.4 (d) and (e) to refer to relevant authorisations under Part 61 of CASR 1998, instead of qualifications under Part 5 of CAR 1988, as Part 5 of CAR 1988 will no longer apply to aircraft to which CAO 95.12.1 applies.

Schedule 23

Schedule 23 amends CAO 95.14, which grants an exemption from specified provisions of CAR 1988 for parasails and gyrogliders.

Item 1 amends the heading to reflect that the exemption will be from provisions of both CAR 1988 and CASR 1998.

Item 2 amends subsection 3 to remove references to regulation 308, which has been repealed, and Part 5 and subregulations 83 (2) and (3) of CAR 1988, which will be amended. It also grants an exemption from Part 61 of CASR 1998 in place of the exemption from Part 5 of CAR 1988.

Schedule 24

Schedule 24 amends CAO 95.32, which grants an exemption from specified provisions of CAR 1988 for weight shift controlled aeroplanes and powered parachutes.

Item 1 amends the heading to reflect that the exemption will be from provisions of both CAR 1988 and CASR 1998.

Item 2 omits the definition of *flight radiotelephone operator licence*, which will no longer be required because of the amendments in items 7 and 8.

Item 3 substitutes the Note under subsection 2, which states that definitions of some expressions used in CAO 95.32 can be found in regulation 2 of CAR 1988. The new Note will state that definitions of some expressions used in CAO 95.32 can be found in regulation 2 of CAR 1988 or the Dictionary for CASA.

Items 4 and 5 amend paragraph 3.1 to reflect that Part 61 of CASR 1998, instead of Part 5 of CAR 1988, may apply to the aircraft to which CAO 95.32 applies.

Item 6 amends subparagraph 3.1 (b) to reflect amendments to regulation 83 of CAR 1988.

Item 7 and 8 amend paragraph 5.2 and subparagraph 7.1 (k) to replace the requirement that the person must hold a flight radiotelephone operator licence with a requirement that the person must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

Item 9 updates subparagraph 7.3 (d) and (e) to refer to relevant authorisations under Part 61 of CASR 1998, instead of qualifications under Part 5 of CAR 1988, as Part 5 of CAR 1988 will no longer apply to aircraft to which CAO 95.32 applies.

Item 10 updates the terminology in subparagraph 7.4 (a) to require that the pilot in command is authorised under Part 61 of CASR 1998, rather than being qualified, to use the aeroplane to tow another aircraft.

Item 11 amends subparagraph 8.1 (d) to remove the reference to subregulation 141 (1) of CAR 1988, which will be omitted from CAR 1988.

Schedule 25

Schedule 25 amends CAO 95.55, which grants an exemption from specified provisions of CAR 1988 for certain ultralight aeroplanes.

Item 1 amends the heading to reflect that the exemption will be from provisions of both CAR 1988 and CASR 1998.

Item 2 omits the definition of *flight radiotelephone operator licence*, which will no longer be required because of the amendments in items 8 and 9.

Item 3 inserts Note under subsection 2, which will state that definitions of some expressions used in CAO 95.55 can be found in regulation 2 of CAR 1988 or the Dictionary for CASA, and gives examples of expressions defined in regulation 2 of CAR 1988.

Items 4 and 5 amend paragraph 3.1 to reflect that Part 61 of CASR 1998, instead of Part 5 of CAR 1988, may apply to the aircraft to which CAO 95.55 applies.

Item 6 removes the exemption from regulation 36A of CAR 1988 as that regulation has been repealed.

Item 7 amends subparagraph 3.1 (c) to reflect amendments to regulation 83 of CAR 1988.

Item 8 and 9 amend paragraph 5.2 and subparagraph 7.1 (1) to replace the requirement that the person must hold a flight radiotelephone operator licence with a requirement that the person must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

Item 10 updates subparagraph 7.3 (d) and (e) to refer to relevant authorisations under Part 61 of CASR 1998, instead of qualifications under Part 5 of CAR 1988, as Part 5 of CAR 1988 will no longer apply to aircraft to which CAO 95.32 applies.

Item 11 updates the terminology in subparagraph 7.4 (a) to require that the pilot in command is authorised under Part 61 of CASR 1998, rather than being qualified, to use the aeroplane to tow another aircraft.

Item 12 amends subparagraph 8.1 (d) to remove the reference to subregulation 141 (1) of CAR 1988, which will be omitted from CAR 1988.

Item 13 omits the Note under paragraph 9.5 as an updated corresponding Note has been inserted under the definition in subsection 2 by item 3.

Schedule 26

Schedule 26 amends CAO 100.5, which relates to general requirements in respect of maintenance of Australian aircraft.

Item 1 substitutes subparagraphs 9A.1 (a) and (b), which contain conditions that must be met before the pilot in command of an aircraft may update the navigation system database of the Global Navigation Satellite System (*GNSS*) of the aircraft. It removes conditions relating to authorisation of the pilot and meeting of requirements under CAO 40.2.1, as CAO 40.2.1 will be repealed by this instrument.

The new conditions that are substituted will require that the pilot must be authorised under CASR 1998 to use the GNSS, and authorised by the person responsible for continuing airworthiness of the aircraft to update the navigation system database of the GNSS of the aircraft.

Schedule 27

Schedule 27 lists the CAOs and related instruments that are repealed by section 30.

Part 1 of Schedule 27 lists the following CAOs:

- CAO 40.0, which relates to conditions on flight crew licences
- CAO 40.1.0, which prescribes type and class endorsements for aeroplanes and special feature design endorsements
- CAO 40.1.5, which relates to conditions on air transport pilot (aeroplane) licences
- CAO 40.1.7, which relates to flight tests and other requirements for flight instructor (aeroplane) ratings
- CAO 40.1.8, which relates to requirements for multi-crew pilot (aeroplane) licences
- CAO 40.2.1, which relates to flight tests and other requirements for instrument ratings
- CAO 40.2.3, which relates to flight tests and other requirements for private I.F.R. ratings
- CAO 40.3.0, which prescribes type and class endorsements for helicopters
- CAO 40.3.7, which relates to flight tests and other requirements for flight instructor (helicopter) ratings
- CAO 40.4.0, which relates to aircraft endorsements and log book entries for gyroplanes
- CAO 40.4.2, which sets out the syllabus for the private pilot (gyroplane) licence
- CAO 40.4.3, which sets out the syllabus for the commercial pilot (gyroplane) licence
- CAO 40.6, which relates to flight tests and other requirements for agricultural pilot (aeroplane) ratings and agricultural pilot (helicopter) ratings
- CAO 40.8.3, which relates to aircraft endorsements for airships and sets out the airship syllabus
- CAO 43.0, which specifies when a flight engineer is required on an Australian aircraft and the required log book entries
- CAO 43.1, which prescribes type and class endorsements for flight engineer licences and related requirements.

These CAOs will no longer be required following the commencement of Parts 61, 64, 141 and 142 of CASR 1998.

Part 2 of Schedule 27 lists instruments that are related to the CAOs in Part 1 of Schedule 27 and are stated to be in force on the Federal Register of Legislative Instruments. For example, Civil Aviation Amendment Order (No. R30) 2004 omitted

section 40.0 of the CAOs and substituted a new section 40.0 of the CAOs as set out in the Schedule of that instrument. Those instruments will no longer be required following the commencement of Parts 61, 64, 141 and 142 of CASR 1998 and the repeal of the related CAOs.

Statement of Compatibility with Human Rights

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

Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)

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

Overview of the legislative instrument

The legislative instrument amends various Civil Aviation Orders (the **CAOs**), repeals other CAOs, and provides some related transitional provisions.

Parts 61, 64, 141 and 142 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*, which commence on 1 September 2014, are inserted into CASR 1998 by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* (as amended by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*), the *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013* and the *Civil Aviation Legislation Amendment (Flight Crew Licensing) Regulation 2014*.

Those Parts provide a comprehensive set of regulations relating to flight crew licensing, authorisation of non-licensed personnel, and flight training.

The main purposes of this instrument are to amend the CAOs to take into account the commencement of Parts 61, 64, 141 and 142 of CASR 1998, to repeal other CAOs that will no longer be required when those Parts commence, and to provide related transitional provisions to allow continuation of aviation activities by qualified individuals.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority